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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Wednesday, September 8, 1999

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

Prayers.

THE LATE HONOURABLE PAUL LUCIER

TRIBUTES

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, in the early years of this century, the great poet and writer Robert Service wrote rhymes in charcoal letters on coarse rolls of newspaper which he pinned to his cabin wall. This wonderful poet, novelist and chronicler of the Yukon Territory captured the heart and soul of the land he loved.

One of Service's famous "Yukonisms," as he put it, was penned in only five words. "The North has got him," he wrote.

When the young Paul Lucier first went to Whitehorse in 1949 from LaSalle, Ontario, he worked on the largest sternwheeler to ply the mighty Yukon River, the *S.S. Klondike*, now beautifully restored to its original proud stature. He went on to become a fire-fighter, an ambulance driver, a mechanic, a bus driver, a lover of amateur sports, a boxing instructor, and, later, the mayor of Whitehorse.

During a long and devoted service to the Senate of Canada, Paul remained always a man of the people and for the people. He much preferred the common sense coffee shop talk of ordinary Canadians to the sometimes rhetorical remonstrances of those in the so-called higher echelons of political life. Paul had a way of cutting through the rhetoric with his razor-sharp mind, and he could reduce even the most complex subjects to the simplest possible terms.

Throughout all the diverse occupations and volunteer activities that Paul undertook, throughout all the lengthy years of conviction and principle which he brought to the Senate of Canada, the people of this country, and that wonderful territory, there was one overriding force which shaped his remarkable life.

• (1410)

Robert Service said it best, because he knew the feeling better than any other: The North got him. The North shaped his vision. The North was the engine of his strength. The North emboldened his courageous heart.

Paul knew the way of the canoe and the freedom and call of the wild. He knew the wonder of vast distances, the excitement of adventure, and the splendid vast migration of the caribou from the Porcupine herd in the northern Yukon. He understood the power of solitude at the northern end of the world. He knew the joy of spring flowers, bursting through the melting snow, bringing their brilliant colour and infectious spirit to a recently

frozen landscape. How well he spoke of it, of the big, unspoiled, majestic country of treeless land and 24-hour sunlight. How often he spoke of the tundra, and the small communities, of the vision and the spirit of its wonderful people, of their future, of their hopes and their dreams. How well he spoke, not only of what the Yukon was, but what it would become.

Paul understood better than most of us that the North is our greatest challenge, our greatest adventure as a people. He understood that what happens in the North and to its people will tell us much about our collective will as a nation. He knew that what happens to the North will tell us much about the kind of people that we are. Resolutely and passionately, Paul brought his experience and knowledge to Canadians from coast to coast to coast.

In his final years, Senator Paul Lucier taught a lot of us about courage. In fact, for his many friends and colleagues, his very life became the epitome of that word — a word which to me is one of the finest in the English language or in any language.

On July 29, in the company of His Honour Speaker Molgat and several other honourable senators, I visited Whitehorse to speak at a memorial service in honour of our old friend and colleague. At that service, we learned much more about our modest, courageous friend, the impact he had, and the imprint he left on the people of the Yukon. One of our newest colleagues, Senator Ione Christensen, spoke movingly about Paul and his incredible influence on the city and on the territory.

In the two weeks before that celebration of Paul's fascinating life, the world watched as a very special American took Paris in the grand prix of cycling. I thought at the time of grand prix champion Lance Armstrong's thoughts about courage because I had never heard anyone express it better. On being pressed again and again about how he could perform at such a high level in the venerated Tour de France, after his monumental struggle with a particularly aggressive form of cancer, the 27-year-old Texan responded, "You have to believe in yourself. You have to fight. You have to hold the line."

Believe, fight, hold the line — Paul Lucier did that every day over the last few difficult years, returning to his work here in the Senate of Canada with enormous fortitude, in between treatments. He remained always, in spite of his illness, a decent, fair-minded Canadian with a fighting spirit, and an honourable and principled parliamentarian until the end.

I think many of us will always remember him as part of that land that he so loved:

this land hidden in wonder and snow
or sudden with summer
this land staring at the sun in a huge silence.

Those words were written by the lawyer-poet Frank Scott over three decades ago.

We will think of a noble Canadian who found no mountain and no river too hard to cross. We will think of a land of magic and mystery, and we will think of a man who personified its strength. Yes, the North got him, and, yes, he, Senator Paul Lucier, will belong to the North forever.

To his wife, Grace, to his children, Edward, Frances and Tom, to his extended family and friends, I join with all honourable senators in an expression of the deepest and most profound sympathy on the occasion of the death of this truly remarkable Canadian.

Hon. C. William Doody: Honourable senators, I rise today to add a few words to those of my colleagues in offering tribute to the memory of our late friend Paul Lucier.

Paul was called to the Senate in 1975, just a few years before I arrived here. He was a very active senator, full of energy and involved in every facet of Senate activities. He was a very personable man, quick to laugh, easy to like.

Some years ago, Paul and I were both members of the CPA delegation to India. I got to know him pretty well during that week or 10 days, and I was fascinated to watch him absorb the culture and study the problems of governing that complex country. He was a joy to know.

He was a passionate advocate of Canada's North, and never missed an opportunity to explain to any who were interested what a truly wonderful part of the world he represented. Although he was not born in the Yukon, he quickly came to love that incredibly beautiful part of our country. He was an ardent and articulate spokesman for his adopted home.

I came to know Paul Lucier pretty well during our years of service in this place, and I developed a high regard for his honesty, his integrity and his dedication. He will be missed in the Senate of Canada and, I am sure, in the Yukon.

I should like to offer my condolences to the members of his family and to his multitude of friends.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, when I learned of the passing of Paul Lucier, and knowing that he was living at that time in Penticton, I called His Honour the Speaker and I indicated that, while I knew the major service would be held in Whitehorse, I wanted the Senate to be represented in Penticton. I, therefore, went to Penticton, and I was joined by Senator Fitzpatrick, where the first of a number of services were held in memory of the late Senator Paul Lucier.

Paul was in Penticton because palliative care could not be found for him in Vancouver where he was receiving the majority of his treatments. He had a summer cottage in Penticton, where some of his family lived, and so he went to a palliative care

centre in Penticton, which is where he lived the last few weeks of his life.

It was a traditional funeral service in a Catholic church where we do not usually eulogize the person. He was eulogized, though, because there was a reception following the service. I wanted to explain to the senators here, and to all of his former colleagues, what a joyous sense there was in this reception as we celebrated the life of Paul Lucier.

The room was decorated with a series of pictures. Some of them were snapshots of Paul and some of them were more formal pictures, but the picture of honour in this room was a picture of this chamber and his colleagues. Everyone who entered immediately saw that this Senate chamber had been such an important part of Paul Lucier's life.

Like all of you, I knew Paul as a man with an easy-going sense of humour, a man with a joy for living, and I knew of his deep feelings for the North. However, I did not know Paul Lucier, the jokester. This aspect of his life was so central to the conversations that went on in the room and the remarks that people made, that I want to share one story with you, honourable senators.

• (1420)

There was a picture of Paul holding a large fish that was estimated to weigh about 35 pounds. Paul was clearly holding this fish as if he had caught it. However, the story that was told at the reception was that not only had Paul not caught this fish but it had been caught by a nephew. Paul had demanded that his picture be taken holding this fish, but once the picture had been taken, he dumped it back into the lake so that the nephew never did get a picture of himself holding it.

Everyone in the room who knew Paul and knew him to be a jokester thought this was wonderful, including the nephew, who told the story and said that even he thought it was funny though he did not get his picture taken.

I will remember those few moments spent with that family forever because, although I had admired and respected Paul, I got to know the real Paul at that reception. I only wish I had been able to know him a little better while he was still with us.

Hon. Jack Austin: Honourable senators, I want to add a few words to the comments of Senators Graham, Doody and Carstairs with respect to our friend Senator Paul Lucier.

Senator Paul Lucier and I met in Whitehorse in September of 1975. At that time, I was a new senator who was pursuing an old interest in the Yukon, where I had been called to the bar in 1966. I heard a great deal about Paul on that particular trip. He was the mayor of Whitehorse and he had a reputation as an outstanding administrator and a person with a pervasive knowledge of everything that happened in the Yukon. I gave him a call. We chatted about mining in the Yukon, which was one of our joint interests, life in the native communities, and the prospect for resolving native land claims.

Paul decided that I needed a real Yukon experience, so he took me fishing. His son Ed, who had just become a pilot, flew us in a small plane to a lake some distance from Whitehorse. The fishing was marvellous. I cannot remember the name of the lake, but in my mind it has always been "Lake Lucier."

Over the years since, we had great conversations. I discovered that Paul was an exciting person who possessed a shrewd judgement about human nature. I think my colleagues in the Liberal caucus came to see Paul as the quickest read of anyone in the caucus as to where an argument might be going. He was very quick to call the shots when he disagreed with a particular argument.

During his years in the Senate, Paul was a partisan for the Yukon. He worked very hard on the development of the native claim settlement process and other legislation dealing with the economy of the Yukon. However, he was also a pan-Canadian. Paul never forgot his Franco-Ontarian roots in that marvellous hotbed of political growth, namely, the Windsor area of Ontario. He had a vision about Canada that was truly an ideal for what Canadians should believe in when they come to believe in their country.

I always thought that Paul would have made a great member of Parliament from the Yukon. By "member of Parliament," I mean a member of the other place. Paul's career coincided with the years of the Honourable Eriq Nielsen, and then with the years of Audrey McLaughlin. We were fortunate to have Paul in our chamber and to have his contribution here.

Before I left for China in the third week of July, I spoke to Ed Lucier to see how Paul was faring. I was not surprised when I heard, while I was in China, that Paul had died. I am very sorry that I was unable to attend the funeral, but I send my respects and regrets to his family, Grace and the children.

Hon. Ione Christensen: Honourable senators, I am honoured to be able to stand as the representative of the Yukon and to address my words of condolence to the family of Senator Paul Lucier.

While Paul's health in the past years did not allow him to be as visible at home in the Yukon as he would have liked, he always kept in close touch with people there, as I quickly learned from the numerous phone calls that I received two days before I came down here.

Paul was a fierce advocate in this place with respect to all matters that concerned the Yukon. It was evident from the numerous comments that I have heard and received in the last two days that he was both loved and deeply respected by the members of this place.

I certainly have very big shoes to fill.

Hon. Jerahmiel S. Grafstein: Honourable senators, the North, the mysterious, inviting, inhibiting true North, aligns Canada as no other tangible or intangible bond. Our dearly departed friend Paul Lucier was born in Ontario and chose to settle in the North, in the Yukon, while still in his teens.

As the North defined Paul, so Paul helped define the North. Roustabout, sailor, trucker, boxer, inveterate card player, coach, mechanic, fire-fighter, ambulance driver, gun collector, hunter, wilderness guide, fisherman, politician, small businessman, Paul was a skilled jack of all trades. Almost of his life, he worked with his hands and his brain and, in the process, developed a simply marvellous rapport with working people — a rapport in which he had great pride.

A while ago, I travelled to the Yukon with several parliamentarians of both Houses. We stopped at a high lookout. Far below was a small, shimmering, diamond-like lake, and beyond, vast snow-capped vistas that stretched for miles in all directions. The air was crisp, cool, clean and invigorating. I asked one colleague, a member of the Bloc Québécois, as we stood there gazing at the beauty of the geography: "All this is yours and mine. Why would you want to give it up?" He turned to me in deep reflection and said quietly, "I am not sure we do."

The North defines all of us in ways that we cannot imagine. For me, Paul exemplified the best pioneering spirit of Canadians who choose to live and work in the North. Paul was cocky, confident, tough, humorous, quick and self-sufficient, with a marvellous smile and an outrageous sense of humour.

I first met Paul in 1966, when I visited Whitehorse during an infamous national election campaign. Even then, you sensed that he was on the way up politically. As we strolled through town, there was not anyone who did not stop and say "Hello" and ask for a joke or for his advice about some matter, large or small. Who can forget Paul's dazzling smile, his chuckles, his quiet partisanship, his loyalty to friends and liberal ideas, which were self-evident and exemplary.

Paul was born and brought up in a French home in Ontario, and educated in a totally French environment. Yet, he had no time for French nationalists. He vitriolically opposed in this chamber, and elsewhere, Meech Lake. He felt Meech would not unite the country but divide it. He was, honourable senators, the first senator appointed to the Yukon, and he fought hard to gain recognition for aboriginal land claims in the North and elsewhere. It was only right, according to Paul. It was only fair.

Paul remained a fighter to the very end. He fought his illness with courage and quiet valour until finally it conquered him. He sat there just a few seats away, when he came back from time to time. He would always throw me an irreverent one-liner which never failed to break me up, even in the most solemn moments of this chamber.

Paul had a zest for life and a zest for living. He never complained, even when his eyes betrayed the pain that he was suffering. I was privileged, as many of us were, to call him a friend.

• (1430)

I extend to his wife, Grace, and his family and friends too numerous to mention, our deepest condolences.

I conclude with a paragraph from a poem written long ago by English writer Stephen Spender entitled "The Truly Great":

Near the snow, near the sun, in the highest fields,
See how these names are fêted by the waving grass
And by the streamers of white cloud
And whispers of wind in the listening sky.
The names of those who in their lives fought for life,
Who wore at their hearts the fire's centre.
Born of the sun, they travelled a short while toward the sun
And left the vivid air signed with their honour.

When Paul left this world, he left the air vivid with his honour.

Honourable senators, the surname Lucier is French, originating from the Latin word *lucere* which means "to shine brightly." Paul's plucky memory will ever shine brightly for all those who had the privilege to know him.

Hon. Joyce Fairbairn: Honourable senators, I would like to say a few words in memory of someone who was a very early friend of mine when I came to this chamber. He became one of my closest colleagues and friends over the last 15 years.

When I first came to this place, Paul and I had offices across the hall from each other on the fifth floor. From the very beginning, he held out his hand to me in a way that was of great comfort. Others may think this is an easy place to enter, but each of us here knows that, upon first arriving, this place is at the very least confusing and, at the most, I suppose, a joy.

I came to know this gentleman from the Yukon as being very real. He had fierce principles, no pretension, a great sense of humour. When people talk about someone being a "fine person," Paul Lucier personified that expression.

He valued fairness and compassion for people above politics, above Parliament, above all. That value motivated his personal life. It motivated his work here at the Senate, and it certainly was at the heart of his determination to represent his beautiful territory and all those who live there. He most particularly wanted to represent aboriginal Canadians. Whether they were residents of the Yukon or any other place in Canada, he sought to defend their hopes and aspirations.

Honourable senators, I also attended the service in Whitehorse. Although the occasion was very sad, I was glad to be there because I saw Paul's life in a context in which most of us have never seen him. I saw where he lived, among his mountains, along that river. The service was held in a community hall with a window looking out on the beautiful scenery, and it was truly a celebration. As Senator Graham has said, it was a time when one appreciated the effect that a person of such humanity and quality had upon the people he served. We also saw the strength that he had drawn from them.

To paraphrase Senator Lynch-Staunton as he welcomed our new senators yesterday, the Senate is an institution which represents, through the people in it, some of the finest qualities of

Canadian citizenship. I would say that Paul was first amongst those representatives.

After the memorial service, I had a wonderful dinner with his faithful supporter, Anne, who I think is in the gallery today with other friends. Afterwards, they sent me a copy of the local newspapers showing the kind of coverage that they felt this gentleman deserved. They gave him a terrific send-off. They had colour photos of Senator Lucier on the front page and they included exciting and interesting stories, the way stories used to be written when I was young. Senator Carney would remember. The paper did a wonderful job in describing Paul and the esteem in which he was held by those who were there.

Our new senator, Senator Christensen, was there. Senator Graham spoke, as did the Honourable Judy Gingell, Commissioner of the Yukon. Father David Daws, the vigorous priest who conducted the memorial service, gave us some new insights into Paul. He described the relationship between himself and Paul Lucier as being like the relationship he had with God. We all took a breath and then he said:

Not that I would consider Paul as God. After all, he was a Liberal.

That brought some chuckles from a few of us in the crowd.

I want to quote another comment from that service because it puts an exact description on this former colleague and friend of ours. It was made by a long-time friend of Paul's, Jack Cable who sits in the Yukon territorial legislature:

He did not have a lot of formal schooling, but he had a lot of common sense and he had a lot of good judgment and he had a lot of good people skills. He had a whole lot of what people like about other people.

That to me sums up the wonderful man. We can only say again to Grace and to all of the family, what a privilege and joy and honour it was to have him with us in the Senate, to have him as part of our lives. We know how much we will miss him. We can only imagine the memories that you, your children and grandchildren, will take with you for so many years to come. Please accept our sympathy and our very best wishes.

Hon. Willie Adams: Honourable senators, I first met Paul Lucier when I was appointed in 1977. There were not many aboriginal senators here in the Senate and not too many senators with real experience of the North.

When my appointment was announced, Senator Lucier called me in Rankin Inlet to congratulate me and welcome me to the Senate. I told him this was a difficult time for me, that I really was not very familiar with the Senate of Canada, and I wondered what I would do. Paul said to me, "Willie, don't worry, come to Ottawa and we will work together on issues concerning the North."

I will never forget that. He made me feel so much better about coming into Ottawa to sit in this Senate chamber.

• (1440)

In the early 1980s, we were talking about the Constitution of Canada. At that time, the future of the North, the Yukon, the Northwest Territories and the Arctic in general was a difficult subject. The committee chaired by Senator Molgat travelled quite a bit across Canada. At that time, it was difficult to see what would happen with regard to aboriginal people in the Constitution. Finally, section 35 was added to the Constitution.

We were then talking about setting the boundaries in the Arctic and the Yukon. It was said that the Yukon would be part of B.C.; that part of Manitoba would be in Keewatin; that Baffin Island would become part of Quebec, and that other area would become part of Prince Edward Island.

I will never forget Paul. When we were fighting over the Constitution and native rights, we learned a lot from him about dealing with the Government of Canada. He had so much concern for the people of the North.

There was talk at that time about seats for the provinces. In 1982, we did not expect that Nunavut would become a reality, and that we would reach land claims agreements. At that time, the government agreed that, in the future, there would be extra seats for the territories. Paul and I fought hard for that, and yesterday my friend Nick Sibbeston was appointed to the Senate. Today, we have more representation for natives in the territories.

We did a great deal of work in the Senate on the Constitution and in our committee in 1982. At that time, Senator Watt was president of the Makivik Corporation and the Northern Quebec Inuit Association as well as a councillor for the Kativik Regional Government. He appeared before the committee as a witness. I never expected at that time that he would later be appointed to the Senate.

After a few years, I moved to Ottawa, and Senator Lucier and I would go up to the Parliamentary Restaurant and share jokes. When Senator William Guay was still here, three or four of us would go up together to the Parliamentary Restaurant. It was cheaper to go there at that time. A meal cost about \$2.50. Now the prices are up to about \$20 a meal. We used to go there and talk about the old days.

I had bought a piece of property in Ottawa, and learned that I had some beavers on my property. Paul told me to trap them. I said "No." He said "Some people are interested in trapping beavers." One day, a white man came along and trapped on my property. They always joked and said, "Willie, you are a native. Why do you need to hire a white man to trap on your property?" I will never forget that.

I used to travel quite a bit, and at one time we had a small party in an igloo with some area administrators. I had gone up there to do some electrical work. One day, one of the area administrators bought a few beers, and we wanted to show people that it was possible to party in an igloo. Someone left a candle in a cardboard box, and no one blew it out. The next morning, we went by the igloo, and it had burned down — or rather, it had melted. Paul Lucier and Peter Bosa, who is also no

longer with us, used to joke and ask me if I had collected insurance on my igloo yet.

Those are the kinds of memories that I have of Paul Lucier. I am sorry that I did not make it to his funeral in the Yukon. I miss him. He did a lot of work for us. I wish to thank everyone who did everything they could for Paul, including all the members of his family, to whom I express my deepest condolences.

The Hon. the Speaker: Honourable senators, I would ask you to rise for a moment of silence in honour of our colleague the Honourable Paul Lucier.

Honourable senators then stood in silent tribute.

[Translation]

THE LATE HONOURABLE HÉDARD ROBICHAUD

TRIBUTES

Hon. Rose-Marie Losier-Cool: Honourable senators, on Monday, August 16, 1999, New Brunswick and Canada lost one of their greatest politicians, with the passing of the Honourable Hédard Robichaud at the age of 87.

Born at Shippagan on November 12, 1911, Mr. Robichaud had an illustrious political career as an MP, a minister, a senator, a lieutenant-governor and special ambassador to Chile.

Elected in 1953, he held the federal seat for Gloucester, now the riding of Acadie—Bathurst, in Northeastern New Brunswick, until 1968. In 1963, the Right Honourable Lester Pearson appointed him Minister of Fisheries. In was in that position that Mr. Robichaud left his greatest mark.

To quote the Honourable Louis-Joseph Robichaud:

He is the first minister to come to the portfolio with the needed knowledge of the fisheries. The others were perhaps stronger on the administrative side.

One of his successors in Fisheries, the Governor General of Canada, the Right Honourable Roméo LeBlanc, also recalls Mr. Robichaud's determination to promote this industry in the Acadian Peninsula. As he said:

I had the opportunity to listen to him, and to consult him. He told us that all the fish must not be caught this year, because they would not then have the chance to spawn for next year. This was a warning that there were fish in the waters, but care had to be taken to keep them there for future generations.

In 1968, Mr. Robichaud was sworn in as a senator. There he remained for three years before becoming the first Acadian to be appointed Lieutenant-Governor of New Brunswick, in 1971. During his ten years in that position, he rendered great service to New Brunswick as well as to the political representation of francophones.

He was more than a politician. He was the husband of Gertrude Léger and the father of nine, as well as a friend to many throughout Acadia, New Brunswick, Canada and the whole world.

Respected and admired, he was ever at the service of the people. He has left an indelible mark on his former colleagues and compatriots.

On behalf of myself, all Acadians, to whom he was so devoted, and all my colleagues in the Senate, I offer my heartfelt sympathy to his wife, Gertrude, his children and his grandchildren. I sincerely thank them for sharing this husband, father and great Acadian and Canadian politician.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the people of New Brunswick were saddened to learn of the death of the Honourable Hédard Robichaud, the twenty-fourth lieutenant-governor of the province and the first Acadian to occupy the position.

Hédard Robichaud served as a member of the House of Commons before being appointed to the Senate in 1968. I, therefore, have had the privilege of working with and admiring this great Canadian for over 30 years.

Mr. Robichaud was born in Shippagan, New Brunswick. He pursued his studies in Tracadie, at the Académie Sainte-Famille and at the Université Sacré-Coeur in Bathurst. He was a graduate of the Université Saint-Joseph, later the University of Moncton. He lived in Caraquet, but, as we know, his world extended well beyond the boundaries of New Brunswick and Canada.

Mr. Robichaud made a strong contribution to the fisheries sector, first as an inspector and director of fisheries for New Brunswick and then, from 1963 to 1968, as the Canadian Minister of Fisheries.

In carrying out his public duties, Hédard Robichaud was a model of generosity and self-denial and was rewarded for being so by great professional success and many expressions of affection.

In the Privy Council as in his positions of lieutenant-governor, senator and federal minister, he turned his sense of duty to the service of New Brunswick and Canada, and loyalty and honesty were the watchwords in his treatment of them. This loyalty was a great source of inspiration to us, and we are sure he is at peace among the just.

Hon. Fernand Robichaud: Honourable senators, Acadia has lost a man who marked its history in various ways. Hédard Robichaud, as has been said, was elected the member for Gloucester, where he represented a strongly Acadian population of the Acadian Peninsula.

He accepted the responsibility of his appointment as Minister of Fisheries with enthusiasm and conviction. His great knowledge of this sector was not due simply to the fact that he lived in Caraquet on the Acadian Peninsula, but also to the fact

that he was close to the people, he was attentive and he knew how to listen to the people he represented.

This willingness to meet with people characterized his tenure as Lieutenant-Governor of the Province of New Brunswick. He delighted in travelling to all corners of the province to meet the public.

I had the pleasure of meeting Hédard on more than one occasion, and in more than one place. He was always accompanied by his wife, Gertrude, who was as unfailingly good-humoured and interested in what was going on as her husband. Hédard always had the unconditional support of his family, who understood the role his political life required him to play.

Like me, Hédard was born in Shippagan. I am proud to say that, yes, we are related! Hédard was the son of Jean, who was the son of Georges. My father, Albert, was the son of Pierre, known as Peter, who was also a son of Georges.

I therefore extend my deepest condolences to his entire family. I know that Hédard will long be remembered, particularly by the Robichaud clan.

The Hon. the Speaker: Honourable senators, I would ask you to rise and observe a minute of silence in honour of the Honourable Hédard Robichaud.

Honourable senators then stood in silent tribute.

[English]

SENATORS' STATEMENTS

HEALTH

PREVENTABLE INJURY—SMARTRISK FOUNDATION

Hon. Donald H. Oliver: Honourable senators, I am sure we are all agreed that anything we can do to reduce health costs in this country is in the best interests of Canadians. I have learned recently of Smartrisk, a national injury prevention organization dedicated to showing Canadians the risks that we face in our everyday lives. Their main purpose is to help us understand how to navigate these daily risks, and practice smart risk behaviour to prevent potential injury and death.

In July, I participated in a golf fundraising event, where I met Dr. Robert Conn, the founder of Smartrisk. A respected paediatric heart surgeon, Dr. Conn began to question the cause of the staggering number of injuries he saw disabling and killing Canadian youth. He came to realize that the majority of these injuries were not simply accidents, or acts of fate, and that 9 out of 10 were predictable. Dr. Conn's solution was to create Smartrisk, an organization based on the premise that if certain injuries are predictable, they can be prevented, thereby saving lives, eliminating needless pain and suffering, and reducing health costs.

Too many Canadian are dying needlessly. Seven out of every 10 teenage deaths occur as a result of a preventable injury: There was the newly engaged 21-year-old, just accepted into law school, who crashed without a seatbelt and literally smashed his head in; there was the 19-year-old who, after a few beers, ran his motorcycle into a tree, and the grade 8 student who jumped off a rooftop into the shallow end of a pool; there were the teenagers who skied off the trails, went on a snowmobile ride over thin ice, and dived into rocks. These are young Canadian lives that were lost in accidents that could have been both predicted and avoided.

Injuries are the leading killer in Canada of Canadians under the age of 44, and injuries result in the death of more children than any other cause combined.

• (1500)

According to the 1995 study conducted by Smartrisk, in partnership with Health Canada, preventable injuries cost Canadians \$8.7 billion, or \$300 per every citizen. Roughly, \$4.2 billion is spent on health care, while the remaining \$4.5 billion is attributable to social productivity losses associated with the loss of people from the workforce. Falls and motor vehicle accidents represented over 60 per cent of this total cost. In 1995, there were over 468,000 falls among the elderly, amounting to almost \$1 billion in costs or \$2,100 per fall.

The statistics get worse as each year over 2 million Canadians are injured, an average of 6,000 injuries per day. Even more startling, 250 injuries occur every hour of every day and each year more than 47,000 people are left permanently with partial or total disabilities.

Honourable senators, the sad reality is that 21 Canadians will die from an unintentional injury today. This equals almost one person per hour.

It is clear that preventable injuries are the silent epidemic that poses an extremely serious and expensive public health challenge to Canada. It is a problem that significantly affects the lives of Canadians every day but has for the most part gone unnoticed by our governing institutions.

Smartrisk has taken a giant step in opening the eyes of Canadians to the potential dangers that exist in their daily lives. However, still more needs to be done. Very little detail is known about unintentional injuries such as falls and motor vehicle accidents. Better information and tracking systems are needed to guide prevention efforts. According to the Smartrisk study, Canadians could save over \$1.7 billion every year by preventing 20 per cent of these injuries with the establishment of a well-coordinated national effort.

In conclusion, I encourage all honourable senators to support the Smartrisk Foundation and to endorse an inquiry by the Standing Senate Committee on Social Affairs, Science and Technology into the development of a national injury prevention strategy.

We need to help Canadians learn how to take smart risks and assure that we all continue to enjoy long and fulfilling lives.

[Senator Oliver]

INTERNATIONAL LITERACY DAY

Hon. Joyce Fairbairn: Honourable senators, on our final International Literacy Day of this century, I invite all of you to join in renewing commitment and encouragement to Canadians everywhere who are struggling with literacy problems, while technology demands that we move constantly further and faster along the road of education.

As we look towards the millennium, it is useful to reflect on the progress made on this difficult issue over the last few decades. Through the years, the literacy movement has expanded from an army of volunteers in all the towns, villages and cities of this country, to a growing partnership of literacy organizations and governments, businesses, unions and a myriad of associations whose concerns and demands cross over into the literacy area. Each year our programs grow stronger and spread more broadly throughout society.

Canadians are coming to accept that we cannot take learning and education for granted. This is a slow process and our biggest challenge still is the lack of awareness that the fundamental problems of difficulty in reading, writing and communicating continue to exist in varying degrees in the daily lives of more than 40 per cent of our adult citizens.

We are finally seeing the light that these problems do not just begin somewhere along the way in school or in the workforce but right at the start, in the earliest months and years of a child's life.

In my work with the National Literacy Secretariat, it has been interesting to watch how these messages come up from the ground, from the communities, and not down from governments and boardrooms. Canadians on the ground have taken a strong lead in telling us that family literacy is the most potent dictator of how young Canadians begin a life of learning. Strong and creative support is needed to build the literacy health of all family members so that there may be a collective influence.

Honourable senators, we need all of our citizens to have a fair chance to contribute to and to participate in a meaningful way to the daily life of Canada, no matter what their age or social or economic situation may be. Our world must not become simply a place where people cope.

I urge each one of us, from our very privileged positions, to listen to those messages and send back our own response of support and understanding with all our progress. We as a society need to do so much more and I know each of us can contribute to that goal.

Hon. Mabel M. DeWare: Honourable senators, I rise with pleasure on International Literacy Day, 1999 to speak on an occasion which is cause for both celebration and concern.

International Literacy Day should indeed be celebrated, for countries around the world have recognized the critical importance of literacy and are taking action to promote it. The ability to understand and use printed information at home, at work and in the community is key to the economic success of individuals and of the societies in which they live.

The issue of literacy is becoming more and more important. Poor literacy skills have long been recognized as a major problem for developing countries. There is now a growing awareness that poor literacy can also be a real problem for industrialized countries. This problem must be addressed. Adult literacy is fundamental to both the economic performance and social cohesion of Canada and other industrialized nations.

Thanks to the recognition of and action on literacy issues, some progress has been made. Internationally, the incidence of illiteracy, estimated at 45 per cent 50 years ago, has fallen to 23 per cent. However, honourable senators, there remains much cause for concern. An estimated one in five men and one in three women worldwide are not literate.

In Canada, close to one-half of our adults aged 16 and over lack adequate literacy skills. The 1994 international adult literacy survey measured Canada's proficiency at five different levels. The results bear repeating. It was found that 48 per cent of Canadians are at the two lowest levels. One third of Canadians are at level three, which is widely considered to be the minimum skill level for successful participation in society. Only 20 per cent of Canadians are at the top two levels, with strong literacy skills that will enable them to deal with complex materials.

Honourable senators, International Literacy Day, which was celebrated for the first time on September 8, 1967, was established by the United Nations Educational, Scientific and Cultural Organization in 1966. UNESCO did this on the recommendation of the 1965 World Conference of Ministers of Education on the Eradication of Literacy.

Many significant events have taken place since then and, in particular, I wish to draw the attention of this chamber to the presentation of the 1995 International Reading Association Award to the Community Academic Services Program of my own province of New Brunswick.

In Canada, many groups have been working at the grass roots level for decades to promote literacy among Canadians. However, it was not until the late 1980s that Canada recognized literacy as a national issue requiring a national response. A former Progressive Conservative government created the National Literacy Secretariat in 1988. That was 11 years ago. Today, it continues to foster partnerships among Canadians and their governments to promote public awareness of literacy issues and to improve access to literacy programs for Canadians in all regions. I am pleased that the current government has seen fit to maintain this important organization. In particular, I must commend our colleague the Honourable Joyce Fairbairn for her tireless efforts to promote literacy both within and outside this chamber.

Our own Senator Di Nino has introduced in this chamber legislation to remove the tax on reading materials. Support for this bill would show that we are serious about increasing literacy.

Therefore, our initiatives to promote literacy can be big or small; they can be political or personal; one-time or ongoing. By reaching out, not only on International Literacy Day, but throughout the year, we can all make a difference.

• (1510)

PUBLIC WORKS

BRITISH COLUMBIA—PROPOSED EXPROPRIATION OF NANOOSE TEST RANGE

Hon. Pat Carney: Honourable senators, on Friday, September 3, Michael Goldie, Hearing Commissioner for this summer's hearings into the federal government's proposed expropriation of B.C.'s Nanoose Bay torpedo range, submitted his report to Public Works Minister Alfonso Gagliano. In his report, he outlined more than 2,000 objections submitted to him by British Columbians to this unprecedented hostile takeover of B.C. property by Ottawa.

I have five serious concerns about the proposed expropriation of Nanoose, which I raised before Hearing Commissioner Goldie in my appearance of August 5, and I should like to put them on the Senate record.

First, the federal government's jackboot response to the breakdown of talks between Ottawa and British Columbia on the terms of the renewal of the seabed lease sets a disturbing precedent for other provinces opposed to federal actions and for the balance of federal-provincial powers in Canada. I believe it will cause irreparable harm to our country.

Imagine, if you will — and I am sure Senator Taylor could — that the feds do not like what an Alberta premier plans to do in energy pricing. Within days, Ottawa expropriates the Cold Lake Weapons Range; or the government in Ottawa is unhappy with the Premier of Newfoundland and Labrador, so it impounds Labrador's Goose Bay foreign military training site. Both facilities were established by means of agreements between the federal and provincial governments that use them and, like the Nanoose Test Range, are part of Canada's international defence obligations.

You may think it unthinkable that Ottawa would move to expropriate land owned by these provinces. One suspects the only reason the feds have put the boots to British Columbia is that the current unpopularity of the B.C. government permits such an outrageous action.

Second, the proposed expropriation would mean the impounding of territory that the Supreme Court has ruled was owned by the colony of B.C. before it joined Canada. Think of the precedent this would have for Quebec if it were ever to hold another referendum on separation. Think of the precedent and the problems it would create for the future development, protection or conservation of B.C.'s oil and gas or other marine resources, or for native land claims.

My third objection is the chilling effect on the disclosure of underwater maritime activity that expropriation will create. At present, there is a lease agreement between the provincial and federal governments, the terms of which are available to anyone who wishes to review a copy of the lease. However, what happens to disclosure or transparency if the federal government

simply confiscates Nanoose? The present federal government is known for its tendency to keep things secret, even environmental assessments. Things get worse when the Americans are involved, given the current American paranoia over security issues raised in the Cox report on alleged Chinese nuclear espionage activities.

This brings me to my fourth concern: the role the Americans are playing in this federal war games exercise with B.C. My office has been unable to determine the terms of renewal for the agreement between Canada and the U.S. over the use of the Nanoose Test Range. This adds to the secrecy surrounding the federal government's intent to expropriate and raises the possibility that B.C. is being used as a pawn in political war games with the Americans — even more so if we consider the Cox report, ensuing restrictive American defence regulations, and the billions of dollars in Canadian defence contracts put in jeopardy by these changes.

My last and most serious concern is that Ottawa's hostile takeover of provincial property represents a failure of our political system and a personal failure of the politicians involved.

Having been the political minister for B.C. in another federal government, I know that the job requirements are to liaise with the provincial governments, to get along with each other and to negotiate differences. First ministers conferences are just that — the meeting of equals in Confederation. Certain powers such as defence are reserved for the federal government in the national interest. However, it is in the national interest to negotiate, not to expropriate. This is the Canadian precedent for settling disputes such as the Nanoose Test Range, and it is the one which has the support of the many British Columbians who have written me on this issue.

[Translation]

THE INAUGURATION OF THE CARREFOUR L'INDUSTRIELLE-ALLIANCE

UNVEILING OF BUST IN HONOUR OF
THE HONOURABLE RAOUL DANDURAND

Hon. Lucie Pépin: Honourable senators, on August 25 I took part in a ceremony to inaugurate the Carrefour L'Industrielle-Alliance in Montreal and unveil a bust in honour of Senator Raoul Dandurand.

The Carrefour L'Industrielle-Alliance came about as a result of a project to restore a historic building in downtown Montreal. Its inauguration will inject new life into the city.

However, what is important is that the Carrefour is dedicated to the memory of an eminent Canadian, Senator Raoul Dandurand. Few of us are familiar with the achievements of this distinguished Montrealer.

Born in 1861, he studied law and entered politics at the age of 18. As a candidate in federal elections, he became a key player in the cabinets of Sir Wilfrid Laurier and Mackenzie King.

Throughout his life, Senator Dandurand defended the cause of universal public education and played a role in making school attendance compulsory. He founded the Collège Stanislas and the Université de Montréal.

[English]

He was appointed to the Senate in 1898, where his interests lay in promoting Canada's role internationally and promoting the evolution of our relations with Great Britain. Senator Dandurand was appointed a Canadian representative of La Société des Nations in Geneva in 1924 and a delegate to the Council of the League in 1927. He was named a Grand Officer de la Légion d'honneur. Throughout his life, he remained an ardent defender of human rights and the peaceful resolution of conflict.

[Translation]

Senator Dandurand was a visionary, a great Montrealer, and an eminent Canadian. What a wonderful idea to honour his memory in a centre as popular and frequently visited as the Carrefour L'Industrielle-Alliance. This initiative will provide the people of Montreal with an opportunity to learn more about the little-known but extraordinary accomplishments of one of our predecessors.

[English]

ROUTINE PROCEEDINGS

SHELTER STRATEGY FOR ABORIGINAL PEOPLES

NOTICE OF INQUIRY

Hon. Thelma J. Chalifoux: Honourable senators, pursuant to rule 57(2), I give notice that on Friday next, September 10, 1999, I will call the attention of the Senate to the Shelter Strategy for Aboriginal Peoples.

PUBLIC SECTOR PENSION INVESTMENT BILL

PETITIONS

Hon. David Tkachuk: Honourable senators, I have the honour to present to the Senate petitions containing over 3,650 signatures of members of the Canadian Union of Postal Workers from all across Canada. They are petitioning senators to amend Bill C-78 to ensure negotiations over their pension plan begin immediately and, failing that, to encourage the Senate to defeat Bill C-78.

QUESTION PERIOD

FOREIGN AFFAIRS

PROGRAM FOR EXPENSE-PAID TRIPS FOR JOURNALISTS— GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is addressed to the Leader of the Government in the Senate and is about the use of taxpayers' money for expense-paid trips to foreign cities by Canadian journalists.

In a story in today's *National Post* newspaper, the headlines say, "Foreign Affairs gave trips, cash to journalists — part of bid to boost image." The story states that the programs include all-expense-paid trips to foreign cities for journalists from Canadian community newspapers, cross-Canada speaking tours for high-profile diplomats, and that it is costing \$1.4 million in funding. Is this the proper use of taxpayers' money? Is this a new initiative of the Chrétien government? When will this abuse of power end?

• (1520)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, without agreeing with either the premise or some of the questions asked by Senator Oliver, I am not aware of such assistance or such offers being made, but I shall certainly make the appropriate inquiries.

Senator Oliver: Did the Leader of the Government not see the story in the front page of the *National Post* today? If he read it, does he not know that the program has \$4.6 million for these expenditures?

Senator Graham: Honourable senators, I regret very much that, while I try to read the *National Post* as often as I can, I have yet to get to the front page of that paper today.

CANADIAN HERITAGE

SIR WILFRID LAURIER DAY—RECOGNITION OF OTHER PRIME MINISTERS—GOVERNMENT POSITION

Hon. Marjory LeBreton: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

It was reported over the summer that the government would soon announce that November 20 would be set aside each year as a non-statutory holiday in honour of the memory of Sir Wilfrid Laurier, a Liberal. Honourable senators, Laurier's contribution to Canada's development cannot be disputed. He holds a special place in our history, as do others who followed. His immediate successor, Sir Robert Borden, a Conservative, led Canada through the Great War, as it was then called. Sir Robert Borden is credited with overseeing Canada's coming of age and is certainly one who is equally deserving of recognition.

The debate could go on and on as to who is deserving and who is not. However, as much as revisionist historians wish it were

not so, Sir John A. Macdonald was Canada's first Prime Minister. Sir John A., as we all know, was a Conservative. He has naturally been referred to by many as Canada's greatest Prime Minister because he is the Father of Confederation. He shaped together a great coalition, our beloved country Canada, and led the country for 18 years and 11 months, from 1867 to 1873 and from 1878 until his death in 1891. He was a visionary and a nation builder.

To mention a few of his accomplishments, under him the Northwest Mounted Police Force was established, the Canadian Pacific Railway was built, and Prince Edward Island, Manitoba and British Columbia all joined the Canadian Confederation. Indeed, Canada's first national park, Banff, was established under the Macdonald government.

We in Parliament often decry the fact that Canadians know little of our history. How is it possible, then, that the government could even consider a Sir Wilfrid Laurier Day and overlook Sir John A. Macdonald, our first Prime Minister and, in so doing, also overlook the first 30 years of Canada's history as a nation?

Can the Leader of the Government in the Senate state emphatically that this is not the case?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I overlook Sir John A.'s statue outside the window of my office. Everyday, I am reminded of the great contribution that he made to our country.

I am not aware of any specific decision with respect to the Right Honourable Sir Wilfrid Laurier and a holiday to be announced in his memory. I shall make the appropriate inquiries, but I could not agree more with Senator LeBreton regarding Sir John A. Macdonald's contribution to the history and development of this country.

AMENDMENT TO EXCISE TAX ACT

PASSAGE OF BILL S-10 IN RECOGNITION OF INTERNATIONAL LITERACY DAY—GOVERNMENT POSITION

Hon. Consiglio Di Nino: Honourable senators, my question is to the Leader of the Government in the Senate.

Honourable senators heard today from a number of senators who spoke in recognition of International Literacy Day and its value not only to Canada but to the rest of the world, including an eloquent speech by Senator Fairbairn — who, as an aside, would have made a great Governor General!

Senator Tkachuk: Better than the one we got!

Senator Di Nino: Bill S-10, which received a certain amount of support from that side and from this side, is still sitting on the Order Paper. Would it not be appropriate to pass that piece of legislation and dispose of it today? Perhaps it could be passed today as a symbolic gesture to International Literacy Day, as Mr. Peter Gzowski, one of the great Canadian supporters of literacy, suggested during his appearance in front of the committee?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Peter Gzowski is not only a great champion of literacy but also a great golfer who sponsors golf tournaments around the country in aid of literacy. However, he is no greater a champion of literacy than my colleague the Honourable Senator Fairbairn, who was the minister responsible for literacy. Even today she has special responsibilities within the Department of Human Resources Development for promoting literacy, which she does in such an eloquent and tireless manner across the country. I recall well the debate that we had at that particular time.

Yesterday, we introduced six outstanding Canadians as new senators in this chamber. I remember the day that eight new senators came in from across the way, all outstanding Canadians.

Senator Kelleher: Answer the question!

Senator Graham: We have a wonderful tradition of dealing with legislation, whether it be government legislation or bills introduced by opposition senators or those who sit on this side of the chamber. That particular piece of legislation will evolve in due course, as it should.

Senator Di Nino: Honourable senators, in applauding the skating skills and stickhandling skills of Frank Mahovlich during his great career as a hockey player — he was also a schoolmate of mine — I would add that I think the minister has done well at “skating.”

Will the minister give us the assurance that this bill will be dealt with by the Senate before we rise this week?

Senator Simard: Or next week!

Senator Graham: Honourable senators, any honourable senator is free to speak on Bill S-10 at any time. I heard the Deputy Leader of the Opposition say, “before we rise on Thursday.” Maybe he is giving us a message that we will give quick passage to the important government legislation that is before us. I see the Leader of the Opposition, who is presently sitting back in the third row, shaking his head, perhaps in disbelief at what we all heard from the Deputy Leader of the Opposition.

Bill S-10 is an important piece of legislation. Senator Di Nino has made an important contribution to that debate, as have other honourable senators. However, there may still be others who would wish to speak on it.

With respect to stickhandling, Frank Mahovlich only plays left-wing; I have to play centre and several other positions at the same time.

UNITED NATIONS

CONFLICT IN EAST TIMOR— POSSIBLE WITHDRAWAL
OF MISSION—USE OF RAPID READY FORCE FOR PROTECTION—
GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I direct my question to the Leader of the Government in the Senate.

The magnitude of the humanitarian crisis in East Timor is further demonstrated by the announcement that the United Nations will pull out its mission from East Timor, approximately 400 workers and their families, because Indonesia and martial law has not stopped the slaughter by the gangs of rampaging militia.

Can Canada show leadership in fulfilling its responsibilities as a member of the Security Council by working to save the UN's presence in East Timor by supporting the rapid introduction of a small, international force to guard the UN compound and ancillary site?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I accept the point being made by the Honourable Senator Roche.

• (1530)

Some of us have thought, over the years, that we should have a United Nations rapid-ready force to go into situations of that nature. However, I do not know that it would be possible unless we were invited by Indonesia to have the UN present under such circumstances. Early indications are that Indonesia itself would not accept such a force.

With respect to the Security Council, Canada has consistently argued for the need to impress upon the Indonesian government its responsibility for maintaining peace and security in East Timor. This responsibility forms part of what we referred to yesterday as the May 5 agreement. It includes protection for the UN personnel as well as for the people of East Timor.

As I understand it, the United Nations officials are safe for the moment within the compound in the capital. I was asked yesterday how many Canadians are present. I believe the number is five, two RCMP officials and three Canadians who are serving the United Nations directly.

Senator Roche: I thank the minister for his answer but I respectfully draw to his attention that it is not a question of Indonesia inviting in the foreign presence inasmuch as the United Nations has never accepted the Indonesian annexation of East Timor. In international eyes, the UN is in a controlling situation.

In that respect, I ask if the minister has had drawn to his attention the editorial in the *Irish Times* of today which makes the point that the 15 members of the Security Council, including Canada, all bear responsibility for the abandonment of the people of East Timor, who were promised freedom and protection following a successful referendum.

In that context, has the Leader of the Government in the Senate yet seen the statement by Bishop Belo, the Noble laureate and spiritual leader of East Timor who was driven into exile in Australia? Bishop Belo has called on all world leaders, of which Canada is one, to act to stop the killing in the ravaged territory.

Senator Graham: Honourable senators, I regret that I have not yet seen that statement. I shall look into it and ask that it be given to me as soon as possible. I should add that the Security Council of the United Nations has sent a delegation of representatives to Jakarta to discuss with the Government of Indonesia concrete steps to allow the implementation of the ballot results. The people of East Timor are not being allowed to exercise their democratic rights, the rights for which they voted presumably with the blessing of the Indonesian government.

The UN delegation, I understand, has met with the foreign minister and the Canadian embassy. Tomorrow a meeting is scheduled with President Habibie, with the opposition leader and possibly with General Wiranto, the head of Indonesia's military.

I assure Senator Roche and all honourable senators that Canada is doing whatever it possibly can and is urging the United Nations Security Council to act and hopefully to act soon.

[Translation]

FOREIGN AFFAIRS

CONFLICT IN EAST TIMOR—POSSIBILITY OF SANCTIONS AGAINST INDONESIA—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: Honourable senators, yesterday I asked the Leader of the Government to explain to us why the Minister of Foreign Affairs had said it would be an error for Canada to impose sanctions against Indonesia. Since the leader asked for time to obtain clarification, is he in a position to reply today?

[English]

Senator Graham: Honourable senators, I have no formal answer but I believe that the Foreign Affairs Minister said it would be an error because it would not be getting at the root problem. We are not giving aid directly to the Indonesian government but to the poorer sectors of society in that part of the world. Sanctions would have an adverse effect on the poorest people of that nation. That is why Minister Axworthy made the statement that he did.

[Translation]

Senator Nolin: I would like to remind the Leader of the Government that, about ten years ago, when the Commonwealth was looking at ways of making the South Africans understand that they were acting in an unacceptable way, Canada imposed sanctions, and they worked. Could you consult your colleague the Minister of Foreign Affairs in order to understand why it would be an error for Canada to impose sanctions against Indonesia?

[English]

Senator Graham: Honourable senators, the circumstances were quite different because there were more extensive economic relations between South Africa, Canada and other countries at that time. I remember very well having discussions with then

foreign affairs minister Joe Clark when he returned from meeting Nelson Mandela shortly after Mr. Mandela was released from prison. Minister Clark asked a small group of us to help raise money for democratic education in South Africa. I also recall very well the pivotal role played by Prime Minister Mulroney in convincing Prime Minister Thatcher and the President of the United States that there had to be sanctions.

Without trying to gild the lily, I wrote in a book of mine that, with respect to international affairs, historians might even say that this would probably go down as Prime Minister Mulroney's finest contribution or his finest hour.

The circumstances in Indonesia are quite different with respect to sanctions which might be imposed because the aid is directed heavily to NGOs.

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FOUNDATION—COMMENCEMENT OF ISSUING GRANTS—GOVERNMENT POSITION

Hon. Ethel Cochrane: Honourable senators, post-secondary students are returning to classes at universities and colleges across Canada this week. Hundreds of thousands of them will be forced to take out more student loans to pay their tuition. Why does the government continue to refuse to give any scholarships to post-secondary students even though money was set aside for those scholarships in the millennium fund two years ago?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I explained this matter on an earlier occasion. I congratulate Senator Cochrane again for raising this subject. She was and continues to be an educator. The millennium scholarship fund is just that — \$2.5 billion set aside for 100,000 scholarships over a 10-year period. I understand that agreements have been signed with one territory and with all of the provinces except Newfoundland and Quebec. I understand there are only two issues presently outstanding with Quebec, and it is hoped that those will be resolved at an early date.

• (1540)

THE SENATE

OUTSTANDING ANSWER TO ORDER PAPER QUESTION

Hon. Marjory LeBreton: Honourable senators, I should like to enquire when the government might get around to answering a question I put on the Order Paper on November 17 of last year. I do not want to see Question 135 die on the Order Paper at the end of next week.

The question refers to the government's contract with BMCI Consulting Inc. Could the house leader advise when I might expect an answer to this question?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will make inquiries as soon as I leave the chamber. I hope an answer will be forthcoming shortly.

ORDERS OF THE DAY

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—DEBATE ADJOURNED

Hon. Michael Kirby moved third reading of Bill C-78, 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.

He said: Honourable senators, before I begin my remarks on Bill C-78, I would draw senators' attention to the fact that yesterday a document was distributed to all senators entitled the twenty-eighth report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78. The document that was distributed to everyone has, in fact, two pages missing from it. I have had a revised copy of the document distributed to everyone's office today.

The *Journals of the Senate* of yesterday, however, is correct and does have the complete copy of the observations. It was appended. One page of the observations, printed on both sides, was missing from that document. I say that because some senators may wonder why they received a second copy this morning. They were sent this copy as soon as it was drawn to my attention that whoever is responsible for printing did not print it properly.

I will now turn to some general comments on Bill C-78, before addressing a number of issues that have been of concern to members of the committee and many members of this chamber.

As all senators are aware, this bill contains a number of major amendments to public service pension plans; amendments that are inherently aimed at improving the financial management of the plans and ensuring their long-term sustainability. These amendments not only include many technical changes, some of which I will comment on in detail, but they also include changes in relation to the way contribution rates are set, improvements in employees' pension benefits, and changes to the way the plan is managed.

First and most important, let me state that the benefits to which the government employees contributed during their careers continue to be fully guaranteed by this plan. The government pension plan is a defined benefit plan. The benefits which every employee of the government, both already retired and still working, expects to be able to receive or now receiving

are fully guaranteed and maintained and, indeed, in several cases actually improved by this plan.

These plans are among the best in the country. They provide defined benefits which offer inflation protection. It is worth noting that inflation protection is contained in less than 10 per cent of employer-sponsored pension plans in Canada. In addition, the current plans involve employees contributing less than 40 per cent — actually, a number closer to 30 per cent today — of the cost of the plan, which is a significantly smaller percentage than in most private sector plans.

In order to ensure the long-term financial stability of the federal pension plan, Bill C-78 creates an independent public sector pension investment board that will invest future contributions from both the employee and the employer in financial markets with a view to achieving maximum gain without undue risk. This plan's management structure will be accountable to government, employees, retirees, and Parliament in a way explained in the bill.

Senators should also be aware that this bill includes a series of technical changes to improve other benefits linked to federal pension plans. Let me illustrate with a few examples. The supplementary death benefits plan will double to \$10,000 from the existing amount once the recipient reaches 65. In addition, the death benefit will not begin to phase out until age 65, so that it will be effective now until age 75 rather than age 70.

Second, the premium paid for supplementary death benefits will be reduced by 25 per cent, so supplementary death benefits will be cheaper for people subject to these pension plans.

Third, Bill C-78 extends survivors benefits to same-sex partners of pension plan contributors. This would bring the public sector service plans in line with a number of recent decisions rendered by the courts.

Finally, this bill will also establish a separate pension plan for Canada Post employees so that Canada Post can manage its own pension plan just as all other major private sector companies do and, indeed, as do all other major Crown corporations.

Let me turn for a few moments to the issue of the governance of the board, that is, the board governance structure that will manage the money invested in this pension plan by both the employer, the government in this case, and the employees.

Prior to tabling this bill, the government tried to reach an agreement on a joint management and risk-sharing agreement with employee representatives. Such an agreement would deal with the distribution of future surpluses in the plan and, indeed, future deficits if they arise. Unfortunately, as evidence before the committee in both June and August indicated, a final agreement on what a joint management framework would consist of was never reached. The agreement in principle was reached, but the details of an agreement were not.

Senator Stratton joined the committee for these hearings because this was an issue in which he was very interested, and he did an excellent job in asking witnesses questions. He, along with a number of other Banking Committee members, expressed concerns about the governance provisions of the investment board contained in Bill C-78. These criticisms, which I will not review here, were reflected in the observations that we tabled in June and were attached as an appendix to the observations contained in the report that I tabled in this chamber yesterday.

Nevertheless, given these criticisms, and given the fact that a joint management framework was never formally agreed to by both the unions and the employer, the committee came to the conclusion that the best way to handle it was to encourage the stakeholders to return to the bargaining table to negotiate the final terms of a joint management board and risk-sharing agreement. Our view was that, if those negotiations could be completed, then it would be possible to include in the bill the kind of governance structure that we wanted.

Honourable senators, we had hoped that this would happen over the summer. That is the primary reason the Senate agreed to send the bill back to committee during the summer. Unfortunately, the jam that had existed since December of 1998 continued to exist through the summer, largely because both sides attempted to impose a pre-condition on the negotiations. The union insisted that, yes, they wanted to sit down and discuss a joint management agreement, but that they would do so only if the issue of the disposition of the current pension fund surplus was on the table. The government said that, yes, they wanted to negotiate a joint management agreement with the unions, but that they would do so only if the question of the existing pension surplus was not on the table. Effectively, one side imposed a condition that an issue had to be on the table, and the other side imposed a pre-condition that that issue could not possibly be on the table. As a result, no meaningful negotiation, in fact, no negotiations at all on that subject, took place over the summer. As a result, I can add nothing to the comments I made in June respecting changes in the joint management and risk-sharing plan because there have been no changes.

The fact is that the bill does set up the pension investment board. Its role will be to invest future contributions to the pension plan. The board will be independent of the government and plan members but will be accountable to Parliament so that in fact we will have a way of overseeing the quality of its investment decisions. The board will be selected with input from plan members as well as the government, with plan members having the right to put forward nominations to the nominating committee. The board will be subject to strict conflict of interest provisions, a code of conduct which will require it to disclose its government practices, investment policies and other financial statements.

• (1550)

While we would much prefer to have had in this legislation the joint management agreement, neither side was able or willing to

get to the table for the discussions. Thus, on the joint management and risk sharing issue, we are left with the plan exactly as it was in June.

The second issue of concern to the committee, and many of the witnesses who came before it — and I know it is of concern to a number of our colleagues on both sides of this chamber — is the issue of the distribution of the current surplus. The existing legislation provides mechanisms to manage plan deficits but not to manage any surpluses that accumulate. The existing legislation requires the government, and therefore taxpayers, to cover all deficits, as the government has done from time to time over the years, having covered somewhere over \$11 billion worth of deficits since the plan began some 40 years ago.

Indeed, honourable senators, one of the principal arguments in favour of the government having the right to the current surplus is the fact that, historically, the government has been responsible for deficits in the plan. None of those shortfalls have been paid by employees. Therefore, as the group responsible for covering the deficits, it seems only reasonable that they should also be responsible in cases where there is a surplus.

Yet, during our hearings on this bill, all the public service unions and retiree associations voiced their opposition to the government's entitlement to this current surplus. A minority of Banking Committee members, as our report makes clear, agree with this position, as I am sure we will hear from some of the speakers opposite. They take the position that the fact that the government has assumed all the risk in the past does not necessarily entitle them to the surplus.

This minority of committee members — composed essentially of members opposite — believe that the government has never assumed 100 per cent of the plan risk. In support of this claim, they argue that there have been increases in contributions from plan members, and that these increases in contributions could be, in some way, attributed to having offset previous plan deficits. They say this in spite of the fact that the increases occurred in times which were quite different from the times when the plans were in deficit.

I have difficulty with this notion for a number of reasons. The first is that the existing legislation clearly places the burden of deficits on the government and not on the employees. The second is that the contribution rate increases that have been called into question do not accord with reality. From 1974 to 1991, nearly 90 per cent of the cost of indexation, an amount of \$8 billion to \$9 billion, was paid by Canadian taxpayers through the government from the Consolidated Revenue Fund.

Further, Bill C-78 limits the government's ability to implement contribution rate increases in the future. Indeed, under this legislation, the plan will freeze current public service contribution rates until 2003. In 2004, the government may gradually increase contributions to public sector pension plans, but any such increase is limited to, at most, four-tenths of 1 per cent of earnings during any given year.

I look forward to hearing the speeches of Senators Tkachuk, Stratton, Kelleher and others who, I am sure, will set out the logic that leads them to the conclusion that, given the history of this legislation, the surplus does not automatically belong, as it would in any corresponding private sector situation, to the employer.

Finally, with respect to the surplus, several people have commented that the government was not complying with the Pension Benefits Standards Act. The fact is that the Pension Benefits Standards Act sets out a process requiring consultation between an employer and employees only when the employer does not have clear entitlement to the surplus. The government believes it has entitlement to the surplus. In any event, it is an issue which will be resolved in the courts. Therefore, the government believes, as do a majority of members of the committee, that the government is complying with the provisions of the Pension Benefits Standards Act.

The other issue that arose in connection with the surplus issue has to do with why the government needs legislation concerning the surplus if it is confident that it is entitled to it. The reality is that this bill does not directly create any legal entitlement to the surplus. It delineates options for managing the surplus on the basis of both expert pension opinion given before the committee and legal opinion. In fact, the bill does not create an entitlement to the surplus. The bill states that, over time, there can be a gradual reduction of existing surpluses over a period of up to 15 years. There are a range of options presented in the bill for dealing with this surplus, including contribution holidays for the employees and the employer, or both, as well as for contribution reductions for the employees and the employer, or both. It is clear that the issue of the government's entitlement to the surplus will be tested in court. That has been made clear from the hearings and comments from witnesses. This bill will leave the issue of whether the employer is entitled to the surplus in the hands of the courts.

I have already commented on the issue of joint management and, frankly, the committee's disappointment that more progress was not made in that area this summer. The other area about which all members of the committee were unanimous was our disappointment — which is an understatement; the word we used in our observations in the report was "outrage" — by the lack of consultation with the RCMP and the Armed Forces. As most honourable senators know, the RCMP and the Armed Forces are not allowed by law to unionize. Therefore, their pension plans are dealt with through employee associations. They are not separate pension plans in the sense that they contain separate funds. However, over the years, they have had pensions comparable to those in the public service. Nevertheless, it seemed to all members of the committee that if one is to introduce a bill changing pension plans for public servants, and by implication changing them also for the RCMP and the Armed Forces, then consultation should have been held with those employee associations. This was not done.

The committee was concerned that part-time members of the RCMP ought to be included in pension and superannuation plans, which they are not now. Our views on this stem from the fact that part-time employees of the public service are included in the public service plan. Sheer equity says that the same criteria ought to apply with respect to the RCMP and the Armed Forces. We have been assured that discussions with the RCMP and the Armed Forces personnel associations are about to be undertaken. The committee indicated in its observations, as well as to witnesses when they appeared before the committee, that we would be watching those negotiations very closely. We are concerned that the employees of the RCMP and the Armed Forces be treated fairly in comparison with employees of the public service, who are members of the same pension plan.

The other big change which will occur is to the Canada Post pension plan. The Canada Post plan would come into effect on October 1, 2000. It would reflect similar amendments to the Public Service Superannuation Act that are contained in Bill C-78. These changes to the Canada Post pension plan are necessary for a strange reason. It turns out that when Canada Post became an independent Crown corporation and was no longer a department of government, the pension plan for employees was funded as follows: The employees put in an amount, which was matched by Canada Post, and the government made up the rest. In round numbers, 30 per cent came from employees, 30 per cent came from the employer, and 40 per cent came from the government. The result was that the government was explicitly subsidizing the cost of the Canada Post pension plan.

• (1600)

This bill takes that subsidy away by giving the corporation a year in which to get itself in a position to manage its own pension plan and, indeed, pay the full cost of that pension plan. Nevertheless, the bill makes clear that payouts to Canada Post employees under their pension will remain as they are now; that the employees do not lose anything. The issue here is the employer paying the full cost of the pension plan and not having the employer's share of the pension plan subsidized by the taxpayers through a contribution from the government.

Another issue that was raised originally by Senator Lawson, and also by Senator Mahovlich and a few other honourable senators during the discussion that we had in this chamber in June, was the issue of pension plans as a trust. The issue was whether or not access to the surplus was different in the case of the public service pension plan from, for example, the NHL players' pension plan, or as a more current example that one might use the CMHC pension plan. The fundamental difference is as follows: In the NHL case and in the CMHC case, pension plans are set up as a trust. That is to say, the funds are put into a trust fund where the employer holds the contribution in trust for the players as beneficiaries.

In the case of the federal public service pension plan, that is not a trust. In fact, there is no fund. Essentially, the individual employees make their contributions, those contributions go into the Consolidated Revenue Fund, and then the government pays pensions out of the Consolidated Revenue Fund as an operating expense. Although we have talked about the pension fund, the reality is that, in the case of the federal government and, historically, in the case of most provincial governments, there never has been an actual fund in and of itself. Therefore, the public service pension plan, as it exists today, is not a trust fund; it is not even a fund. It is certainly not a trust fund such as the NHL example, or the CMHC example.

Indeed, in the case of trust funds, it is often not true that they apply to defined benefit plans. Even in the case of a trust fund which does apply to a defined benefit plan, that trust issue is not applicable in this case because there was no trust document, and there has never been an actual fund. It has essentially been an accounting transaction which put on the books of the federal government a liability, as forecasted by actuaries, based on assumed rates of inflation, age of employees, average salaries, and so on.

Finally, the last issue, on which there were many questions when I spoke in June, dealt with the extension of survivors' benefits. Senators Cools, Taylor, Prud'homme and several other senators raised issues related to this. I will summarize that issue a little more succinctly than I did in June.

In relation to the extension of survivors' benefits to same-sex partners, the government is attempting to comply with recent court decisions, including the Supreme Court decision in the *M. v. H.* case, and the Federal Court decision in the *Moore and Akerstrom* case. While we may not all agree with this fundamental change, namely that same-sex couples are entitled to survivors' benefits, we clearly must pass legislation which respects these decisions of the court. The courts have made clear that the issue of having different survivors' benefits based on sexual orientation is, in fact, an issue of discrimination, and the Federal Court has ruled specifically in relation to the benefits enjoyed by members of the federal public service.

In a sense, what this bill does is in accordance with the decision in the more recent *Moore and Akerstrom* case, where the Federal Court ruled that Treasury Board, as the employer, was to extend benefits to same-sex partners in the same manner as it did to opposite sex partners living in a common law relationship. The Treasury Board could not create a separate category for same-sex partners because that would amount to perpetuating harmful stereotypes and discrimination on the basis of sexual orientation. That, I believe, underlies the rationale for that part of the bill.

The other issue which has been raised in connection with this part of the bill is whether survivors' benefits should also apply in cases of dependent relationships: sister to sister, brother to brother, someone looking after a mother, and so on. In other words, should there not really be a clause which provides survivors' benefits to dependants in general, entirely independent of the nature of the relationship.

The new President of Treasury Board responded to that question in some detail in testimony before the committee a couple of weeks ago. What the minister agreed to, at the urging of all members of the committee was a detailed analysis of the consequences and costs of that kind of a change, and that that type of study would be undertaken by Treasury Board.

The committee members indicated very clearly to the minister, and we say so very clearly in the observations attached to this bill, that we will be monitoring the government's work in that area quite carefully because we want that issue to be dealt with quickly, since we feel it is important.

Honourable senators, in winding up, I will make the observation that this bill has come under close scrutiny. We had a set of hearings in June, and another set in August. There are still some significant differences on both sides of the chamber on a limited number of issues, specifically the surplus issue. On a substantial number of other issues, both sides of the chamber, I believe, are in agreement that the bill makes progress in some areas, but not as much progress as we would have liked to see in other areas, such as the joint management plan, but that our disagreements over the bill are really limited to one or two issues.

A majority of the committee members, essentially those on this side, believe that, on balance, this is a good piece of legislation. We would like more in the bill, obviously. In particular, we would like to see the joint management plan in effect. We hope that those negotiations proceed quickly, and in the way in which both sides have said they will proceed, and we will hold the minister to her commitment that as soon as those negotiations are completed, changes will be made in the act which will implement them immediately.

While this is not a perfect bill, honourable senators, I do believe that it is, on balance, a good first step. It is not the last step but a good first step; therefore, it is deserving of the support of the members of this chamber.

Hon. John Lynch-Staunton (Leader of the Opposition):

Honourable senators, I should like to put a question to Senator Kirby. The honourable senator said something which to me is new, and corrects an impression which I have had regarding the status of the surplus in this bill. I was under the impression that this bill would confirm the government's ownership of that surplus. I understood you to say that the bill does not confirm the employer's ownership, and that it is left up to the courts to decide on the question. Did I hear you correctly?

Senator Kirby: The honourable senator did hear me correctly. I believe if you check the bill, Senator Lynch-Staunton, you will find that the bill does not, in essence, say that the government owns the surplus. In that sense, the bill does not create an entitlement. The government believes it is entitled to the surplus. The bill deals with the question of the allocation of the surplus or, if you want, the use of the existing surplus, and puts forward two different proposals, one of which is a slow, "phase out over time" proposal.

I see one of the lawyers on the other side is beginning to have some questions as to whether I am right or wrong, and I am happy to debate that point with him. Senator Oliver seemed to be about to say that, but the short answer to your question is yes, you heard me right.

Senator Lynch-Staunton: Is the answer yes or no? Is the \$30 billion, which is the subject of great dispute between the Public Service Alliance and the government, resolved in this bill, or is it still left up in the air?

Senator Kirby: I wish to come back to the premise of your question for a minute. However, I will try to answer your question directly.

• (1610)

It is my understanding that this issue is not settled. Indeed, the unions told us in testimony that the matter would still be taken to court. That is the first point.

Second, I wish to be clear when we talk about the surplus. The surplus in this plan is different from the surplus in a case where you had an actual fund.

Essentially, what happened was the following: Actuaries forecast the liability the employer would have as a result of employees retiring in the future. An actuary's forecast is based on a whole series of assumptions. The two key assumptions are inflation rate and salary changes, salary changes and inflation rate often being related.

The reality is that, over a long period of time, if you look back at the high inflation rates of particularly the late 1980s, you find that the inflation rate and therefore salary increases were fairly substantial. Forecasts made by actuaries under those circumstances indicated that the government would incur a very high liability down the road.

Early in the 1990s, two things happened. First, civil service salaries were frozen so that the actuaries' forecast of the rate of increase of salaries was too high; and, second, the rate of inflation dropped.

Therefore, actuaries have indicated that there is a liability, but that the liability shown by the government on its books as a liability for the pension plan is not nearly as great a liability as was originally forecast. They have changed their assumptions as the rate of inflation has come down. There was also a period of time through much of the 1990s in which civil service salaries, if they were changing at all, were changing very little in comparison to the rate at which they were changing in the 1980s when the original assumptions were made.

Fundamentally, we are dealing with what one would view as an accounting entry. All that happens is that the liability shows on the books of the government as a liability.

What one is dealing with when one speaks about a surplus is, I admit, reducing the size of the liability which increases the net bottom line. That is what we are dealing with. It is not an actual pot of money out of which someone is physically taking money. We are dealing with an accounting and an actuarial issue.

Senator Lynch-Staunton: I am aware of the nature of the \$30 billion. It is not \$30 billion in the bank; it is a notional figure.

However, I believe that other unions have already commenced an action in court regarding another pension surplus or pension surpluses. Is that correct or incorrect?

Senator Kirby: I believe that is incorrect. The two cases now before the courts are not related to the surplus; they are related to the assumptions that have been used in forecasting the rate of inflation and the salary increases. The two cases now before the courts are not directly related to the surplus question. I am looking at Senators Meighen and Oliver, who were with me. I believe that is what the lawyers for the unions said. That is certainly what the lawyers for the government said. I see they are nodding, if that helps.

Senator Lynch-Staunton: I would set aside those court cases, but, again, I would like to have a precise answer, perhaps from this side if not from the other side, as to how this bill affects the \$30-billion surplus.

If it is up to the courts to decide on the issue of ownership, whether it should be shared or be sole ownership, why has the government refused to sit down with the unions to talk about a joint management program, if the courts will decide the most litigious question in the long run?

Senator Kirby: One would have to pose that question directly to the minister. However, it is my understanding that the government holds the view that it is entitled to the surplus. The government believes it owns the surplus and it is not prepared to negotiate that question.

In a letter to the minister on June 28, give or take a day, the committee that negotiates on behalf of the union wrote the minister, the then President of the Treasury Board, and indicated that, in order to enter into negotiations on the joint management board issue, the issue of the pension surplus had to be on table. The government has said from day one, I gather, in these negotiations that the issue was not to be on the table because they believe they own it.

Senator Lynch-Staunton: If it is up to the courts, in the long run, to decide this issue, is there anything in this bill regarding the \$30-billion surplus which would inhibit the claimant to it in his proceedings before the court, or give direction to the judge as to how that surplus might be disposed of? Is there anything in the bill which would affect the rights of the plaintiff in making its case before the court to the advantage of the Crown which claims the surplus?

Senator Kirby: It is my understanding, based on testimony before the committee, that the issue of entitlement to the surplus is not affected by this bill. This bill does affect how the surplus can be used if the government is given entitlement to the surplus, in the sense that it precisely specifies what options are available to the government to make use of the surplus, if the government owns it. It does not, however, deal directly with the question of the entitlement to the surplus. That issue was very clear in testimony from government lawyers, both in June and again 10 days ago, when last we met.

I believe that answers your question directly.

Senator Lynch-Staunton: The second question flows from the first. Can we have some assurance that there is nothing in the bill which would prejudice a claimant other than the Crown to the surplus, or favour the Crown in the dispute before the courts?

Senator Kirby: It is my understanding that that is the case. It does not prejudice the outcome the court case.

Hon. Douglas Roche: Honourable senators, in paying respect to Senator Kirby and Senator Tkachuk, as chairman and deputy chairman of the committee for their leadership in this complex legislation, I ask this question as one who did not participate in the committee study but who must decide how to vote on third reading.

Can Senator Kirby tell us why no amendments were brought back to the Senate following the committee's study? Correct me if I am wrong, but I took it as implicit in the vote of the Senate last June to send this bill back to committee that there was something wrong with the bill and that it needed some improvement. That is why we sent it back. If I am not mistaken, the bill that has been returned to the Senate is precisely the same bill.

I want to know why the committee is reporting the bill without amendment when Senator Kirby has pointed out that there have been no negotiations to reach a joint management agreement. A potentially very serious situation for the future exists as a result of this stalemate. Should we not propose that the legislation be strengthened to deal with what we now see as a stalemate, and to resolve a situation that could be much worse down the road?

Senator Kirby: I am not quite sure I get the last part. Senator Roche is right in the sense that both sides would agree that we would have loved to have put into this legislation a joint management and risk sharing agreement, had the two sides been willing to agree. We were not prepared to impose one. Obviously, we would not specify what the risk sharing agreement or the joint management agreement should look like.

The committee was optimistic that, over the summer, the two parties would get together and finalize details on something to which there has only been agreement in principle. That did not happen.

I think the one item all of us would agree on, is that we should not impose a particular joint management or risk sharing

agreement on the two parties which would be the effect of us introducing amendments the basis of which would not have been negotiated by the employees and employer.

• (1620)

We were left in the quandary of wanting to make changes, but only wanting to make changes if the two sides had agreed. They had not agreed to anything. That is why there are no amendments. At the beginning of the summer, in private conversations among committee members, we had hoped that adding the pressure of time might lead to an agreement. Unfortunately, it did not.

Hon. David Tkachuk: Honourable senators, I am sure Senator Kirby did not mean to forget to mention a particular letter and leave the wrong impression with honourable senators regarding the discussions we had hoped would take place.

Mr. Sjoquist sent a letter dated June 28, 1999, to the President of the Treasury Board who, at that time, was Mr. Massé. Mr. Sjoquist stated that, on behalf of the National Joint Council that governs their negotiations, they would have to discuss the surplus. I think all members of the committee will have to agree that, during the committee meeting, we had problems trying to get an answer from the minister concerning whether he sent a letter to the same Mr. Sjoquist.

Then, on August 4, Mr. Sjoquist sent a letter to the new President of the Treasury Board, Ms Robillard, stating that he would agree to meet. He wrote:

On June 28th, I replied negatively to a request from the Hon. Marcel Massé to engage in further discussion because of his requirement of a pre-condition that the issue of pension surplus could not be on the agenda.

Nevertheless, I am sure that pension reform continues to be high on the priorities of the Federal Government and yourself as Minister. Therefore, I would respectfully urge you to convene a meeting of the Public Service Pension Consultative Committee without pre-conditions so as all parties are free to address any issues considered outstanding.

That was a problem in the committee meetings. The minister kept going back to the June 28 letter and refused to attend to the August 4 letter.

Perhaps my honourable friend could enlighten us as to why nothing happened after the August 4 letter and after those preconditions were eradicated both by Mr. Sjoquist and by Mr. Bean?

Senator Kirby: I am not sure why nothing happened, other than the fact that there was a cabinet shuffle and a new minister was appointed. We were then 10 days or two weeks away from our hearings. The time schedule for the hearings had been set by the Senate in June.

My friend is quite right that there was a change in the union position between the end of June and the beginning of August. Mr. Daryl Bean, president of the public service union, made the observation that there was no way an agreement would be reached on the joint management board until the issue of the current surplus had been dealt with. There was some confusion from both sides as to what happened. It appears that a combination of the unions changing their position in August from what it had been in June, and the change of the minister, and the view that the government was still not prepared to negotiate the surplus, led to no negotiations taking place. Indeed, to the best of my knowledge, they still have not taken place.

I wish to clarify something so there is no confusion at all with respect to Senator Lynch-Staunton's question. The staff members who worked on this with me will confirm what I said a moment ago in response to Senator Lynch-Staunton's question. This bill does not affect in any way, shape or form the issue of the entitlement to the existing surplus. That has been confirmed by the lawyers who have been working on this issue by way of a note to me.

The two cases are before the court. I was wrong in stating that they deal with the government's forecast. In a sense that is right. They deal with the accounting principles currently being used regarding the surplus, but they do not deal with the ownership question.

Hon. Michael A. Meighen: Honourable senators, perhaps Senator Kirby could repeat what he just said because it is at the core of the major concern of all members of the committee. I think I heard the honourable senator say that the bill does not affect the rights of anyone in respect of their entitlement or lack thereof to the surplus.

Senator Kirby: That is what I said. I am quite happy to read the words that were sent down to me by the legal staff. This note states: "This bill will not affect the ownership of the PSSA existing surplus."

Senator Meighen: In effect, it would appear that the government is proceeding on that great old legal principle of possession being nine-tenths of the law. If you can get the surplus now and argue about it later, it is a heck of a lot better than putting it to one side and discussing it.

Senator Kirby: As a lawyer, I am sure that might well be the advice my honourable colleague would give one of his clients. I have always thought that not being a lawyer is one of my great blessings.

I think the government is simply proceeding on the assumption that they own the surplus. The bill states that, assuming they own it, this is how they can handle it. However, the issue of whether they own it — and this has been made clear by the union — will ultimately be settled by the courts.

The Hon. the Speaker: Before the Honourable Senator Oliver proceeds, I would inform honourable senators that the 45-minute period has expired.

Is leave granted to continue, honourable senators?

Hon. Senators: Agreed.

Hon. Donald H. Oliver: Honourable senators, I have three simple questions.

First, when we were at our last committee hearing, one of the witnesses — I believe it was Mr. Daryl Bean — said that he had received a letter from the minister suggesting that they have a meeting to discuss the joint management framework and other matters on September 1 of this year. Could the honourable senator tell us whether that meeting took place? If it did take place, was joint management discussed, and how far did the negotiations go?

Second, the honourable senator talked about the joint management framework and the risk-sharing plans, but he said that, regretfully, there was no agreement. He mentioned that we are talking about a \$30-billion surplus. He also indicated in his remarks today that it is clear from the evidence before the committee that the government funded an \$11-billion shortfall. If we take the current surplus at \$30 billion and take away the \$11-billion shortfall, my math indicates that \$19 billion remains. Why not share that \$19 billion with those who have paid the premiums?

My third question deals with the language my honourable friend used in his speech. I wrote it down. He said, "The bill does not create an entitlement to surplus." He then went on to say that it merely outlines the way the government can deal with it. If it outlines the way the government can deal with the surplus, is that not implicitly saying that there is, in fact, an entitlement?

Senator Kirby: On the first question, I do not know if there was a meeting on September 1 between the minister and Mr. Daryl Bean. I would be pleased to try to find out and supply an answer tomorrow. I know the letter to which my colleague refers. I simply do not know if the meeting took place. Therefore, I cannot answer the question about what happened.

I cannot quite remember the second question.

Senator Oliver: My second question concerned the \$30 billion and the \$11-billion shortfall that was funded.

Senator Kirby: The question, then, is who should be entitled to the \$19-billion surplus, not the \$30-billion surplus.

First, the surplus, in a sense, is "fictitious." The surplus does not exist in a fund. It exists by virtue of the way the accounting has been done, as I explained to Senator Lynch-Staunton.

Second, the government firmly believes it is entitled to the surplus, as other employees with defined benefit plans have been entitled to the surplus over the years. Therefore, the government is operating as if it simply believes it owns the surplus and has made a policy decision to, in your words, not share the surplus because of the fact that it has borne the risk.

What was your third question, senator?

Senator Oliver: My third question relates to your statement that the bill does not create an entitlement to the surplus.

• (1630)

Senator Kirby: The last thing I would want to do is comment on the legal implications of an act. I think the honourable senator is saying that if a bill states how the surplus should be handled, that implicitly gives you an entitlement. As a mathematician, as opposed to a lawyer, I would say, "No. It simply brings into question an assumption, that the people drafting the act assumed that they owned it and, therefore, they drafted the act accordingly." I do not think an assumption automatically generates an entitlement. If it did, Parliament would pass an awful lot of interesting pieces of legislation based on assumptions that you were entitled to something. Just as in mathematics you can prove the assumption is wrong, I would assume that you could make a similar ruling in a legal case.

I would have difficulty with the notion that an assumption by definition, which is what this is, creates an entitlement. However, there are many better lawyers in the chamber than I am, as I only pretend to be one.

Hon. Terry Stratton: Honourable senators, first, I wish to thank Senator Kirby for his kind complements about my attendance at the hearings.

Senator Kelleher raised a question with the minister during the last days of the hearings a couple of weeks ago concerning the morality of all this. He said that, while we can argue both sides of the issue here in a legal sense, the perception on the part of pensioners, in particular, is that they have been quite wrongfully dealt with. They feel quite angry and that they have been wrongfully dealt with.

If there is a message to the other side, it is that they have badly handled that issue. The moral issue is staring you in the face. It must be staring at you on a day-to-day basis, because these people are very unhappy. Can the honourable senator explain to this chamber how you would explain away that sense of injustice?

Senator Kirby: Honourable senators, one cannot explain away that perception. I agree 100 per cent that that perception very much exists. Indeed, one often says in politics that the public's perception is reality. If that is the case, there certainly are unhappy people. That is clear not only from the petition that Senator Tkachuk tabled today but from the literally hundreds of letters which have been sent to my office and to the offices of a great many of my colleagues, in particular, those on the Banking Committee. It is also clear from the many comments made by witnesses.

This is simply a case where the government, as an employer — and, as other employers have done in other situations where the same perception has existed — has made a decision that, consistent with pension practice in the private sector as well as the public sector, it is entitled to this surplus. I use the word "surplus" in quotations because it is sort of fictitious. Nevertheless, the government is entitled to it. I understand the misperception that exists and the fact that many

people disagree with that position of the government. However, it seems to be a position which is defensible, both in terms of past practice vis-à-vis defined benefit plans and entitlement to the surplus. I think what the honourable senator is really saying is that it poses a significant political issue, and I fully understand that.

Hon. David Tkachuk: Honourable senators, I rise to speak on third reading of Bill C-78. Since we are being so gracious today, first, I should like to thank Senator Kirby, chairman of the committee, for allowing how the opposition minority felt regarding the bill to be placed in the main report so that we were not forced to have two reports. Many of the points that we raised, which were difficult questions, were supported by not only the minority members, the Conservative members, but also some of the Liberal members. Nonetheless, we are still here before you today dealing with this bill.

As the opposition party, we have had several problems with Bill C-78 from the outset. One of the main problems is: Who speaks for the pensioners? Who speaks for the people who are affected by this bill? Although this is not a trust agreement in the sense of a pension plan that has a trust, nonetheless, the government and the Treasury Board itself must act as a trustee and has an obligation to pay the pensions not only now but in the future. Yet, there they are, not only changing the way this pension will be governed but taking the \$30 billion. We do not believe this stuff about it being "non-existent." You see, a surplus does not exist but a deficit does. Is that not interesting?

We really have no surplus here. The President of the Treasury Board called the surplus simply "an overstatement of an actuarial liability." I then asked him, "A deficit must surely be an understatement of an actuarial asset, then, because when you are short of money you take it from somewhere. In this particular case, however, when you have more money than you need, it is not really a surplus but, rather, an accounting practice." They are not really taking the surplus.

The handling of Bill C-78 and Bill C-32 is testimony enough to the need to reform Parliament itself.

My objections to the substance of Bill C-78 are well stated in the speech that I gave on June 3 and in the speeches that other members on our side gave, in particular, Senator Stratton and Senator Kelleher. The exercise that we have followed since our motion in June is what I will dwell on today.

The motion that passed was based on what we believed to be a sincere desire of the government to make right what they admitted were serious flaws in the bill. We all know there are serious flaws in the bill. The minister knows there are flaws in the bill; the members opposite know there are serious flaws in the bill.

Our first concern has been the government's decision to claim the entire surplus in the public service pension plan in spite of the fact that 40 per cent of the money in that plan was taken from employee paycheques and in spite of the fact the government recently passed Bill S-3, the Pension Benefits Standards Act, taking an entirely different approach for the private sector.

Indeed, the government is taking a different approach to those whom it employs directly than for those whom it employs indirectly, namely, Crown corporations such as Canada Mortgage and Housing Corporation, which did have negotiations on how to dispose of the surplus, because they could have negotiations on how to dispose of the surplus.

Our second concern has been the governance of the plan. The plan should be jointly managed. Both sides were close to an agreement in December of 1998. As well, the governance rules set out in law must be strengthened to guide the selection work and oversight of a board that will, in time, be responsible for managing in excess of \$100 billion.

Our third concern has been over the government's approach to the same-sex survivor benefit issue. We would prefer that the government not proceed in a manner that will lead to a new court battle as lawyers argue the legal meaning of the term "conjugal relationship," in particular given that — and, I think the government has stated this — an omnibus bill is coming in this fall which will deal with this issue in all the acts of the government. We would prefer that the same consideration be given to other relationships where a dependency exists.

In June, the Banking Committee reported Bill C-78 with a number of observations concerning the bill. With the exception of the views of the majority on ownership of the surplus, these observations reflected our concerns. In his response to our report, the former President of the Treasury Board wrote to Senator Kirby, chairman of the Senate Banking Committee, and said.

I hope that you will convey to the Committee the government's sincere intention to undertake whatever measures are necessary to ensure that discussions with employee and pensioner representatives are re-established as soon as possible with a view to achieving a joint management arrangement in the future.

• (1640)

The key words are:

...government's sincere intention to undertake whatever measures are necessary...

Honourable senators, if the government were sincere, then should this bill not be put on hold since it will need to be amended in any event a short time from now in order to create a jointly managed board.

Last June, we believed the government's sincerity. Instead of voting to pass the bill, we presented a motion to return the bill to committee, and to enable the government and affected unions to discuss joint management.

On June 17, a motion was passed that this bill:

...be not now read the third time but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the Committee may monitor discussions

between Treasury Board and affected unions over matters contained in the letter of the President of Treasury Board referred to in the report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78; and

That the Committee report back to the Senate no later than September 7, 1999.

We did that because the minister said that he would act. We were not acting under a false assumption. We have a letter which was tabled with the report saying that he would act.

Honourable senators, the committee has reported. While we have made a number of additional recommendations, no action was taken. There has been no progress over the summer. Nothing has been achieved.

It seems that the unions do not get it. It seems that the unions do not want to give up their right to the surplus. What union leader will enter the negotiating room offering to give up \$30 billion? Does any minister of the Crown believe, in his wildest dreams, that a union leader will say such a thing before walking into the negotiating room? That is why the minister used those words, giving us such consolation and promising to undertake whatever measures are necessary. That is why he used those words.

I believe, though other senators may not, that the government knew from the very beginning that they were blowing smoke. They were not interested in meeting with the unions. They were trying to ram this bill through in order to pick up the \$30 billion, to erase the liability and make that total debt load look good for Minister Martin in his next financial statement.

Daryl Bean told us something during our hearings that is very upsetting if it is true, and I have no reason to believe that it is not: Almost immediately after the motion was passed, Mr. Bean received a phone call from Treasury Board; it was from an unnamed senior government official who unofficially advised him that Treasury Board had no intention of meeting, and would wait out the summer in the expectation that a final vote would be held by a reconfigured Senate in early September, at which time the government's position would prevail. That is what Mr. Bean recounted to us. I have no reason not to believe him. I think this is clearly contempt. Such an attitude holds Parliament in contempt, and the Senate, in particular. All of us on both sides of this chamber should be upset about that action.

Mr. Bean did offer to resume negotiations without any pre-conditions in August. The government chose not to accept that. Mr. Sjoquist did offer to resume negotiations without any pre-conditions on the surplus. Nothing happened.

I do not believe that the appointment of a new minister kept things from happening. Surely someone could have picked up the phone, even in the month before, and suggested the beginning of discussions by not talking about any of these issues and then see what would happen. That would have been a very simple thing to do.

This motion of Parliament was ignored by a minister of the Crown. How can democracy work when we do that? Democracy works because we respect each other. That is why they are having all that trouble in East Timor. They have voted, but some people do not care about the vote. They shoot people who disagree. Here we approve motions in our house of Parliament. Surely we expect more reaction from the minister than what we got over the summer months. We expect more from the government than we got over the summer months.

I know some members opposite are a little uneasy about what has transpired, particularly those on the Banking Committee who know what happened. Not only has the government failed to meet with plan members but, from the evidence we heard during our August hearings, the government intends to ignore the Banking Committee's report and the minister's comments in other areas. We did ask about the auditor, and disclosure items, and those other areas. I do not believe the government has any intention of incorporating those issues into the new negotiations that will take place.

We named specific recommendations on specific issues and we were ignored. The minister, the former and the current ministers saw the first 28 pages and did not like them. The first 28 pages govern the management of the pension plan. The minister told us she wants to begin negotiations to change the bill. Why would we pass a bill and then immediately change it? If we are passing a bill into law, why would we meet in the next week to talk about revising the law?

I do not speak for all senators on this side, but I personally do not believe that what this bill is about is the first 28 pages. It is about the non-existent surplus of \$30 billion.

Why would we, as a Senate, pass a bill that the executive of the government says it will change immediately following its passing? Why would we do that? Why would we set up an administration which will not last more than a few months? Why would Liberal senators go along with that?

The government's failure to consult the RCMP and the military was a further issue raised by our committee. On June 25, following the Senate vote, Mr. Massé indicated in a letter to Senator Kirby that he would write to the Minister of Defence and the Solicitor General asking them to proceed with a consultation process on pension matters as soon as possible. Once again, zero progress has been made. Instead we are being told, in the words of the minister, to pass the legislation so that we will be able to do the job afterwards.

You must wonder why the government wants to wait until after all the decisions have been made and the bill is law before talking to the RCMP and military about their pension plans. How much money will be wasted in setting up an administration that may never oversee the investment of a dime because it will be replaced, one year from now, by something else? We know how long it took them to set up the CPP Investment Board. They had to have the bill passed right away, they said. They had to invest

that money and get going, they said, but one and a half years later the CPP board has not even been set up.

Now we will begin this set-up process, but amendments will be made so nothing will actually happen for years to come — except that the government will get the \$30 billion that it wants. The government wants passage of this bill, warts and all, because of that \$30 billion. There has been only opposition from people affected by this bill. I did not get one letter, out of the many I did receive from pensioners, saying that the government is right and that they should take that money. No pensioner has said they would be happy with that because the government has a legal right to take the money. I do not think any of you got such a letter, either. It is a free country; we could have hoped for one, but we got none; not from one retiree, not one such letter. Perhaps Senator Kirby received a letter like that but he did not table that petition in this chamber.

• (1650)

This bill is not just about a \$30-billion supposed surplus. Bill C-78 is about exercising the power of the Langevin Block to get that money. The bill is not about the Pension Plan Management Board, it is about government arrogance: We have to do this now. It was not done over the summer, so we must do this now. That is government arrogance. They were, perhaps, a little embarrassed.

The process and the summer events are not about parliamentary democracy, they are about the usurpation of the parliamentary process, because that is what happened this summer. They do not care that we passed a resolution because they can do what they want. That is what Bill C-78 is about.

This entire process is not about the well-being of the workforce and retirees, it is about having a timely party with Adrienne Clarkson. That is why we are here, and that is why we cannot come back on October 23. They will be having a party with Adrienne Clarkson. We will be here until the fall. What is the problem? My remarks apply equally to Bill C-32. Both bills are about a party with Adrienne Clarkson. We must have it on October 13. There will be motions to limit debate on both bills for that very reason.

The entire process should be about our role and not about the government's role, and our duty, and whether we will have the courage to exercise our duty and defeat this bill.

Hon. Douglas Roche: My question is the same one that I put to Senator Kirby. I listened carefully to Senator Kirby but perhaps I did not quite understand everything he said. I put the same question to Senator Tkachuk which concerns the absence of any proposed amendment to the bill that has been returned to us.

Senator Tkachuk referred several times to the flaws in this bill and made particular reference to the poor wording that will lead, in his view, to legal battles over conjugal relationships. I should like to hear from Senator Tkachuk as to why there were no amendments proposed to this bill.

Senator Tkachuk: If I am not mistaken, Senator Taylor suggested some amendments. If I remember correctly, there was no movement from the chair last June to even consider them. Being fairly wise people, we decided that we would move our amendments in this chamber. We have a number of amendments prepared on Bill C-78, which we will move here, however, the summer process, after the June vote, was to give the opportunity to the government to make the amendments necessary.

As Senator Kirby so aptly expressed, we are not here to impose some joint management agreement, even though we see many flaws in it, on what we think should be a negotiated deal between the people affected; the pensioners, the present workers, and the government. That should be brought to us. We gave them a two and a half month opportunity to do that and nothing happened, therefore, our view was that nothing would happen in committee.

However, there will be amendments to the bill, I am certain.

On motion of Senator Stratton, debate adjourned.

[Translation]

INTERNATIONAL POSITION IN COMMUNICATIONS

CONSIDERATION OF REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Report of the Subcommittee on Communications of the Standing Senate Committee on Transport and Communications entitled “Wired to Win! Canada’s Positioning Within The World’s Technological Revolution,” deposited with the Clerk of the Senate on May 28, 1999.

Hon. Shirley Maheu: Honourable senators, I rise today with pleasure and enthusiasm to speak to you of the final report of the Subcommittee on Communications entitled “Au fil du progrès! Wired to Win!” on Canada’s position within the world technological revolution.

Pleasure and enthusiasm because this report represents the termination of a study which will, with the recommendations it contains, 21 in all, enable Canada to play its rightful role in a world being inundated by new means of communications.

This report focusses on the impact of these new technologies on the entertainment industries, the new media and the cultural industry in particular. It emphasizes the challenges raised by new distribution systems such as the Internet, and proposes means of meeting those challenges.

These new technologies know no borders. Our cultural diversity will therefore have to stand up to international competition. We will need creativity and foresight if we are to determine the path that must be followed if Canadians are to be

able to take advantage of this technological progress and if that progress is to enable our national culture to flourish.

[English]

In order to reach that goal, the subcommittee on communications stresses the importance of making sure that no group of Canadians is left behind. We do not want groups of Canadians to become disenfranchised have-nots, at the margins of society, unable to function in today’s wired world.

It is for that reason that the Senate’s study of technology wants Statistics Canada to monitor the ownership of computers and the use of the Internet to ensure that there is equal opportunity throughout all levels of our society. They all must have access to the new media. It is also why this study urges the government to continue its efforts in bringing the Internet into all Canadian schools so that our young people have the opportunity to take part in the world of new technology and, ultimately, contribute to Canada’s place in the world.

[Translation]

Today, knowledge of the Internet and new communication technologies is highly useful, but before long it will become essential. These modern media, by virtue of their enormous capacities, limitless scope, and regulatory flexibility, will become a pervasive presence and will force the traditional media such as the cable and electrical companies to re-examine their strategies and the services they have been offering.

This reorganization will make it possible for people to do such things as watching a film on a computer screen or using their television set to surf the net. Canadians will need to move easily within this wired world if they are to fully benefit from it.

[English]

• (1700)

However, we must be watchful of what happens on the Web. Although this new media offers great possibilities, some people are more interested in using this technology in a less appropriate way. Many Web sites promoting racism and pornography have been emerging. These sites should not be tolerated, and actions are to be taken to make content of this sort illegal.

In North America, some want a hands-off approach to the Internet, arguing that it would be very difficult, almost impossible, to regulate the Web. The subcommittee understands that very well, and acknowledges that it might be a difficult task to draft legislation to control the content of the Internet. However, the subcommittee believes that something must be done to solve this problem. It believes that one way of curbing obnoxious sites is to make the distribution systems that carry them liable, with penalties that include seizure of assets.

It has also asked the government to move quickly on addressing the issues of racism, violence and pornography on the Internet. In some European countries, laws have already been drafted to make content of this sort illegal. Why could we not do the same?

[*Translation*]

The Internet and the new media are, as we know, powerful tools of communication that will greatly influence Canadian culture.

I wish to remind you that, in the context of our work, we looked at culture in its broadest sense. This includes, therefore, all the elements that contribute to a definition of Canada as it is now. One of the witnesses appearing before us, Yvon Thiec, the Director General of Eurocinéma, summarized the situation very well. According to him, culture is:

[...] the communal conscience bringing people together.

The subcommittee also made a few recommendations so the new technologies may become promotional tools to introduce the world as a whole to Canadian culture.

[*English*]

In order to achieve that goal, it was felt that fiscal incentives, such as those available to conventional film and television producers, should be extended to creators of new media content. It was also recommended that Internet service providers, or ISPs, should begin contributing a levy that would be pooled and used for new media productions. This approach would be in line with the current levy on cable operators who pay, according to their revenues, into a fund for the development of domestic programming.

Studies show that TV viewing is declining while use of the Internet is increasing. Therefore, as cable contributions to the fund go down as a percentage of revenues, ISP levies would kick in at a certain point to compensate. This would not be a new levy but a fair practice to ensure funds for Canadian content.

[*Translation*]

Canadian culture may also gain exposure through the "portals" on the World Wide Web. These portals, such as America Online and Yahoo, are real ports of entry to the Web. They attract clients with single entry windows and then direct them to commercial income generating sites, thus favouring some sites over others.

The subcommittee therefore recommends that Canadian portals be given incentives to give Canadian cultural works greater prominence on their sites. The CBC, among others, as a public broadcaster should be given resources to create a search engine or a portal giving Internet access to Canadian works. These measures would give Canadian culture and products a choice location and good visibility on the Web.

The subcommittee recognized as well that our young talents will represent Canadian culture in the future. They will therefore have to have the support they need from Canada's cultural organizations in order to play this role fully. These organizations' commitment to our young artists must be expressed in the new media and in the more traditional ones, too.

To conclude, I would like to draw your attention to an interesting project of the more traditional media. It appears that the action taken by broadcasters in francophone countries to form a consortium to provide an international television service has proven successful to some extent. This consortium, called TV5, has expanded its distribution and improved the quality of its productions.

Through its participation in this initiative, Canada has made its culture better known in francophone countries. The subcommittee believes that the public broadcasters in the anglophone countries could learn from this initiative.

[*English*]

I think honourable senators can easily understand why we are so proud of this report. The recommendations that are made as a result of this study will surely help Canada stay a leader in the world of new technologies and will assure that we stay the most wired country of the whole world. The world's technological revolution brings many new challenges. I believe that Canada has all the tools to face them.

[*Translation*]

Hon. Pierre Claude Nolin: How did you, or the committee, react to the news that the CRTC had decided not to control Web content?

Senator Maheu: The CRTC is not the only means of controlling what appears on the Web. Several neighbouring countries, including the United States, use external monitoring. Through legislation, we will be able to force an agency to monitor Web content that is pornographic, or racist, for instance.

Senator Nolin: This is certainly something that interests a great many people. The Internet began in California on September 2, 1969. This week, Munich is the site of a conference attended by 300 participants representing various governments, including the governments of Canada, the United States and other countries interested in controlling information on the Internet.

Were you aware of this conference and, if so, do you know whether Canadian officials are taking part? What do you hope will come out of the conference?

Senator Maheu: Unfortunately, I am not aware of the conference, but I am sure the chair of the subcommittee on communications was. Europe is determined to find a way of controlling Internet content, and the Americans have already begun; we in Canada must certainly be capable of introducing legislation in this regard.

Senator Nolin: Most of the members of this group are North Americans. The conference is being held in Munich for reasons I am unaware of. The name of this very recent group is the Internet Content Rating Association.

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

[English]

• (1710)

EXCISE TAX ACT

BILL TO AMEND—MOTION TO ADOPT REPORT OF COMMITTEE
NEGATIVED ON DIVISION

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Cochrane, for the adoption of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-10, to amend the Excise Tax Act, with an amendment) presented in the Senate on December 9, 1998.—(Honourable Senator Carstairs)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as was mentioned earlier today, there is a symbolic and practical interest on this side to see this matter resolved by this chamber. The symbolic dimension relates to the fact that international literacy is on the front burner today. The practical interest is that, in looking at the parliamentary timetable, we are of the view that this session of Parliament will probably draw to a close within the next few weeks.

In light of that, I wish to move the previous question.

The Hon. the Speaker: It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator DeWare, that the previous question be moved. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): No.

The Hon. the Speaker: Those honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will 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.

The whips confirm that the bells will ring for one half-hour. The vote will therefore take place at 5:45 p.m.

• (1740)

The Hon. the Speaker: Honourable senators, the motion before the Senate is that the previous question on this order be now put.

Motion negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Kelleher
Atkins	Keon
Beaudoin	Kinsella
Bolduc	LeBreton
Buchanan	Lynch-Staunton
Carney	Nolin
Cochrane	Oliver
Comeau	Roberge
DeWare	Robertson
Di Nino	Rossiter
Forrestall	Spivak
Ghitter	Stratton
Grimard	Tkachuk—26

NAYS

THE HONOURABLE SENATORS

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Prud’homme
Fitzpatrick	Robichaud
Fraser	(Saint-Louis-de-Kent)
Furey	Roche
Gill	Rompkey
Grafstein	Ruck
Graham	Sibbeston
Hays	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—50
Kolber	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

• (1750)

The Hon. the Speaker: I declared the motion defeated. Accordingly, pursuant to rule 48(2), the main motion drops from the Order Paper.

UNITED NATIONS

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS—RECENT RESPONSES TO QUESTIONS FROM COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the Responses to the Supplementary Questions emitted by the United Nations Committee on Economic, Social and Cultural Rights on Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I congratulate Senator Kinsella for putting this inquiry on the Order Paper. The issue is extremely important and the outcome of Canada's involvement in committee processes at the United Nations is worthy of scrutiny. However, in light of the lateness of the hour this evening, I propose only to open the debate at this point and now move that the adjournment stand in my name.

On motion of Senator Andreychuk, debate adjourned.

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL COMMITTEE TO EXAMINE ACTIVITIES OF CANADIAN AIRBORNE REGIMENT IN SOMALIA—DEBATE CONTINUED

On the Order:

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

That a Special Committee of the Senate be appointed to examine and report on the manner in which the chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. former Ministers of National Defence;
2. the then Deputy Minister of National Defence;
3. the then Acting Chief of Staff of the Minister of National Defence;
4. the then special advisor to the Minister of National Defence (M. Campbell);
5. the then special advisor to the Minister of National Defence (J. Dixon);
6. the persons occupying the position of Judge Advocate General during the relevant period;
7. the then Deputy Judge Advocate General (litigation); and
8. the then Chief of Defence Staff and Deputy Chief of Defence Staff.

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

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

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

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

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

That it be empowered to adjourn from place to place within and outside Canada;

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

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

That the Special Committee include in its report, its findings and recommendations regarding the structure, functioning and operational effectiveness of National Defence Headquarters, the relationship between the military and civilian components of NDHQ, and the relationship among the Deputy Minister of Defence, the Chief of Defence Staff and the Minister of National Defence,

And on the motion in amendment of the Honourable Senator Forrestall, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding in paragraph 2 the following:

“9. the present Minister of National Defence..”—(*Honourable Senator Meighen*)

Hon. Norman K. Atkins: Honourable senators, due to the recent series of allegations about Canadian soldiers being exposed to toxic substances while serving in Croatia between 1993 and 1995, and the alleged shredding of medical documents, I move that the motion be amended by adding two new paragraphs after point 8 as follows:

That the committee also examine and report on allegations that Canadian Forces personnel were exposed to toxic substances in Croatia between 1993 and 1995, the alleged destruction of service personnel medical records, and actions by the Chain of Command in theatre and in National Defence Headquarters in responding to these issues;

That the committee in examining these issues may call upon witnesses from whom it believes it may obtain evidence relevant to these matters, including but not limited to the Minister of National Defence;

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

Hon. Sharon Carstairs (Deputy Leader of the Government): If Senator Atkins is not going to speak to the amendment, I move the adjournment of the debate.

Hon. Eymard G. Corbin: Honourable senators, I suggest that the amendment is totally out of order because the main motion deals with actions in Somalia. Senator Atkins is attempting to enlarge it, by way of amendment to a subclause of the main motion, to encompass events that took place in another theatre of intervention, namely, Czechoslovakia. If he wants to bring that to the attention of honourable senators, he should give notice of a motion to do so, but he cannot simply, as he did today, introduce this new matter as an amendment to another substantive motion. The motion should be ruled out of order.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the point of order raised by the Honourable Senator Corbin is an interesting one, but I am not sure that it will

meet the test of either precedent or the *Rules of the Senate of Canada*.

First, the plain reading of the main motion is universal enough to encompass all activities that relate to the chain of command, the culture of which chain of command has not changed since the time of the Somalia tragedy and continues to affect, in the view of many, the management of the Canadian Armed Forces. The amendment proposed by Senator Atkins is particular to the culture within the chain of command which the universal proposition contained in the main motion would easily encompass. Therefore, the matter is not out of order and there is nothing in the procedural literature which would suggest to the contrary.

Hon. John B. Stewart: Honourable senators, we should look at the wording of the main motion. That motion proposes that a special committee of the Senate be appointed to deal with the chain of command of the Canadian Forces, both in theatre and at National Defence headquarters, the effective words being:

...responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

The original motion focuses on the operations in Somalia and not in any other place.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I have reread the main motion carefully. I agree that the main motion deals specifically with the Somalia deployment. It does indeed say:

...the Canadian Forces both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

To bring in Croatia would, I think, fall outside of the main motion.

- (1800)

I therefore declare the amendment out of order.

Honourable senators, we still have the main motion before us. Does some honourable senator wish to adjourn the debate on the main motion?

Senator Carstairs: Honourable senators, it is my understanding that, since Senator Atkins has now spoken to the motion, it would normally be adjourned in the name of another senator. However, since Senator Atkins only spoke to this motion briefly, if he wishes the adjournment to stand in his name, he may move such a motion.

Senator Atkins: Honourable senators, it is my intention to speak to it on another occasion. That being so, I would move that the debate be adjourned in my name.

On motion of Senator Atkins, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now six o'clock. Is it your wish that I not see the clock?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, since there are only two items left on the Order Paper, it would be the will of the chamber not to see the clock.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): The opposition agrees with the Deputy Leader of the Government that we not see the clock.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now reached the end of the regular Order Paper. We were at Inquiries. The first item to be taken up now is Honourable Senator Kinsella's question of privilege which he raised yesterday and which, by general agreement, was set to be dealt with today.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I shall not keep you very long on this matter. The facts of the matter are quite straightforward, so I shall be brief.

I did, however, want to provide some background to this matter, which is very serious. On Sunday, August 15, 1999, I co-chaired a senators' Sunday round table on citizen participation in civic affairs, held here in the National Capital Region. During that round table, I had asked the participants to address the question of barriers they perceived to citizens' participation in civic affairs. A certain Dr. Shiv Chopra was one of the participants, and he responded to the question with a personal example involving a five-day suspension without pay that he had just received from his employer, Health Canada. He stated that it was his view that this five-day suspension without pay was a direct consequence of his testimony before a standing Senate committee. Dr. Chopra was attending the workshop as a representative of the National Capital Alliance on Race Relations and is, in fact, their past president.

Following that round table discussion, Dr. Chopra wrote me a letter dated August 19 in which he again stated that this job action taken against him by his employer, Health Canada, was a direct result of his testimony before the standing Senate committee.

Dr. Chopra was one of five Health Canada scientists who were witnesses before the Standing Senate Committee on Agriculture and Forestry during its study on recombinant bovine growth hormone, rBST, and its effects on human and animal safety.

In September, 1998, an invitation was sent by that committee to Dr. Chopra and others to appear before the committee, and a notice of meeting was issued for October 1, 1998. That meeting, however, was cancelled as the scientists stated that they were concerned about the repercussions on their careers if they appeared before our committee.

On October 2, 1998, the Minister of Health sent a letter to Senator Whelan, who was the chair of that committee at the time, reassuring him and the committee members that any suggestion that Health Canada employees are under threat was "completely without foundation."

On October 22, 1998, Dr. Chopra appeared before the Standing Senate Committee on Agriculture and Forestry and gave evidence. On October 29, 1998, officials from Health Canada appeared before the same committee, and I wish to quote from an exchange between Senator Stratton and Mr. David Dodge, the Deputy Minister at Health Canada.

Senator Stratton: As you know, five scientists appeared last week before this committee, three of whom took an oath. It took a lot of courage to give that testimony. I would like to have your assurance in front of this committee that those people will be dealt with fairly in the future. The last thing this committee wants to hear is that one of them ends up in Timbuktu, for lack of a better word. I do not want to offend anyone in Canada by naming a city such as Winnipeg. Therefore, I would like to have your assurance.

I have told them — and I thank them for being here again today — that if they do have a problem, to please come to us. If we cannot get assurance or reassurance from the health department, do I have your assurance?

Mr. Dodge: Senator, the allegations that are being made are obviously being examined through due process. That due process is extraordinarily important. Every employee deserves the protection of that due process.

These employees and every other employee of the Department of Health — indeed, I would hope, of the Government of Canada — ought to be afforded all those protections of due process.

On April 26, 1999, Dr. Chopra again appeared before the committee as part of the human safety panel, and on May 3, 1999, he appeared also as a scientist from Health Canada.

In this chamber, on May 5, 1999, during the debate on the interim report of the Standing Senate Committee on Agriculture and Forestry concerning rBST, I asked the following question of my colleague Senator Milne:

I attended the Monday morning session of the Standing Senate Committee on Agriculture and Forestry and listened to Dr. Haydon and her colleagues, including Dr. Chopra.

I should like to know whether the honourable senator shares my view on the following subject. When the scientists from Health Canada testified before the committee, they indicated that they were experiencing a sense of insecurity about possible retaliation as a result of their testimony before the Senate committee.

Does the honourable senator agree that any kind of retaliation taken by senior managers in Health Canada against their scientists on the basis of their appearance before one of our committees is totally unacceptable and is contemptuous of the Senate?

Would the honourable senator also agree that any witnesses who appear before Senate committees should not be subject to interference?

Senator Milne responded:

Honourable senators, I sincerely hope that no witness appearing before any Senate committee would be placed in the position of fearing for the loss of their job, or in fact intimidation in any way whatsoever. Certainly that should not be the case if that person is a federal government employee.

Now we turn, honourable senators, to the date of the job action against Dr. Chopra. Apparently, Heritage Canada invited Dr. Chopra to be a member of a panel at the Heritage Canada conference entitled "The Human Dimension, Workplace Experiences of Visible Minorities," which was held here in the National Capital Region on March 26, 1999. That date is important. On March 26 Dr. Chopra appeared as a panellist at a Heritage Canada workshop on visible minorities in the workplace. Dr. Chopra had been invited to attend this workshop in his capacity as president of the Federation of Race Relations Organizations of Ontario.

• (1810)

On July 21, 1999, Dr. Chopra was told in writing by Dr. André Lachance, Director, Health Canada Bureau of Veterinary Drugs, Food Directorate, that there was a problem with what he had to say at the Heritage Canada conference back in March and was asked to attend a meeting with Dr. Lachance and other officials on July 23, 1999. Sometime later, he was notified that he would receive a five-day disciplinary suspension, starting August 18.

Honourable senators, here we have an individual who appeared before one of our committees on October 22, 1998, and again on April 26, 1999, and May 3, 1999. This individual was concerned that the evidence he would give, which was critical of his employer, would be used against him by that employer. The committee undertook a number of initiatives to reassure its witnesses, including receiving written assurances from a minister of the Crown. Prior to these last two appearances before a Senate

committee, he was a panellist at the request of another government department where he was critical of the government's record as it pertains to visible minorities in the workplace. No job action was taken by his employer until some five months after that conference.

Honourable senators, I do not know more than these facts as I have presented them to this chamber, but Dr. Chopra believes that his five-day suspension without pay was a direct consequence of his testimony before the Standing Senate Committee on Agriculture and Forestry.

Honourable senators know that the Bill of Rights of 1689, article 9, is a statutory provision which spells out the rights to freedom of speech given to parliamentarians and witnesses who appear either at the bar of the house or before a committee. Canada, honourable senators, claimed these privileges under the Constitution Act of 1867 and further codified the rights of witnesses before parliamentary committees in the Parliament of Canada Act and the Charter of Rights and Freedoms. *Beauchesne's 6th Edition*, citation 109, provides as follows:

Witnesses before committees share the same privilege of freedom of speech as Members. Nothing said before a committee (or at the Bar of the House) may be used in a court of law. Thus a witness may not refuse to answer on the grounds of self incrimination.

It is clearly in the interest of our parliamentary committees that our witnesses feel safe to give unreserved testimony without fear that it may jeopardize, directly or indirectly, their personal or professional lives. *Erskine May, Twentieth Edition*, has a provision which reads that "molestation of or threats against those who have previously given evidence before either House or a committee will be treated by the House concerned as a contempt. Such actions have included assault or a threat of assault on witnesses, insulting or abusive behaviour, misuse (by a gaoler) or censure by an employer."

The crux of the matter is that freedom of speech on the part of witnesses before a committee is essential to the process of gathering information by this house. Witnesses who fear retaliation, directly or indirectly, arising from their testimony, whether because of implied or direct threats or because previous witnesses have suffered due to their testimony before a committee, obviously will not be forthcoming in their evidence. Since this lack of full disclosure impedes parliamentarians on the committee in the full exercise of their duties, it represents a breach of parliamentary privilege and the action of the Department of Health amounts to contempt of the Senate and its committees.

Should His Honour make the appropriate finding of a *prima facie* case, I am prepared to move the appropriate motion, which would be to the effect that the matter be referred to the Standing Senate Committee on Privileges, Standing Rules and Orders for investigation and report to this house.

The Hon. the Speaker: Honourable senators, this is a serious matter because, obviously, witnesses who appear before our committees must be able to speak freely to the committee. However, I must be satisfied that the action taken is related to the appearance before the committee. If any other senators have information on this matter, I would be pleased to hear from them.

Hon. John B. Stewart: Honourable senators, I should like to ask Senator Kinsella a question. I agree entirely with what he says in the matter of principle. However, if I recall accurately what he said, the doctor in question believes that a penalty was imposed on him by reason of his appearance before a committee of the Senate and the testimony which he gave there.

Can the honourable senator substantiate his statement that the doctor believes that this occurred? Does he have, for example, a letter from the doctor in which the doctor states that he believes that, or is it just hearsay? Obviously, if the doctor believes it and has put that in writing, then it makes the matter much more serious.

Senator Kinsella: Honourable senators, the same thought occurred to me. On August 19, 1999, I received a letter from Dr. Chopra in which he states that, "I mentioned that all these actions were the direct consequence of my testimony, which I was requested (required) to give before the Standing Senate Committee on Agriculture and Forestry for its bovine growth hormone rBST investigations." It is this letter and that statement from Dr. Chopra which I rely upon to bring this matter to the attention of the Senate.

Senator Stewart: That is a useful answer.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, Senator Kinsella has raised a serious question of privilege. We must in this chamber, as they must in the other chamber, always know that witnesses can come before us in our various committees without any fear of reprisal.

It is clear that there is some disagreement as to why this penalty was imposed. We know, for example, that Dr. Chopra feels that it was his appearance before this Agriculture Committee that resulted in his penalty. We have had correspondence with the Deputy Minister of Health which would indicate that that was not the case.

It would appear to me that we have a disagreement, which is not possible for us to resolve unless we hear testimony. If His Honour thinks that there is a *prima facie* case of privilege, I would certainly support Senator Kinsella's motion that this be referred to the Standing Committee on Privileges, Standing Rules and Orders for further study.

Hon. Shirley Maheu: Honourable senators, as chair of that committee, I would ask to adjourn this debate to give me enough time to make inquiries of Health Canada to ascertain if Dr. Lachance can give us the other side of the story.

The Hon. the Speaker: Honourable senators, I am sorry, but the matter cannot be adjourned. The procedure is that the Speaker hears all honourable senators who wish to speak on the matter until the he is satisfied that the he has enough information.

The Speaker then either makes a decision or takes it under advisement.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I have listened most attentively to this debate. I have given equal attention to the words of Senator Kinsella, and I am satisfied with the response by Senator Carstairs. She says that is what is done here in this chamber, as it is in the other.

[English]

I am not too sure about the other chamber, having been there 30 years, but the Senate should defend rights and be satisfied that the rights of any witness called before us has been respected.

• (1820)

As far as I am concerned, I am satisfied with the agreement that the official government side and the opposition side are in a dilemma, one side versus the other.

I am happy to welcome to the Senate the chair of the Joint Committee on Official Languages, Senator Finestone.

[Translation]

The doctor really believes that he has been punished and his rights have been interfered with. He is totally convinced of this. The response by his bosses did not indicate any connection. That is where the dilemma lies. How can we be satisfied as to which is the case? Senator Carstairs has stated it very clearly: A committee is the only body that could conclude that yes, what the doctor says is correct, or no, his rights have not been interfered with.

[English]

If the Senate has a duty to fulfil, it is in the total protection of any witness. Could you imagine, just for a moment, if we were to take such a thing too lightly? We must signal respect to witnesses who have information about certain matters. How would they feel if they discovered that, in a case which was submitted to us, we saw fit not to take any action? Therefore, I agree with both Senator Carstairs and Senator Kinsella.

Hon. Anne C. Cools: Honourable senators, may I remind you of the phase that we have reached. Senator Kinsella is raising a question of privilege under the *prima facie* rules. Senator Kinsella is seeking an opinion from His Honour as to whether there is sufficient evidence at first blush. The other determinations will be made as a result of serious and intense consideration in committee, if this proceeding goes far enough for Senator Kinsella to make such a motion.

I thank Senator Kinsella for bringing forth the question of privilege. I am satisfied that there is *prima facie* evidence. I also thank Senator Kinsella for his survey of the facts in this case. I thank Senator Kinsella for qualifying his statements and stating that Dr. Chopra believes that he is the victim in this particular situation.

I support Senator Kinsella's question of privilege. I would ask that Senator Kinsella table that document with us today.

In addition to requesting that useful documentation, I have a few points on fairness and due process. It is a contempt of Parliament and of the Senate to attempt to hurt, or damage, or molest a witness. It is also a contempt of Parliament and of the Senate for any witness to attempt to mislead the Senate in any suspicious or questionable or undesirable way. If this issue goes forward for study, much reliance would be placed on the integrity of this particular individual.

I remind honourable senators that there are few instances where the privileges of the Senate and of Parliament have actually made their way into statute, but there is one such place. In the Criminal Code, the act of falsely testifying under oath before a committee of Parliament is a criminal offence.

We must understand clearly that if His Honour finds a *prima facie* case, and if this matter goes to committee, we will be taking a very serious step and we will be relying on the integrity of this individual.

I am pleased that steps are being taken to look into these matters. We hear of this sort of thing quite frequently. When we were looking into UI matters a few years ago, we heard about contracts being denied to people who had come before Senate committees. When Senator Orville Phillips was chair of the Veterans Affairs Subcommittee, there was concern voiced about reprisals for appearing before the committee. One potential witness, Mr. Fred Gaffen, wrote to us that he had been forbidden to speak to that committee. Committee members expressed their great concern. Another witness, Victor Suthren, was so concerned about his vulnerable position that the committee chairman asked our parliamentary counsel, Mark Audcent, to sit with the witness while he was giving testimony.

I have not had time to prepare remarks today, but Dr. Chopra has raised direct and pointed accusations with which we should deal directly. I have no doubt that the gentleman understands the seriousness of the situation in which he would find himself if it turns out that his allegations are false.

There is no need to belabour the point. According to the Bill of Rights, which Senator Kinsella cited, proceedings in Parliament are beyond question and beyond impeachment. This institution has been especially negligent in studying its own privileges and the privileges of its witnesses.

A committee should examine this issue in detail and reach conclusions using all fairness and due process. We will go forward from there again.

The Hon. the Speaker: Honourable senators, is leave granted for Senator Kinsella to table the letter to which he referred?

Hon. Senators: Agreed.

• (1830)

Hon. Mira Spivak: Honourable senators, I wish to make three brief points. Senator Kinsella has covered the situation. I will not speak to the merits of the case, but the context, since I was a member of the committee at which Dr. Chopra appeared.

First, Dr. Chopra and his colleagues gave testimony on a very controversial issue. It is an issue on which the same committee had a great deal of difficulty getting all of the information. Information was withheld. Second, these particular individuals who appeared were under a gag order not to speak to the press, which I believe is rather unusual. Third, the witnesses asked to be sworn before giving their testimony, something which is also quite unusual. In this particular committee process, the Agriculture Committee, normally the issues are not such as to require that sort of defensive posture on the part of witnesses. The committee does not deal with matters of constitutional affairs or of national defence.

I believe this is a matter that the Senate ought to look at, and I would thank Senator Kinsella for raising this issue and for bringing it forward.

The Hon. the Speaker: If no other honourable senator wishes to speak, I might say that, in view of the marvellous unanimity which I hear on this matter, it would be easy for me to rule immediately. Nevertheless, I do wish to read the letter from Dr. Chopra as well as consider what Senator Kinsella has said, since the rights of the employer are also an element to be considered. I want to be certain that we are not doing anything that is improper. I will take the matter under advisement and report as quickly as I can.

The Senate adjourned until tomorrow at 2 p.m.

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