



# Debates of the Senate

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1st SESSION

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36th PARLIAMENT

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VOLUME 137

•

NUMBER 148

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OFFICIAL REPORT  
(HANSARD)

**Thursday, June 10, 1999**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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

## OFFICIAL REPORT

### CORRECTION

**The Hon. the Speaker:** Honourable senators, I should like to make a correction to the *Debates of the Senate* of yesterday. According to the Debates, I said: "We will have a standing vote. The whips advise me that there will be a five-minute bell. The vote, therefore, will take place at 4:30 p.m." That should read "3:30 p.m." because that is what was said. It was improperly recorded.

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*Debates:* Chambers Building, Room 943, Tel. 995-5805

Published by the Senate  
Available from Canada Communication Group — Publishing, Public Works and  
Government Services Canada, Ottawa K1A 0S9,  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, June 10, 1999

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

Prayers.

### THE HONOURABLE EUGENE WHELAN, P.C.

#### TRIBUTES ON RETIREMENT

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I will never forget the comments of then solicitor general Herb Gray in 1996, when “the barefoot kid from the Third Concession” was appointed to the Senate. Master of understatement that he can be, Mr. Gray predicted that future debates in this chamber would be “lively and vigorous” with the addition of Anderdon Township’s most colourful hayseed — that straight shootin’, give-em hell, champion of the little guy — the man in the green Stetson, the Honourable Senator Eugene Whelan.

I first met Senator Whelan when I came to the Senate in the spring of 1972. That was before he went to the cabinet. When I first met him, he was a quiet, soft-spoken back-bencher in the other place.

**Hon. Senators:** Oh, oh!

**Senator Graham:** He even sat in the back row, against the wall of our national caucus room over in the West Block, often making irreverent comments about ministers and members alike. At that time, he was not the Senate’s most fervent fan, but as with others, such as our former colleague Allan Joseph MacEachen, there have been some remarkable conversions on the road to the Red Chamber.

In 1980, the Liberal Party of Canada held its biennial national convention in Winnipeg. As president of the party, I was invited by then prime minister Trudeau to introduce the cabinet as they marched one by one to thunderous applause on to the stage of the Winnipeg Convention Centre. As the cabinet was gathering backstage before the event, Eugene approached me and asked, “How are you going to introduce us Al, alphabetically?” I replied, “Yes.” “Then you better do it by department,” he warned.

• (1340)

Later that year, some people had a function in my honour — surprise, surprise — back home in Nova Scotia. Eugene and some others in the gallery today came all the way from Vancouver for that event. I still have the stand-up, old-fashioned telephone he gave me that night — white with red maple leaves

painted all over it. I got three messages from that: the measure of Eugene’s immense friendship; the love of anything that reminds us of our flag and our country, which he loves so passionately; and, obviously, that I talked too much.

Honourable senators, how do we begin to talk about a man universally respected, renowned, and a man who was, as many believe, including himself, Canada’s finest Minister of Agriculture? Eugene served over two decades as the federal member of Parliament for his beloved Essex—Windsor County. Susan, his daughter, who is in the gallery today, is now the sitting member for what is known as Essex, Eugene’s former riding. He has held more feet to the fire than any politician that I have ever known in this country.

As a farmer himself, he won many battles on behalf of Canadian farmers, whether it be in promoting marketing boards and producer cooperatives, or agricultural research and education, or farm credit, supply management and food reliance. In all the battles that he has fought, he has never hesitated to take on anyone that he thought stood in the way of justice. That went for big business and economists, meat packers and intellectuals, because they all suffered the vent of Eugene’s wrath or enjoyed his more hilarious aphorisms at one time or another — those ranging from “screwball” to “gangsters” to “bureaucratic monsters” and the like.

It was once said that “the cow is of the bovine ilk; one end is moo, the other milk.” Whenever the gentle bovine, cuddly, cud-chewing species became a subject of discussion, Eugene would get pretty passionate, sometimes even poetic, and he would wax eloquently, so to speak. When the subject of bovine growth hormone was raised in the late 1980s, Senator Whelan, at the time running an agricultural consulting firm, got on the case. With general alarm over the issue of the safety of the public milk supply, he began to research the whole question, from moo to milk. “One of the reasons I went into the Senate was about rBST,” he said at the time of his appointment. He said that he figured it would give him an avenue to raise Cain over three years.

To understand Senator Whelan’s dedication, you need just ask any of the witnesses who appeared before the Senate Agriculture Committee about the passion and the determination that this feisty farmer politician showed in defending the public interest on a case that attracted not only national but international attention, a case that added immeasurably to the education of the general public, not only on rBST, important as this was itself, but on the whole issue of genetic engineering and its impact on the lives and the well-being of all of us on this planet.

Honourable senators, in some brief remarks that I made a week ago at a reception we held in honour of some of my colleagues and friends who are retiring from the Senate, I spoke of the wisdom and the strong sense of responsibility that the work of this historic institution demands. I spoke of the rather sad state of affairs in this country wherein the Senate has become the whipping boy for the individual discontents of media analysts, political pundits of various persuasions, and a whole host of singularly misinformed observers. I spoke about the unfortunate fact that surveys have shown that one in two Canadians knows so little about their country and its institutions and its laws that they could not pass a basic citizenship exam, rather fitting proof of the incredibly fertile soil the critics have to play in.

Senator Whelan's role in "raising Cain" over the rBST issue has been a wonderful example of the work that senators do all the time, with infinite, painstaking focus. It is just plain hard work. If ever there was a case study for the school books on the meaning of sober second thought on a matter gravely affecting the public good, it was this one. It shows all Canadians that the Senate remains, as it was designed to be, a vigilant, ever-watchful guardian of the rights and the freedoms of our people — a workshop, not a theatre, and a reservoir of great talent wherein we find a host of distinguished and dedicated people from all walks of life.

One of those we are really going to miss is the fiery farmer in the green Stetson, the colourful hayseed from Anderdon County, whose finest hours were spent in the service of our farmers, and our fields, and our trees, and our forests, and, yes, our gentle, brown-eyed bovines — the always controversial and greatly loved champion of the little guy, Senator Eugene Whelan.

Eugene's wife, Liz, is in the gallery, accompanied by His Excellency Paul Dempsey, the Ambassador of Ireland, whom we salute as well. His presence today is a testimony of Eugene's wide friendship both here and abroad. Also with Eugene today are his daughters Terry and Susan, whom I mentioned earlier, and Cathie and Katey, his granddaughters. It is a pleasure to see them all here today.

Liz, we thank you for sharing Eugene with the Canadian public for so many years. Good health and God bless.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, as indicated so eloquently by the Leader of the Government in the Senate, Senator Whelan will be making his exit from the Senate during the upcoming recess. Therefore, we on this side wish to join with all honourable senators in saluting Senator Whelan for his many years of service to Parliament, and in particular his participation in the work of the Senate, a branch of Parliament which, over the years, he has always vigorously supported.

Honourable senators, it is my understanding — His Excellency the Ambassador in the gallery can confirm this — that next week Senator Whelan will be joining the Prime Minister on a trip to

Ireland. Therefore, neither Ambassador Dempsey, nor I, nor any of the great people of the town of Dublin will be surprised to see a moving green Stetson proceeding down Grattan Street and up O'Connell Street. We would wish, however, to forewarn our retiring friend to hang on to his hat as he crosses the bridge across the River Liffey. Can you imagine the site of that green Stetson floating down the river and out to the Irish Sea, frightening all the Canadian geese that swim in that river and shocking the cockles and mussels, thus putting on the unemployment "rakes" poor old Molly Malone.

• (1350)

Honourable senators, as Senator Graham has alluded to, and as all Canadians will acknowledge, the agricultural community of our country has, and will keep, a very special place of honour for Senator Whelan.

During his all too short sojourn in the Senate, he has honoured this place, and departs having made an indelible mark on this chamber.

Senator Whelan, we thank you for your participation and we thank you for your friendship. We wish you God speed, *ad multos annos*, together with all the blessings and favours that the Druids and saints of Erin might bestow.

**Hon. Marian Maloney:** Honourable senators, it gives me great pleasure to rise today to pay tribute to my friend Eugene Whelan. There is one thing for which I want to thank him in particular. Since coming to the Senate, all I have heard about is how old I am. I am happy to know that someone is a month older than I am!

Some years ago, Senator Whelan and I took part in a seminar put on by a group of women who called themselves Farm to Fridge. It was the best endeavour we ever had, most of it due to the work put in by Eugene.

His career has spanned a multitude of roles, from his days as a farmer, to federal Minister of Agriculture, ardent Liberal, Officer of the Order of Canada, former president of the World Food Council and, for a brief time, Canada's first ambassador to the Food and Agricultural Organization, not to mention his time as a senator.

Senator Whelan added an image to the Canadian political scene that has left its mark in Canadian history — the emerald green Stetson, his self-declared dialect of "Whelanese," and his outspoken and often controversial style. He became the champion of the farmer and was a strong and controversial advocate of marketing boards. His achievements lie in protecting farmers' incomes, in promoting agricultural research and awakening Canadians to agricultural responsibilities.

As Agriculture Minister, he was committed to helping Third World countries. For this commitment, he won the Christian Culture Gold Medal Award. As always, he has remembered to be the voice for those in our world who are not always heard.

Senator Whelan coined himself the “Teflon Man” after his heart trouble, but he definitely does not act with a cold heart. People who come in contact with Eugene cannot help but smile, not only because of the emerald green Stetson but also because of his warm nature. He is always himself, and he never put on airs.

He added a flair to the Hill which showed his sense of humour and good nature. We will remember the Stetson, but we will also remember his valued contribution in the Senate and the committees he sat on. There is more to a man than his hat and, Eugene, you proved this.

Thank you for your contribution to Canada, and especially for being yourself. It was something that all who knew you could depend on. My very best wishes to your family, whom I have known for years, and to yourself. Thank you for being a friend.

**Hon. Mabel M. DeWare:** Honourable senators, Senator Whelan may be surprised to see me on my feet today. However, I want to remind him of how we saw the green hat float all around the agricultural communities of New Brunswick, accompanied by my dear friend the Honourable Mac MacLeod, who was Eugene’s counterpart in New Brunswick at that time.

The other thing I remember particularly about Senator Whelan is a Christmas card of him and Katey fishing. It was one of the nicest cards I received that year, and I have kept it as a memento.

I would like to say a few words to Senator Whelan on behalf of some of our Senate colleagues on the Agriculture Committee who could not be here with us today. One of them is Senator Spivak who had to be in Toronto for a meeting. They did not want to miss the occasion to say something to their friend and ally on the Agriculture Committee.

They say that politics makes strange bedfellows, and Senator Spivak said she wanted to assure honourable senators that the relationship between them was a chaste one, although not without some intimate collaboration. She told me that for the past year they have danced the rBST two-step with great aplomb. The man in the green hat and the effervescent brunette have often appeared side by side in *The Hill Times*, *The Globe and Mail*, as well as on Fox Television, CBC, BBC, et cetera, and they have all done the great Gene and Mira Show.

One wag said that the relationship has been a good one for Senator Whelan. It kept him focused, and it stopped him from riding off in all directions at once. Eugene Whelan was the Saint George who slew the dragon Monsanto, wearing a green hat rather than a mail helmet, and using a shovel rather than a sword.

As most of us know, Senator Whelan’s famous green hat was a gift from farmers, a token of the respect and gratitude that Canada’s farmers had for him. They also wanted to mention something that was given to him by a graduating class of Nova Scotia Agricultural College students in 1982. It was a hand-crafted copy of *A Farmer’s Creed* which begins:

I believe a man’s greatest profession is his dignity...

It ends in this way:

I believe my life will be measured ultimately by what I have done for my fellow man, and by this standard I fear no judgement.

I believe when a man grows old and sums up his days, he should be able to stand tall and feel proud in the life he’s lived.

I believe in farming because it makes all this possible.

It is clear that Senator Whelan has lived by the creed as a farmer, as a minister of the Crown who was the best friend a farmer could ever have, and as our colleague here in the Senate. He will be deeply missed here and around the halls of Parliament. Have a wonderful retirement, Eugene.

**Hon. Jeremiah S. Grafstein:** Honourable senators, what praise can one even hope to lavish on Gene Whelan that he has not endlessly lavished upon himself? To ignore Gene’s advertisements for himself would be to ignore his unique contributions to public life. You have only to engage Gene once to discover that almost all the bloodlines of Canada run through his veins from his beloved Ireland, to aboriginals, to France, to Eastern Europe. The fabled six degrees of separation simply dissolve in Gene’s veins. What a combustible character is the distillation!

To say that Gene’s gifts are unique is to diminish the definition of Gene’s accomplishments — farmer, agronomist, small businessman, biologist, raconteur, public psychologist, orator, wit, politician, psychic, minister, consultant, diplomat and, finally, the greatest of all epiphanies in Canadian life, the Senate.

One might ask, honourable senators, why I would add my small, quavering voice to the thunderous, thundering paeans of praise that have erupted from time to time from leaders such as Pearson, Trudeau or Chrétien. I wish to note, for the record only, that only a distinct society like Canada could have formulated a personality like Gene’s. In fact, he is stranger than fiction, and almost as incredible.

• (1400)

Gene can lay credit as one of our greatest ministers of agriculture since Confederation, and certainly the most memorable. Gene can lay credit to influencing Gorbachev and the new world order. Gorbachev was then Soviet minister of agriculture on his first extended trip outside Russia across Canada. Honourable senators, I ask you to cast your minds back to this memorable sight, Gene and Gorbachev, across Canada together. It was Gene who accompanied Gorbachev every step of the way. Gorbachev had the distinct privilege of having Gene fill his ears and eyes about western markets and democracy, and the productivity of the lush farms across Canada, all as a result of Gene’s own policies.

Gene may well have been an unnamed author of Gorbachev's Perestroika policies. Above all, Gene can lay credit as a staunch and vigilant guardian of "the liberal idea" within the Liberal Party. He could always be called upon to rail against the bastions of pomp and privilege, of always taking the side of the working Canadian, whether that Canadian was a farmer, a factory worker, a small businessperson, a clerk or a waiter. Gene was always on their side.

Honourable senators, I first met Gene in rather strange circumstances. It was well over 30 years ago when I was a young lawyer representing small interest groups opposing the Bell Telephone rate increase in Ottawa. One morning, I noticed a rather burly, homespun character lumbering up to the counsel table, laden with a jumble of papers, books and notes. At first I did not know what to make of him. As it turned out, Gene was then a shy, unknown and diffident back-bencher. He had personally intervened on behalf of his constituents to fight the increase in local telephone rates, because he felt they were unfair, particularly to the shut-ins, the disabled, and most particularly, to his rural constituents.

Gene and I sat together for many weeks at the counsel table, across from a large battery of high-priced lawyers. While Gene picked my brain about the theories of rate regulation, I picked his brain about the latest ins and outs of the Liberal Party. We took turns cross-examining Bell's experts and senior executives. They have never forgotten it.

From those days on, I became a lifelong admirer of Gene's shrewdness and political savvy. I found out that the gruff exterior and unmistakable twang camouflaged a soft, sensitive and, dare I say it, a romantic soul.

Several years later, I became deeply involved in the 1974 national campaign and the polls began to jump around. I thought I would pick Gene's brain once again. I began to call him regularly on the telephone and in person for advice. I found his assessments to be acute, accurate and precise, more deeply attuned to the public pulse than the polls.

Gene always demonstrated a quick first sense when it came to policies and people. It is not an accident that his perspicacity is still appreciated in every part of Canada, as demonstrated by the recent hearings he conducted as chair of the Standing Senate Committee on Agriculture and Forestry.

Honourable senators, we have evidence in the gallery that the apple does not fall far from the tree. Gene's daughter Susan, now an elected member of the other place, whom I have come to know in the last few years, shares his acute political genes and gifts in great abundance.

How then to sum up the many colourful sides of one Gene Whelan? To say he is unforgettable is fact. To say his accomplishments are undeniable is historic. To say that he has always devoutly believed in the interests of the average Canadian is more than a truism. To say that Gene is an original never to be duplicated is the closest one can come to putting in one word, the sparkling, gem-like qualities of Gene Whelan. Gene is a Canadian original.

Gene, on a more personal note, the Senate will be a lonelier place for the loss of your Liberal conscience, and most certainly a duller place without your lively presence.

To shift metaphors, let me say, Gene, as you leave the Senate to wander out once again on the unsuspecting public and into the hesitant yet hopeful arms of your faithful family:

May the road rise up to greet thee, and the wind always be at thy back.

Gene, keep your Irish up, and we will never let you down.

**Hon. Senators:** Hear, hear!

**Hon. Lorna Milne:** Honourable senators, I want to add a few words in tribute to the Honourable Eugene Whelan, PC.

My husband, Ross, and I have known and admired you, Gene, for well over a quarter of a century. Ross tells me that when he served in the House of Commons, you were the one cabinet minister who was always the best friend of the back-bencher. You were always ready to get out there on the hustings to visit ridings with them, anywhere in Canada and no matter who the audience was.

Others have outlined your long and distinguished career in Parliament, so I will not go into that, but you have been a true and faithful servant ever since your first election in 1962, through your two terms as Minister of Agriculture, and your almost three years here in the Senate, which have been too short. However, you have often said that is partly your own fault. You were in cabinet when you voted for cutting off the Senate term at 75 years of age.

We can wholeheartedly call you a happy warrior on behalf of Liberals and on behalf of Canada. As you said yesterday, the happiest part of any of your trips was coming home to Canada.

Gene, you are the most respected and trusted voice in Canada for the farm community. No matter what else has happened in your life, in your political career, you have never let Canadian farmers down and they know it. You have stood staunchly and foursquare for Canadian agriculture, and you are still doing that through the special inquiry that you inspired in the Senate into the use of bovine growth hormone to artificially increase milk production in dairy cattle.

I believe that millions of future Canadians will, perhaps unknowingly, live to thank you for that achievement alone. As you often say, "People want to know that their food is safe."

On behalf of Ross and I, and perhaps, I can take the liberty, too, without their permission, to add your long-time employees and better friends Norma Lamont and Linda Clifford, I want to thank you, Eugene, and your wonderful wife Liz, too, for your years of true friendship and for everything that you have done to preserve, protect and enhance that endangered species, the Canadian farmer.

Geno, we will never forget you, and I strongly suspect that you will be keeping a close eye on the Senate and on the Agriculture Committee. If ever we forget your farmers, you will remind us in person. Every time I see a green hat from now on, I will think, "Oops, here goes Eugene."

**Hon. Dan Hays:** Honourable senators, I should like to join in tributes to Senator Whelan. First and foremost, it has been a privilege to serve with Senator Whelan in this chamber, but more so, it has been a privilege to serve with him on the Standing Senate Committee on Agriculture and Forestry.

I took a quick look at Senator Whelan's biography, entitled appropriately: *Whelan*. I commend it to all honourable senators. It is not only a great story of his life but also of the times in which he has lived.

The modesty and humility that Gene felt when he was sworn in, as he expressed in the foreword to his biography, struck me. In any event, he soon overcame these feelings of humility and modesty and became the person that Senator Grafstein described, someone who was full of confidence, shrewd, energetic, dedicated and bold.

He used these characteristics to serve the just causes of his life, and what it is that he thought should be done to make his country a better place. In particular, he served the cause of Canadian agriculture as few Canadians have. He became not only one of our most outstanding ministers of agriculture, but one of our most outstanding ministers.

He had the privilege of serving in office long enough to see many of his visions to fruition. He was able to implement policies and do things that few ministers in Canadian government have had an opportunity to do, other than, of course, prime ministers.

• (1410)

On behalf of the farmers in this place and throughout the country, I wish to thank you for all the things you have done for us and for all the things that I know you will continue to do beyond the day of your retirement from this place.

I wish you well in your retirement. To you and your extended family, I extend congratulations on a remarkable career to this point. Keep it up.

[Translation]

**Hon. Pierre De Bané:** Honourable senators, I should like to add my voice to those of my fellow senators in paying tribute to our colleague Senator Whelan.

I had the honour of serving with him in both chambers, as well as in cabinet. He is an extraordinary man.

How can it be that he has never lost his devotion and fidelity to the people of Canada in all those years?

[English]

This is a miracle. It happens so seldom that someone is so faithful to his convictions, irrespective of all the influences and forces that try to crush that unique personality. That is why I am not surprised that recently Mr. Gorbachev, the former leader of the Soviet Union, said that of all the people he had met in his life, he rates Eugene Whelan from Canada among the 10 most impressive.

**Hon. Senators:** Hear, hear!

[Translation]

**Senator De Bané:** That is the deep impression I have had of Senator Whelan. I have seen him battle in the House of Commons, in the Senate, on various committees, in cabinet, and often with no allies in his fight except those for whom he was fighting. He did so faithfully and courageously, and this was an inspiration to me.

[English]

Eugene, you have been an inspiration to us all. I have never before seen so many people come to pay homage as I saw last night. People from all quarters of both houses came to pay homage to you for all your accomplishments. I am not surprised that so many people attended the testimonial dinner, at which you had the good fortune of being accompanied by your wife and your three children.

For everything you have done, thank you very much, from the bottom of my heart.

**Hon. Nicholas W. Taylor:** Honourable senators, I guess it is too late now to worry about Senator Whelan's head swelling. He has already received so much praise.

In the 1970s, Eugene came to help me out in Wetaskiwin, probably one of the least Liberal-oriented constituencies in Canada. I was most appreciative that someone as famous as the Minister of Agriculture would come to help out. He put on quite a show. Many people who had never voted Liberal, and have probably not since, came to hear Eugene Whelan. He had a tremendous effect.

He affected me tremendously as well. I was struggling in opposition, trying to get somewhere. I remember telling my wife that night that I met someone who had gone over big with the audience, using neither of Canada's two official languages. They seemed to understand him. One of the most prominent things about Eugene is his bond with the average voter that is impossible to duplicate or understand.

We will miss you very much, Eugene. I hope you will hang around to give advice to some of those who hold PhDs in political science and communications. During election campaigns, they need a little common sense once in a while. I hope you will be around to dispense that.

That meeting in Wetaskiwin is the only occasion I can remember Eugene taking more than 30 seconds to give an answer. As you know, Eugene was very interested and involved in dairy, and we were in a dairy community. Westerners understood that the cow gets fed in the west and gets milked in Toronto, but there was a fellow from Cape Breton in the audience who stood up and said, "What is it doing in the Maritimes, Gene?" After a minute or two he said, "I'll let you use your imagination."

Those many years ago I never thought I would have the chance to work with you, Eugene, as I have on the Agricultural Committee and its steering committee.

Some of the most interesting meetings that I have attended here have been with Senator Whelan and Senator Gustafson. I was sandwiched between two heavyweights. Those meetings tended to go on for a while when they started talking about farming in Ontario and Saskatchewan.

I was in Rome not too long ago, and I must tell you, Eugene, that they remember you there well and fondly as a person of great knowledge and a great Canadian.

I wish you the best during the years of your retirement. There is no corner of Canada that does not hope that you will be around for many years to come to continue giving us advice.

**Hon. John Buchanan:** Honourable senators, is it possible that Eugene Whelan is retiring? He is too active and too young to retire. I do not think he will retire. I think he will find something else to keep him busy over the next number of years.

I first met Eugene Whelan in 1978. While I was premier of that great province of Nova Scotia, I grew to like Eugene Whelan a lot. He was a very familiar figure throughout the agricultural communities of Nova Scotia. He meant a lot to the farmers of Nova Scotia. He understood them. He understood their problems, even though Atlantic Canada generally has different problems than those experienced in the rest of the country.

He got along particularly well with my minister of agriculture, Roger Bacon. As Eugene will acknowledge, he and Roger Bacon became very close, not only as ministers of agriculture, but as friends. To this day, they are close friends.

Roger asked me to extend his best wishes and congratulations to you.

From time to time, Eugene appeared at the Annapolis Valley Apple Blossom Festival. On at least two occasions, I shared a convertible with Eugene, driving along the main highway, he waving on one side and I waving on the other. Then our arms would cross and I would wave on his side and he would wave on mine. I believe we helped each other politically through those occasions.

• (1420)

Gene Whelan will go down in history as a great Canadian and one of the best ministers of agriculture this country has ever had.

I extend my personal best wishes to you for your future. I also extend best wishes from the farmers of Nova Scotia to you for your continued productive future. We will miss you here.

**Hon. Senators:** Hear, hear!

**Hon. John B. Stewart:** Honourable senators, Eugene Whelan and I entered the House of Commons on the same day in 1962.

If any of you have had occasion to look back over the history of the House of Commons, you will have noted that, in the early days, there were many farmers. There were village lawyers. There were even men involved in the fisheries. These were people with hands-on experience. Certainly by 1962, that pattern had changed. We already had many lawyers, professional politicians, and other kind of city folk. But Gene was a farmer. His roots were in rural Canada.

Senator Graham and others have said that, in those early days of the 1960s, Gene was quiet, soft-spoken, shy, humble, and self-deprecating. I have forgotten all the adjectives that have been used to describe him. The truth of the matter is that he was doing a reconnaissance. He was planning his strategy for the day when he would attack the planning of all the lawyers, professors, and other bookish people.

Who would have thought that Eugene would have turned out to be a successful diplomat? Reference has already been made to his influence on Mr. Gorbachov. He also, as Senator Buchanan has just now said, had a close bond with the average voter in Canada. I ask myself, is there a relationship, a common root, to his influence on Gorbachev on the one hand and his rapport with farmers in Nova Scotia on the other hand? My answer is "yes." It might be guessed that in his diverse roots there was a skilful leprechaun. However, I think the truth of the matter is that Eugene Whelan understood real people, real people working to make their livelihoods. We need some more like him in the other place and here.

I shall miss him a great deal, especially on the Foreign Affairs Committee, where sometimes he strives to be undemocratic. Nevertheless, his interventions always improve our work and our product. We are proud to have had him as a colleague on that committee.

**Hon. Senators:** Hear, hear!

[Translation]

**Hon. Léonce Mercier:** Honourable senators, Senator Whelan was Minister of Agriculture from 1972 to 1979 and from 1980 to 1984. He helped make Canada the great country it is, and that is something I would like to pass on to his family.

The Saguenay Lac-Saint-Jean region, where I come from, was represented by Mr. Langlois and the Honourable Jean Marchand. We had agricultural problems in many sectors, including blueberry operations and abattoirs. Agriculture generally was in a mess.



We therefore invited the Honourable Jean Marchand to pay us a visit. It was quite a festive occasion and I believe it was the first time Mr. Whelan had tasted blueberry pie. I remember that he had a little touch of blue when we met.

He later ran for the leadership of his party. He was a staunch member of his party and had many supporters. Things were going well, with all the usual fanfare. In fact, they could not have been better. Those of us with Mr. Chrétien wanted Mr. Whelan on board at all costs. The day of the convention, we were unfortunately one delegate short. A second vote was necessary. We went over to Mr. Whelan, confident that he would throw his support behind us. He hesitated a bit.

He was the first candidate in that race for the Liberal Party leadership to come over to us at the second round. I have always thought that decision might have had a little something to do with his appointment to the Senate.

Yesterday, in caucus, Prime Minister Chrétien paid great tribute to him. He said that he was a Liberal and a Canadian who never stopped fighting for Canada. I would now like to tell you a little story.

[English]

As many of you know, Senator Whelan and I were sworn in at the same time, on September 22, 1996. We both were new here, and I feel we somehow learned the ropes together.

Every day as I sat in this chamber, I noticed that Senator Whelan would get up from his seat at three o'clock and go to the reading room. He would always return with an apple in his pocket. One day, I saw him return with two apples. I had to ask him why this was. His answer, "Tomorrow is Friday. The Senate does not sit..." Senator Whelan just had to get his daily apple.

This habit seemed to pay off, because later when he was very sick and some feared for his life, Senator Whelan pulled through, clearly showing that an apple a day does keep the doctor away.

Senator Whelan, I give to you a beautiful green apple and a beautiful red apple. Unfortunately, there is no such thing as a blue apple.

**Senator Nolin:** Why not give him some blueberries?

**The Hon. the Speaker:** Honourable Senator Whelan, is it your pleasure to favour us with a few words?

**Hon. Eugene Whelan:** Honourable senators, you heard the speaker say "a few words." That will be very difficult for me. After I have heard these nice words, perhaps I should not even say a few words because I may destroy the great image which has been created here.

I am very happy to see my family here. I do not know how to describe the dinner my former staff put on last night. Some of you were there. As I said earlier, there were Conservative senators, Liberal senators, Liberal members of Parliament, and

people from all over Canada, from British Columbia, from Nova Scotia, people I met through farm organizations, et cetera. If you can imagine me being overwhelmed, I would say that was probably close to the truth.

You saw my family in the audience. You have heard me talk about my wife before. My wife came to Canada from Yugoslavia in 1937, with her sister and mother. She did not know her father until she came to Canada in 1937, because her dad had left for Saskatchewan in 1929, when she was not quite a year old. He left her and her mother and sister at that time, saying, "I will send for you in one year when I make \$1,000." It took him seven years under Conservative governments to make \$1,000 because, if you remember, the Great Depression took place.

• (1430)

Her father was a mason and a bricklayer to trade. He rode the rails to Toronto during the winter of 1932-33 and ended up working that spring. He was a German Catholic, and he worked for a German Mennonite, and the other hired man was a German Lutheran, a situation that never would have happened in any other place but Canada. They became very close friends.

Then my wife and her mother and sister joined her father on an island way out in the middle of Lake Erie. When her mother wanted her to get on the ferry boat, she nearly refused because she thought they were sending her back across the ocean again, even though it was only 11 miles from the mainland to the island.

My wife raised our three daughters, because I was in politics. Our eldest was only six months old when I ran for office and was elected in 1962. Sue and Cathy were born afterwards. People used to say, "Every time Gene's wife is pregnant, there is going to be another election" — and there was, if you remember, in 1962, 1963, 1965, 1968, and 1972. There is a man sitting up in the gallery, laughing away, but he was part of the problem. Senator Davey was the one making the decisions at that time for us.

I can remember that, sometime in 1972, I had a meeting with Prime Minister Trudeau and I told him, "I am like the Roman Senator Cincinnatus. I like my farm, I like my family. My farm is going to hell, and I do not know my family. I am going back to my farm, like the Roman senator did." The Prime Minister gave me a big speech about serving the country. I did not know the Liberals were taking polls at that time, because I never paid much attention to polls. He said, "We know you can win your riding, but nobody else can." He said, "Go home and talk to Elizabeth and see what she says about your running again." I went home and talked to her and she said, "You did not ask me the first time." Then she said, "Okay, you can run just one more time, that is all." So I ran.

Mr. Trudeau was forming the government in 1972, and Bud Olson, who had been Minister of Agriculture, was defeated. The waters of Lake Erie had risen eight feet, and were flooding all the marshland and the good farmland. A big vegetable growers' banquet was held in the town of Leamington, at the Roma Club, the big Italian hall. I was getting calls from farmers

asking what we were intending to do about their land which was being inundated. I was getting tired of these calls, and the bartender — the phone was on the end of the bar — came to me and said, “There is one more call for you.” I went to the phone and said, “This is the very last one I will take. I want to eat my supper.” — we still call the evening meal “supper” in my area because you have breakfast, dinner and supper, and if you remember, our Lord had his Last Supper. It was Prime Minister Trudeau on the phone, and he said, “Where are you?” I said, “I am at the vegetable growers’ annual banquet in the Roma Club in Leamington, Ontario.” He talked a bit and he said, “I want you to be my Minister of Agriculture.” I said, “Did you ask Senator Davey?” Then I said, “Are you sure?”

Honourable senators heard some of the things said about me before. I enjoyed the caucus probably more than anything. As Senator Grafstein said, I sat in the back row and I raised hell every week. If I had not been able to do that in the caucus, I would not have stayed. In those days, the caucus was very democratic. I do not find it very democratic today. Today, you are limited on your time, and you have to have a regimented schedule, and if the chairman does not like you very much, and is scared of what you will say, he will say, “There is no time for you today. We will come back to you next week.”

I said to Prime Minister Trudeau, “Are you sure you want me to be Minister of Agriculture?” He said, “Yes, and you stay the way you are. Do not change. You stay honest, and you will have no problem with me.”

Lots of time in cabinet, ministers of agriculture find, as you have heard some say, that the battle can be pretty lonely. I want to say it would have been lonely for me if it had not been for the backing of Prime Minister Trudeau. If the poultry industry is healthy today, if the dairy industry is healthy today, it is only because Prime Minister Trudeau stood behind me in cabinet when some others were saying, “Gee, he is an embarrassment to us. Everyone wants him to go.” I had had the largest group of farmers who ever came to visit a minister of agriculture come to visit me in Ottawa. They were kind of cheap, too. They did not throw good milk at me; they threw watered-down milk. I always resented that. After we were so good at making sure our grades were the top grades in the world, they threw the cheap stuff at me. However, if I had been one of the farmers, I would have been out throwing milk at us, too, for what we did, although at that time I defended what the government had done.

It has been argued that we elected René Lévesque at that time on our dairy policy. Farmers from Nova Scotia to British Columbia wanted \$46 million to stay alive, because this great globalization, this great free trade world that we will get back to, was being born into existence then. The United States and the European Community threw all their industrial dairy products on the market and depressed the market by nearly 60 per cent in seven weeks. Treasury Board and Finance said, “Those farmers do not need that. They will survive no matter what.” I can remember Simon Reisman like it was yesterday. What a wizard he was. We came in the next year and put

\$150 million back, after the horse had been stolen from the barn — and we elected René Lévesque.

Do you know what Jean Garon offered me the first time I met him when he was the minister of agriculture under René Lévesque? He offered me a lifetime membership in the Parti Québécois for my help in electing them in Quebec with our dairy policy. We were phasing out the subsidy in the dairy industry. I knew we were right, and I could not believe that the premier of Quebec would call an election at that time, because of the wrath of these people.

I remember going to Quebec one time to speak, using my very best French, and I made the mistake of saying, using the feminine, “Mes chères amies,” and I got on every radio station in Quebec. They would not believe I did not do it on purpose. If I had not made a mistake in French, I would never have been on the radio. Some thought it was part of a strategy. It was the advantage of not knowing both official languages. Prime Minister Trudeau said to me once, “You know, Eugene, there are two official languages, and you do not speak either one.” I said, “Mr. Prime Minister, you have no trouble understanding it, though, do you?”

He came to me once and said, “Eugene, I have tried to understand agriculture. I have studied everything I can. I find it so complex that I just give up. I do not know how you do what you do, but just keep doing it.” That is what I meant by his supporting me in cabinet.

Contrary to what a lot of people said about Prime Minister Trudeau, our cabinet was probably one of the most democratic cabinets ever. He would let us vote in cabinet. He would listen to 10 or 12 members on a subject, and say, “If any of you have anything new, let me know. You can come forward.” He had a mind like a steel trap. He knew many cabinet ministers never read their documents. Sometimes I would come up a second time, and he would say, “Eugene, are you sure?” I would say, “Oh, yes, Mr. Prime Minister.” If I was not too sure, I would be cut off in a second.

• (1440)

I would like to say something about my early career in politics. I was raised with eight brothers and sisters. My dad died when I was six years old, in 1931, during the Depression. My mother was a widow at age 38, with nine kids. There was no assistance of any significance at that time. We had relatives in Ohio and Michigan as well as in other places. They decided that some of the older kids would be divided up amongst our relatives. I was supposed to go with a cousin in Cleveland, Ohio. Somehow, she got \$45 a month for mother’s allowance for her and nine children. My dad died of cancer. He had gone to all kinds of doctors to try to find a cure, but at that time they knew very little about that disease. He sold holstein cattle and accepted notes as collateral from the farmers. Some of those notes were for \$850. He then took those notes to the bank as collateral and paid off his bills. It took us years to pay that off the debt at the bank as most of the farmers could not make good on those notes because the depression was so bad.

As a kid, I can remember being given a cheque for \$45. I would ride my bike into the bank at Amhurstburg and put the cheque on the bank counter. The kind banker would take \$5 off that \$45.00 every month as a payment on the interest. If you have noticed my "kindness" towards banks, it is because I never forgot their "kindness." To me, they were so miserable that I still do not have much use for them.

I went to our municipal council. When I asked Senator Beaudoin one day if he knew where Belle River, La Salle or Point-aux-Roches were, he said, "Of course. They are Quebec." I told Senator Beaudoin, "You might know your constitutional law but you do not know your geography." Those places are all in Essex county which was settled by the French about 300 years ago. Almost all of us were half French and half English. My mother was a Kelly but her mother was a Richard. My dad's mother was a Bailey but her mother was a Magille. That is why Senator Grafstein said that I have culture from every culture that ever existed.

In the constituency that I represented for such a long time, namely, Essex—Windsor — and, my daughter is now representing it — there are 72 ethnic groups. It is one of the most cosmopolitan parts of Canada. I am lucky to have been raised in that area.

When we wanted to buy a baseball, a bat and a glove, it was with about \$6. We went to the township council. The reeve was an Irishman and the councillors had names such as Beaudoin, Brisson, and so on, French Canadian names. We sat and waited for our turn to go before the council. I will never forget the lesson in democracy that I learned that day. It is one that I tried to practice the rest of my life. The reeve said, "Boys, what can we do for you?" We told him, "He cheated us." The reeve said, "We do not have a penny in the treasury. We would love to help you, but we cannot." The lasting impression that I carried through the rest of my political life — and, in fact, I carry it with me to this day — is that we were treated the same as the biggest taxpayer in the township who was there that night. I never forgot the treatment that we received in a rural, old-fashioned democracy.

I wish to apologize to the Clerk of this assembly. I did not mention his home town, St. Joachim. Some people think that he came from Quebec, but he actually comes from la belle county d'Essex. I know his whole family. However, I will not tell you how they voted, because I really do not know.

Honourable senators, I see many members of this assembly that I have known for a long time, in particular, Dr. Stewart, Gerry Grafstein, Eymard Corbin, Jack Austin, Serge Joyal and Alasdair Graham. I have known Senator Graham for so many years that I can remember when he worked for Allan MacEachen. We gave him a phone because every time we called him, he was on the phone. We thought he needed an extra phone.

In my country, Canada, I was allowed to achieve some of the highest positions. I achieved one of the highest positions in the United Nations when I was elected by 26 other countries as member of the World Food Council. I was the founding member of that council. Last night, at our reception, the contents of a letter written from the head of the United Nations were read. The

letter went through the history of the formation of the World Food Council. I did not know that they would do all these things.

I can remember going to Africa during the famine and seeing terrible situations and knowing that, as a farmer, these things did not have to happen. We had seen this via satellite transmissions, so we knew what was happening. We knew that Ethiopia was being denuded by drought. The trees and the grass were gone. Everything was gone. Yet, when I returned to Canada and made my report a bunch of bureaucrats said, "Whelan is wrong. If it rains, they will be okay." My God, they had eaten all their seeds. They told us that the survey conducted by the good people from Agriculture Canada, World Vision and Catholic Aid had reached the wrong conclusions. It was the bureaucrats who were wrong. We were raised poor, but not like that.

Our country, Canada, allowed me to do this. The little people who elected me in my constituency of Essex—Windsor — people who never knew they could take part in politics — found out they were able to take part in politics. They are still taking part — and, I say this with all humility again — in Liberal politics.

Mention was made of New Brunswick. I should like honourable senators to know that all of southwestern Ontario, one of the richest areas in Canada and one that is as Liberal as Liberal could be, still believes in democracy.

I remember campaigning in Manitoba. I think Sharon Carstairs and His Honour will be interested in hearing about a meeting at Ste. Rose du Lac, where they had what I call a "hoof and holler." The suffering they put me through there was pretty unbearable. It was called a hoof and holler because all the beef producers in that area hold one banquet. They lined up all the 4-H girls — 42 in all — and made me dance with every one of them! It was terrible. Some of them will never forget it either, because I am one of the world's worst dancers. In fact, my wife will not forget it, either.

You talk about my green chapeau. They gave me a brown chapeau that day. The green one also comes from Manitoba. It comes from Swan River. All the men and women wore green hats at the fair and exhibition. They said, "Mr. Minister, we will give you a green hat if you will wear it." I said, "What does it stand for?" I am partly colour blind. They said, "It stands for love, hope, charity, fertility and growth, all good things in life." I added "money" and "the Irish."

One day, when I was going through an airport in Canada, a man asked me, "What does that hat represent? Why do you wear that kooky hat?" Shortly after I explained it to him, a woman snuck up alongside me and said, "Mr. Whelan, how is the fertility part?" I told her that I had to take pills to keep myself under control.

Honourable senators, in my world travels, I missed visiting some of the rich countries. Seeing Senator Perrault sitting in this chamber brings back fond memories. I remember trying to educate his assistant in being a politician by having him follow me around British Columbia. I do not know if he ever did learn.

Honourable senators, I have had the pleasure and the honour of meeting all the presidents and all the top world religious leaders, and I have pleaded with them to assist the poor people of the world. When I see what is happening in the world today, I become very sad. I remember Gorbachev and the result of his trip to Canada. I remember the Iron Curtain coming down and the Cold War coming to an end. Today, however, when we think about the millions of people who have been killed, I wonder if we were so right in creating one superpower. Before, when we went to world meetings, there was some competition.

Before I sit down, I wish to say something about the Senate. You all know my history, but I wish to leave you with one thought: A smart man changes his mind; a fool never does.

• (1450)

The Senate of Canada allowed me an avenue, and I will never forget these last three years. I lost several of those months, if you remember, with the terrible surgery that I went through. I had a dissected aorta and was in ICU for 19 days. I told the Prime Minister, "God only let me live so I could come back and be your conscience." He said, "Thank God there are only two Whelans in the caucus."

My party and my country have allowed me to achieve some of the highest positions in the world. Perhaps I have rambled on too long and talked too much about it, but there is no other country like Canada. Whenever I travelled abroad, the best part of those trips was coming home to Canada, whether I landed at St. John's or Vancouver. This country allowed this peasant kid to achieve these things.

A few weeks ago, the President of the Czech Republic addressed both Houses of Parliament. He said governments are not so important; people are most important.

**Hon. Senators:** Hear, hear!

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## DISTINGUISHED VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to a visitor in our gallery, one of our ex-colleagues, the Honourable Senator Davey.

I also wish to draw your attention to the presence in our gallery of a member of the other place from past days, Mr. Ross Milne, who, of course, has a special connection with the Senate.

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## SENATORS' STATEMENTS

### QUESTION OF PRIVILEGE

**Hon. Lowell Murray:** Honourable senators, I gave written notice earlier today that I would be raising a question of privilege concerning the five-minute bell that was held yesterday on a

vote. I simply wish to confirm that I have done that, and that I will be speaking to the matter and making a motion at the appropriate time.

**The Hon. the Speaker:** It is appropriate, Honourable Senator Murray, that in making your statement you advise what step you wish to take to correct the matter, either a reference to the Rules Committee or a motion before the Senate. Would you make that distinction in your statement?

**Senator Murray:** Honourable senators, I take this occasion to advise colleagues that I intend to propose a motion later on the issue of the rights of all senators to be able to participate in standing votes in the Senate that have been requested in accordance with rule 65(3), and that the procedures followed on June 9, 1999, regarding the vote to adjourn the debate on the eleventh report on the Standing Committee on Privileges, Standing Rules and Orders be referred to the Standing Committee on Privileges, Standing Rules and Orders.

**The Hon. the Speaker:** I wish to advise the Senate that the Honourable Senator Murray has fulfilled the requirements for a question of privilege. It will be taken up after the Orders of the Day are completed.

**Senator Prud'homme:** Hear, hear! Hold the vote again!

[Translation]

## LA FRANCOPHONIE SUMMIT

MONCTON, NEW BRUNSWICK, TO HOST SUMMIT IN 1999

**Hon. Rose-Marie Losier-Cool:** Honourable senators, over the course of this summer, but especially in September, 1999, the City of Moncton and the Province of New Brunswick will take their place in La Francophonie. Fernand Landry, Director General of the Summit Organization Secretariat, along with all those helping to set up the Eighth Summit of La Francophonie, have done everything possible to ensure that the Moncton Summit will be a real success, but retain the simplicity that is the hallmark of the Acadian people. I congratulate Mr. Landry and his team.

This event will be the biggest window ever on Acadian history, as francophones around the world will have their eyes on this region of Canada over the entire summer.

I would like, today, to describe for you some technical aspects of organizing a summit. This undertaking is of such scope that the Moncton region must ready itself to welcome several thousand participants and observers as well as 500 journalists and technicians.

Communications provide one of the greatest challenges for the summit organizers, who began by turning the Faculty of Administration of the University of Moncton into a press centre. This centre will have editing suites, conference rooms and technical facilities for radio, television and newspapers. This centre is a precedent at the University of Moncton.

The theme of the summit is youth. Over 800 young people from the Atlantic Region have already met in round table discussion groups to consider culture, economics and human rights in the international francophone community.

A new element will be added to this summit: the page program. Students in the 11th and 12th year of French language and French immersion schools across Canada had until March 1, 1999 to compete in a national competition called "Young Pages of Canada." In mid-June, some 50 young people will be selected and will serve as pages in the various summit conferences.

The young people will be serving as pages as the conference of the ministers, and at the conference of the heads of state and of government. They will be involved in moving documents, notes and other things between the delegates and the various conference services. The pages will also have access to the room in which the deliberations will be held, so they will have a front-row seat at the most important meetings of the francophone world. I would like to congratulate the chief senior page of the Senate, Michel Thériault, who will be one of the people in charge of this program.

The media centre set up at University of Moncton is but one example of the technological preparations for communications at the Moncton Summit. Throughout the summer, a new radio voice will be added to the airwaves in Acadia and the Francophonie, with Radio Jeunesse 1999, which will be hosted by young people between the ages of 18 and 30 from around the world. It will focus on the theme of the summit: youth.

The most popular means of communication for the summit is, without a doubt, its Web site, which has been getting an average of over one thousand hits a day since the beginning of 1999.

So, honourable senators, this year Acadia will not just be welcoming the 47 members states of the Francophonie. Acadia will be welcoming the whole world.

[English]

### PROPOSAL FOR APPOINTMENT OF FEDERAL OMBUDSMAN

**Hon. Lois M. Wilson:** Honourable senators, two days ago, the Canadian Ombudsman Association was represented in Ottawa by Roberta Jamieson, the Ontario ombudsman, and Douglas Ruck, the Nova Scotia ombudsman. They were in Ottawa to make the case for a Canadian federal ombudsman.

The association which they represent, formed in September of 1998, as one of its first official acts, passed a resolution calling on the government and the Parliament of Canada to establish a federal general ombudsman to deal with complaints from the public about administrative treatment by federal government departments and agencies. This resolution was prompted by the fact that provincial officers are inundated with cases brought to them that have to do essentially with federal matters. The Ontario ombudsman alone received more than 1,600 such cases in the last three reported fiscal years.

A federal ombudsman would complement the work of administrative tribunals, both by dealing with cases that are not appropriate for a tribunal, and by dealing with complaints about the administration of tribunals themselves. The proposal is that such a federal officer would cover all areas of federal jurisdiction not presently covered by existing federal statutory ombudsmen, and would work cooperatively with those existing specialized offices.

The two advocates from Ontario and Nova Scotia whom we heard, and their association, believe the creation of a federal ombudsman would result in savings if costs of litigation, discontent and loss of public confidence in government were taken into account.

- (1500)

Since the 1970s, Canada has been one of the leading countries, globally, in establishing ombudsman's offices. Of all the main western democracies that have these offices at any level, only four do not have a national ombudsman. They are Italy, Switzerland, the United States and Canada.

Through a number of Canadian and international agencies, the Canadian government is active in assisting developing nations improve their democratic institutions, including the provision of help in establishing such an office. This office is widely regarded as one of the pillars of a democratic society.

The ombudsman must be, and must be seen to be, independent of government and free to carry out, without interference, the legislative mandate provided by Parliament. Such a person would be an officer of Parliament, reporting both to Parliament and the Canadian public.

The urgency for Canada to have such an officer is not a reflection on the quality of the federal bureaucracy. On the contrary, the willingness to have such an office is evidence of good government, and a sign that government is quite prepared to have an independent scrutiny of its actions.

Honourable senators, therefore, I urge your informed interest for this proposal when it does come on-stream.

### PEACE IN YUGOSLAVIA

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, at this very moment in the other place, the Prime Minister is making a statement on the peace settlement that has been reached for the Kosovo region. His statement follows the adoption earlier today by the United Nations Security Council of a resolution setting the terms for an end to the conflict in Kosovo and NATO's announcement that it is suspending air operations against the Federal Republic of Yugoslavia.

On behalf of the government and all Canadians, I would like to begin by thanking the men and women of our Armed Forces who responded so selflessly and professionally when called upon to join our NATO allies in a campaign to bring peace and stability to a part of the world so many thousands of miles away from their own homes and families. Their contribution, and particularly those of our pilots, makes us all very proud.

Their efforts were overwhelmingly supported by the people of Canada, who so generously opened their hearts to the Kosovo refugees arriving on our shores. Canadians understand that there are occasions when events taking place in the world are so fundamentally and morally wrong that it would be unconscionable to stand aside and do nothing.

We are all citizens of this world, and there are fundamental rights that all of us possess, no matter where we may live. The brutalization of an entire civilian population, the state-sponsored murder of men, women and children on purely racial grounds, and ethnic cleansing are inimical to those rights.

We should all remember that this was the situation in Kosovo that months of diplomatic efforts could not change. Between March and October of 1998, the United Nations Security Council tried to end the violence in Kosovo with three major resolutions. They were all ignored by Yugoslavia. There were also scores of diplomatic missions to Belgrade that failed to achieve any results. Finally, a major peace conference held in France in March of this year was unsuccessful because of the intransigence of the Yugoslavian authorities.

While all of these diplomatic efforts were being pursued, more and more Yugoslav troops were being moved into Kosovo, and more civilians were being murdered or forced from their homes. While diplomats talked, the rule of terror was being imposed upon Kosovo.

That is the situation that finally forced NATO to intervene. The alternative would have been to watch passively as an entire population was terrorized and expelled from its ancestral land. That would have been wrong. That would have sent a message to all other would-be Milocevs around the world that there are no limits to what they can do. As a result of what was achieved today, we can now say that there are in fact limits, that there are lines that should not be crossed.

When Vaclav Havel, the President of the Czech Republic, addressed both Houses of Parliament on April 29, 1999, he said:

If it is possible to say about the war that it is ethical, or that it is fought for ethical reasons, it is true of this war...

Nevertheless, the Alliance is fighting...in the name of human interest for the fate of other human beings. It is fighting because decent people cannot sit back and watch systematic, state directed massacres of other people.

This was the situation, honourable senators, when NATO embarked on its air campaign with very clear objectives. Those objectives, which I have repeated many times over the past weeks, have now been achieved. There will be a peacekeeping force led by NATO, a withdrawal of Yugoslavia forces, the demilitarization of the KLA, and the return of refugees to their homes, where, hopefully, they will be able to live in dignity and peace, regardless of their ethnic origin.

As of this afternoon, forces of the Federal Republic of Yugoslavia have already begun their withdrawal. NATO forces, including members of our Armed Forces, are poised to cross over the border into Kosovo as early as tomorrow. Even as we speak, the terms of settlement adopted by the United Nations Security Council today are being implemented.

Though events are moving rapidly, the story is far from finished. There is much that remains to be done. The withdrawal of Yugoslav forces must be monitored carefully because the Milosevic regime has betrayed its commitments in the past. Until the international peacekeeping force is firmly in control, the situation in Kosovo will be far from stable. However, stability will be achieved and the enormous task of rebuilding the lives and communities of the people of Kosovo will begin. The refugees will be returned; democratic institutions will be built; reconciliation and reconstruction will be encouraged and facilitated.

Canada will work within international organizations, such as the United Nations, the OSCE and the World Bank, and also through its own bilateral assistance programs, to provide the support that will be needed so desperately by the people of Kosovo as they return to their homes to rebuild their lives.

Honourable senators, this was not a war against the people of Yugoslavia. It was a war against state-directed terrorism and ethnic cleansing. This government believes that humanitarian and human rights concerns are not just internal matters, and that what was achieved is an important step not only for the people of Kosovo but toward a broader definition of security by the international community.

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## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence of a special group of guests in the gallery. It is a group from the Canadian Cadet Movement, representing the Sea, Army and Air Cadets, the Navy, Army and Air Cadet Leagues, and the Cadet Instructors Cadre of the Canadian Forces.

All are here today to launch a national initiative to promote environmental awareness and responsibility in its 70,000 participants nationwide. The initiative is called, "Cadets Caring for Canada."

We are pleased to participate in the launch of your program. We wish you well in your citizenship project dedicated to cleaning up and protecting the environment.

On behalf of all senators, I wish you welcome here to the Senate of Canada.

Honourable senators, I might add that the cadet movement is the foremost and best youth training movement in Canada.

**Hon. Senators:** Hear, hear!

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## ROUTINE PROCEEDINGS

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, June 10, 1999

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

#### TWENTY-FIFTH REPORT

Your Committee, to which was referred Bill C-79, to amend the Criminal Code (victims of crime) and another Act in consequence, has, in obedience to the Order of Reference of Tuesday, June 8, 1999, 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 a third time?

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### NATIONAL HOUSING ACT CANADA MORTGAGE AND HOUSING CORPORATION ACT

#### BILL TO AMEND—REPORT OF COMMITTEE PRESENTED AND PRINTED AS APPENDIX

**Hon. Lowell Murray**, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 10, 1999

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### TWENTIETH REPORT

Your Committee, to which was referred, Bill C-66, to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act, has, in obedience to the Order of Reference of Tuesday, May 11, 1999, examined the said Bill and now reports the same without amendment.

Attached as an appendix to this Report are the observations of your Committee on Bill C-66.

Respectfully submitted,

LOWELL MURRAY  
*Chairman*

**The Hon. the Speaker:** Honourable senators, is it agreed that the appendix to the report be printed as an appendix to the *Journals of the Senate* of this day?

**Hon. Senators:** Agreed.

(*For text of Appendix see today's Journals of the Senate, Appendix A, p. 1718.*)

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### BANK ACT WINDING-UP AND RESTRUCTURING ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Jack Austin**, for Senator Kirby, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 10, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

#### TWENTY-SIXTH REPORT

Your Committee, to which was referred the Bill C-67, to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts, has examined the said Bill in obedience to its Order of Reference dated Thursday, June 3, 1999, and now reports the same without amendment.

Respectfully submitted,

JACK AUSTIN  
*Member of the Committee*

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

On motion of Senator Austin, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

## CANADA TRAVELLING EXHIBITIONS INDEMNIFICATION BILL

### REPORT OF COMMITTEE

**Hon. Lowell Murray**, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 10, 1999

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

### TWENTY-FIRST REPORT

Your Committee, to which was referred Bill C-64, to establish an indemnification program for travelling exhibitions, has, in obedience to the Order of Reference of Thursday, June 3, 1999, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LOWELL MURRAY  
*Chairman*

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### THE ESTIMATES, 1999-2000

#### INTERIM REPORT OF COMMITTEE PRESENTED AND PRINTED AS APPENDIX

**Hon. Anne C. Cools:** Honourable senators, I have the honour to present the sixteenth report of the Standing Senate Committee on National Finance being an interim report concerning the examination of the Main Estimates laid before Parliament for the fiscal year ending March 31, 2000.

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day, and that it form part of the permanent record of this house.

**The Hon. the Speaker:** Honourable senators, is it agreed that this report be printed as an appendix?

**Hon. Senators:** Agreed.

(For text of Appendix see today's Journals of the Senate, Appendix B, p. 1721.)

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

On motion of Senator Cools, report placed on the Orders of the Day for consideration 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(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday next, June 14, 1999, at 4:00 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

### MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 1999

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-84, to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain acts that have ceased to have effect.

Bill read first time.

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

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I move, for Senator Losier-Cool, that this bill be placed on the Orders of the Day for second reading on Monday next, June 14, 1999.

**Hon. Roch Bolduc:** Honourable senators, can Senator Carstairs tell us how many acts this bill amends.

**Senator Carstairs:** Honourable senators, I do not have a copy of the bill. The bill has not been distributed and will not be until after we have agreed to the motion. At that time we will learn how many acts are to be amended by this bill.

**The Hon. the Speaker:** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

On motion of Senator Carstairs, for Senator Losier-Cool, bill placed on the Orders of the Day for second reading on Monday next, June 14, 1999.



## CRIMINAL CODE

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-82, to amend the Criminal Code (impaired driving and related matters).

Bill read first time.

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

• (1520)

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Monday next, June 14, 1999.

## ABORIGINAL GOVERNANCE

### ROYAL COMMISSION ON ABORIGINAL PEOPLES— NOTICE OF MOTION TO PERMIT COMMITTEE TO TABLE FINAL REPORT ON STUDY WITH CLERK

**Hon. Charlie Watt:** Honourable senators, I give notice that on Monday next, June 14, 1999, I will move.

That, in relation to the Order of the Senate adopted on Tuesday, December 9, 1997, the Standing Senate Committee on Aboriginal Peoples, which was authorized to examine and report upon the recommendations of the *Royal Commission Report on Aboriginal Peoples*, (Sessional Papers 2/35-508) respecting Aboriginal governance, be permitted notwithstanding usual practices, to deposit its report with the Clerk of the Senate if the Senate is not sitting and that report be deemed to have been tabled in the chamber.

[Translation]

## TRANSPORT AND COMMUNICATION

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE INFORMATION, ARTS AND ENTERTAINMENT MEDIA

**Hon. Marie-P. Poulin:** Honourable senators, I give notice that, on the next sitting of the Senate, I will move:

That the Senate Standing Committee on Transport and Communications be authorized to examine and report upon the information, arts and entertainment provided by the traditional and modern media to Canadians, given the changing nature of mass communications and technological innovation;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the Committee present its final report no later than June 15, 2000.

[English]

## QUESTION PERIOD

### UNITED NATIONS

#### TERMS OF GENERAL ASSEMBLY RESOLUTION FOR END TO CONFLICT IN YUGOSLAVIA—REQUEST FOR TABLING

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, first, I want to thank the Leader of the Government in the Senate for the information provided in the ministerial statement a few moments ago.

Given that in the United Nations all documents, and certainly this resolution, of the Security Council are prepared in the five different working languages of the United Nations, a copy of that resolution would be available in the two official languages of Canada. Therefore, would the minister table the document this afternoon in the Senate?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, if I could get the document in both official languages, I would be most anxious to table it. I shall make every effort to do so.

### NORTH ATLANTIC TREATY ORGANIZATION

#### CONFLICT IN YUGOSLAVIA— CONFORMITY TO INTERNATIONAL LAW—GOVERNMENT POSITION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I am sure all honourable senators and all Canadians welcome this resolution of the General Assembly of the United Nations. For many of us it is welcome because we see, in terms of international law, a return to the rule of law.

Can the minister explain to this house why the Government of Canada became involved, through a regional organization, NATO in this instance, in an action which was not respectful of the rule of law in terms of international law? The bombing campaign was executed without a proper international mandate. That raises grave concern.

The minister referred to ethical concerns. I am speaking of fundamental principles of international law and respect for the rule of law.

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I believe the honourable senator raises a valid question. However, we must consider the alternative, I outlined in my brief statement on the resolution and the settlement. I can do no better than to refer again to Vaclav Havel's speech to both Houses of Parliament not too long ago. He said, "If it is possible to say about any war that it is ethical or that it is fought for ethical reasons, then that is true of this war." "The NATO alliance," he said, "is fighting in the name of human interest for the fate of other human beings. It is fighting because decent people cannot sit back and watch systematic, state-directed massacres of other people."

We could have sat back and done nothing, but those with humanitarian interests at heart could not allow what was happening in the Balkans to continue or to spread further. It was impossible to achieve an appropriate resolution at the United Nations because of the veto of both Russia and China. Unfortunately, it was necessary to take the decision to bomb. We are all thankful of the resolution which has now been adopted by the Security Council of the United Nations.

## UNITED NATIONS

### CONFLICT IN YUGOSLAVIA—SUPPORT FOR ACHIEVEMENT OF SECURITY COUNCIL RESOLUTION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, if none of the permanent members of the Security Council exercised a veto with reference to this current resolution of the Security Council, why would it not have been possible to have crafted and secured the support of all members of the Security Council some 80 days ago? If it was done yesterday, why could it not have been done 80 days ago?

**Hon. B. Alasdair Graham (Leader of the Government):** I can only say that they reached a conclusion after some 80 days of bombing. Unfortunately, the air strikes appeared to be necessary in order to bring Milosevic and his associates to their senses.

It was made quite clear in earlier diplomatic negotiations undertaken by the Secretary General of the United Nations, by the European Union, by the G-8 representatives and by representatives of NATO that it would be very difficult to get a unanimous resolution. We did not achieve unanimous approval at the Security Council because of China's abstention. However, all diplomatic efforts were made to go through the United Nations route. Those efforts failed until today.

## FOREIGN AFFAIRS

### CONFLICT IN YUGOSLAVIA—PLANS FOR POST-CONFLICT RECONSTRUCTION—GOVERNMENT POSITION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, on the matter of reconstruction in Serbia and Kosovo, I am curious to find out about the policy of the

Government of Canada with respect to Canadian contributions, fiscal or otherwise, and whether such reconstruction aid from Canada will be tied to the continuance in office of President Milosevic in Yugoslavia?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, with respect to Serbia, such work would be tied directly to the fate of President Milosevic and whether or not he continues in office.

• (1530)

The first Canadian Forces to go into Kosovo will be engineers, who could very well be involved in both reconstruction and removing mines. The Government of Canada is fully cognizant of its obligations under any massive restructuring program that will be necessary in the Balkans.

**Senator Kinsella:** Honourable senators, is the decision of the Government of Canada that it will not give aid to Serbia as long as President Milosevic is with the government?

**Senator Graham:** That is something I would not wish to state definitively, but I suspect that would be the case. I concede that I do not have a definitive answer in that respect, but that is what I would consider to be the appropriate course to follow.

## HUMAN RIGHTS

### REVENUE CANADA—RESULTS OF STUDY ALLEGING DISCRIMINATION AGAINST VISIBLE MINORITIES AT CHECK POINTS—REQUEST FOR EXAMINATION BY SPECIAL COMMITTEE

**Hon. Donald H. Oliver:** Honourable senators, my question is directed to the Leader of the Government in the Senate. Honourable senators will know that, in my nine years at the Senate, I have relentlessly and consistently raised issues of human rights, equality, equity, and fairness, particularly in relation to visible minorities. Tuesday's "Quorum" carried a story from *The Ottawa Citizen* entitled, "Blacks feel harassed by customs: study." It reads:

Many black travellers, especially Torontonians returning from Jamaica, feel poorly treated by Canada Customs officials, a federal study indicates.

...

Research firm COMPAS Inc., which prepared the study for the Revenue Department, conducted 18 focus groups with Canadian visible minorities in early March in Halifax, Toronto, Montreal, Calgary and Vancouver.

More than one-third of the participants said they had been treated differently than white travellers. Several told stories of being singled out by officers for lengthy questioning, identification checks and inspections.

What does the government intend to do about this problem? Will the honourable minister recommend that a special joint committee of the House of Commons and the Senate be struck to do a follow-up study to the report "Equality Now"? Will the leader take the initiative to strike a special committee of the Senate to study this problem of racism and inequality?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, as an organization that is concerned with client service, Revenue Canada often consults with the travelling public about their experiences with Canada Customs. As the Honourable Senator Oliver has indicated, there was a survey taken by COMPAS Research consultants in the cities and airports which he mentioned. The study referred to *The Ottawa Citizen* article was undertaken by Revenue Canada to determine whether visible minority travellers perceive that they are treated differently at Canada Customs.

Revenue Canada will use the study results to fine-tune the services it offers to visible minority travellers. Changes to information programs, training for officers, and a series of community outreach activities are some of the initiatives that are being considered.

Whether it would be appropriate to establish a joint committee to examine this issue is something that could appropriately be brought before the Standing Committee on Privileges, Standing Rules and Orders. As well, Senator Oliver, or any honourable senator, could take the initiative of raising an inquiry on this situation.

## AGRICULTURE

### FARM CRISIS IN PRAIRIE PROVINCES— POSSIBILITY OF GOVERNMENT SUPPORT

**Hon. A. Raynell Andreychuk:** Honourable senators, yesterday I and other senators spoke to the disaster in the agriculture industry in Manitoba and Saskatchewan. The Honourable Leader of the Government in the Senate indicated that he would be meeting at 3:30 yesterday with the minister to convey those concerns.

Could he relate to us the outcome of those discussions? Is there any hope for the farmers?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I wish to confirm that indeed I did have a discussion yesterday with Minister Vanclief, and I followed up on that discussion with the minister this morning.

The minister will be speaking directly to farmers and farm leaders tomorrow to learn firsthand about the conditions currently faced by thousands of farmers in southwestern Manitoba and southeastern Saskatchewan.

In cases of flooded farmland, the federal and provincial governments provide crop insurance for unseeded acreage. This is a feature of the Saskatchewan program but is an extra-cost rider in Manitoba. In addition, production loss insurance for annual crops and forage crops is available.

Yesterday, the Minister of Agriculture and Agri-Food, along with his counterpart in Saskatchewan, announced a series of changes to crop insurance, including the extension of seeding deadlines to help farmers deal with continued heavy rains.

I am sure that in his visits to both Manitoba and Saskatchewan the minister will want to consult with farmers. He is in continuous contact with the ministers in each of those provinces.

**Senator Andreychuk:** Honourable senators, a natural disaster economist with the federal Department of Agriculture and Agri-Food, says that the losses could potentially be as high as \$400 million if the rains continue and if the farmers are prevented from seeding. He goes on to state that, despite the losses, the price of wheat products will not go up dramatically. Wheat prices are determined by world market conditions. For the average Toronto housewife, this will not have a dramatic impact on the price of bread, but for the average farmer, this is devastating.

In that case, crop insurance is not the issue. Many farmers cannot afford crop insurance. They cannot afford to wait for the outcome to see if they can seed. If they can seed, they will probably get a much lower yield than normal.

Will the government undertake to ensure that there is some aid package immediately? This cannot wait for either crop insurance or the Agriculture Income Disaster Assistance program, commonly known as AIDA.

**Senator Graham:** Honourable senators, the minister is working to build as much flexibility as possible into the AIDA program. For example he is allowing producers to apply later in 1999 with a projected financial assessment of their income. If those assessments trigger AIDA payments, an interim payment could be made. Final calculations would be made later based on final figures for 1999.

The minister is attempting, in every way possible, to trigger aid as soon as feasible.

**Senator Andreychuk:** Honourable senators, this situation has not captured the attention of the national media, as did the ice storm and the Winnipeg flood. However, it is as great a disaster as either of those. We cannot continue to wait because the results will affect not only the farmers but all of Saskatchewan. Agriculture drives the economy of the province. Everyone is suffering.

We cannot wait for the outcome of these scattered programs. We need a direct injection of cash into the provinces immediately so that they can survive in a very fragile economy.

**Senator Graham:** Honourable senators, as my honourable friend Senator Andreychuk knows, when the AIDA program was put in place, it included \$1.5 billion in aid to western farmers. AIDA was put in place to assist producers whose incomes dropped precipitously for whatever reason, be it low prices, drought or excess rain.

I assure the honourable senator and all honourable senators that the Minister of Agriculture is looking at every possible way in which modify existing programs to provide assistance as soon as possible.

**Senator Andreychuk:** Honourable senators, the point is that we cannot wait for variations of existing programs. We need an immediate injection of cash because these farmers are leaving their farms. Businesses are starting to close. Farm machinery and implement dealers are going out of business. They are laying off people daily. While we tinker with the edges of these other programs, the survival of the economy of Western Canada is in jeopardy. We need an injection of cash now, and then we need some forward planning for long-term stabilization programs that make sense for Western Canada.

• (1540)

**Senator Graham:** I assure the honourable senator that the Minister of Agriculture is very aware of the problem. As I said, he is consulting with the farmers and with his provincial counterparts.

## SOLICITOR GENERAL

1999 LA FRANCOPHONIE SUMMIT IN  
MONCTON, NEW BRUNSWICK—RESPONSIBILITY FOR SECURITY

**Hon. Brenda M. Robertson:** Honourable senators, as most of you know, we are privileged to have the Francophonie summit meeting in Moncton this fall. We are all very excited about that. Great preparations are being made. It will mean a tremendous financial boost to the community.

Can the Leader of the Government in the Senate advise whether or not the RCMP will be in complete control of all security at the Francophonie summit? I have seen numbers which indicate that over 1,000 RCMP will be present.

Forty-two countries will be attending, and 12 are dictatorships. Has the government changed its position on the carrying of arms by all these countries?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I know that very special preparations are being made for the Francophonie summit in New Brunswick. I am not aware that any changes since the APEC summit with the special arrangements that have been in force with respect to security provided for individual heads of state. I am not aware of

any changes from I do know that some visitors from other countries come with their own security forces.

I would be very happy to make the appropriate inquiries and bring forward a more complete answer as soon as possible.

## INTERNATIONAL TRADE

AGREEMENT BETWEEN CANADA AND THE UNITED STATES  
ON PERIODICALS—DEPARTMENTAL RESPONSIBILITY  
FOR OVERSIGHT

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I should like to continue on the subject of the Investment Canada Act and particularly the announcement by the Prime Minister that, as a result of the agreement with the Americans on Bill C-55, the review provisions in the act regarding cultural industry would be transferred to the Department of Canadian Heritage. This would result in two departments being responsible for the review process, cultural activities being the responsibility of Heritage Canada and any other subjects being the responsibility of Industry Canada.

The minister told us the Prime Minister can effect this change through an Order in Council without an amendment to the act. I questioned that yesterday, and I question it again today since, after reviewing the act, I have found nothing which would allow the government to split those responsibilities through Order in Council.

Has the minister himself gone back to his research or allowed some research to take place to contradict my affirmation?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, under the Public Service Rearrangement and Transfer of Duties Act, the government has the authority to transfer or divide duties under federal acts. The authority to review and approve foreign investments in the cultural sector, as I indicated, will be transferred to the Minister of Canadian Heritage by way of an Order in Council.

I did do a little research, honourable senators. I went to the Revised Statutes of Canada 1985 concerning the machinery of government. You will find in Chapter P-34 that it states:

### 2. The Governor in Council may

(a) transfer any powers, duties or functions or the control or supervision of any portion of the public service from one minister to another, or from one department or portion of the public service to another; or

(b) amalgamate and combine any two or more departments under one minister and under one deputy minister.

Section 3 has to do with substituting a minister or department. It says:

3. Where under this Act, or any other lawful authority, any power, duty or function, or the control or supervision of any portion of the public service, is transferred from one minister to another, or from one department or portion of the public service to another, the minister, department or portion of the public service to whom or which the power, duty, function, control or supervision is transferred, and the appropriate officers of that department or portion of the public service, shall, in relation thereto, be substituted for and have and carry out the respective powers and duties that formerly belonged to or were to be carried out by the minister, department or portion of the public service and the respective officers of the department or portion of the public service from whom or which the power, duty, function, control or supervision is so transferred.

That is under the Public Service Rearrangement and Transfer of Duties Act.

**Senator Lynch-Staunton:** That is very helpful but also very disturbing. It sounds as if at one time Parliament passed an act saying that no matter what Parliament's intentions, government can rearrange those intentions the way it feels. Is that what I am hearing?

This is very helpful. I hope we will get copies of that so we can continue the discussion. Can the leader tell us what year the act he quoted was passed?

**Senator Graham:** Honourable senators, it is in the Revised Statutes of Canada, 1985. I do not have it in both official languages, but I would be happy to provide copies to all honourable senators.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators could the minister tell us how many PYs are expected to be transferred from Industry Canada to Heritage Canada pursuant to the transfer of responsibilities to which he has alluded? As well, will new departmental realignment legislation be introduced, which usually follows the interim change which occurs pursuant to the reassignment provisions to which he has alluded?

**Senator Graham:** Honourable senators, I am not aware of any realignment or transfer of jobs at the present time, but I shall look into this particular matter, seek further counsel, and bring forth any information that may be available.

**Hon. Lowell Murray:** Honourable senators, it seems here that one minister is responsible for an act, the Investment Canada Act. The government is purporting to take one part of that act away from the responsibility of that minister and transfer it to the responsibility of another minister. I do not say this is without precedent, but it is extraordinary.

Leaving that aside for the moment, may I ask how the government defines "cultural sector" for the purposes of this transfer of authority from the Minister of Industry to the Minister of Canadian Heritage?

• (1550)

**Senator Graham:** Honourable senators, I do not know that it is necessary to provide that kind of definition specifically for the purposes of Bill C-55. I researched my answer to the inquiries that were made by the Leader of the Opposition to determine under what authority the transfer was being made. I now have the Revised Statutes of Canada for 1985, and, as I said, authority is provided in the Public Service Rearrangement and Transfer of Duties Act.

**Senator Murray:** Honourable senators, I do not wish to get into an argument with the minister but I am sure he will find that it will be necessary to define what is meant by "the cultural sector." There will be some confusion, and perhaps even some dispute, outside and inside government, as to by what minister a particular transaction should be reviewed.

May I ask the minister one final question? Have any changes been made, or are any contemplated, in the regulations under the Investment Canada Act pursuant to the agreement between Canada and the United States?

**Senator Graham:** Honourable senators, I am not aware of any regulations that are contemplated at the present time, but, again, I would be very happy to review the situation and bring forward a more complete answer. What I was saying, in response to Senator Murray's question, was that the information he was seeking was not necessary to the passage of Bill C-55.

I understand the road he is following and the point he is trying to make, and I shall be very happy to seek further clarification.

**Senator Murray:** Yes, honourable senators, the regulation that I have in mind in particular is the regulation that was passed pursuant to the O'Callaghan-Tassé report in 1993, under the government of Prime Minister Campbell and signed by the then minister of industry, the Honourable Jean Charest.

**Senator Lynch-Staunton:** Honourable senators, perhaps the authority is there, but I wish we had been told all this about the agreements before we passed the bill, rather than after the fact.

My question is: What happens in the case of an industry which is being reviewed and which is partly in the cultural sector and partly in the non-cultural sector? That is something that would not be unusual. We are reading now that a large tobacco company or holding company is thinking of disposing of its drugstore chain which has a cultural content to it because it sells magazines and books. Who will take the decision? Will it be a shared decision? Has anyone thought of that? This is not picked out of the air. The answer to Senator Murray was, "We have not defined cultural sector yet." Senator Murray is quite right in asking, "What does the government mean by cultural sector and how can you precisely segregate it from the non-cultural sector?"

**Senator Graham:** Honourable senators, as I indicated on an earlier occasion, prior to the transfer of responsibilities, there was a shared responsibility between the Minister of Canadian Heritage and the Minister of Industry, in the sense that the Minister of Canadian Heritage was to make an assessment for the Minister of Industry before a decision was made. In that sense, there was a shared responsibility. I shall seek further clarification for both the Leader of the Opposition and for Senator Murray.

**Senator Lynch-Staunton:** I ask the minister not to say that there were shared responsibilities between the ministers. Ministers were consulted, and quite rightly so, on industries which came under their immediate purview, but there was only one decision-maker and that, so far, is the Minister of Industry.

## ORDERS OF THE DAY

### BUDGET IMPLEMENTATION BILL, 1999

#### THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

##### On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Kroft, for the third reading of Bill C-71, implement certain provisions of the budget tabled in Parliament on February 16, 1999;

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

(a) on pages 10 to 12, by deleting Part 3; and

(b) by renumbering Parts 4 to 9 and clauses 20 to 50 and any cross-references thereto accordingly.

**Hon. Consiglio Di Nino:** Honourable senators, I have a few comments to make today in relation to the issue of taxation. Through the marvels of modern word processing, it has come to my attention that our colleague Senator Moore mentioned the words “tax,” “taxation” and “taxpayer” no less than 23 times during his second reading presentation on this bill. This compares to 27 times in the speech given for the same purpose in the other place by the Parliamentary Secretary to the Minister of Finance. That is 60 references to tax in two speeches on taxation — but on a budget bill.

Clearly, this government has a keen interest in taxation — so keen, in fact, that, since coming to office, it has instituted some 40 tax hikes. Of late, the government has been claiming it will reduce taxes by \$16 billion over the next three years. However, they forget to mention that they will also be overcharging

Canadians, through the Employment Insurance Fund, by exactly the same \$16 billion figure. In reality, therefore, the vaunted tax cuts are really nothing more than a verbal shell game, a game in which the loser, as usual, will be the average Canadian.

Honourable senators, I would think that high taxation is the bane of every Canadian's existence: sales taxes, payroll taxes, property taxes, customs duties, excise taxes, taxes disguised as user fees, and the list goes on. According to the Fraser Institute, the average Canadian tax burden today is an unbelievable 49 per cent of income. That, honourable senators, is the average.

Tax Freedom Day is now some time in late June, almost two months later than it was three decades ago. Higher taxation hits less-affluent Canadians especially hard, because they do not have as much income to begin with. The government claims it reimburses those people through various tax credits, like the National Child Tax Benefit. However, does anyone really believe that these people ever come out on the positive end of the game of taking with the right hand while giving with the left?

The executive director of the Canadian Tax Foundation was quoted recently to the effect that if a person earning in the low \$20,000 range — and there are many Canadians in that position — should somehow manage to make an extra \$1,000 through overtime or a second job, he or she could easily find himself or herself in a 60 per cent tax bracket once all of the claw-backs on social benefits are taken into account. That is totally unacceptable.

Low-income earners are also hard hit by the government's refusal to abolish the GST on reading materials. No matter what the Department of Finance says, taxing reading materials results in lower reading levels. People buy less because it costs more. There is nothing complicated about this; it is simple mathematics. In addition, honourable senators, removing the GST from reading material makes economic sense, and if government ministers would get out of their limousines and away from the bureaucrats, they would see this for themselves.

For six years now, the government has dragged its feet on this issue. They have been telling Canadians, “We are doing all we can. We are not sure that removing the GST is the best way of promoting literacy. We are unclear as to the exact definition of reading materials,” and on it goes — trivial objections following these ingenious remarks in an endless circle.

The government points to the different literacy programs it funds as proof of its commitment to a literate citizenry. I am sure these programs serve some purpose, but they are not the issue. The issue is honesty, credibility and integrity. Almost all of us in this chamber, at one time or another, have supported getting rid of this tax. Our friends across the aisle even made an election commitment to do so. Unfortunately, however, they have not seen their way to fulfilling this commitment. Until recently, however, they have lacked the intestinal fortitude to admit ever having made such a commitment.

Canadians had to wait until Senator Bryden, who was not even here when the GST was debated, agreed to take on the disagreeable task of doing his sort of public *mea culpa* for his party. In what he himself described as nothing less than a scintillating speech, the honourable senator, on behalf of his colleagues, admitted for the first time what everyone else knew, namely, that the Liberal Party opposed, and would continue to oppose, removing the GST on reading material. He did so graciously — at least I thought so. Never once did he mention the names of those of his colleagues who, logically, should have been standing in his place — those who have waxed eloquently from time to time on the subject but who now, instead, are demure, or have absented themselves from the chamber. It was not an edifying sight. If I had not had so much confidence in Senator Bryden's ability to take on such an unpleasant task with his usual forthright aplomb, I think I would have felt sorry for him.

• (1600)

Honourable senators, the average taxpayer in this country has been likened to a patient, covered with bandages, who is bleeding to death. Who can argue with this? The black market is flourishing in various sectors, cross-border shopping is a way of life, and Canadians are simply tired of losing an ever increasing portion of their hard-earned income to taxes.

Honourable senators, I read recently about a theory called the Wicksell equilibrium. It is named after a Swedish economist of the same name. The Wicksell theory holds that people are willing to pay taxes up to the value of public services they feel they will use during their life. However, if the amount of tax they must pay exceeds the value of the services that they think they will receive, then they begin to resist.

This leads to an underground economy in which, as I mentioned a moment ago, people begin to smuggle. They refuse to declare tips and gratuities, they ask to be paid in cash, and so on. I do not know for sure how many Canadians rationalize their tax burden this way, but there is a growing malaise over high taxation and the sheer extent of taxation in this country, and not just within the business community. I am sure that, everywhere we go, we have all seen that people are fed up with having their money siphoned off. They have had enough of watching others waste money on such things as canoe museums, and non-repayable grants to constituents of questionable character.

The question is: What will the government do about it? If the action of the Minister of Finance over the past few years is any indication, the answer is: Not much. I do not believe I am being uncharitable when I say that this government is not what anyone would characterize as dynamic or hard-working. Members of cabinet seem to float along from poll to poll. They do not appear to have any sort of mission, goal or reason to govern. They just enjoy holding office.

Honourable senators, it is no state secret that Mr. Chrétien is a great lover of leisure as well. Whenever time permits, he jets down to the United States and plays a few holes of golf with his

friend Mr. Clinton, or he goes skiing. We all recall how, not long ago, he went so far as to skip an important state occasion in order to get a few more hours in on the slopes.

While the Prime Minister and his government dither, far away from Parliament Hill, Canadians are saying, "We want lower taxes and we want less of them." The people of Ontario said just that, loudly and clearly, last week when they re-elected a Conservative government to its second majority. Did the people of New Brunswick not also send a strong message to Ottawa last Monday? The federal government is not listening, honourable senators. I suspect, honourable senators that the Liberal government will be given its own strong message from Canadians at the next possible opportunity.

**Hon. Thelma J. Chalifoux (Acting Speaker):** Honourable senators, if no other senator wishes to speak, I will proceed with the motion in amendment.

It was moved by the Honourable Senator Moore, seconded by the Honourable Senator Kroft, for third reading of Bill C-71, to implement certain provisions of the budget tabling Parliament on February 16, 1999;

In amendment, it was moved by the Honourable Senator Bolduc, seconded by the Honourable Senator Beaudoin, that the bill be not now read a third time but that it be amended —

**An Hon. Senator:** Dispense!

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Acting Speaker:** Will those in favour of the motion in amendment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Acting Speaker:** Will those opposed to the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen.*

**The Hon. the Acting Speaker:** Please call in the senators.

**Hon. Mabel M. DeWare:** Honourable senators, pursuant to rule 67(1), I move that the vote be deferred, preferably to Monday at 5:00 p.m.

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

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Therefore, the vote will be held on Monday, June 14, at 5:00 p.m.

## MERCHANT NAVY WAR SERVICE RECOGNITION BILL

SECOND READING—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Atkins, for the second reading of Bill S-19, to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment.—(*Honourable Senator Carstairs*)

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I rise today to speak to Bill S-19, the Merchant Navy War Service Recognition Act, which Senator Forrestall introduced into this chamber last June. I share his concern that Canada's Merchant Navy veterans receive the recognition that is their due and the support of a grateful nation.

The contribution of Canada's Merchant Navy veterans was brought into sharp focus last year as we commemorated the fifty-fifth anniversary of the turning point of the Battle of the Atlantic. The victory in that battle was not signified by the number of U-boats destroyed or the number of Luftwaffe planes shot down; the true measure of achievement was the arrival of some 25,343 merchant ships in British ports after their perilous voyages across the North Atlantic. The victory is measured by 165 million tonnes of cargo delivered — supplies that sustained Britain in its darkest hours and made possible the liberation of Europe.

These merchant sailors often served in highly flammable tankers or in freighters loaded with ammunition. They knew that naval escorts could not protect all the approaches to a convoy, and that every crossing of the North Atlantic carried with it the risk of death in icy waters or flaming ships. Many of them had been torpedoed before and chose to sail again. Many had watched comrades die as other ships went down around them. Yet, voyage after voyage, these men determined to serve once more. They sailed and sailed again, taking chances and risking their lives.

I wish to point out to honourable senators that many of these heroes of the North Atlantic were very young — scarcely more than boys, and too young, in many cases, to enlist in the Armed Forces. Young as these sailors were then, they are now reaching the age where they need and require the care and assistance that a grateful nation can provide. Even the youngest members of that group are now in their 70s, many are in their 80s, and a few are in their 90s. As the preamble to Senator Forrestall's legislation reminds us, there is only a short time left to ensure their needs are met.

• (1610)

What care and assistance has Canada provided to its Merchant Navy veterans? It is a fact of our history that, in the years following the war, the veterans of the Merchant Navy were entitled to some, but certainly not all, of the Canadian government's benefits for veterans. The benefits that were not made available to Merchant Navy veterans arose from the belief of the government of the day that the sizeable merchant marine force that had participated in the war effort — which has continued to exist, and there are approximately 12,000 members — would have no need for demobilization benefits which had been designed to return over 1 million enlisted men and women to civilian careers.

Before looking at what the bill proposes, senators, let us recall what has been done over the past 36 years to close the gap in benefits between Merchant Navy and Armed Forces veterans.

In 1962, merchant mariners with 180 days of service, including at least one trip through dangerous waters, became eligible for a civilian version of the income-tested War Veterans Allowance.

In 1976, merchant seamen were included in the Compensation for Former Prisoners of War Act on the same basis and at the same rates as applied for Armed Forces veterans.

In 1992, with the passage of Bill C-84, the government accepted the principles of full recognition and an equality of eligibility for all currently available benefits.

On May 1, 1999, Bill C-61, which further solidified the rights of Merchant Navy veterans, came into force. I will return to that piece of legislation in a moment, but, first, let me turn to Senator Forrestall's bill.

I do have a very serious concern with clause 4 of Bill S-19. It would appear to invalidate any federal act that would make any provision for a financial or other benefit to war veterans of the Armed Forces of Canada unless the act makes provision for a like benefit to Merchant Navy war veterans or their dependants. The nature of this clause, as written, is extremely unclear. Does it apply to all future federal legislation granting benefits to veterans? Does it invalidate all existing legislation?

The text in French appears to cover both existing and future benefits, but the wording in the summary, in both French and English, suggests that the legislation would limit future but not existing legislation.

Honourable senators, if we pass this bill, the government could find itself in a position where all the current legislation applying to veterans would be declared legally invalid. That would halt the award of benefits to eligible veterans, including Merchant Navy veterans. In short, were this bill to become law, it could prove to be a time-consuming, extremely messy and, frankly, unnecessary piece of legislation which might adversely affect the veterans it is intended to help.



In addition, were honourable senators to adopt the definition of “Merchant Navy veteran” proposed in this bill, we would be extending veterans’ benefits to essentially everyone who worked on a Canadian ship in wartime. For example, the crew of a ship sailing from Halifax to Montreal during the Korean War would qualify as a Korean War veteran under Bill S-19, but that is not my idea of what veterans’ legislation was intended to do.

Over and above these concerns, I believe the passage of Bill C-61 has made Bill S-19 largely redundant. Bill C-61 was an omnibus bill which accomplished, I believe, the very intent of Senator Forrestall’s bill. It came into force this May 1. Among other things, Bill C-61 transferred the Merchant Navy veteran legislative provisions from the former Merchant Navy Veteran and Civilian War-Related Benefits Act into the War Veterans Allowance Act and the Pension Act. In fact, many of the provisions affecting Merchant Navy status are technical ones, repealing some parts of one act, transferring other provisions, amending and extending definitions, all with the same goal — to bring Merchant Navy veterans under the same legislation as their service comrades. These changes came about after extensive consultations with the Merchant Navy Coalition. I wish to emphasize, however, that the bill was largely symbolic, since the 1992 legislation effectively gave Merchant Navy veterans the same access to programs and benefits.

What Bill C-61 did, among other things, was to give formal statute recognition to equality of access, and symbols are important, especially to those affected. It was important to our merchant seamen to have such recognition.

Honourable senators, in short, I believe Bill C-61 accomplished the legislative remedies sought by Bill S-19. I wish to congratulate Senator Forrestall because I think it was the very introduction of Bill S-19 that spurred the government into action on Bill C-61.

This leaves only one consideration, and that is the effort in Bill S-19 to legislate how commemorative ceremonies are organized. With all due respect to Senator Forrestall, I do not believe that Parliament should be passing laws telling veterans’ organizations how their ceremonies should be organized, and I could not support that.

Honourable senators, the passage of Bill C-61 has made Bill S-19 redundant, save for its commemorative provisions which, as I mentioned, I do not believe should be part of the law of the land. As also mentioned, the ambiguity about whether Bill S-19 would invalidate all current legislation could adversely affect the very veterans it is intended to help.

For these reasons, I recommend that this chamber vote against the bill before us at second reading. At the same time, I encourage senators to join me in commending the underlying values and messages of the bill — the recognition of the enormous contributions that Merchant Navy veterans have made in the defence of the freedom we all cherish. I again congratulate Senator Forrestall for bringing forward this bill which led to the introduction of Bill C-61 in the other place.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Would those honourable senators in favour of the motion please say “yea”?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Would those honourable senators opposed to the motion please say “nay”?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen.*

**The Hon. the Speaker:** Call in the senators.

**Hon. Mabel M. DeWare:** Honourable senators, I would suggest that we defer the vote to Monday next at 5:30 p.m.

**Senator Carstairs:** I suggest the vote be deferred to immediately after the other vote so we do not have to call senators back to the chamber several times.

**The Hon. the Speaker:** Is it agreed, honourable senators, that the vote be deferred to immediately following the previous vote that was deferred to Monday?

**Hon. Senators:** Agreed.

## PRIVILEGES, STANDING RULES AND ORDERS

### CONSIDERATION OF ELEVENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Fitzpatrick, for the adoption of the eleventh report of the Standing Committee on Privileges, Standing Rules and Orders (restructuring of Senate committees) presented in the Senate on June 2, 1999.—(*Honourable Senator Lawson*)

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, debate on this report has been adjourned in the name of Senator Lawson. I wish to speak to this report, but I should like to leave the adjournment in the name of Senator Lawson.

**The Hon. the Speaker:** Is it agreed, honourable senators, that if the Honourable Senator Carstairs speaks now, the matter will remain standing in the name of Senator Lawson?

**Hon. Senators:** Agreed.

**Senator Carstairs:** Honourable senators, I rise today because I think it is very important that some of the confusion with respect to this report — or reports, as the case might be — should be clarified.

Let me begin by being very clear about the provisions contained the *Rules of the Senate*. The *Rules of the Senate* currently provide that any senator may attend any committee. Every senator, whether or not a member, can receive all information distributed to members, and can ask questions and participate in debate in any committee. These privileges are open to all senators, whatever their designation, and are not dependent upon that senator being a member of the committee in question.

• (1620)

However, at the beginning of each session of Parliament the rules provide that a Committee of Selection be established by the Senate. This committee is comprised of nine members. By custom, five usually come from the majority side and four from the minority.

After the committee is struck by a motion of the Senate, the committee meets to select the 12 or 14 members of the standing committees of the Senate. The only additional privileges these members, so selected, have from a senator who is a non-member, is that they can vote in committee and they can move motions.

Again by custom, but not by rule, the standing committees have seven majority members and five minority members in the case of a 12-person committee, and a split of nine and six in a 15-member committee.

It must be made clear from whence these lists of members derive. The whips, in consultation with the leaders and deputy leaders, canvass their members as to which committees they would like to sit on.

I cannot speak for the other side. However, I will tell you that Liberal senators are asked to indicate their top three or four choices. In choosing the committee membership, the following factors are considered by the leadership: seniority of the member of the Senate, the length of service that senator has had in this chamber, and that senator's attendance.

Attendance at committees is as important as attendance in this chamber. If a senator is only willing to attend 25 per cent of committee sittings, then my decision and the decision of other members of our leadership team would be that we would prefer to have a senator on the committee who would be willing to sit 90 to 100 per cent of the time.

We also want to balance regional representation. We wish to ensure that all four — and Senator Fitzpatrick would quickly say five — regions of Canada are represented. I also have a certain bias toward gender balance.

The current session began in September 1997. Prior to the meeting of the Committee of Selection, it became clear that there was no real process by which an independent member could

indicate his or her desire for committee membership. There were three independent senators at that time.

Senator Pitfield and Senator Lawson did not indicate a desire to sit on any committee. However, Senator Prud'homme indicated that he would like to sit on the Foreign Affairs Committee and on the Legal and Constitutional Affairs Committee. However, in both instances, as far as my side is concerned, and I suspect the same is true for the other side, these committees were oversubscribed.

A total of 17 Liberals had asked to sit on the Foreign Affairs Committee. The Liberal leadership had to say "no" to 10 of our colleagues. The Legal and Constitutional Affairs Committee had 12 Liberal senators who made application to sit on that committee. The liberal leadership had to say "no" to five of them.

Eleven Liberal senators wished to sit on the Banking Committee, and we had to say "no" to four. Thirteen senators wish to sit on the Social Affairs Committee, and we had to say "no" to six, and so forth.

I know that a similar problem existed on the other side, however, I do not know their numbers.

In order to say "yes" to Senator Prud'homme, either the majority side or the minority side would have had to have given up one of their members. Senator Prud'homme knows well that there was not a willingness to do this on either side. There was, however, a willingness to find a solution, and the matter was referred to the Rules Committee for study and recommendation. The ninth and the eleventh reports were the result of this study.

Honourable senators, in our desire to solve this problem as quickly as we possibly could, the ninth report was tabled. However, it quickly became clear that the ninth report conferred a special status on independent senators not afforded to any other senator.

Senator Roche, in his remarks yesterday, indicated that he did not want special status, he wanted equal status. However, the rules do not provide for Liberal members of the committee or Progressive Conservative members of the committee, they provide for senators to sit on committees. That is why, in the eleventh report, the reference to "independent senators" has been removed, so that all senators are to be considered for membership on the committee and their designation, whether they sit as a Liberal or whether they sit as a Progressive Conservative or whether they sit as an independent should not be relevant.

What the report does is allow for two additional members to be added. Clearly, the rule would be used primarily, but not necessarily, to add an independent senator and, at the same time, to add a majority senator. This would maintain the voting difference of two. For example, the 12-member committees, with a seven-to-five ratio, could be increased to 14, with an eight-to-six ratio.

Honourable senators, one of the difficulties some senators see in the new rule is that it would be have to be a unanimous recommendation of the Committee of Selection. This is fair. I wish to be fair to independent senators, but I also want to be fair to my own colleagues on this side of the house.

If we have used seniority, attendance, regional representation and gender balance to exclude our own members, surely it is fair to judge the independent senators by the same criteria. Should a new senator with a few months' seniority be given preference to sit on an oversubscribed committee over other long-serving senators simply because he or she is an independent?

I would remind honourable senators that, although this rule would be unanimous for the Selection Committee, it would have no such requirement in the Senate. Any committee's report can be challenged, debated and amended.

In addition, this committee report we are currently debating recommends the establishment of two new committees, a committee on defence and security and a committee on human rights. These would be established and would be guided by a sunset clause. The reason for this, honourable senators, is to determine the level of interest and the scope of these committees before they are carved in stone.

The other recommendation contained in this report is a very innovative one. I wish to congratulate Senator Kenny for his contribution to this recommendation. His suggestion provides for flexibility in the numbers, depending on the interest of senators.

A normal committee would have 12 members. However, if only six, eight or ten senators were interested in being members of a particular committee, the Committee of Selection could establish the membership at a number less than 12. This would, once again, require unanimity and could be overruled in the chamber.

Honourable senators, the Rules Committee has worked diligently on this report. I congratulate them on their work. I recommend that we try these changes. If they do not work, then the Rules Committee will go back to the drawing board. However, I am convinced they will work. There is willingness in this chamber on both sides to see to it that independent members can sit on committees. They may not necessarily sit on their first choice of committee, because very few senators do, but they certainly should have an opportunity to sit on some of the committees they choose.

I believe that independent senators will remain, as they have in the past, full and participating members of the Senate and its committees.

The other day Senator Roche spoke, interestingly enough, of a committee in 1958 in which an independent senator was the chair. That happened to be a time in which my father was sitting in the Senate and I wanted, about a year ago, to review his participation on committees. I pulled out all the committee memberships, including those he had sat on. I must say that I was shocked to learn that the Banking Committee had 50 members, 30 of whom were with the majority Liberals, and 20 of whom

were from the minority party. As a result, there was no problem with having an independent senator as a member of a committee or even electing that senator to be the chair.

On the Transport Committee to which Senator Roche referred, there were 30 members, and the split was 20 to 10. Again, that made it easier.

• (1630)

The requirement that is blocking us at the present time and which we must change is the requirement that committees have only 12 members, and the split is seven and five. To be quite candid, this side will not give up their two-person majority, and I do not believe that the other side will give up one of their five members. We tried to create, with the suggestion of having two additional members, the possibility for independent members to sit on committees.

**Hon. Colin Kenny:** Honourable senators, I rise to ask a question of the Deputy Leader of the Government in the Senate.

I appreciated her description of the report. However, I would like to know the reasoning for requiring unanimity in the Committee of Selection. What is wrong with a simple majority on the Committee of Selection as it relates to independent senators? It seems to me a simple majority is all that is required when considering other matters. Why should a simple majority not be sufficient in this case?

**Senator Carstairs:** Honourable senators, all members of the committee know that, in the work of this particular committee, we tried many solutions to our problem. The compromise was the unanimous recommendation of the committee.

**Hon. John B. Stewart:** Honourable senators, I also have a question for the Honourable Senator Carstairs.

If I heard Senator Carstairs accurately, she said that any senator can receive material made available to the members of a committee. That sounds good, but there may be practical problems. I am hoping she can help me with them.

The Standing Senate Committee on Foreign Affairs, in its current reference, must look at a great deal of material coming out from day to day regarding peacekeeping. We try to get this material into the hands of committee members just as soon as we can so that they will be prepared for the work of the committee at its next sitting.

The problem is that I do not know exactly which senators who are not members of the committee will attend, because there is great interest in the work of the committee. Is Senator Carstairs telling me, and the house, that all that material should be circulated to every senator?

**Senator Carstairs:** I thank Honourable Senator Stewart for his question. The answer is no. I wished to convey in my answer that any senator who wished to have access could get in touch with the clerk of that committee, and the clerk of the committee would distribute that information to that senator.

**Senator Stewart:** Thank you very much.

**Hon. Douglas Roche:** Honourable senators, I also have a question for the Honourable Senator Carstairs.

Before posing my question to the Deputy Leader of the Government, I would state my appreciation of her statement. At no moment did I doubt whatsoever her desire and the desire of the Senate as a whole to be fair on this question.

Senator Carstairs began, with almost her first word, to refer to a certain confusion in this matter. For my part, I may have contributed to the confusion yesterday, and I regret that. There was a lack of understanding about the background of the issue, but that has now become more clear.

I echo Senator Carstairs' comment that I seek nothing more than any other senator. When I arrived here, I was informed that independent senators could not be official members of committees. I sense that she is probably agreeing with that, and that has added to a sense of confusion.

I am happy to take my chances in submitting an application to a committee with all other senators now that it is clearly on the record that Senator Carstairs, on behalf of the government, has said that there is a willingness that independent senators can sit as full members of committees. I take that to be an important statement, and it puts my mind to rest. I sense that we are coming together on this.

I now turn to my question, honourable senators. It deals with the question of unanimity contained in the eleventh report of the committee. That is to say, if this report is adopted, the Committee of Selection may name two additional members, which is, in the spirit of this, based on the statement that will be printed in the *Debates of the Senate* as a precedent, that there is a willingness for independent members to be chosen. That will require unanimity.

Is that the case with the naming of any other senator? Must they be chosen unanimously in the Selection Committee?

Finally, if unanimity is to stand with respect to the decision of the Committee of Selection, does that not give any single member of the Selection Committee a veto over any candidate whom that person may or may not have some personal feeling about? I am trying to take this beyond personalities to ensure that everyone will be on an equal basis. Those are my questions.

**Senator Carstairs:** Honourable senators, another little problem exists and we have not addressed it. The Selection Committee only meets once per session of Parliament to choose these members. If any vacancy exists after that, the only way the vacancy can be filled is by the whip of the majority or the whip of the minority.

Unless you are an independent senator at the time that the session begins, presently there is no way at to put an independent senator on the committee. That is where I think the confusion arose with respect to an independent senator not being able to be

a member of a committee. The window of opportunity for an independent senator under our current rules passed in 1991 — which I thank God I was not here to have produced — allows only for substitutions by the whips. We must yet deal with that problem.

As to the unanimity of the Selection Committee, as it currently operates, the committee virtually always is unanimous in its decisions. The minority party produces its list with which the majority party does not disagree. The majority party produces its lists with which the minority party does not disagree. It does not say in the rules that it must be unanimous but, in custom, it is clearly a unanimous decision.

The final question of the honourable senator was whether a senator could be blackballed in this particular process? Let us call a spade a spade. That is why there must be recourse to the Senate as a whole. That is why, as with any committee report, the committee report of the Selection Committee could be overturned by the Senate.

**The Hon. the Speaker:** Honourable senators, the time for the speech and the questions elapsed. Is leave granted to continue?

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I shall be participating in the debate. I find it extraordinary that there is suddenly some progress. I have been calling for this for six years. Perhaps it is the arrival of Senators Wilson and Roche that has brought on the change. Perhaps I could have changed my name, who knows! In my speech, I shall be hard and implacable. I wonder if the problem lay with Prud'homme or with the principle I was seeking to defend.

You have spoken of "seniority and attendance." I am fine with that. "Regional gender," most certainly! I have founded some 15 parliamentary associations and I would be the first one to say that women are needed! We have just created the Canada-Brazil Association, and it has 5 women members out of 15. Everywhere I go, I believe in "gender, gender, gender."

There is another thing, however, called "experience." You have not mentioned it at all. You speak of "seniority" and "attendance." Are you going to consider experience as one of the criteria. That is my first question.

Second, with all due respect — since I know you have done everything possible to be kind — I have never received any official letter. I was asked, just like that, in the corridor, what I would choose. I never wrote a letter, nor received one. Just jokingly, since it is not serious, I said: "That's easy: External Affairs, External Affairs, and External Affairs." They found that funny, too.

Then I made a little concession, since I also like Legal and Constitutional Affairs, or rather its chair, very much. But that was never official. I will tell you why I have survived in politics. I do not negotiate behind the scenes. I have always negotiated in public.

Will experience be one of the additional criteria? I share Senator Roche's opinion on that. With my 36 years of experience I have concerns about someone boycotting and saying "Over my dead body!" I have heard enough of that over the past six years. I also thank Senator Kenny for emphasizing the matter of unanimity.

Finally, the ninth report was tabled. I am not allowed to reveal it, I am told. The committee sat *in camera*. You know very well that only one senator was opposed. Yesterday, we voted on the motion to adjourn debate on the ninth report and some people changed their minds. They are certainly entitled to. But some wanted this ninth report approved. Yes, or no? You were there. So was I. One Progressive Conservative senator, whom I will not name out of courtesy, voted against.

I thank Senator Stewart, who has always been extremely kind to me and who knows of my 35-year interest in foreign affairs. He sends me all the documents on the Standing Committee on Foreign Affairs. I thank him for his courtesy.

Everything else I have to say, I will say in my speech, which some people will obviously not like, but I have said all I have to say. I am waiting for some clarification, but it is not forthcoming.

[English]

**Senator Carstairs:** Let me first indicate that the work of the Standing Committee on Privileges, Standing Rules and Orders, of which I am an *ex officio* member, began on this study long before the appointment of Senator Roche and Senator Wilson, with the greatest of respect to those two senators. The work of this committee began because, after the last meeting of the Committee of Selection, senators on both sides of this chamber were concerned about how we could make it possible for an independent senator to become a member of a committee. It had nothing to do with the appointment of two additional independent senators.

Second, with regard to seniority, it may be that experience is not part of seniority, but it has been my experience that seniority in this chamber does provide senators with experience. Therefore, our side is not excluding the word "experience." I must confess that I was including both the word "seniority" and the word "experience" in seniority.

I was not present the day the ninth report was adopted, despite what the senator has put on the record. As I understand it, the report was adopted. However, we gave it some sober second thought, as this chamber is famous for doing, and as a result of the sober second thought it was determined that independent senators should not be singled out in the rules since no other designated senator was so treated.

Senator Roche made much of his designation yesterday. He was quite correct. He has a designation which stipulates that he sits as an independent senator. I quite proudly sit as a Liberal senator and Senator Grimard, equally proudly, I suspect, sits as a Progressive Conservative senator. However, there is no reference in the rules to the designation of a Progressive Conservative

senator or a Liberal senator. Therefore, the Rules Committee believed that it was inappropriate for there to be a reference to an independent senator.

**Senator Prud'homme:** My last question is just for the purpose of making a correction.

[Translation]

You may not have been there for the vote, but I rely on the printed word.

[English]

The minutes of the proceedings for Tuesday, March 29, indicate that the members of the committee present were the Honourable Senators Beaudoin, Carstairs, Chalifoux, Cools, DeWare, Fraser, Gill, Hervieux-Payette, Joyal, Kenny, Maheu, Robertson, Robichaud — although I do not know which one — and Rossiter. Other senators present were the Honourable Senators Atkins, Grafstein and Prud'homme.

The question was put. The "yeas" were five and the "nays" were seven. That is when Senator Kenny said to put everything on the table. Thereafter, a final vote on the ninth report was taken, the motion having been moved by Senator Kenny. It was agreed to, on a show of hands, with eight in favour, one opposed, and no abstentions.

**Senator Carstairs:** I was not present.

[Translation]

**Senator Prud'homme:** So we were both right.

[English]

For attendance, I must go by what is indicated here. The names of those who voted are not listed, but I know who voted. Only one voted against, and that was the former chair of the Rules Committee, who agonized for four years about what to do with independent senators.

[Translation]

**The Hon. the Speaker:** I was not there for the vote, Senator Prud'homme.

**Senator Prud'homme:** You were at the meeting. Am I lying to the Senate by saying that you were there when you say you were not? You were on the committee. Can we at least agree on that?

[English]

**Senator Carstairs:** If the minutes say I was present, I was present, but I did not vote. I had left the meeting by the time the vote was taken.

**Hon. Eymard G. Corbin:** Honourable senators, I rise on a point of order.

Honourable senators, I notice that the Chair has been pressuring the previous speaker to put the question. Rule 37(4) reads:

Except as provided in sections (2) and (3) above, no Senator shall speak for more than fifteen minutes, inclusive of any questions or comments from other Senators which the Senator may permit in the course of his or her remarks.

I would ask His Honour to clarify that matter. Is this period exclusive to questions or, indeed, as the rule book reads, questions or comments? This is not the first time I have noticed these kinds of interventions.

• (1650)

**The Hon. the Speaker:** The Honourable Senator Corbin is quite correct, that is how the rule reads, however, I must tell him that I have an immense problem with that rule.

In this particular case, both Senator Prud'homme and Senator Roche have already exhausted their right to speak. Both of the honourable senators have already spoken on this matter. I cannot accept that they — if I follow the rules — have a second opportunity to speak, because the rule says that a senator shall only speak once on a matter. Therefore, we are back to the point where the rules require a severe and drastic review, because we are here faced with a conflict: Which rule do I follow? Do I interpret the rule to mean that comments are excepted, or do I interpret it to mean that a senator can only speak once on an issue? That is my difficulty.

I realize that I have not answered Senator Corbin's question, but there can be no answer to it until such time as the rules are straightened out.

**Senator Corbin:** Perhaps His Honour would allow me to ask a question. I do wish to be polite, courteous and show respect for the position he holds. Is it not a fact that, if we do extend the time provided for a senator to make his remarks beyond 15 minutes, we also extend the privilege accorded to senators to ask questions or to make comments as well?

**The Hon. the Speaker:** There is no problem with questions, which is why I ask: Is it a question? I repeat, that in this particular case, if it is not a question on the part of Senator Prud'homme and Senator Roche, they are breaking another rule in that they are speaking twice on the same matter. That is the difficulty in which I find myself.

**Senator Corbin:** Questions are also speeches.

**The Hon. the Speaker:** That is why I must ask: Is it a question? Otherwise they are in contravention of the rules; they are speaking twice on the same subject.

**Senator Corbin:** Who wrote those rules anyway?

**Hon. Lois Wilson:** Honourable senators, I will ask a question.

I appreciate the statement of the Honourable Senator Carstairs. I was surprised that the honourable senator equated seniority with experience. That might be an equivalent of experience in

procedure and precedents in the Senate, but not necessarily in the subject-matter.

My question is: Would the honourable senator accept a broader criteria, one that goes beyond equating seniority with experience? There is such a thing as expertise in the subject-matter which may or may not be present in the seniority criteria. How long would we try this out? At what stage do we determine if it is working, or do we wait for complaints?

**Senator Carstairs:** All four categories were categories that we as a leadership put together in order to examine and determine whether a particular would sit on a particular committee. That has nothing to do with the evaluation made by the Committee of Selection. I was trying to give a fulsome explanation of how the Committee of Selection works because there were questions raised the other day that, quite frankly, made it clear that it was not working well. Those are just some of the factors that are taken into consideration.

As to a broader definition, if a person has experience, as does Senator Stewart, I must tell you that I would be hung, drawn and quartered in my caucus if I proposed that Senator Stewart not be a member of the Standing Senate Committee on Foreign Affairs. It would be intolerable. I simply would not get away with that and I would certainly not recommend it to my partners in the leadership.

I believe Senator Wilson had a second question.

**Senator Wilson:** How long will it be before we evaluate whether it is working?

**Senator Carstairs:** I do not know when this government will prorogue. I am not sure they know either, but I think bets are pretty good that we will start a new session next fall. We will know in very short order whether this rule is working. If no independent senators find their way onto committees of this chamber, then it would be my immediate recommendation that the Rules Committee immediately take a look at this again.

**The Hon. the Speaker:** Honourable senators, is it agreed that this matter stand in the name of the Honourable Senator Lawson.

**Hon. Senators:** Agreed.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before we proceed to the next item, I should like to introduce to you some guests in the gallery. We have a delegation from the Nisga'a Tribal Council. They are led by Dr. Joseph Gosnell, President of the Nisga'a Tribal Council, who is accompanied by Mr. Nelson Leeson, Mr. Edmond Wright, Mr. Harry Nice and Mr. Jim Aldridge.

These distinguished visitors are the guests of the Honourable Senator Prud'homme and, on behalf of all honourable senators, I wish you welcome here to the Senate of Canada.

[Translation]

## INTERNATIONAL POSITION IN COMMUNICATIONS

### CONSIDERATION OF REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the report by the Subcommittee on Communications of the Standing Senate Committee on Transport and Communications entitled “Wired to win! Canada’s positioning within the world technological revolution” tabled with the Clerk of the Senate on May 28, 1999.

**Hon. Marie-P. Poulin:** Honourable senators I am proud to speak to you today of the final report of the Subcommittee on Communications entitled “Wired to win.”

The committee’s initial report, tabled in April 1997, concerned Canada’s competitive position in communications. Its conclusion was that Canada is in a good position to support technological competition in the international market place largely because of our talent here in Canada, our entrepreneurial spirit, our solid telecommunications infrastructure and our willingness to relax our trade regulations.

Today’s report, “Wired to win,” concerns Canada’s positioning within the world technological revolution. I say positioning rather than position, because there is no state or fixed point from which one may consider to be in a position to be effectively competitive.

The telecommunications industry and related technology are constantly changing. There is nothing static about them. The industry, like government, must constantly adjust to changes in events, repositioning both at home and abroad.

As the chair of the Subcommittee on Communications, which did the preliminary studies, heard witnesses, gathered research, I can bear witness the complexity and the magic of the new media and of the complexities of the industry itself. On the one hand, there are the Internet and World Wide Web, which have changed the way we communicate, do our research, shop and entertain ourselves.

On the other hand, there is the whole commercial aspect of telecommunications, electricity, traditional broadcasters trying to establish a niche in a new and competitive environment. Not long ago, the various services operated independently one of the other. Now they converge and form strategic alliances. In short, they seek to carve out for themselves an advantageous position as distributors of an integrated service, including both the traditional and the new-style media.

At the same time, the creators of the new media are developing products aimed at a world clientele. This is not at all the way things were a few years ago. Let us remember that the Internet and the World Wide Web are just in their infancy. The

huge impact that they are making in our lives, unlike any other invention in the history of humanity, dates back only a few years.

Putting it into perspective, radio took close to 30 years, and television 13, to reach 50 million households worldwide, while the Web took only 4.

I am giving you these figures in order to emphasize the enormous impact of the technology revolution and the various forces that are at play.

[English]

Honourable senators, at the outset, I expressed pride in tabling this report. The pride comes from the fact that we here in the Senate took a leadership role in studying an issue of such profound magnitude as the information age. Satisfaction comes from the firm belief that we as parliamentarians are weighing with appropriate openness, seriousness and efficiency the implications of the technological revolution.

I have equal pride in being associated with the dedicated members of the subcommittee from both sides of this chamber: Senator Bacon, Senator Johnson, Senator Maheu, and the Deputy Chair, Senator Spivak. Their commitment and involvement in this important subject-matter is to be lauded.

Having said that, I must with equal fervour pay tribute to the men and women who appeared at our hearings to provide expert testimony. Without their input, this study would not have been possible. The subcommittee heard from scores of these experts, both in committee and on our fact-finding missions. The number is too high for me to name them individually, but my appreciation goes out to them for the time and effort they took in preparing submissions, answering questions, and, in some cases, providing follow-up information.

They basically educated the subcommittee on the inner workings of the telecommunications industry, the technologies that have been and are being developed, and the likely trends in the future. They gave us food for thought on the role the government might play in terms of promoting a spirit of competitiveness, and their input helped us frame potential policies and objectives that will showcase Canada to the world.

You will find in this report some two score recommendations that reflect the exhaustive range of topics that the witnesses brought to our attention. I extend to them the subcommittee’s gratitude.

In closing, I thank the subcommittee’s researchers, writers and consultants, the committee clerks, the staff, and the translators for their dedication and hard work. Together, they ensured that proceedings went smoothly. They offered ideas for building on the testimony of witnesses, and they distilled complicated subject-matter into cogent and digestible form. My thanks go out to all of them.

Honourable senators, a personal letter was sent to every one of you this week. It accompanied the subcommittee's first report, "Wired to Win: Canada's International Competitive Position" in Communications, as well as the second report, "Wired to Win: Canada's Positioning Within the World's Technological Revolution." An executive summary focuses on the 12 recommendations and completes the package. I invite you to add it to your summer reading choices.

On motion of Senator Kenny, for Senator Spivak, debate adjourned.

## STATE OF FINANCIAL SYSTEM

### CONSIDERATION OF INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON STUDY—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the sixteenth report (Interim) of the Standing Senate Committee on Banking, Trade and Commerce entitled: "The Governance Practices of Institutional Investors," tabled in the Senate on November 19, 1998.—(*Honourable Senator Meighen*)

**Hon. Michael A. Meighen:** Honourable senators, in speaking to the governance practices of institutional investors, I propose to discuss this evening the findings of the committee dealing simply with the issues of governance and of institutional activism. It is a daunting but possible task, given the fact that my honourable colleague Senator Oliver, following his wide-ranging speech on the topic a number of weeks ago, did graciously leave a few crumbs on the table.

Honourable senators, to illustrate the importance of corporate governance to a nation's well-being, some believe that deregulation of Japan's financial markets, or what is commonly known as the "Big Bang," is in fact secondary to the challenge of maintaining Japan's high level of per capita income in the face of an ageing population and slowing productivity growth. The solution to this greater challenge is said to rest with improving the corporate governance system in Japan, and thereby increasing the return on wealth primarily through increased shareholder value. With a corporate governance system, dominated by insider stakeholders, strengthening institutional investors and the rights of minority shareholders in Japan to create a market of corporate control could well produce active owners focused on improving shareholder value. Therefore Japan illustrates well the importance of corporate governance to provide opportunities for improving a nation's economic performance.

Unlike Japan, institutional investors in Canada are strong. Indeed, they dominate our market. Whether they choose to exercise their influence over the corporations in which they invest is another matter. Senator Oliver and Senator Angus pointed out in this chamber that the committee sought to ensure

that those influencing governance practices in corporate Canada have themselves adequate governance systems in place. In short, who monitors the monitors? Who watches the watchers?

As Mr. Michael Grandin of Canadian Pacific Limited testified, there are three broad categories of institutional investors:

...those that vote with their feet; those that seek to influence management through dialogue and persuasion and a small but emerging group who actively seek to influence management through board seats and catalytic activities.

The role of institutional investors was explained in a somewhat different way.

Institutional investors are similar to a posse, actively pursuing increased returns. But shareholder activism also produces the occasional lone ranger, grandstanding on his own by attempting to mask personal social and political agendas in the guise of shareholder interest.

It is fair to say that the committee viewed institutional activism as providing significant opportunities to create higher return on assets and equity in Canadian companies.

[*Translation*]

Transparency, honourable senators, is a priority for the committee, hence its particular interest in the issue of access to information. The role of all boards of directors is to oversee management in the interest of the members. This raises the question put earlier about who controls the controllers. Members must be able to knowingly assess the performance of their pension plan in order to know whether their interests are properly protected or not. To do so, they must have access to useful information they can understand.

The committee heard that more and more employers in Canada are publishing annual reports, including data on the performance and liabilities of their retirement funds. This is a useful and important improvement, which the committee encourages in its report. However, we are not aware of the existence of a mechanism to oversee the investment strategy of pension funds. Keith Ambachtsheer, a well-known expert in pension funds, who testified before the committee, advocated the establishment of readily comparable points of reference.

The committee has long advocated measures to improve the transparency of institutions that publicly accountable, for example the financial institutions of the Crown and publicly traded companies. As figures and measures are important to promote this transparency, it was reasonable to recommend that pension funds set detailed performance measures for themselves if the public is to make enlightened decisions on the performance of these institutions. The committee also recognized, however, that the same measures do not always apply to every pension fund.



[English]

• (1710)

The committee was also interested in access to what might be called privileged or insider information. This area of the report was, of course, covered extensively in the daily press, given the highly publicized cases at the time of Nortel, for example. Many honourable senators may recall that information with respect to revenue and earnings presented at a private meeting between company executives and analysts prompted a massive sell-off in shares. I hope that all honourable senators profited by that sell-off to purchase some shares at the time, because I think they have probably quadrupled. Before retail investors became aware of this information that was made available to analysts and institutions, the value of their shares had plummeted by nearly \$62 to about \$48.

The committee did not take issue with institutional investors, or any other investor, for that matter, engaging in informal get-togethers or information gathering which may well be necessary to fulfil one's fiduciary responsibilities, but the committee did take issue with unequal access to information.

The committee believed that individual investors must have timely and equal access to information presented by companies to analysts and institutional investors. Dissemination through the Internet and 1-800 numbers was suggested as a means of making information more widely and instantaneously available than it is now. We therefore recommended that the media be invited to listen to, but not participate in, briefings of analysts by management following the release of each quarterly company report.

Honourable senators, in principle, the governance of an institutional investor is no different from the governance of any public corporation. Over the past 20 to 30 years, however, the function of boards of public sector pension plans has changed significantly. While boards were originally set up to oversee pension administration, they now must spend a great deal of their time discussing investment strategy. Therefore, the committee came to the conclusion that, in some cases, legislative changes may be needed to enable boards of institutional investors to cope with these new responsibilities.

We investigated the question of whether a lay board can meet the expectations placed upon them. The largest pension fund with a lay board, the Ontario Municipal Employees Retirement System, testified that because their board members are members of the pension plan, they are strongly motivated to monitor the operations of the funds. On the other side, the CEO of the Ontario Teachers Pension Board, the largest pension fund in Canada, was not enthusiastic about educating people in pension matters after they have been appointed to the board. His view was that board members who come with the necessary expertise will ask much better questions than someone who has no real experience with large-scale investments.

After much deliberation, the committee came to the conclusion that an educated lay board may bring fresh insight to professional staff who may take a more narrow focus in their decision-making processes. The committee felt it important to stress, however, that, while lay boards may be up to the task, it is critically important that the individuals appointed should have the necessary knowledge to enable them to effectively monitor a fund's managers.

While the means to this end may be education, the committee left open the question as to whether the time has come for a licensing system for directors of pension funds.

It is critically important, honourable senators, in the debate over the qualifications of boards members, that all boards carry out an ongoing review of their governance procedures to ensure that the mission of the organization is being effectively pursued.

Many of the points I have outlined have, in effect, already been put into place by organizations overseeing pension plans and mutual funds in Canada. The Pension Investment Association of Canada, which represents 47 public pension funds and 78 corporate pension funds, recently released guidelines for the governance of pension funds. The Association of Canadian Pension Managers, another major organization representing pension funds in Canada, also announced guidelines. The Office of the Superintendent of Financial Institutions followed with guidelines for the pension plans it regulates.

The fact that three sets of guidelines or best practices were developed in response to the work of our committee in the area of corporate governance is, I think, testimony to the value that this house provides to Canadians, a majority of whom belong to a pension plan which will need to adhere to these new guidelines.

While the committee obviously supports the development of guidelines, the challenge is in their effective implementation. How should the pension fund industry's code of conduct guidelines be enforced?

Mr. John Palmer, the Superintendent of Financial Institutions, spoke in favour of an enforcement approach similar to that used by the TSE following the Dey report, which has indeed, I think, worked very well. This succeeds by requiring trustees to write a report setting out exactly how they comply with each of the guidelines. While providing public pressure to adhere to guidelines, it does provide the trustees with flexibility to use their own criteria in deciding just how the guidelines apply.

The committee believed a similar approach would work equally well with respect to institutional investors, both pension funds and mutual funds.

One governance expert who testified before us stated that the potential for public disclosure and embarrassment can certainly lead to a change in behaviour. In fact, fear of negative publicity, he felt, is often a stronger incentive to change than publicity itself. Fear of embarrassment can be a very strong regulatory tool.

The committee recognized, however, that immediately requiring all pension funds to apply one of these sets of governance guidelines to their individual circumstances and imposing Dey report disclosure measures on them is an untenable burden for a number of small, employer-initiated pension plans. Consequently, the committee intends to hold hearings in the year 2000 to determine whether regulations are needed to ensure that plans are being well governed, or whether voluntary compliance with the various guidelines has proven satisfactory and whether it would be useful to refine the PIAC, ACPM and OSFI sets of guidelines further.

At that time, our committee will also look at recently released guidelines from the Investment Funds Institute of Canada, since the committee agreed that there is a need for the implementation of a corporate-style governance regime for mutual funds in Canada.

In this regard, the committee made two major recommendations. First, independent directors should have a key role to play in the governance of mutual funds; the committee felt strongly that every mutual fund should be required to have a majority of independent directors. Second, legislation should be enacted that would recognize a business trust structure, similar to a corporate structure as currently exists in the U.S., to ensure funds structured as trusts are subject to the same sort of legal requirements and scrutiny that funds structured as corporations are.

Honourable senators, the committee's examination of these new guidelines will be especially interesting given mutual fund governance reforms proposed by U.S. Securities and Exchange Commission Chairman Arthur Levitt in March of this year to strengthen independent directors of these funds. May I add that I was grateful to my colleague Senator Oliver for omitting the proposals from his speech so as to leave me one or two more crumbs.

The proposals that were made in the U.S., and which I think we should examine carefully, were intended to strengthen independent fund directors in the following four ways: to require fund boards to have a majority of independent directors; to require independent directors to nominate any new independent directors; to require that the outside counsel for directors be independent from management to ensure that directors get objective and accurate information; and, finally, to require that fund shareholders have more specific information on which to judge the independence of their fund directors.

These are indeed significant reforms, and worthy of debate here in Canada.

[Translation]

Honourable senators, when the committee began its study, the internal board of institutional investors had few guidelines. In very short order, the pension fund and mutual fund industry has taken giant steps to establish guidelines for their industries in order to improve control procedures. The committee has always worked and will continue to work to ensure a healthy, energetic

and profitable industry that responds to the needs and desires of the people of Canada.

[English]

• (1720)

**Hon. Nicholas W. Taylor:** Would the honourable senator permit a question or two?

**The Hon. the Speaker:** Honourable Senator Taylor, before I accept your question, the time period has expired. Is it the wish of the Senate to extend leave?

**Hon. Senators:** Agreed.

**Senator Taylor:** Honourable senators, the number of computers in homes with access to the worldwide web has now increased. It was around 40 or 50 per cent last time I looked, and it is a fairly logical conclusion that the type of people who invest probably represent 75 per cent of the homes that have access to the worldwide web. As the honourable senator pointed out in his speech, he probably realizes that his mailbox is filled with annual reports, supplementary reports and information circulars. It is difficult to access this information by mail or by library. The Internet, however, is very easy to access. You can turn it on and off and you do not have a blue box full of paper just from investigating a few companies as you would if you were to use mail.

Was any thought given in any publicly listed company or mutual fund that it would be compulsory to have a web site and their quarterly reports available? Was any thought given to making that a compulsory form? I know it is compulsory that certain forms are mailed out, but mailing is probably the worst method of circulating material now because it will get mixed up with the Sears catalogue and a few other things — that is, if it does not get thrown away by some other member of the household. A Web site is an easy way to pick up information, yet it is surprising how little information is contained on some web sites. Was that issue explored?

**Senator Meighen:** I thank the honourable senator for his question. The short answer is: To the best of my recollection, no. However, we did point out that the 1-800 numbers and the Internet, in the context of the Nortel example that I gave about communication, was a way of being able to communicate to a wider audience. The honourable senator's suggestion is well taken, and one that the committee could consider when we look at the question of mutual fund governance in the year to come.

In principle, I would agree with what the honourable senator has said. I am not sure what the costs are or what other objections might be made. On the surface, I cannot think of any. However, it was not a question that was debated at any length in the committee.

**Senator Taylor:** The cost would probably be less than using the mail. It would probably also have the advantage of being delivered quickly.

I picked up the fodder for my next question from the *National Post* or *The Globe and Mail*. Some organization in Calgary had almost 40 per cent of one of their funds in certain shares that did quite well. It occurred to me that, due to the tremendous amount of cash that flows into them, mutual funds are in a good position to affect the corporations in which they invest. Likewise, the people who invest in a mutual fund may want to hold a fairly broad band of stock. Those are two limits the committee may want to consider.

**Senator Simard:** What is the question?

**Senator Taylor:** First, did the committee consider whether or not there should be a limit on what any particular mutual fund may hold in any corporation without an interlocking directorate; and, second, did the committee consider at the other side, namely, whether there should be any limit to what a mutual fund can buy in any particular corporation relative to the total assets of that mutual fund?

**Senator Meighen:** The short answer is “no.” If I am not mistaken, certain mutual funds have their own internal investment guidelines which would establish limits on the nature of investments — that is, those funds that invest only in appropriate investments, for example, not in tobacco stocks. Some funds set down criteria as to the type of investments they make. They may well also, although I am not personally familiar with any, set down regulations as to the size of the holding in any one investment. I do have personal knowledge of a mutual fund that has those certain limitations. I know of that, but that is an internal matter.

We were concerned that the governance of the mutual fund should be independent and good enough so that the mutual fund investors would be well aware, through their representatives on the board, the independent directors, of what the mutual funds were doing in terms of investments.

As to the other suggestion, no, I do not think we considered that. However, it is something that we might well do. That is all I can tell say in that regard.

On motion of Senator Kinsella, for Senator Di Nino, debate adjourned.

• (1730)

## ACCESS TO CENSUS INFORMATION

### INQUIRY—DEBATE CONCLUDED

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. Lorna Milne:** Honourable senators, on November 17 of last year, I spoke about access to census information.

**The Hon. the Speaker:** Honourable senators, I must warn the Senate that if the Honourable Senator Milne speaks now, her speech will have the effect of closing the debate on this inquiry.

**Senator Milne:** I spoke to Senator Johnson, and she is not prepared to speak at this point. She will speak in the fall, when I revive the matter.

**Hon. Eymard G. Corbin:** Honourable senators, I had indicated to the honourable senator that I wished to say a word or two on this matter, but I was waiting for Senator Johnson's speech.

If I may be allowed a very brief comment, I support the initiative. I was at one time an active genealogist. I have had opportunities to check records left and right in archives, including very interesting and revealing Canadian census records regarding my own ancestors. Everyone wants to do that. I find it incredible that we would now bring down a stone wall on the possibilities and opportunities to examine these old records. I think Statistics Canada is going slightly overboard and is slightly overzealous in its wish, I presume, to protect certain privacy rights or private matters.

I could not care less if someone discovered something about some of my ancestors not being too Catholic, or whatever. What is done is done. This is a very great activity with a number of individuals, especially retired people who now have time to thumb through records and old documents. I would not qualify it as an industry or a growth industry, since it has been with us for many years. The information one digs up in the examination of these records is intellectually stimulating in more ways than one.

To put it simply, I support Senator Milne's initiatives as strongly as I can, even though I have not provided myself with a written text today.

Go ahead and slam it, senator. You're right on!

**The Hon. the Speaker:** Does any other honourable senator wish to speak before the Honourable Senator Milne closes the debate? If not, please proceed, Senator Milne.

**Senator Milne:** Honourable senators, I appreciate very much Senator Corbin's input into the debate.

As has been pointed out, all census returns after 1901 will never be released to the public. Beginning with the 1906 western census, the Statistics Act promised that the information collected was to be kept secret. Statistics Canada has interpreted this guarantee of secrecy to be for eternity, meaning that the census returns after 1901 will never be made available to the public for research purposes.

Since my speech, other honourable senators in this place have discussed various aspects of this issue, including Senator Corbin today. Everyone has added important and compelling reasons why census returns should be released for public consultation, and I thank them all for their input.

I have also received hundreds of letters and e-mails from across the country. I have not received one single letter from a member of the public opposing the release of the post-1901 census returns because of privacy concerns.

Recently, I attended and spoke to the Ontario Genealogical Society annual meeting in Toronto as their lead speaker. The response I received from the members was incredible, and the credit they are bestowing on the Senate is gratifying. After my speech, many members came to me to express how important this access to census records is to them and to their communities.

There is one story in particular that I would like to share with you today. One lawyer, Catherine Bray, took a case on behalf of the Ontario Historical Society versus the Town of Markham. A developer was seeking permission from the town to move a pioneer cemetery to let him build one more townhouse onto the end of the string he was currently building. Through the use of old census records, Ms Bray was able to build a case to not only to stop the developer but to protect the cemetery as well. It now stands as a lasting legacy to the first inhabitants of that area.

Today, I should like to explore what this guarantee of “secrecy” really means. If a valuable source of history is being denied to Canadians because of a guarantee of secrecy, we must understand exactly what was meant by “secrecy.” What was being promised to people under the guarantee of secrecy at that time?

In 1906 and 1911, the secrecy guarantee was contained in regulations by Orders in Council that have the force of law, as we all know. The Orders in Council instructed commissioners to guarantee to census respondents that:

The facts and statistics of the census may not be used except for statistical compilation, and positive assurance should be given on this point if a fear is entertained by any person that they may be used for taxation or any other purpose.

It is interesting to note that this “promise of secrecy” was embedded in a section entitled “Instructions for Enumerators.” If we look at the Orders in Council as a whole, the idea of secrecy appears attached to the people who are collecting the information. In fact, the people answering the questions likely did not know that the information they provided would be kept secret forever. Only someone who expressed fear that his information would be used for taxation or any other purpose would be informed that the people who collected the information had to keep it secret.

In addition, newspaper articles written around the time of census day in the early part of this century reveal how the idea of

secrecy was perceived at that time. I have researched articles that were written around census day in the years 1906, 1911, 1921 and 1931. The few articles that mention secrecy of census information are very telling.

An article in the *Montreal Gazette* on census day in 1911 reports on the conduct of the enumerators and notes that:

Each one of these men knew what he had to do, and he was aware that nothing was to be gained by any but polite and discreet methods on his part.

For example, while it would be necessary to enquire about illness and physical or mental incapacity in a family, all could rest assured that such information was absolutely private, each official sworn to perform his duties for the Government and no one else.

Here, secrecy appears to mean that the people who collected the information were not permitted to divulge it.

Another reference to the guarantee of secrecy appears in *The Globe* on the eve of the census in 1931. The article mentioned that 1931 was the first time that figures were collected on the number of unemployed persons in the country, the reasons they were out of work and the length of time. The article describes that:

...in order to ameliorate the irritation caused —

— by —

— this official dissection of personal affairs, the Department of Trades and Commerce has explained the answers will be kept secret even from other departments. For instance, the question “Have you a radio?”, may be answered frankly with no fear that the Government Radio Branch later on will begin checking up on unpaid radio licence fees.

Honourable senators, there is a huge leap between guaranteeing that census information will not be used to collect outstanding radio licence fees and guaranteeing that information will never be released to the public as an historic document, even nearly a century after that information was collected.

• (1740)

The promise of secrecy appeared to involve radio fees rather than an ironclad protection of the right to personal privacy as it is conceived of to today. Even the Hansard debates leading up to the passing of the 1905 and the 1918 legislation do not include any discussion whatsoever about the need to restrict access to the census returns forever.

In fact, the primary concern of legislators at that time was the time delay between census day and the release of the compiled statistics. The cost of administering the census was another concern.

The examples I have just provided are not extensive. Nevertheless, they provide us with some insight. They cast light upon the sorts of things that the guarantee of secrecy may have encompassed in the early years of this century. If the right to secrecy at that time meant that the individual respondents were protected from giving the information and having it used to their detriment by other government departments, or if the right to secrecy meant that the people who collected the census information were required to keep the information confidential, this is important to recognize. There can be no question that the current state of the law ensures that the government upholds the guarantee of the right to secrecy of census information.

In fact, if the only way to uphold that promise of secrecy were to forever bar the release of census returns, I could understand continuing with the current scenario. However, I must tell you, honourable senators, that in this day of computerized records when it is estimated that 95 per cent of the intimate details of a person's life are on record somewhere, where your American Express card or your Visa card not only records where you shop but what route you normally follow through the local mall, which stores you prefer, who you phone and how often, who your doctor or dentist is, and what papers and magazines you read; in an era when almost everything about an individual is known and often shared or sold by private consortiums, it seems a bit ridiculous to be debating a somewhat spurious and indirect guarantee of secrecy forever by the Canadian governments of 1906 and 1911.

Unfortunately, this extreme position comes at a great cost — the loss of an important source of almost a century of Canadian history. After examining what the guarantee of secrecy likely meant to census respondents, I feel that this promise can be honoured with less extreme measures than locking away the information of this immense historical value forever.

Honourable senators, I share this view with many others. In a letter to Minister Manley, Althea Douglas asked the minister to consider extending the time limit:

...but do not close forever the century that was said to belong to Canada.

Gregory Kealey, president of the Canadian Historical Society, recently wrote in a letter to Minister Manley, and copied to me:

...this census material is absolutely fundamental to our understanding of 20th century Canada and it must be made available so that researchers can critically address and explain many of the significant themes, trends and issues in Canadian history over the past century.

I feel that forever barring the census returns from public access is too severe, especially when weighed against the historical value of the records and the fact that never releasing them may deny Canadians an important part of their heritage.

I warn you that I will have more to say on this important issue in one way or another when we all meet again in the fall.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, if no other senator wishes to speak, this inquiry is considered debated.

## SECURITY IN EUROPE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the Canada-Europe Parliamentary Association (OSCE) Delegation to the Standing Committee Meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), held in Vienna, Austria, from January 14 to 15, 1999 and the situation in Kosovo.—(*Honourable Senator Andreychuk*)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, an important topic is encapsulated by the inquiry introduced by Senator Grafstein calling our attention to the Canada-Europe Parliamentary Association's delegation to the standing committee meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe held in Vienna. They also focused on the situation in Kosovo.

As honourable senators know, the OSCE has been playing a major influencing role in the Balkan theatre. I wanted to take the occasion to give a little focus to the situation in Kosovo today as a number of converging events have presented themselves, including resolution 1244 which was adopted by the Security Council of the United Nations at its 4,011th meeting on June 10, 1999. It is the resolution to which the Leader of the Government referred in his statement earlier this day.

Honourable senators, the Security Council, in this resolution, bearing in mind the purposes and principles of the United Nations and the primary responsibility of the Security Council for the maintenance of international peace and security and the fact that we now have this resolution and the return in my view to the international order and respect for the rule of law, is all good news. It speaks to the hope, the very realistic hope, that we have for Kosovo and Yugoslavia over the coming months.

A number of international institutions and organizations have been party to events over the past three months. In particular, NATO, of which Canada is a very important member, has been engaged in the bombing activity. More important, with this resolution of the Security Council, a number of important steps must be taken and certain responsibilities assumed by all member states including, clearly, Canada.

The sum and substance of the resolution from the Security Council speaks to the determination to ensure the safety and security of international personnel in the implementation by all concerned of their responsibilities under the present resolution. The Security Council has decided that a political solution to the Kosovo crisis shall be based on the general principles provided in an annex.

The annex is the general principles that flow from the meeting of the G-8 foreign ministers held on May 6. It demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin a complete, verifiable phase of withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with the deployment of the international security presence in Kosovo to be synchronized.

The confirmation will have to be that, after the withdrawal, an agreed number of Yugoslavian and Serb military and police personnel will be permitted to return to Kosovo to perform certain functions. The functions relate to heritage sites and certain border crossings.

• (1750)

Due to the time of day, I am inclined to go not much further into detail, but with your permission, honourable senators, I would be prepared to table this document, which I believe you would find it very helpful to read over the weekend, because I am sure that in the early part of next week we will be wanting to have some focused debate on this hopeful development.

In conclusion, I would ask that, as you study this resolution of the General Assembly, you consider some of the debate that has occurred here. In the first moments of discussion on this issue two or three months ago, we spoke directly to the need for the principle of autonomy being respected in Kosovo, as well as to the other principle of territorial integrity. Both of those principles, which are often irreconcilable, are contained in the resolution of the Security Council. What we have been debating on an ongoing basis since the beginning of this tragedy is reflected in many ways in this resolution adopted on June 10 by the Security Council.

Honourable senators, I will table this document, if there is agreement.

**The Hon. the Speaker:** Is leave granted for the document to be tabled?

**Hon. Senators:** Agreed.

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

**Senator Kinsella:** Yes.

**Senator Stewart:** Does the document give any information as to who will provide the money to maintain the autonomy of

Kosovo while also maintaining the territorial integrity of the Federal Republic of Yugoslavia?

**Senator Kinsella:** Yes, it does, honourable senators. There is a clause which speaks directly to the economic needs in the short term as well as in the intermediate term, as well as to responsibilities that have been assigned not only to member states but to international organizations such as the Organization for Security. As I recall, the language in which the UN resolution addresses this issue is fairly general. However, I think the principle is there.

**Senator Stewart:** Principles are sometimes easy to state. Does it tell us how much the Canadian taxpayer will have to pay to maintain these two principles on behalf of the Security Council?

**Senator Kinsella:** No, honourable senators, it does not. That is why we should all have the resolution to read. It is to be hoped that next week we will be able to address those direct questions which will have impact on the Canadian taxpayer.

**The Hon. the Speaker:** Is it agreed, honourable senators, that this order will stand in the name of the Honourable Senator Andreychuk?

**Hon. Senators:** Agreed.

## QUESTION OF PRIVILEGE

**Hon. Lowell Murray:** Honourable senators, my question of privilege arises from events which transpired in this chamber yesterday afternoon around 3:30 p.m., which events are recorded at page 3568 of the *Debates of the Senate*.

To summarize briefly, the Honourable Senator Lawson moved the adjournment of debate on the eleventh and ninth reports of the Standing Committee on Privileges, Standing Rules and Orders. The Speaker put the adjournment motion and, on a voice vote, declared that, in his opinion, the “nays” had it. Two honourable senators rose and a standing vote was called with a five-minute bell. The Speaker has just now quoted the relevant passage:

The whips advise me that there will be a five-minute bell.

Honourable senators, I will say parenthetically that leave is required for any bell under 60 minutes. In this case, leave was not sought, and it appears to me, from a reading of the *Debates of the Senate*, that leave would not have been granted had it been sought because our friend Senator Corbin objected to what was being done.

I will read for the record the relevant rule, which is rule 66(1):

Unless previously ordered or elsewhere provided in these rules, when a standing vote has been requested in accordance with rule 65(3), the bells to call in the Senators shall be sounded for sixty minutes unless otherwise ordered, and with leave of the Senate.

That, however, is not my point, honourable senators. Were that my point, I would have risen on a point of order. I am rising on a question of privilege.

When the bells rang, quite a number of senators were not in the chamber. A busload of us came here from the Victoria Building, quite literally breathless with anticipation of this vote, only to find that it had been held.

It is my view that a five-minute bell is an imposition on, and an outrageous abuse of, the rights of honourable senators who may not be physically present in the chamber when the vote is called. It matters not whether there are 103 senators physically present in the chamber. The one hundred and fourth senator has the right to come and vote and the right to adequate notice by way of the ringing of the bells. We ring the bells in order to summon those senators who are not physically present in the chamber. As we know, senators' offices are located in the East Block as well as in the Victoria Building, and five minutes is quite inadequate for honourable senators to come here for a vote.

Some would say that the matter in question was not a very grave matter; it was only an adjournment motion. However, it seems to me that is not given to any honourable senator to presume upon the importance, or lack thereof, that any other honourable senator might attach to a particular vote. My point is that under no circumstances, and at no time, should there be a five-minute bell. We must have a longer bell. We must have much better notice than that for a standing vote.

Even if leave had been granted yesterday, my position would be the same; that a five-minute bell is an abuse of the privileges of those honourable senators who happen not to be physically present in the chamber at the time, on the part of those who are.

It is clear to me, from a reading of the rule, that with leave the five-minute bell is allowed under the rules. Therefore, the remedy can only be in the rules and hence my motion, seconded by Senator Kinsella —

• (1800)

**The Hon. the Speaker:** Senator Murray, first, I believe you must make your point, and then I will decide whether there is a *prima facie* case. If you have concluded your comments, I would inquire whether any other honourable senator wishes to speak on the question of privilege.

**Hon. Anne C. Cools:** Honourable senators, I should like to speak in support of Senator Murray's question of privilege.

Yesterday I was found to be in a similar situation. I was not in the Victoria Building. I was in a situation where I suddenly heard the bells and came running in to exercise my vote. I was not aware of the circumstances that gave rise to it.

**The Hon. the Speaker:** Honourable Senator Cools, I regret to have to interrupt you, but the clock says six o'clock.

Is it agreed, honourable senators, that we shall not see the clock at six o'clock?

**Hon. Sharon Carstairs (Deputy Leader of the Government):** There is agreement not to see the clock.

**Hon. Senators:** Agreed.

**Senator Cools:** Rule 66(1) is clear and, as Senator Murray says, he could have done that on a point of order. There is something which is additionally bothersome, I believe, and we should make a note. I am looking at *Debates of the Senate*, page 3568, where His Honour rose and related the result of the voice vote. His Honour states that the whips have advised him that there will be a five-minute bell. I would have missed all of that.

There is nothing on the record which shows either the whips or the leaders actually saying that there should be a five-minute bell. It would seem to me, if there had been such a discussion, that someone at the time would have responded and said that we needed leave to be able to do that.

I should like to add that point. The Senate makes its rules, the Senate can make exceptions to its rules, and the Senate has a right and a duty to proceed in an orderly way. Sometimes these exceptions must be made. Where the clarification is necessary is that the right and proper steps should be taken when the Senate is about to make an exception to its rules.

In addition, if I could just repeat the point — and perhaps we should take this into consideration as well — when His Honour says, and I believe him, that the whips have advised that there will be a five-minute bell, how was that advice given? Did they run up there suddenly to the Chair and say "five minutes?" The manner in which this instruction was put to His Honour is unclear.

Perhaps, then, as His Honour examines this question and lends his guidance and his years of experience, what we could try to do is simplify the matter and bring greater clarification, and avoid confusion or unhappiness in the future. When the whips articulate the amount of time that they are suggesting to His Honour, and to the chamber, perhaps they could rise in their places and state that clearly, so that we would all hear it and we would all know about it. If there is an objection, it could then be raised. I have no doubt that the whips are acting with all proper duty and honour, and have every intent that the rules and the business of the Senate be followed.

I support Senator Murray. I believe Senator Murray is absolutely right on the issue of rule 66(1). However, I cannot help but believe that what transpired was a bit of a misfortune, and something of an unfortunate situation where one or two assumptions might have been made and a certain amount of miscommunication happened to take place.

In the future, honourable senators, when the whips are indicating the amount of time that they require, perhaps we can just make it a point that they rise and state it clearly. I have heard Senator Carstairs do this on many occasions.

The final point — and I am speaking totally extemporaneously, and I believe all senators would join with me here — the exercise of a vote is a critical and important element of the exercise of our duties here. I am sure that we want each and every one of us, at all times, to exercise that duty, and be able to vote.

In addition, I thank Senator Murray for bringing forward his question of privilege, which is important. We all have a bounden duty, when we see something that strikes us as wrong or unusual, to bring the matter forward in order to bring correction and clarification to the matter, and to try to avoid the problem in the future.

To that extent, I thank Senator Murray, and I support the fact that he proposes to raise an appropriate motion.

**The Hon. the Speaker:** Does any other honourable senator wish to speak?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I should like to make a couple of comments. In examining the *Debates of the Senate*, on page 3568, on the left-hand column, you will see, after the second paragraph, that there is an indication of the time of the afternoon at which we were, and it was 1520. After 1520, three or four paragraphs down, we are into the debate in which Senator Wilson was speaking, and then the matter of the movement to adjourn made by Senator Lawson. If you look at the bottom, on the right-hand column, we were well into the question of a vote on the adjournment motion prior to 3:30 p.m.

At 3:30, I am sure the whips were cognizant of the fact that there had been published a notice of meetings of at least one standing Senate committee for 3:30. Second, no doubt the whips were also cognizant of the fact that they, as the chamber, are often under great pressure to rise on a Wednesday afternoon between 3:15 and 3:30 p.m.

I would suspect that the suggestion of having a five-minute bell was modified by those other kinds of pressures. I am sure that there was absolutely no desire other than to expedite the committee work that commences in the middle of Wednesday afternoon. On the other hand, I believe we made a mistake, and I would accept the point that is being made by Senator Murray, and also I believe we were slow to pick up on the point that was made yesterday afternoon by Senator Corbin. Unfortunately, it was not presented as a denial of unanimous consent to do that. However, we did have the forewarning to which we should have listened.

In fairness to the whips, they are under that tremendous pressure to chairs of committees to get out on Wednesday afternoon between 3:15 and 3:30 p.m. On the other hand — and Senator Murray alluded to this — there should never be a five-minute bell. Earlier today we have effectively indicated that, because on Monday afternoon, there will be a vote at five o'clock, and then one shortly thereafter.

**Senator Murray:** That is completely different. It becomes an order of the house.

**Senator Kinsella:** That is just to make the point that there may be circumstances where we might wish votes to be taken with less than a 15-minute bell being sounded. However, we can learn from our experience and I am sure we will.

**Hon. Eymard G. Corbin:** I had not intended to speak. I believe I made my point yesterday when I blew my top. It is not the first time these incidents have happened. I believe it is a dangerous game. Regardless of the pressure that the whips might be under, the rule is clear, and it is there to protect the democratic expression of all honourable senators.

• (1810)

His Honour would not have accepted a point of order at that moment from myself or anyone else. At least, that would have been my reading. Therefore, I said what I said. However, I was not doing it for myself. I was doing it for those honourable senators who were not in their places here in the chamber.

Regardless of the importance of the question before the house, we all have a right to express ourselves. The most important thing we do here, besides speaking our opinion, is voting — the act of coming to an ultimate decision. If we deprive any of our colleagues of that opportunity, we erode the democratic rights of individuals and of the chamber.

**The Hon. the Speaker:** Honourable senators, I am prepared to rule now, unless some other honourable senator wishes to speak.

First, I thank honourable Senator Murray for raising the matter —

**Hon. Nicholas W. Taylor:** On a point of order, I think the motion has to be put forward before you rule.

**The Hon. the Speaker:** First, I must determine whether there is a *prima facie* case, and then Senator Murray can move the motion.

**Senator Taylor:** Beauchesne, sixth edition, at paragraph 115 says:

A question of privilege must be brought to the attention of the House at the first possible opportunity.

It says that whoever brings the privilege also brings the motion, and then the Speaker makes his decision.

**The Hon. the Speaker:** Honourable Senator Taylor, I appreciate very much what Beauchesne may say, but in this particular case our rules are clear. Our rules lay down what it is that I must do, and it is different from what Beauchesne says.

**Senator Poulin:** Beauchesne takes the back seat on this one.



## SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, it is my responsibility, once I have heard sufficient argument, to determine whether or not there is a *prima facie* case, and then Senator Murray can move his motion, according to our rules.

I will say at the outset that I thank Senator Murray for raising this matter. It is important. I appreciate the comments that have been made by every senator.

I remind you of rule 43(1), which says:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*. Action to ensure such protection takes priority over every other matter before the Senate.

Our rules are very clear on this point. Insofar as whether or not there is a *prima facie* case, the conditions are outlined in 43(1)(a), (b), (c) and (d).

It must be raised at the earliest opportunity: It has been. It must be a matter directly concerning the privileges of the Senate, of any committee thereof, or of any senator. It is obviously one that concerns the privileges, the right to vote, of not only the one senator who has raised it but others who have spoken.

It must be raised to seek a genuine remedy which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available. That has been done, because Senator Murray told us in his oral statement that he was providing a remedy. It must be raised to correct a grave and serious breach. Anything that prevents senators from voting is a serious breach.

I therefore declare that there is a *prima facie* case.

I would make one additional comment, if I may. I listened to Senator Cools' comments regarding the communication between the whips and the Speaker. It is a problem. Yesterday, the whips came and stood in front of me and gave me the information. They do that because, unfortunately, usually when there is a standing vote, everyone, instead of staying in their seats, is moving around. There is so much noise that no one can hear.

If honourable senators agree, henceforth when there is such a vote, I will call for order and have everyone sit. Only honourable senators can make that happen. Honourable senators must cooperate. I would recommend that, if that is agreeable, we adopt that practice. From now on, if there is a vote called, I will ask for order, and we will not proceed until there is order.

Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

MOTION TO REFER MATTER TO PRIVILEGES,  
STANDING RULES AND ORDERS COMMITTEE ADOPTED

**Hon. Lowell Murray:** Honourable senators, in presenting this motion, let me say that, far from imputing bad faith or deliberate intent to anyone, I accept completely, and indeed I understood at the time the circumstances and the motives that animated honourable senators at 3:30 yesterday in doing what they did. Reflecting on what happened yesterday and reading the rules, it is clear to me that, with leave, the rules make it possible to abuse the rights of senators who are not present in the chamber when a standing vote is called. The problem is with the rule; the remedy is with the rule.

Therefore, I move:

That the issue of the rights of all Senators to be able to participate in standing votes in the Senate that have been requested in accordance with Rule 65(3), and the procedures followed on June 9, 1999 regarding the vote to adjourn the debate on the Eleventh Report of the Privileges, Standing Rules and Orders Committee, be referred to the Standing Committee on Privileges, Standing Rules and Orders.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## NORTH ATLANTIC TREATY ORGANIZATION

INVOLVEMENT IN YUGOSLAVIA—RELATIONSHIP TO  
INTERNATIONAL LAW—INQUIRY—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein** rose pursuant to notice of April 13, 1999:

That he will call the attention of the Senate to the question of international law: Canada and the NATO action in the Federal Republic of Yugoslavia.

He said: Honourable senators, at first blush, the UN resolution tabled by Senator Kinsella respecting the NATO action in Kosovo and the Federal Republic of Yugoslavia appears to have been overtaken. However, I believe, honourable senators, the essence of the inquiry as to the legitimacy of the NATO action still should be properly debated in this place. I have not, as of today, fully completed my research on the inquiry. However, because Senator Roche, Senator Taylor and others wish to address this question, perhaps I should commence the debate on this inquiry, take the adjournment, and then allow other senators to speak. Perhaps we can complete this debate before we adjourn at the end of next week.

Honourable senators, let me begin by raising issues that might be helpful to other senators with respect to my views.

A fierce controversy has erupted across the globe with respect to the legitimacy of the NATO action in Kosovo under international law. The debate, honourable senators, arises from different notions of the nature of international law. What rule of law is encapsulated in international law? What are the sources of international law? What are the sources of international legitimacy? How does international practice emerge from case-by-case precedence under the rubric of international law?

The heart of the current debate stems from the notion that the United Nations is the sole source of legitimacy under international law and, more to the point, that only the UN can legally and exclusively authorize the enforcement of international legal norms or forceful sanctions for compliance with justifiable UN resolutions or multilateral treaties and conventions that may have been breached by individual member states.

The argument has been promoted that since the United Nations had not passed a Security Council resolution pursuant to the UN Charter authorizing force to support UN resolutions or well-established conventions or multilateral treaties, that the NATO action in Kosovo may be in breach or contrary to international law. Such a statement fails to take full cognizance of the sources, the pillars, indeed the nature, of international law itself.

Let us start with those that declare that, since the UN had not passed a Security Council resolution authorizing force to support UN resolutions, NATO action in Kosovo may have been in contravention of international law. Proponents of illegality argue that since the UN Charter is supreme, only the UN exclusively can authorize sanctions or force. Only the UN can legally, they say, deploy armed enforcers on behalf of the international community. Any other development, they say, any other action, would be contrary to international law.

• (1820)

Let us probe the validity of this exegesis. The present system of international law is roughly 400 years old, with rules which are much older. However, as the great Brierly pointed out, it was only in the 16th century that treaties began to affect rules that states followed in their relationships with one another. From that time, this growing set of rules became treated as a separate branch of learning. What began to emerge, almost like a chrysalis, was a vacillating set of rules designed to guide sovereigns, rather than precepts of ethics or morality. It was Catholic theologians and canon lawyers who developed the notion of “just” wars, the legitimacy of war under certain circumstances and conditions.

Some observers have noted that the rise of international law, as a set of legal rules, was one of the great sea changes that marked the murky marsh between the mediaeval and modern eras. Some Eurocentric historians say that the secular consequence of the Reformation was subordinating the mediaeval idea of the unity of Christendom to a secular system of sovereign states, independent, acknowledging no authority, no sovereignty, beyond itself.

Yet even this paramount conception of sovereignty was not considered inconsistent with the state’s subordination to a higher set of laws. Some say that state sovereignty is absolute and, therefore, cannot be limited in its behaviour by law or anything except a superior force. International law, therefore, would find itself impossible of definition as “law,” not because states have an obligation to follow an international rule of law, and not only because they find it prudent or convenient from time to time to do so.

Yet, the great Brierly put it best:

It is not a bad definition of International Law to say that it is the sum of the rights that a state may claim for itself and its Nationals from other states and of the duties, which in consequence, it must observe towards them.

States often violate international law, just as individuals violate domestic law. However, neither individuals nor states can defend their violations by claiming they are above the law.

Honourable senators, the rules of international law germinated, like the common law, from unwritten custom to case law, from conduct and practice to precedent. Customary international law is founded on practice, on conduct, on precedent. Some say that, if customary law is the essence of international law, it does not mean that all states’ authority are derived directly or solely from customary rules. At best, international law is an amalgam of both customary law and conventional law.

It is my point, and I think it is the case for those who support the legality of the NATO action, that without a UN resolution, each case in which force is being used must be studied on the facts of that case to determine whether such force was just under international law, and thus legal and consistent with international law.

I hope, honourable senators, that I will be able to elaborate on this more fully later next week. Meanwhile, this will allow other senators to at least give some thought to these propositions and, hopefully, to join in the debate.

I should like to move the adjournment of the debate.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, prior to the adjournment motion being put, I should like to ask one short question of Senator Grafstein.

Would Senator Grafstein not agree that the participation and the ratification by member states of the United Nations who have signed the Charter places very specific obligations and duties which are far more direct and immediate than the old tradition of the development of international law from the times of Francisco di Vittoria through Grotius?

It is not simply something that has grown out of the *ius gentium* through the international customary law, but under the UN Charter direct, immediate responsibilities and duties are assumed.

**Senator Grafstein:** The Honourable Senator Kinsella puts his finger on the issue. I should like to answer him in two ways. I do not intend to come back next week and use customary law alone as supporting the proposition that Canada's action under the NATO umbrella was legitimate, which I believe is the case.

The Honourable Senator Kinsella just tabled UN Resolution 1244, and honourable senators have not had an opportunity to review it. The document states that the Security Council bears in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council is for the maintenance of international peace and security.

We start with the proposition that, even in this resolution, the drafters have not gone to the extent that the proponents have of stating Canada and others have acted illegally, and that the United Nations is the sole or exclusive generator of international legitimacy. That is one proposition.

The second proposition is what happens — and this is the telling case — when the United Nations makes a declaration, that the world community of nations accepts, that is consistent with every norm of international law, that is, Srebrenica safe havens? What happens when the United Nations finds itself, for whatever reason, paralysed or unable to support its own mandate, and when thousands of innocent citizens following the UN Charter and following the declaration run to the flag of the safe haven and find that they are slaughtered along the way because the UN has failed to support, with force, its own mandate? That is a current case dated 1995-96.

I will give an example in domestic law. What happens if you, Senator Kinsella, challenge my leader, Senator Carstairs, and seek to bring violence to her, contrary to every rule of the Senate? The officers here are not here to protect Senator Carstairs and the rules say that I am not obliged to do that, but the Senate and the officers enforcing these rules are obliged to do that. Am I to stand by and not protect our innocent leader from your unlawful lunge?

I say that humorously, but to make the point that the world community decided that Srebrenica was to be a safe haven. Why? Because there was genocide; there was a breach of every international convention, all of which was accepted by the Federal Republic of Yugoslavia, yet the world stood still.

Does that mean that international law is hostage to paralysis? Does that mean that there is not an international law or principles of international law that flow and are alive and well, notwithstanding the paralysis of the so-called paramount source of international legitimacy? That cannot be a contention.

I will provide one further example which I think is a telling point. This issue was faced in domestic terms by Abraham Lincoln. It was contrary to the American Constitution for one state to bring violent force against another state. Yet, Lincoln decided to launch force against those states. He did so under the imperative that this was to preserve the Constitution itself.

Therefore, I conclude, honourable senators, by saying that the action in Kosovo was in defence of the failure of the United Nations to fulfil its own mandate. There are many resolutions of the United Nations that the world community will say are not justifiable. However, no one questioned the justifiableness or the justness of these resolutions.

• (1830)

We saw it in front of our eyes. Therefore, I say that there are many principles of international law that say that international law must come to the rescue of international law in defence of international law. That is the essence of my argument.

Honourable senators, I now move the adjournment of the debate.

**The Hon. the Speaker:** I must warn you, Senator Grafstein, that there will be one minute left of the 15 minutes that he is allotted.

**Senator Taylor:** There is a God!

On motion of Senator Grafstein, debate adjourned.

## YOUNG PEOPLE AND TOBACCO USE

### INQUIRY

**Hon. Colin Kenny** rose pursuant to notice of April 20, 1999:

That he will call the attention of the Senate to the issue of youth and smoking.

**Hon. Colin Kenny:** Honourable senators, I rise today to speak on the issue of youth and smoking. I should like to begin my remarks by giving some context to this issue.

First, and most important, is the magnitude of the crisis that must be considered. Forty-five thousand Canadians die of smoking-related diseases and illness each year, and this is an increase of 5,000 from last year's estimates. Smoking is the number one cause of preventable deaths by a factor of ten. The next highest cause of preventable deaths is car accidents, including drunk driving, which are estimated at 4,000 deaths per year. Unless we do something, more Canadians will die from smoking-related diseases this year, and each year hereafter, than died in all five years of World War II.

Every Canadian family is touched by the suffering and pain from smoking, which can be attributed to endless lists of diseases.

Let us look at the kids. Eighty-five per cent of youth begin to smoke before the age of 16. Last year the age was 18. Almost 30 per cent of young Canadians smoke. The highest rates are in Quebec and the lowest in British Columbia. Right now in Canada there are 4 million young people between the ages of 10 and 19. One-third of these youths, or 1,400,000, will become smokers.

What makes this a crisis is that smoking is addictive. Pre-teens and teens get addicted to something that will eventually cause them to die seven years earlier than normal. It is estimated that 685 Canadian kids start to smoke every day. Given that 45,000 Canadians die every year from smoking, 450,000 from this decade of children will die prematurely unless prompt action is taken.

What has the government done about this crisis? The government deserves some credit, but we are still waiting for the key initiatives to appear. There have been some positive things: A complete ban on promotion and tobacco sponsorship, although a partial ban could have been in effect a year ago; passage of legislation which allows for restrictive regulation on the production, promotion, labelling and sale of tobacco, but we still do not know exactly what these regulations will be.

The government has made no commitment but has promised to consult on larger warnings on cigarette packages, perhaps 60 per cent larger. They will consult on in-store promotions directed at youth. They will consult about an aggressive media campaign and on a youth action committee.

During Non-Smoking Week in Canada this year, the minister, Mr. Rock, announced:

...I will continue to advocate strongly on behalf of an initiative like S-13, or an alternative that meets the standards that it has established.

Later this week I am going to announce the composition of a caucus committee that will be asked to develop proposals in this regard.

These are steps in the right direction, but let me put them in a broader context. The real problem is lack of proportionality. What are the economics of this issue? We know that \$2.3 billion is collected in taxes versus \$20 million that is spent on prevention. We also know that \$10 billion is spent on health costs, \$3 billion directly, \$7 billion indirectly. We are spending at the wrong end. Why do we not spend a little bit more at the front end to save a whole lot at the back end? It would be much more logical.

It is worth looking at history. First, let us look at the government's Tobacco Demand Reduction Strategy introduced in 1994. The good news is that the 1994 surtax allocated \$185 million in the first three years and spent \$103 million, or 56 per cent of it. The bad news is that the remainder disappeared into the Consolidated Revenue Fund, a total of \$81 million, and no one knows where it went or why it was not spent.

Then there is the Tobacco Control Initiative of 1996. There is more good news. In 1996, the government promised to spend \$10 million over five years. In 1997, the amount was doubled to \$20 million over five years, \$10 million for enforcement and \$10 million for education. It is on page 82 of the budget plan. There is more bad news. In the first six months of fiscal 1998, Health Canada spent only 2 per cent, that is \$200,000, on education, and only 55 per cent, \$5.5 million, of what it was to spend on enforcement. As of last week, Health Canada told me

that figures on total tobacco education and enforcement expenditures for the fiscal year were not yet available.

Let me put it in another context. If you look at page 82 of the budget plan, you will see that funding for HIV-AIDS is at an appropriate level, \$41 million per year. AIDS killed 670 Canadians last year, and that is tragic. If smoking prevention were funded proportionately, \$2.7 billion would be spent for anti-smoking, and surely the lives that would be saved are just as important.

Let me digress briefly and tell you the 1999 smuggling story. Canadians smoke Canadian cigarettes because they like them. Americans smoke American cigarettes because they like them, and generally Canadians do not smoke American cigarettes and vice versa.

**Senator Corbin:** Except in New Brunswick.

**Senator Kenny:** Except, perhaps, in some parts of New Brunswick.

In any event, there was a \$207-billion settlement in the United States in November of 1998 resulting in U.S. border prices becoming higher than ours, which logically would mean that the smuggling is going South, not North. The RCMP reports that 95 per cent of exported cigarettes return to Canada. Honourable senators, I repeat, 95 per cent of the cigarettes we export return to Canada. Out of the total 48.8 billion cigarettes produced, there is 1.465 billion cigarettes available for export.

The good news is that, in the 1999 budget, Mr. Martin moved on this issue. The bad news is that he reduced the amount that you could export tax-free from 3 per cent to 2.5 per cent. This means that the number of cigarettes available for export has been reduced from 1.465 billion to 1.221 billion. Why not eliminate the exemption altogether, tax all exports at domestic rates, and close the loop entirely? We would save police costs, we would eliminate smuggling, we would raise revenues, and we would encourage the provinces to return to the 1994 level of excise taxes.

Turning to the international context, Massachusetts spends \$9 per capita on anti-tobacco programs. Cigarette consumption has fallen there by 31 per cent since 1992. Florida spends \$7.50 per capita. Youth smoking in grades 6 to 8 dropped 19 per cent in one year. California spends \$4 per capita, and the overall smoking rate was reduced by 36 per cent over a three-year period. California's youth smoking rate is currently 12 per cent. In comparison, Canada's youth smoking rate is almost 30 per cent, and we spend \$0.65 per capita.

• (1840)

The message is simple: First, you need the political will and significant resources, say between \$4 to \$8 per capita or, better yet, the model that the Centre for Disease Control in Atlanta recommends, namely, \$5 to \$16 U.S. per capita. You will get significant results on the order of 30 per cent decrease in smoking within three years. This model is based on a funding allocation formula with nine categories, and should be the benchmark for all jurisdictions, including Canada.

I should now like to comment on Bill S-13 and how it came about. The Tobacco Act, Bill C-71, was passed in the Senate in April of 1997. The Tobacco Act placed restrictions on tobacco product, promotion and advertising. It provided for a transitional period of one year before the main sponsorship provisions came into effect. However, there was no funding for education, no transitional funding for arts, sports or farmers, and there was no time to find replacement funding. This produced political problems in Quebec and in Montreal, in particular.

As an aside, I must have had 50 lobbyists come through my office, but none of them were tobacco companies. All of them were surrogates addicted to tobacco money, for example, the Neptune Theatre, the Moose Jaw track and field, and the Sarnia Symphony. These are all perfectly good groups who were all interested in what they were doing, but because they were getting tobacco funding, they were there to protect the tobacco companies.

The genesis of Bill S-13 was an amendment that I proposed on Bill C-71. It introduced stable funding through a levy for industry purposes, namely, \$120 million a year — \$60 million for youth, \$50 million for culture and sport, \$10 million for farmers — and they were to phase out over a five-year period. It was all to end up eventually going to youth education. It was to be overseen by an arm's length foundation. However, Bill C-71 was a priority bill which the government was committed to passing prior to an election which was expected the next week. With the combination of the election and government pressure, in the end, health groups withdrew their support for my amendments. Their view was that half a loaf was better than no loaf. I abstained from my own amendments, and Bill C-71 passed as written.

I licked my wounds and began to work on a new bill. The result was seven months of extensive consultation. With the outstanding and exceptional collaboration of Senator Nolin, we introduced Bill S-13, the Tobacco Industry Responsibility Act, in February of 1998. The bill was a significant improvement over the original amendments, a direct result of the consultations that we had with health groups and other groups across the country, and I began travelling to see if we had support for the bill.

The government subsequently introduced Bill C-42, which gave a five-year phase-out for tobacco promotion and advertising. Bill S-13 was amended to remove transitional funding for culture, sports and farmers. The farmers did not want it; neither did either the culture or sports groups. The latter two groups, in fact, said that they trusted tobacco companies more than they trusted the government. Bill S-13, the Tobacco Industry Responsibility Act, became entirely a health bill with all \$120 million of funding directed to a foundation to prevent young people from smoking, or to help them in quitting.

What have we learned since the health groups and some governments have been seized with the tobacco problem and its potential solutions? Arguably, the most important element for effective anti-tobacco campaigns for youth is stable, long-term

funding. Why? Because programs are stepped midway, and right now there is no evaluation of the programs. In California, they mandate 10 per cent of every dollar spent for evaluation. They want to see the winners and the losers, and separate the two.

Groups stop each fiscal year waiting for funding. California provided stable funding with Proposition 99. This was a direct vote by the people, imposed on the legislature. A levy is the closest vehicle we have in the Canadian context to emulate Proposition 99. It is procedurally correct. We have five precedents, including the one on blank audiotapes that this government introduced. It also provides a stable source of funds. Nothing raised ends up in the Consolidated Revenue Fund, the money is spent where it was intended to be spent, and it is not subject to diversion.

Next, a vehicle at arm's length from the government. Why? It limits political interference. California had problems with censorship and an effort to re-direct the funds. Florida had interference and eventually was cut off. Massachusetts got cut backs on its funding without any notice at all. All these jurisdictions suffer from having their programs run within government departments.

Finally, I wish to address the magnitude of the program. In this case, bigger really is better. All successful programs have at least \$4 U.S. per capita for funding. The Centre for Disease Control and Prevention in Atlanta recommends \$5 to \$16 U.S. for jurisdictions the size of Canada.

**The Hon. the Speaker:** Honourable Senator Kenny, I regret to have to interrupt you but your 15-minute allotted period has expired. Are you requesting leave?

**Senator Kenny:** Yes. May I have leave?

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

**Hon. Senators:** Agreed.

**Senator Kenny:** To recap, order of magnitude, a minimum of \$8 Canadian per capita, stable and consistent funding, and arm's length to deter political interference.

Having learned these lessons, how did we make Bill S-13 happen? We started with op-eds around the country. This was really an education process. It evolved into a national movement with its own momentum. People did not have the basic facts. They did not know that 85 per cent of smokers started before the age of 16 or that 45,000 people died, or the success of California, et cetera.

To get attention for the bill, we tried a variety of things. Visits across Canada both created media coverage and searched out media coverage, and speeches and meetings were held with interested Canadians. Soon, there was a growing network of committed groups which wanted to become involved. This caused my office to be swamped with approximately 4,000 demands for assistance and background on the issue. People

wanted to know, "Who is my MP? What will the government do? How can I get funding? What can we do to make Bill S-13 a reality?" We were deluged with e-mails, phone calls, faxes, and visits. Demands on the office created the need for a larger staff. We ended up with three to eight full-time, part-time and volunteer staff, and they worked between 50 to 60 hours per week.

During the summer and fall of 1998, the office replied or sent out 5,500 pieces of correspondence. Many more thousands of letters were received by MPs and ministers in Ottawa and in their constituencies in support of Bill S-13. Over 2,000 calls were made — so many that we lost track of how many requests were made for information on how to support the bill. We recorded approximately 2,276 visits to the Web site, which featured Bill S-13 issues, and eventually we had over 200 events and meetings. The meetings ranged from addressing schools, national health clubs and Canadian clubs to individual cancer units. Then there was travel — lots of it.

There is no way to get the message out by staying in Ottawa. Over the year, I participated in meetings and events in 24 cities, several of them two or three times. Each city visit represented an average of four meetings per visit, not including media events. This was at a cost of \$59,000 over the course of the fiscal year.

The initial media coverage created interest, the interest created invitations to speak across the country, and the trips resulted in more media coverage. Over the 12-month period there were 21 positive editorials or columns in the national media, because we went to them. There was one undecided editorial — and, of course it was in my home town paper, *The Ottawa Citizen*. I suspect that Jack Aubry was the guest editorialist that day. There were 67 electronic media interviews. As well, 950 community papers received articles or columns, and 153 English and French cable and TV stations received interviews taped in Ottawa by Senator Nolin and myself.

• (1850)

All the public interest in education resulted in 566 endorsements from groups across Canada from every province and 38 municipalities. A broad coalition of groups indicated their support for Bill S-13, from the Cancer Society to Big Brothers to CAW locals to Seventh-day Adventists, and once Canadians understood the proposal, there was overwhelming approval. According to a national poll carried out by Environics with a sample of 2,002, which is accurate plus-or-minus 3 per cent 19 times out of 20, in the spring of 1998, 67 per cent approved of the bill and 53 per cent of smokers approved of the bill. After six months of campaigning in the fall of 1998, 76 per cent of Canadians approved of the bill, and 83 per cent of youth between the ages of 18 and 29 supported the bill.

Honourable senators, I view the entire exercise as an investment in children's health. Fighting tobacco is an inexpensive undertaking, even at \$5 to \$16 per Canadian. There are 1.4 million children between the ages of 10 and 19 smoking in Canada today. If we do not act now, a third of them will die

seven years prematurely. If we cut the number of smokers in Canada by 30 per cent, this decrease would work its way into the health system and cause savings of billions of dollars, which would be true savings that could be reallocated.

Eight colleagues felt this issue was important. They pooled their budgets for Bill S-13. The budget available for the campaign grew to \$204,000, plus the \$59,000 I spent on travel. This is twice the size of my normal budget, but it is also estimated at about half the annual salary of an Ottawa tobacco lobbyist.

Let us put it in perspective: Over the same 12-month period, the industry spent \$120 million on sponsorship and pointed self-promotion. The industry spends millions more on lobbying and PR. Again, it is a question of promotion and of proportion.

Honourable senators, the government effort is disproportionate to the taxes it receives. The health community's resources are disproportionate to the tobacco industry's profits. Our resources, as legislators, are disproportionate to the tobacco industry's lobbying and promotion, and Bill S-13 was an effort to even things up a little bit.

I would be remiss not to thank Senators De Bané, Hébert, Lawson, Lucier, Sparrow, Stanbury, Gigantès and Wood. All of them helped contribute to the campaign. To all the groups that took part and gave their time to endorse the bill, and to the thousands of Canadians who wrote letters, from health care workers to grade school children to concerned citizens across the country, thank you.

What have we all accomplished? Bill S-13 provided a focus for the health community and parliamentarians in developing solutions to the problem of smoking-related disease in Canada. It was an exercise in coalition building that provided a platform for Canadians to communicate the impact of tobacco on their children. It increased the awareness for the need to denormalize the tobacco industry. The public is now more aware of its ploys to target children to maintain customers. Most important, there is a greater awareness of the imbalance between the magnitude of the problem and the funding the government has committed, and therefore a greater appreciation for the need to get moving.

We are counting on some action. The government has indicated concern and demonstrated some leadership on the issue of smoking and tobacco-related diseases. I highlighted earlier that the government has introduced numerous positive initiatives which could contribute to reducing the smoking rate among Canadians, but the key one, the lynchpin, is not there yet.

Last January during Non-Smoking Week, the Minister of Health announced that the Health Caucus Committee would be given a mandate to look at a replacement for Bill S-13. The caucus committee has now delivered its report to the minister. We need those responsible for health policy to make Bill S-13, or an equivalent, a reality so Canadians can also share in the success that other jurisdictions have had.

Time is precious. We all know it takes time and a great deal of consultation to get policy developed and programs in place. It was only reasonable to give the government time to deliver on its promises and initiatives. However, we cannot afford to wait too long. Time is precious. Every day, 685 kids start smoking in Canada. The time to act is now. How long can we wait for the minister to deliver on his commitment? Sometimes I feel like I am caught between a "Rock" and a hard place.

There are three things on which we want the government to move. The first is replacement legislation for Bill S-13. If the government continues to have trouble producing a replacement, I have a revised bill which is procedurally stronger as a replacement for Bill S-13. Bill S-13B was written to address the Speaker's ruling last December in the other place.

Second, it is time to address the tax-free export exemption. Smuggling is cited as a disincentive to increasing tobacco taxes, but smuggling will continue until the export of almost 1.5 billion cigarettes tax free is stopped. Eliminate this financial incentive and there will be millions fewer cigarettes for our kids to buy.

Finally, we need an increase in taxes on tobacco. It is time for the federal government and the five provinces to reinstate the 1994 excise tax levels. This has a major impact on youth smoking. If the five provinces do not want to move now, the federal government needs to serve notice that it will act unilaterally to raise taxes back up because smuggling need not be a problem.

Prompt attention to these three issues by the government will save the lives of literally thousands of Canadians. Remember, 450,000 between the ages of 10 and 19 will become addicted in the next decade. Prompt action will save the federal and provincial governments billions of health dollars starting as soon as three years from now. Prompt intervention is the right thing to do, and now is the right time to do it.

**Hon. Senators:** Hear, hear!

**Hon. Pierre Claude Nolin:** I am sure my colleague will entertain some questions.

One piece of good news was the surtax established in 1994. Could the honourable senator give us some numbers on how much money was raised and how much of the surtax was spent? For the benefit of my colleagues, I am referring to the surtax on tobacco manufacturers.

**Senator Kenny:** Yes, honourable senators, I can.

In 1994 there was a tremendous smuggling problem. The governments of Quebec, Ontario, New Brunswick, Nova Scotia and Prince Edward Island, together with the federal government, agreed to substantially reduce their excise taxes to stop smuggling. At the same time, the federal government, in order to compensate for that, introduced a surtax of \$185 million specifically for tobacco-related education. It was earmarked for tobacco-related education, but the government spent only

56 per cent of it. It spent only \$103 million, and the remaining \$81 million is down the memory hole somewhere. It disappeared into the Consolidated Revenue Fund. So far, no parliamentarian has been able to get an answer as to where the money went or why it was not spent on tobacco education.

**The Hon. the Speaker:** Honourable senators, if no other honourable senator wishes to speak, this inquiry shall be considered debated.

• (1900)

## NATIONAL COUNCIL OF WELFARE

### REPORT ON PRESCHOOL CHILDREN— INQUIRY—DEBATE ADJOURNED

**Hon. Erminie J. Cohen** rose pursuant to notice of April 20, 1999:

That she will call the attention of the Senate to a report by the National Council of Welfare entitled, "Preschool Children: Promises to Keep."

She said: Honourable senators, I wish to call the attention of the Senate to a recent report by the National Council of Welfare entitled "Pre-School Children: Promises to Keep."

I congratulate the National Council of Welfare for producing this excellent report and reminding us once again that the issue of national childcare is important and just will not go away. It is a need which warrants our serious consideration. Somewhere along the way, this issue has been neglected by all governments. We must act quickly to ensure that a national childcare policy be a priority on the government agenda.

During the past decade, the decisions by the federal government to retreat from childcare funding has led to a huge shortage of daycare spaces for our children. The report "Childcare in Canada" by the University of Toronto's Childcare Resource and Research Unit tells us that, in 1995, there were over 5 million children in Canada between birth and age 12. Over 3 million of these children had mothers who were in the paid labour force.

Unfortunately, only a fraction of children with parents in the labour force are in regulated childcare. Canada has only 425,000 regulated spaces available — enough room for about 8.5 per cent of the Canadian children who require daycare.

As my honourable colleague Senator Spivak pointed out in her response to the Budget, on April 15:

Years of government reductions — all sorts of governments — in transfer payments to the provinces has hit childcare particularly hard. Licensed childcare spaces have been lost in response to the substantial decline in federal transfers.

Today in Ontario, parents are scrambling for licensed childcare. They are placing the names of unborn children on growing waiting lists. In Toronto last summer, the vacancy rate in the city's 725 licensed daycare centres dropped to zero for the first time ever. In Quebec, a recent report tells us that 100,000 new spaces — double the number now available — will be needed within six years. Within the next decade, the granddaughters and grandsons of the baby boom generation will begin arriving...A difficult situation will grow worse unless the federal government intervenes.

Honourable senators, we know that many children in Canada are not thriving as we would like. The picture is not a pretty one. Many suffer from the effects of family breakdown, poverty and the stresses of family life when both parents must work long hours to make ends meet. We also know that our government made a promise ten years ago to Canadian children to end their poverty by the year 2000. This was followed by another promise made to Canadian children in 1991 when the government ratified the UN Convention on the Rights of the Child and made commitments to provide special recognition for children and an adequate standard of living for families.

We must ask ourselves, did these promises make a difference? How have our children benefited? Unfortunately, since that time, child poverty rates have continued to soar, divorce rates remain at about the 50 per cent mark, and family instability is a reality for many young children who suffer both the loss of a parent and material comforts, because families headed by single parents are far more likely to be poor than two-parent families.

Funding for the basic necessities which children require, such as social services, health care, education, has been drastically reduced by all governments in the past decade. In fact, our national policies have all but abandoned our children in recent years. Changes to the Child Benefit Program have helped some low-income families but not others. They are a stark reminder that our governments are not creating universal programs to help all our children.

Instead, the federal government is simply using the tax and transfer system to redistribute dollars to the lower-income families who participate in the paid labour force to assist them with their childcare costs. However, these parents receive only a fraction of what regulated daycare actually costs and must usually rely on substandard care.

In an effort to get the needs of families back on the agenda, the National Council of Welfare recommends an integrated system of family policies that work together to support parents to take care of their children. The centrepiece of this family policy is affordable, high-quality childcare, and their view that childcare is the most important step that governments can make to help families with young children is a logical one because it benefits both the parents and the child.

First, it allows parents, especially mothers, the opportunity to work. This is important in an era where families generally require two incomes to survive.

Second, quality childcare provides a system of early childhood education that ensures that all children have an equal chance of good development. Parents who choose to stay at home with young children would have the opportunity to enroll children in part-time nursery school programs.

This program is very similar to the system proposed by Status of Women Canada in their 1998 report "Women's Support, Women's Work" advocating a national childcare system which would be comprehensive, universally available, affordable and of high quality.

The National Council on Welfare also sees a national daycare program as the best way to fight child and family poverty. A report by Sharon Irwin and Donna Lero entitled "In Our Way: childcare Barriers to Full Workforce Participation" shows us that the lack of affordable, high-quality childcare is the biggest barrier to workforce participation of low-income mothers. They concluded that the incident of childcare breakdown, even if it seldom happens, serves to prove to low-income mothers that abandoning employment and staying home to provide care to children is the only option which they can trust. This decision results in significant financial sacrifice.

This is just one of many studies which illustrates how reliable, affordable childcare assists many families who want to enter the workforce. We know that families with parents in the labour market are less likely to live in poverty, especially severe poverty.

For single parents under 25, the poverty incident climbs to a staggering rate of over 90 per cent. In this case, it is impossible for the household to have any labour market income without childcare. The poorest Canadians are those who must rely on social services alone. Parents who receive social assistance have told governments again and again of the need for safe and affordable childcare.

Yet when governments design programs to help parents in their transition from welfare to work, it is assumed a neighbour would be available at a minimal cost for childcare. This is often not the case. Even if it were, many mothers are hesitant to leave their children in unregulated settings.

It seems, honourable senators, that they have good reasons for their misgivings, childcare studies conducted in 1986 and 1987 show that unsupervised private care providers give only adequate custodial-type care. They found that unlicensed family childcare had consistently lower scores than licensed family care and regulated centres.

The problems in the informal childcare were numerous. Many children were not taken outside to play. Caregivers did not read, sing or play with the children. Many children spent their day watching television, and most caregivers had too many children to care for any of them adequately.



We cannot expect low-income parents to leave their children in undesirable settings, places where we would not want our children or grandchildren to be. This, honourable senators, must be reflected in our welfare policies.

Assisting parents to participate in the paid workforce is perhaps the most important strategy for addressing child poverty. Yet many of those who oppose publicly funded childcare have argued that we cannot afford it. However, in this new economy, the debate must shift to one which considers childcare as an investment.

In "The Benefits and Costs of Good Childcare" a report by the University of Toronto childcare unit, the authors conclude that there is now enough literature on the relationship of quality, early childhood programs and healthy child development to allow us to factor in child outcomes when we look at the cost-benefit analysis of publicly funded childcare.

What are these development benefits? They include lower cost in the child's future education and a reduction in correctional social service and health costs. The High/Scope Perry Preschool Program Study in the United States produced an often-quoted report which estimated a savings of about \$7 for every dollar spent on licensed childcare.

• (1910)

Perhaps, honourable senators, the most important benefit is the end result: A well-educated citizen who is more likely to participate in the labour market. It may also be the solution to the current problem of our lagging productivity. A national childcare system serves two purposes in this regard: First, it maximizes the productivity of the existing workforce. A recent major study found that the productivity problem, or standard of living problem, as it has been renamed by the government, is the result of too few Canadians participating in the labour force.

The study also shows that workers who worry about unreliable or substandard childcare arrangements are less productive in the workplace and have high levels of absenteeism. Affordable, consistent childcare is bound to bring more workers into the workforce and allow them to concentrate on the task at hand. This increases productivity and morale.

The federal government has declared its commitment to the Convention on the Elimination of all forms of Discrimination Against Women. Article 11.2(c) of this convention states that the signatories — and Canada was one — should take measures to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participate in public life, particularly through promoting the establishment and development of a network of childcare facilities.

However, what happens in practice could not be further from that. The Canadian Centre for Management Development released a report in 1994 on employed mothers which concluded that most mothers find the demands of work and family

overwhelming, and they often feel like terminating their employment.

Last fall, *The Globe and Mail* published a Carleton University study showing that our public service discriminates against women with families. The study concluded that having children presents a formidable obstacle to women's advancement up the managerial ladder in our federal government. This is surprising, honourable senators, when one considers that the public service tends to be one of the more progressive employers. Other sectors tend to be even less flexible in considering family responsibilities. The end result is stress, family breakdown, and poverty for Canadian women who may be forced to choose between having a family and working outside the home.

Honourable senators, the government's Red Book promised a significant increase in the number of childcare spaces. They made such a promise, one can only assume, because they understood the importance of childcare when formulating family policy. Still, there has been an erosion of spaces since they took office.

Honourable senators, I believe that to improve the lives of our nation's children we must demand federal leadership for our social programs once again. The best and most effective place to start is with the creation of a national childcare system which is universal, affordable, comprehensive, and of high quality. Our families deserve it, our nation deserves it, our future deserves it, but most of all our children deserve it.

On motion of Senator Cohen, for Senator Pépin, debate adjourned.

## SOLUTIONS TO TOBACCO PROBLEM

INQUIRY— ORDER WITHDRAWN

**Hon. Colin Kenny** rose pursuant to notice of May 13, 1999:

That he will call the attention of the Senate to solutions to the tobacco problem.

He said: Honourable senators, with permission, I should like to have this item taken off the Order Paper.

Order withdrawn.

## LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET  
DURING SITTING OF THE SENATE

**Hon. Lorna Milne**, pursuant to notice of June 8, 1999, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit while the Senate is sitting on Monday next, June 14, 1999, and that rule 95(4) be suspended in relation thereto.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):**  
Honourable senators, at what time on Monday is the committee planning to sit?

**Senator Milne:** The committee is scheduled to begin at 10:45 Monday morning with a long list of witnesses. We plan to hear the minister on Bill C-69. We hope to have completed our list of witnesses before the Senate commences.

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

Motion agreed to.

**FOREIGN PUBLISHERS  
ADVERTISING SERVICES BILL**

CONCURRENCE BY COMMONS IN SENATE AMENDMENTS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill C-55, respecting advertising services supplied by foreign periodical publishers, to acquaint the Senate that the House of Commons has agreed to the amendments made by the Senate to this bill, without amendment.

The Senate adjourned until Monday, June 14, 1999 at 4 p.m.

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**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(1st Session, 36th Parliament)**  
**Thursday, June 10, 1999**

**GOVERNMENT BILLS**  
**(SENATE)**

<b>No.</b>	<b>Title</b>	<b>1st</b>	<b>2nd</b>	<b>Committee</b>	<b>Report</b>	<b>Amend.</b>	<b>3rd</b>	<b>R.A.</b>	<b>Chap.</b>
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	99/02/11	Foreign Affairs	99/03/24	four	99/04/28		

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	99/03/11	none	99/03/16
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**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

<b>No.</b>	<b>Title</b>	<b>1st</b>	<b>2nd</b>	<b>Committee</b>	<b>Report</b>	<b>Amend.</b>	<b>3rd</b>	<b>R.A.</b>	<b>Chap.</b>
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 repealing and re-enacting other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd concur in Commons amendments	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99

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-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21	99/04/27	Fisheries	99/05/13	none	99/05/13		
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-32	An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development	99/06/02	99/06/08	Energy, the Environment and Natural Resources					
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	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98
C-38	An Act to amend the National Parks Act (creation of Tuk Tuk Nogat National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none	99/05/12		
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
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	99/02/10	National Finance	99/03/18	none	99/04/27	99/04/29	17/99
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-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples	99/05/13	2	99/05/13	
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	99/03/04	none	99/03/09	05/99
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	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	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications 99/03/25	99/05/31	3	99/06/08	
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	99/02/18	none	99/03/02	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	01/99
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	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	10/99
C-64	An Act to establish an indemnification program for travelling exhibitions	99/05/31	99/06/03	Social Affairs, Science & Technology	99/06/10	none		
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	11/99
C-66	An Act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act	99/05/11	99/05/11	Social Affairs, Science & Technology	99/06/10	none		
C-67	An Act to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/10	none		



C-69	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/05/31	99/06/08	Legal and Constitutional Affairs			
C-71	An Act to implement certain provisions of the budget tabled in Parliament on February 16, 1999	99/05/11	99/05/12	National Finance	99/06/03	none	
C-72	An Act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada-U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain Acts related to the Income Tax Act	99/05/11	99/05/13	Banking, Trade and Commerce	99/03/31	none	99/06/07
C-73	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	99/03/17	99/03/23	—	—	—	99/03/24 99/03/25 14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25 99/03/25 15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole	99/03/25	none	99/03/25 99/03/25 13/99
C-78	An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act	99/05/31	99/06/03	Banking, Trade and Commerce			
C-79	An Act to amend the Criminal Code (victims of crime) and another Act in consequences	99/05/31	99/06/08	Legal and Constitutional Affairs	99/06/10	none	
C-82	An Act to amend the Criminal Code (impaired driving and related matters)	99/06/10					
C-84	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect	99/06/10					
C-86	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001	99/06/09					

## 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	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
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-251	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/06/08							
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	99/02/11	99/03/11	07/99
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	99/02/11	99/03/11	08/99
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	99/02/09	99/03/11	06/99

## 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	none	referred back to Committee 98/09/24		
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/06/04	one	98/06/09	<i>Motion for 2nd reading negatived in the Commons</i> 99/04/13	
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	<i>Bill withdrawn pursuant to Commons Speaker's Ruling</i> 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 & Bill withdrawn 98/12/08	four			
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							

S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03	99/06/08	Legal and Constitutional Affairs	
S-26	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)	99/03/10			
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16			
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20			
S-29	An Act to amend the Criminal Code (Protection of Patients and Health Care Providers) (Sen. Lavoie-Roux)	99/04/29			

### PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) <i>(Dropped from Order Paper pursuant to Rule 27(3)98/11/17)</i> <i>(Restored to Order paper 99/04/15)</i>	98/06/17	99/04/20	Banking, Trade and Commerce	none	99/05/05
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	three	98/12/09 99/03/25
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce	two	99/04/22 99/04/29
S-30	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/05/13				

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