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(HANSARD)

**Tuesday, February 22, 2000**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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

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## THE SENATE

Tuesday, February 22, 2000

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

Prayers.

### SENATORS' STATEMENTS

#### ARCHBISHOP DESMOND TUTU

BESTOWAL BY UNIVERSITY OF TORONTO  
OF HONORARY DOCTORAL DEGREE

**Hon. Vivienne Poy:** Honourable senators, I am pleased to report that, last Tuesday, I had the honour to attend the convocation ceremony at the University of Toronto for the awarding of an honorary Doctorate of Laws degree to Archbishop Desmond Tutu.

Honourable senators, I know that none of you need an introduction to Archbishop Tutu. A Nobel Peace Prize laureate, a giant of humanitarianism, Archbishop Tutu is a living symbol of the triumph of love, forgiveness and reconciliation. Accused of being a terrorist by the apartheid regime in his homeland, this man of peace repeatedly risked imprisonment for his advocacy of sanctions against South Africa by the international community. Desmond Tutu condemned the use of violence by apartheid opponents and has consistently sought a peaceful, negotiated reconciliation between the black and white communities.

I regret, honourable senators, that my words simply cannot convey the depth of emotion in the Great Hall of Hart House at the University of Toronto. In what I can describe only as an overwhelmingly moving speech, Archbishop Tutu spoke with humility and humour. He urged the audience to acknowledge humanity's extraordinary capacity for forgiveness.

Over the last few years, the world has watched events unfold in South Africa, as it has made the transition from apartheid to a truly democratic government. The South African belief of "Ubuntu" — the essence of being human — far outweighs the way most of the world deals with conflicts: by anger, force and revenge.

Archbishop Tutu was the chairman of South Africa's Truth and Reconciliation Commission, where perpetrators of some of the most heinous crimes were given amnesty in exchange for a full disclosure of the facts and the offences. We now know that there is a viable option for the rest of the world in dealing with long-standing disputes.

Honourable senators, the archbishop declared that forgiveness is the only way to end bloodshed and sectarian strife, and make

possible a new beginning. Only along the path of restorative justice — not retribution and revenge — can we recognize the essence of our common humanity and find true healing and meaningful reconciliation.

Honourable senators, we in Canada have much to learn from Archbishop Tutu in his lesson of humanity, reconciliation and communal harmony, as we seek to build a more compassionate, tolerant and multicultural Canada.

#### NAVAL OFFICERS' ASSOCIATION OF CANADA DEFENCE ASSOCIATIONS NATIONAL NETWORK

**Hon. J. Michael Forrestall:** Honourable senators, I should like to take a few minutes to tell you about the excellent work being carried out by the Maritime Affairs Bureau of the Naval Officers' Association of Canada, and the Defence Associations National Network. Both groups, honourable senators, are attempting to educate Canadians on issues of national security through their publications and Web sites. The Maritime Affairs Bureau of the Naval Officers' Association of Canada publishes a highly readable journal entitled *Maritime Affairs*. The journal is edited by Mr. Peter Haydon, a senior research fellow of the Canadian Institute for Strategic Studies and a fellow of the Centre for Foreign Policy Studies at Dalhousie University.

*Maritime Affairs* covers everything from naval-oriented defence articles by experts in the field to oceans management issues and shipping. I highly recommend the NOAC Web site at [www.naval.ca](http://www.naval.ca), which carries many articles on maritime security issues. Additionally, the work of Admiral Dan Mainguy, the editor of the Defence Associations *National Network News*, is an excellent complement to *Maritime Affairs*.

• (1410)

Where *Maritime Affairs* is naval oriented, *National Network News* publishes articles on a wide range of national security issues, ranging from disarmament to national strategy. They also have an excellent Web site, [www.sfu.ca/~dann/](http://www.sfu.ca/~dann/) that includes some of the articles found in the newsletter.

These two groups dedicated to the national security of Canada, the Naval Officers' Association of Canada and the Defence Associations National Network, are helping to educate Canadians on defence and national security issues. I believe their work should be applauded and upheld, as they are largely operating in the vacuum of —

**The Hon. the Speaker:** I regret to have to interrupt the Honourable Senator Forrestall, but his three-minute time period has expired.

**Senator Forrestall:** I have but four words remaining. May I conclude?

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

**Hon. Senators:** Agreed.

**Senator Forrestall:** — scholarly Canadian defence publications.

### SCOUT-GUIDE WEEK

**Hon. Mabel M. DeWare:** Honourable senators, I rise in celebration of a week that has special meaning for a great many Canadians, including some of us in this chamber, and that is Scout-Guide Week, which started on Sunday.

Scout-Guide Week gives us an opportunity to think about the importance of scouting and guiding in the lives of young people. It is also an occasion to salute the many people who give their time and skills to promote the personal growth and development of our children and young adults, and it is a time to remember the founders of the international scouting and guiding movement, Lord and Lady Baden-Powell, who started scouting in 1907 and guiding in 1909.

I am pleased to report that both scouting and guiding are thriving in Canada today.

Scouts Canada, which has started to offer coeducational programs, has a total membership of 212,000 youth and adults. Participants include Beavers, Cubs, Scouts, Venturers and Rovers, as well as adult leaders.

Guides Canada, which offers programs for girls led by women, has over 230,000 members. More than 180,000 girls are involved in Sparks, Brownies, Guides, Pathfinders and in the senior branches, which include Cadets, Junior Leaders and Rangers. Some 42,000 women serve as dedicated leaders.

Honourable senators, these figures, as impressive as they are, tell only part of the story. They do not reflect the many adult Canadians who have benefitted from scouting and guiding programs in their youth. I conducted an informal survey of fellow senators to find out how many have been involved in guiding and scouting, whether as children or as adults. Based on the replies I received, believe it or not, it appears that approximately one half have some experience with scouting and guiding. We may have been former Cubs, Scouts, Brownies or Guides volunteer leaders, supporters, or the proud parents or grandparents of children involved. At the very least, I am sure most of us have bought Girl Guide cookies.

Our Speaker, the Honourable Gildas Molgat, is an honorary member of Scouts Canada, and Senator Di Nino is a former vice-president of the National Council of Boy Scouts of Canada. As well, he is presently an honorary officer of Scouts Canada.

In my own case, I was a Guide and a Lieutenant, and my family has been very involved. At present, I have a district

commissioner, a Guide advisor for the province of New Brunswick, a senior branch coordinator for New Brunswick, a district Scout representative, and two Queen's Scouts in my family.

Today, from 3:00 to 3:30 p.m. in the Hall of Honour, the Girl Guides of Canada will be dedicating their flag, after 91 years. Although the Senate will likely be sitting then, I encourage honourable senators to go out and support these young people.

As we celebrate this week, I invite all honourable senators to join me in commending Scouts Canada and Guides Canada, the volunteers who make their wonderful programs possible and, not least, our young people who benefit from them.

### BLACK HISTORY MONTH 2000

HALIFAX, NOVA SCOTIA—SPEECH BY GOVERNOR GENERAL

**Hon. Donald H. Oliver:** Honourable senators, the black community of Nova Scotia was deeply honoured last weekend when her Excellency the Right Honourable Adrienne Clarkson, the Governor General of Canada, made a moving speech at the Black Cultural Centre in Dartmouth, Nova Scotia, in keeping with February's Black History Month celebrations. Hundreds of blacks throughout the province jammed the main hall to hear Her Excellency speak glowingly of the contribution Nova Scotian blacks have made to the development of this great country. She said:

This is African Heritage Month, as I know you all know. It is a chance to celebrate history, achievement and contributions of black Canadians — a vibrant heritage that goes back to the roots of the communities of this country. And it's a heritage that we should not limit ourselves to celebrating just one month, because it's full of daily, weekly and yearly accomplishments — past, present and future.

She spoke of how "the history of blacks in Nova Scotia goes back centuries," with the Loyalists, those fleeing slavery, refugees of the War of 1812, and the immigrants from the West Indies who came to work in the mines in the early 1900s. She said:

You cannot talk about the history of Nova Scotia without talking about the history of these people. I can only imagine how discouraging it must be, when you have been here longer than almost everybody else, to be asked, "When did you arrive?"

In speaking of the history of blacks in Canada, Governor General Clarkson said:

...all too often, this history has not been kind. Slavery was not abolished in Canada until 1834. And it has taken much longer for the laws of our country to become colour blind. Even now, despite the equality outlined in the books, it's not what you necessarily encounter in real life, at work, on the streets.

She also referred to the speech I made in reply to the Speech from the Throne in November. She said: *[Translation]*

The Honourable Donald Oliver, who is one of your Honorary Life Members, recently spoke in the Senate about the fact that negative stereotyping of visible minorities still exists. He said, and I agree, that the answer to racism lies in education and discussion — people have to learn about each other to begin to understand each other. Your Centre plays a role in this. It brings the black communities together to celebrate your complex heritage and to provide support for future achievements. And it showcases this to others. The wealth of your heritage is a great key to the future. It's a heritage that should not be relegated to one month, and I congratulate everyone involved in this Centre for celebrating it every day of the year.

The Black Cultural Centre of Nova Scotia is an excellent example of how visible minority communities have taken it upon themselves to celebrate their heritage and provide support to, and deal with, the complex problems of racism, inequality and discrimination.

This is the second time that a Governor General of Canada has come to speak to the centre. In 1997, the Honourable Roméo LeBlanc, former speaker of this house, gave an address on the occasion of the Black Cultural Centre's twentieth anniversary.

Governor General Clarkson was in Nova Scotia for six days, where she visited countless schools, government offices and galleries; but to the blacks of Nova Scotia, it was her symbolic visit to the Black Cultural Centre and to Pier 21 that were the most important.

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before I proceed to the next item on the Order Paper, I should like to recognize the pages from the House of Commons who are here this week on the exchange program. Adeline Leung is studying political science at the Faculty of Social Sciences at the University of Ottawa. Adeline is from Vancouver, British Columbia.

*[Translation]*

David Wilkinson of Baie-d'Urfé, Quebec, is a history student in the Faculty of Arts at the University of Ottawa.

*[English]*

On behalf of all honourable senators, I welcome Adeline and David to the Senate. We hope that your week with us will be interesting and instructive.

## ROUTINE PROCEEDINGS

### SIR JOHN A. MACDONALD DAY BILL

FIRST READING

**Hon. Normand Grimard** presented Bill S-16, respecting Sir John A. Macdonald Day.

Bill read first time.

**The Hon. the Speaker:** When shall this bill be read the second time?

On motion of Senator Grimard, bill placed on Orders of the Day for second reading on Thursday, February 24, 2000.

*[English]*

• (1420)

### CANADA-JAPAN INTER-PARLIAMENTARY GROUP

SEVENTH GENERAL ASSEMBLY OF ASIA-PACIFIC PARLIAMENTARY  
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT—  
REPORT OF CANADIAN DELEGATION TABLED

**Hon. Isobel Finnerty:** Honourable senators, I have the honour to table in both official languages the report of the delegation of the Canada-Japan Inter-Parliamentary Group to the seventh general assembly of the Asia-Pacific Parliamentary Conference on the environment and development, held in Chiang Mai, Thailand, from November 20 to 23, 1999.

*[Translation]*

### TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY  
POLICY ISSUES FOR THE 21ST CENTURY  
IN COMMUNICATIONS TECHNOLOGY

**Hon. Lise Bacon:** Honourable senators, I give notice that on Wednesday, February 23, 2000 I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report upon the policy issues for the 21st century in communication technology, its consequence, competition and the outcome for consumers; and

That the Committee submit its final report no later than June 15, 2001.

[English]

## FUTURE OF CANADIAN DEFENCE POLICY

### NOTICE OF INQUIRY

**Hon. J. Michael Forrestall:** Honourable senators, I give notice that on Tuesday, February 29, 2000, I will call the attention of the Senate to the future of Canadian defence policy.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### BAN OF MILITARY EQUIPMENT—STATEMENT BY LEADER OF THE GOVERNMENT

**Hon. Gerald J. Comeau:** Honourable senators, I should like to come back to some comments made last week by the Leader of the Government in the Senate in which he said he would like to ban all military equipment, including helicopters. What concerns me is that he may not be aware or may have forgotten that the purpose of this equipment is much more than military. In fact, the military helicopters are used in large part for search and rescue. The Aurora is used for search and surveillance and protection of our ocean resources. As well, the navy ships are used in the protection of our ocean resources and our fishermen.

Was the minister's statement last week a reflection of the thinking around the Chrétien cabinet table? If not, will he retract his statement?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, I thank the honourable senator for giving me this opportunity to rise on that issue. It seems that Honourable Senator Forrestall and I generated a little bit of a political debate in Nova Scotia, however accidentally. The debate resulted in one group feeling that I was advocating the unilateral disarmament of the Armed Forces of Canada, and another group maintaining the opinion that Senator Forrestall was not in favour of world peace.

I assured all whom I could that neither conclusion was correct. I was sure, although we had never discussed it in detail, that Senator Forrestall was firmly in favour of world peace and that any impression to the contrary would be incorrect. Equally, I want to make it clear that, while I do look forward to the day when no military equipment will be necessary for military purposes, if there are other purposes to which such equipment could be put, that is wonderful.

As to the honourable senator's specific question, I am not advocating, nor is this government, the unilateral disarmament of the Canadian Armed Forces.

### REPLACEMENT OF SEA KING HELICOPTER FLEET

**Hon. Gerald J. Comeau:** Honourable senators, this equipment has, of course, been used for many years, and for purposes other than strictly military ones.

The Leader of the Government's comments came last week at the same time that the Prime Minister decided to hand the first maple leaf flag back from the Liberal Party of Canada to the Canadian people, to whom it rightfully belongs. I was a bit unhappy with the fact that our first flag had been confiscated by a political party rather than having been placed in a national institution.

Given that we have cleared the air on the use of this equipment, could the minister tell us when we might expect a final answer on the future of the Sea King helicopters? Could he give us an answer today?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, regretfully, I cannot give that answer today. I have indicated in the past in this place that the Minister of National Defence has made unequivocal statements with respect to his position that the Sea Kings' replacement is on the top of his priority list. I am confident that the Minister of National Defence, with the support of his colleagues, including myself, will be able to see this program realized in due course.

### INDUSTRY

#### INCREASE IN FUEL PRICES

**Hon. J. Michael Forrestall:** Honourable senators, fortunately, my high blood pressure will not allow me to respond to those comments by the Leader of the Government. My question, however, is for him. He will anticipate what I am coming to when I tell him that it is quite a scene not only to see but also to have to drive by 500 or 600 large trucks on the highway between New Brunswick and Nova Scotia, where they remain.

There is a crisis in the country, both for people who heat their homes with oil and for people who run these large trucks. The trucking industry is suffering from high fuel prices. Over the weekend, I received pleas at my house from more than one family for home heating fuel. These families have no fuel in the oil tank, and they do not have enough money to buy more than 40 or 50 gallons. Unfortunately, the fuel companies will not deliver anything under 200 or 300 gallons, or whatever the number is.

It is a crisis situation, honourable senators. I do not particularly agree with the tactics of blocking the highways or denying delivery of medical supplies and other vital commodities, but I certainly understand and sympathize with the plight of truckers.

What is the government doing to confront this growing fuel crisis in the trucking industry, in particular, and in the country in general? As the minister will know, already in front of the Parliament buildings are several very large trucks, and the number is growing.

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, before I get to the specific question, I should like to say that, with respect to the honourable senator's position on world peace, I hope I did not mislead or in any way upset the senator. I indicated clearly that I thought that the honourable senator was in favour of world peace, perhaps without understanding precisely what his position is on that issue. If I stand corrected, I will advise anyone else to whom I speak that that is not the case.

Concerning the question of the oil prices, and in particular the diesel prices for the truckers, indeed there have been increases which have worked a great hardship on them. One can sympathize with their position as they see their profit margins shrink. The Government of Canada does not have the jurisdiction to regulate the price of refined oil products, including diesel fuel, gasoline and heating oil.

• (1430)

Clearly, and I do not think anyone disputes this, the jurisdiction for regulation of these commodities rests with the province. I can recall being reminded of that only a few years back when similar circumstances arose. Canada presently has the second lowest price for gasoline among the G-7, second only to the United States.

Honourable senators, this issue is a matter of concern and the Competition Bureau must continue to monitor whether any price change is potentially caused by illegal practices. Subject to that caveat, though, this matter is clearly within the jurisdiction of the provinces.

**Senator Forrestall:** Honourable senators, do I understand correctly that the government has no immediate contingency plans to help out in this matter? If the provinces were to seek the cooperation of the federal authority in some way — and several options are available — is the federal government prepared to act with the provinces, individually or collectively, to ease the burden on homeowners and truck operators?

**Senator Boudreau:** Honourable senators, I would not want to pre-judge and make a categorical statement with respect to any future proposal that might come forward from one or all of the provinces. I can simply say that, as of this point, the jurisdictional issue is clear and the Competition Bureau must remain vigilant. We also must encourage the oil-producing countries — OPEC, in particular — to release more supply on to the market. I do not suggest that that is the full answer, but the restriction of supply, together with the high demand over recent months, has added to the current situation. We can usefully urge those countries to release additional supply. There is some indication that those discussions are already taking place.

**Senator Forrestall:** Honourable senators, there are indications that this thrust is already taking place. Can the minister tell us, unequivocally, whether representations have been made to OPEC to follow just such a trend because of the impact price increases are having on northern countries around the world?

**Senator Boudreau:** Honourable senators, my reference was to reports that I had read the same reports which would be available to the honourable senator, suggesting that some consideration was being given to this discussion by the oil-producing countries themselves.

The only federal mechanism that might potentially reduce oil prices would be the reduction of relevant federal taxes. By comparison, when we look at our level of taxation in this particular area compared with the other G-7 countries, we are already at the lower end of the scale.

## HUMAN RESOURCES DEVELOPMENT

### JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT OF FUNDS—REQUEST FOR INDEPENDENT AUDIT

**Hon. W. David Angus:** Honourable senators, it is evident that Canadians wish us to press on with our questions regarding HRDC's gross mismanagement of its billion-dollar slush fund, despite the stonewalling and evasive tactics of the HRDC minister, of the Prime Minister and of the rest of the Liberal government including, sadly, its leader in this place.

To date, Canadians have not been given the clear answers nor the explanations they need and deserve. All Canadians are getting is spin. We learned last week that this Liberal government has brought in political spin doctors to help them suppress this scandal. Incredibly, an image consultant has been hired for the minister to help her avoid the heat and pass the buck. If she cannot stand the heat, she should get out of the kitchen and resign. Let us face it; she has lost it if she cannot cope.

Honourable senators, yesterday, the government released a list of grants covering the period 1996-99. My staff and I have spent considerable time poring over the pages. Given that this list was cobbled together only after Minister Stewart had been caught with her hand in the cookie jar, there are a number of mistakes and omissions in this 10,000-page tome. In fact, the minister's department has admitted that some information would be inaccurate and incomplete. They have also admitted that they have not checked to verify just how many jobs, if any, have been created, and this despite the minister's repeated assurances in Parliament that 30,000 jobs resulted from these grants.

My question is to the Leader of the Government in the Senate. Given that the list of grants is known and admitted to be inaccurate and incomplete, and that this is likely to be the only documentation forthcoming from HRDC, will the government allow third-party, independent, private-sector auditors to investigate the distribution of Transitional Jobs Fund grants so that Canadians may know what happened to \$1 billion of their hard-earned money?

**Hon. J. Bernard Boudreau (Leader of the Government):** I thank the honourable senator for raising that issue again. I was afraid perhaps we would not have an opportunity to get back to the subject.

In case it is not patently obvious to the honourable senator where he sits, I have not had any image consulting done since I have taken my position.

The type of disclosure that has been made here with respect to HRDC files is quite unprecedented. There are huge numbers and volumes of files. Even the logistics create a problem because honourable senators have repeated information with respect to these individual files. I indicated that I would make my best efforts in that regard. Indeed, this information has come forward, as the honourable senator noted in his question.

Disclosing this amount of material following an audit, which I keep reminding honourable senators was initiated by the department itself, is absolutely unprecedented.

**Senator Forrestall:** Has the honourable leader read it all?

**Senator Boudreau:** If someone were to say that there were no discrepancies of any kind among the 30,000 files now presented, I would be absolutely amazed. That would apply to any organization, whether in the private sector or the public sector.

One must commend the honourable minister for continuing a policy of disclosure, both with respect to the initiation and release of the audit, and the subsequent release of all this information.

**Senator Angus:** The cover-up is not working, honourable senators. At the last election, Canadians were asked to vote for the Liberals because they promised to provide accountability, integrity and transparency.

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

JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT  
OF FUNDS—REQUEST FOR INQUIRY

**Hon. W. David Angus:** This sordid scandal at HRDC, now known as Shovelgate, is of a \$1-billion proportion. It has proven to Canadians that they were sold a bogus bill of goods in the last general election. Instead of leadership, we have seen an abdication of responsibility. Instead of integrity, we have seen a minister and a Prime Minister misleading the public day after day. Instead of transparency, we have seen a government withholding information that the people of Canada are demanding to have and deserve to have. Clearly, in light of the HRDC minister's abuse and mismanagement of the distribution of billions of dollars, those promises were broken one after the other.

• (1440)

My supplementary question to the minister is this: Will this government show real transparency and conduct a full inquiry into this sordid scandal? Will the government show real accountability and accept the resignation of the HRDC minister?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, what we have seen is unprecedented disclosure and transparency. This is not the first time that an

audit has been conducted at HRDC. One was done in 1991. I was not in this place at that time, but I do not remember any disclosure by the former government which would have come close to the disclosure given by the current minister.

Honourable senators, I think the minister is to be commended. She has been completely transparent. I have made the statement here in this chamber that more than one half of the Transitional Jobs Fund grants have gone to opposition ridings, in terms of both numbers and dollars. That proof now lies in the Library of Parliament, where there are tens of thousands of pages that support my statement. I invite anyone who is interested to examine them in great detail to determine that fact.

This past weekend, I spoke at an event of a political nature.

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

**Senator Boudreau:** Yes, it happens occasionally.

We were discussing the very question of HRDC. One fact I was reluctant to share with them was that most of the Transitional Jobs Fund money had gone to opposition ridings.

**Senator Angus:** Honourable senators, as we all know, there was no Transitional Jobs Fund in 1991. Will the Leader of the Government in the Senate tell us what evidence he has to justify making that statement?

**Senator Boudreau:** My reference was to an HRDC audit, honourable senators, and that reference stands.

**Senator Lynch-Staunton:** There was no HRDC then! It was created in 1993.

**Senator Boudreau:** I can only assume that the information in *The Ottawa Citizen* is correct, namely, that Peter MacKay, the Conservative house leader — perhaps the most prominent elected Conservative in Nova Scotia if not in the country, who knows —

**Senator Lynch-Staunton:** What about Ralph Klein and Mike Harris?

**Senator Boudreau:** — received \$31.9 million in his riding. I do not think he objected to his riding receiving a cent of that money.

**Senator Angus:** Sky shops!

JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT  
OF FUNDS—GRANTS TO WINNIPEG CENTRE

**Hon. Terry Stratton:** Honourable senators, the minister was asked a question last week about Winnipeg Centre, which includes a very depressed area in the inner city of Winnipeg. The documentation shows very little, if any, monies flowing into that riding, where the unemployment rate is substantially high. How can you justify \$200,000 for a fountain in the Prime Minister's riding and no money in an inner city riding with a high rate of unemployment and poverty?

[ Senator Boudreau ]



**Senator Ghitler:** They gave it to Wal-Mart!

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, to date, I have taken from the comments of honourable senators opposite that we do not want to get into riding-by-riding considerations. However, we can do that. With sufficient notice, I can retrieve the figures on every riding. Two ridings have been mentioned: Winnipeg Centre and Vancouver East. I have requested information on those two ridings but I still have not received it. I hope to receive information as early as tomorrow on Vancouver East, which riding is held by the New Democratic Party. There was some suggestion that they had received only one grant through the Transitional Jobs Fund. I asked about that and the answer I received was simple: They only applied for one, which is why they only received one.

I do not know the specifics of the Winnipeg Centre riding, but I will attempt to obtain that information as early as tomorrow.

JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT  
OF FUNDS—DISTRIBUTION OF GRANTS

**Hon. Marjory LeBreton:** Honourable senators, last week I asked about the Transitional Jobs Fund and the Canada Jobs Fund. Specifically, I wanted breakdowns — and, I am wondering if the Leader of the Government in the Senate now has them — of those funds prior to and following the 1997 election. As I pointed out last week, many of those ridings were government-held ridings before the 1997 election.

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, I wish to add that substantial federal government program funding in other areas went to the Vancouver East riding. I can provide that information if anyone is particularly interested in it.

With respect to the question last week regarding the exact details, I have no better access to that information now than does the honourable senator. It is all available publicly. If anyone wants to do the work to determine how many grants went where and at what particular time, the information on which to make those calculations is now available.

JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT  
OF FUNDS—GRANTS TO WINNIPEG CENTRE

**Hon. Mira Spivak:** Honourable senators, with regard to the riding of Winnipeg Centre, I was the senator who asked the question. Can the government leader take the pains to go behind the information passed out in some of those documents? According to the MP for that area, the amount stated as having been allocated to that constituency included the salaries of the civil servants employed there and not any special grants. I have no knowledge of the accuracy of that statement. However, I caution the minister that merely looking at the figure might not give him the answer.

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, that is why I hope to get a figure from the

department with respect to that specific riding. I have information which is simply information that was reproduced in *The Ottawa Citizen*. I do not know how reliable it is. Perhaps I will rely on the opinion of others in this chamber. It is reported in that paper that:

NDP MP Pat Martin accused the government of stiffing his Winnipeg Centre riding on transition fund grants. But the list shows —

— therefore, someone must have looked at it —

— his constituency received just under \$141 million in other jobs grants plus another \$463,000 in social development grants.

I cannot vouch for the accuracy of *The Ottawa Citizen*, but that is what they reported today.

**Senator Angus:** It is a good start, though!

FOREIGN AFFAIRS

UNITED STATES—PROPOSAL TO DEVELOP BALLISTIC  
MISSILE DEFENCE SYSTEM—REQUEST FOR INFORMATION

**Hon. Douglas Roche:** Honourable senators, my question is directed to the Leader of the Government in the Senate.

This week, Canada's European allies, notably France, registered concern in Washington about current U.S. development of a ballistic missile defence system. Not only will the deployment of such a system fracture NATO solidarity but also Russia and China have protested, saying that such a missile defence system will reignite arms races.

What is Canada's position on this extremely important issue?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. Frankly, I am not aware of either Canada's or the minister's position, if he has expressed one to date. However, I shall carry the question to the minister and ask for a response for the honourable senator.

• (1450)

**Senator Roche:** Honourable senators, I should like to ask if the minister would undertake to table in the Senate the relevant documentation on Canada-U.S. discussions on this matter so that the Senate can review the arguments for and against Canadian involvement in a defence system that would be in conflict with the 1972 anti-ballistic missile treaty.

**Senator Boudreau:** Honourable senators, I am certainly not aware, at this stage, of what documents exist, their details or what the possible objections might be to the release of some of that material. I can give only the undertaking that I will pass along the honourable senator's request to the minister and bring back the minister's response.

**Senator Roche:** Honourable senators, I respect what the minister has said. However, I think his answer is a little too soft, if I may say so respectfully. The minister referred to possible objections by the department to the release of this information. I rather think that the Parliament of Canada, of which this is one institution, has a prior right to every bit of information that is not of a classified nature as such but that does reveal the content of the ongoing discussions. Only then can we in this place, in an objective and factual manner, make up our own minds with respect to any action the Senate might want to take on this subject.

**Senator Boudreau:** Honourable senators, as a matter of principle, one can certainly support the position of the honourable senator. The fact is, however, that at this point in time, I am unaware of what might be contained in those documents and whether or not they are matters of national security. I am reluctant to give an undertaking on which I cannot deliver.

**Senator Roche:** Will the minister undertake to deliver to the Senate all information that it is possible for him to obtain on this subject?

**Senator Boudreau:** Honourable senators, I can make that commitment.

CIVIL WAR IN SUDAN—INVOLVEMENT OF  
TALISMAN ENERGY INC.—DISCUSSIONS WITH MINISTER

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to return to the issue of Sudan. It has been reported that the Minister of Foreign Affairs had prior discussions with Talisman Energy Inc. before they entered Sudan and that he gave advice to Talisman about the situation there. Could the minister tell us what that advice was?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, I was not a party to any such discussions. I am unaware of what advice the minister may have given to Talisman, or if, in fact, discussions took place.

ADVICE TO COMPANIES SEEKING TO DO BUSINESS  
IN COUNTRIES WITH HUMAN RIGHTS VIOLATIONS

**Hon. A. Raynell Andreychuk:** Honourable senators, the leader cannot deny it. The minister has indicated publicly that he did give advice to Talisman and that the government knew of the company's intentions to go there. The government would have known the situation in Sudan. It is important to know what advice the Canadian government gives, as a matter of policy, to businesses that enter volatile regions and countries that can act to the detriment of the company. More important, what advice does the government give in the event such actions affect the lives of human beings in those countries? That seems to me the very essence of the debate with regard to Talisman Energy Inc. Would the minister undertake to provide that information?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, if the honourable minister has given advice

and has indicated that publicly, then I can only accept that. As to whether or not he is prepared to indicate the nature of that advice, I can simply make a request of him and relay the reply to the honourable senator.

It is important to note, honourable senators, that the government continues to monitor that situation closely and has developed a number of measures in response. One such measure is the opening of an office in Khartoum to monitor more closely the ongoing situation as it develops in that country. In fact, Canada has recently given financial aid to the United Nations to send an envoy to the scene. In April, at the Security Council, there will be an initiative in which Canada will be involved in a central way. In fact, it is hoped that the situation with respect to innocent victims in that country will be alleviated as much as possible.

**Senator Andreychuk:** It has been the government's position, in particular through the Minister of Foreign Affairs, that it is more important to get into peace building and preventive action. It is in that context that I ask my question. People are asking what advice we gave to Talisman. Did they ignore that advice? Was it sufficient advice for Talisman to go in there? Did the Canadian government, in giving that advice, take into account the effect that corporate activity in the country might have on civilians and innocent people? Therefore, I think it is important, as a follow-up supplementary question to the specific question of Talisman and Sudan, to know also the Canadian government's position.

To the credit of Minister Axworthy, he has been in the forefront of ensuring that analyses are undertaken on different countries so we may know what is going on in them. Information is made available on human rights issues, economic development, and all of the indicators the United Nations development programs use. It would be interesting to know how the government ties in this information with the advice it gives to Canadian corporations when they go to these countries. Are they given this information? Do we give them an indication of what Canada's position is, or are we simply giving them information of a corporate nature?

What conversations, negotiations or admonitions did the Canadian government have or give with respect to China and Malaysia, two other countries that have corporate involvement in Sudan? We talk about quiet diplomacy. Did we use that quiet diplomacy with the actions of the Chinese companies and the Malaysian companies? Many are, in essence, government companies. What advice and what action have we taken with those countries, if we believe in quiet diplomacy?

**Senator Boudreau:** Honourable senators, I certainly will direct the question to the honourable minister. However, I would be surprised if, as he has indicated, those conversations took place and he did not express these views on the wisdom of Talisman's activities in proceeding with their commercial venture there. Rather than speculate, I will ask and perhaps get a specific answer for the honourable senator.

The honourable senator is correct in saying that other companies are involved. As a matter of fact, specifically on the project in which Talisman is involved, I am told that the majority shareholder or partner is a Chinese company. There are other complications and difficulties with respect to any attempts to cease development activity.

I understand what the honourable senator is seeking. I am sure there was no absolute prohibition, neither in Sudan nor in any number of countries where we are not in agreement with the human rights policies of the local government. I am sure that that did not take place. To the extent that advice was given and that I can share it with the honourable senator, I will attempt to get that advice and deliver the information.

• (1500)

## INTERGOVERNMENTAL AFFAIRS

### NOVA SCOTIA—POSSIBILITY OF CAPE BRETON BECOMING A PROVINCE

**Hon. Lowell Murray:** Honourable senators, my question arises from a campaign that has recently resumed and a meeting that was widely publicized over the weekend with a view to promoting provincehood for Cape Breton. What is the position of the federal government with regard to the borders of Nova Scotia? In a word, is Nova Scotia divisible?

**Hon. J. Bernard Boudreau (Leader of the Government):** Honourable senators, as a matter of principle, the question should be clear and the result absolutely without ambiguity. However, I do not think the Government of Canada has yet taken a position with respect to the borders of Cape Breton and the other relevant issues arising out of that question.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised by Senator Robertson on December 7, 1999 regarding the plight of the homeless; a response to a question raised by Senator Di Nino on February 8, 2000 regarding the purchase of Canada Trust by the Toronto-Dominion Bank; a response to a question raised by Senator Kinsella on February 8, 2000 regarding Austria, possible recall of the ambassador in response to the appointment of Joerg Haider in the new government.

## FOREIGN AFFAIRS

### AUSTRIA—POSSIBLE RECALL OF AMBASSADOR IN RESPONSE TO APPOINTMENT OF JOERG HAIDER IN NEW GOVERNMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Would the deputy leader please read that response?

**Hon. Dan Hays (Deputy Leader of the Government):** Certainly.

Canada watched, with grave concern, the developments in Austria that led to the coalition between the Freedom Party and

People's Party. Our concern stems from the stated policies of the Freedom Party on human rights; especially the treatment of foreigners, social justice and Austria's role in World War II.

We regret that, even though he holds no office in the new government, the leader of the Freedom Party, Joerg Haider, continues to make disturbing comments. This is despite clear indications, both inside his country and internationally, that his statements are unacceptable.

Canada remains committed to evaluating the new government on the basis of its statements, policies and actions, particularly with regard to human rights, including the treatment of foreigners and minorities in Austria. Our response to the situation in Austria has been measured and directed solely against the new coalition government. We have sought measures that are not aimed at the Austrian people.

As an initial step, Canada has limited its contact with the Austrian government while we continue to evaluate its statements, policies and actions. For the time being, we will not promote ministerial contact between Canada and Austria. In principle, contact between Canada and Austria at the officials level will continue.

## LABOUR

### PLIGHT OF HOMELESS—STATUS OF GOVERNMENT STRATEGY

*(Response to question raised by Hon. Brenda M. Robertson on December 7, 1999)*

Over and over again, all across Canada, community organizations have told the Minister that they do not want the Government of Canada to impose a homelessness strategy. Homelessness differs in communities across Canada and requires a response specific to that community. They want the Government of Canada to partner with them, the private sector and the provincial and municipal governments to develop community-based solutions. The Government of Canada has heard their message loud and clear.

On December 17, 1999, Minister Claudette Bradshaw, on behalf of the Government of Canada announced a \$753-million investment in our communities to work together to address and prevent homelessness. At the heart of the Government of Canada's response is the Supporting Communities Partnership Initiative (SCPI), in which we are investing \$305 million over the next three years.

This initiative will help bring everyone to the table — all levels of government as well as the private and volunteer sectors. Together, we will be able to develop a long-term vision, as well as ensure that our efforts at any level help to create a seamless web of programs and services. We want to give homeless people the best possible chance of moving from the street to a safe and secure life.

The Government of Canada has begun negotiations with the provinces and the initial reactions are very positive. Provinces recognize the importance of helping communities to find solutions to deal with this issue.

Additional funds have also been committed to enhance existing federal programs that have been identified as effective in meeting the needs of the homeless. These enhancements to existing programs are not dependent on negotiations with the province. Funding has already begun to support projects in communities.

The Government of Canada has invested an additional \$268 million to expand the Residential Rehabilitation Assistance Program (RRAP), which will more than double the current budget available for renovations. RRAP has been instrumental in restoring existing shelter spaces and low-cost housing units, as well as building new housing units for low-income individuals throughout the country.

Furthermore, \$170 million will be invested over the next three years to enhance funding to the Urban Aboriginal Strategy, the youth-at-risk component of the Youth Employment Strategy, and the Shelter Enhancement Initiative.

The government will continue to work with our partners to address the short-term needs of homeless people. We will also work together to develop community-based action plans that address the root causes of homelessness and prevent homelessness in the future.

No Canadian should go to bed hungry or without a roof over their head. In partnership with communities, the provincial governments and municipal governments, the federal government is working hard to eliminate homelessness in this country.

## INDUSTRY

### PURCHASE OF CANADA TRUST BY TORONTO-DOMINION BANK—REQUEST FOR FIGURES ON RESULTANT LOSS OF JOBS

*(Response to question raised by Hon. Consiglio Di Nino on February 8, 2000)*

Prior to approving TD's acquisition of Canada Trust, the Government gave its full consideration to a number of public interest concerns, including job losses and the provision of adequate financial services to smaller communities.

TD has indicated that a maximum of 4,900 full-time equivalent positions could be affected over a three-year

integration period. However, it estimated the number of job losses to be 2,900 when allowing for normal staff turnover or attrition. After further analysis, TD is now expecting that this number could be lower than projected.

TD has publicly committed to employment adjustment measures for affected employees that are fair and generous, and has also assured customers that it would be adopting the popular Canada Trust service model.

In addition, TD has stated that the integration of the TD and Canada Trust branch networks will only begin one year after the approval date of the acquisition. However, given the fact that CT is primarily an urban operation, the impact of the acquisition on smaller communities is expected to be minimal.

Moreover, TD has indicated that it will respect legislative requirements. These will include the policy on branch closure notification outlined in the new policy framework that was announced in June 1999. This policy requires banks to provide four months' notice of closures and six months' notice in the case of closures in smaller, rural communities with no other financial institution within a 10-kilometre radius of the branch being closed.

## BUSINESS OF THE SENATE

### POINT OF ORDER

**Hon. Nicholas W. Taylor:** Honourable senators, *Beauchesne's Parliamentary Rules & Forms*, 6th edition, at paragraph 415 on page 123, says:

A question of privilege or point of order raised during the Question Period ought to be taken up after the Question Period...

I point that out not to try to inform my house leader, because I know he is very well informed, but simply to point out that Beauchesne's requires that practice.

Rather, I raise that point because my friend across the way, Senator Angus, who is usually very good at putting his questions, infringed upon good order and parliamentary procedure not once but twice during Question Period today. Perhaps the kindest thing I can say is that he did not read well enough what his researcher prepared for him. He is known to be competent, gentlemanly, and to the point.

However, he used the word "misleading". He said that a person in the other place had misled the House. "Misleading" is unparliamentary according to Beauchesne's. Article 489 states that since 1958 the term "deliberately misled" has been ruled to be unparliamentary.

Honourable senators, I had the opportunity to read what will become Hansard as it was provided through computer-assisted realtime to Senator Gauthier by a member of the Debates staff. Senator Angus said that the minister was caught with her hands in the cookie jar. That is very unparliamentary and I would expect that he would apologize for it. I know he has the ability to describe unwarranted use of public monies in much more scientific and polite ways than that.

To say that the minister was caught with her hands in the cookie jar is to accuse a parliamentary colleague, admittedly in the other place which is not usually up to our standards, of stealing something; in this case, public money.

I would ask the honourable senator to withdraw those comments. Perhaps the next time he poses a question, he will have his assistant look at Beauchesne's. I am certain that, with all of his ability and charm, he will not stoop to the gutter-type language used in this case.

**Hon. W. David Angus:** Honourable senators, with so many smart cookies on the other side of the house I am surprised at how easy it was to touch a sensitive nerve, as we did today. I can only say that my words were the mildest phraseology I could think of to describe this scandalous and sordid mismanagement of public funds.

**Senator Taylor:** Honourable senators, he has been out in the sun too much.

**Hon. Marie-P. Poulin (The Hon. the Acting Speaker):** Honourable senators, the Speaker will take the point of order under advisement.

[Earlier]

## CRIMINAL CODE

### BILL TO AMEND—NOTICE OF MOTION TO REINSTATE TO ORDER PAPER

Leaving having been given to revert to Notices of Motions:

**Hon. Raymond J. Perrault:** Honourable senators, I give notice that tomorrow, Wednesday, February 23, I will move:

That notwithstanding Rule 27(3), the Order of the Day for the second reading motion of Bill S-11, An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable, a public bill, be now restored to the *Order Paper*, for the purpose of reviving the Bill.

[Translation]

## ORDERS OF THE DAY

### ROYAL ASSENT BILL

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella, for the second reading of Bill S-7, An Act respecting the declaration of Royal Assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.—(*Honourable Senator Prud'homme*).

**Hon. Marcel Prud'homme:** Honourable senators, I followed the debate on Bill S-7, respecting the declaration of Royal Assent. One of the difficulties confronting the Senate is that people are not listening. The debate is underway, but the decision has already been made. During certain debates, I enjoy listening to the objections and arguments put forth by both sides and come to an enlightened and well researched opinion.

Bill S-7 reflects an often expressed wish by Senator Lynch-Staunton, a friend for whom I have a great deal of respect.

• (1510)

I came to the conclusion that there is a danger. Senator Cools, with her typical drive, her extraordinary gift for research and her hard work, delivered a remarkable speech on the traditions that shaped the Canadian parliamentary system. I did not go as far as she did in my research. We learn a lot by listening to her speeches and rereading them.

Again, I am a traditionalist when it comes to constitutional or regulatory changes, whether in the House of Commons or in the Senate. I want to say, in response to Senator Lynch-Staunton's speech and to Senator Cools' reply and amendment, that I had the impression that two things were being discussed.

Senator Lynch-Staunton wants to change the way Royal Assent is declared. I ask the honourable senator to correct me if I am mistaken. I have no objection in being corrected if I am wrong. It is stupid and somewhat arrogant to believe that we always hold the key to the truth. I believe that, for the Leader of the Opposition, the issue is a change to be made to the ceremony.

I pay tribute to Senator Cools' remarkable work. I would suggest university students read the speech that came out of this research. She always knows so well how to go about studying questions that are not often of national or international interest, but that should be of interest to parliamentarians.

I would, regrettably, vote against any change to the ceremony of Royal Assent, if a vote were held on the issue. What I call fragmentary changes dramatically change our institutions and cause an ever greater rift between the two Houses.

I sat in the House of Commons from 1964 to 1993. I look at the first row of desks on the government side and see a number of people who have sat in the other House, from Senator Joyal to Senator Gauthier. This is also the case in the front row of the opposition. In my little corner, I do not ever consider myself to be of one side or the other.

Senator Corbin made a speech last week, which moves me to make another. I note that Senator Maheu and Senator Gustafson, among others, are present. Increasingly, we are heading toward a rift between the two Houses.

[English]

It is a kind of slow-but-sure cut between the two chambers. What, then, is the real problem? How can we come to a harmonious conclusion without hurting anyone's feelings?

It is in the process, I believe, that we may be wrong. Royal Assent is given at a moment's notice, often late on a Thursday when some senators want to fly to Western Canada or to Eastern Canada. Canadians must understand that, for us in Montreal or Toronto, it is easy to return to our ridings but senators who live far away — and I am looking at Senator Cohen, Senator Spivak and others — have to make travel arrangements. The Senate usually adjourns for the week on Thursday evenings, but often, shortly before it does, notice of Royal Assent is given and Royal Assent follows.

It is depressing, and I regret it, but, admittedly, few senators on either side attend the Royal Assent ceremony. Members of the other chamber seem to follow our lead and they, too, do not attend the Senate chamber for Royal Assent. It would do no harm to remind the House of Commons that other institutions make up Parliament. There is the Crown, the House of Commons, and the Senate. Until Canadians decide otherwise, that is the way it is, and that is the way it should remain.

I grant that Senator Lynch-Staunton may not be attacking this issue head-on. I would hope that other senators will join in the debate so that we know whether they agree with any proposals that are made. I will make one myself.

Senator Lynch-Staunton wants the Royal Assent ceremony to be done differently. As a supporter of the British parliamentary tradition, I would much prefer that we have more discipline in the way Royal Assent is given in this house. It should never be at a moment's notice, when many senators have other plans. It should be pre-announced. The ceremony should take place on a Tuesday or a Wednesday, at a fixed hour. I also believe that the government should adopt a certain discipline. It should remain a major ceremony.

Soon, major bills will come to the Senate from the House of Commons, and I hope that the Senate, as a chamber of reflection

[ Senator Prud'homme ]

and as the protector of minorities and regions, will have ample time and opportunity to study those bills. Our duty is to decide whether to propose amendments. If we decide to amend a bill, it must be returned to the House of Commons. If we do not propose any amendments then, after third reading, the bill is given Royal Assent. Royal Assent should be treated and respected as an important ceremony, and the children of Canada should hear about it.

We are sometimes told we should be more active. I will brag and say I am. Recently, I attended a major event with university students from Laval, Montreal and Hull, who were all separatists. I sometimes wonder if it is appropriate to accept some invitations which are extended to me. In any event, I attended that particular event. After one day, they were asking me to join a political party or create a new one that was neither the Bloc Québécois nor the Péquistes.

• (1520)

My determination is to keep tradition. I am extremely hesitant to move away from tradition. There are people at the moment who would like another tradition. They think it is silly that Supreme Court justices should be dressed in a great manner when they render their judgments. Some young lawyers believe they should be allowed to go to the Supreme Court dressed in jeans. When one thinks about it, one wonders why not? However, when one really thinks about it, one concludes that it should not take place. Dress can be a mark of respect in a society, which seems to be desirable — until there is a debate — of doing away with everything that seems to be superfluous. It is not that way for me.

Honourable senators, I have a suggestion. I do not like to be negative, so I try always to come up with a suggestion, even if it is unbelievable, unacceptable or extravagant. I suggest we start, in cooperation with the house leader and the official Leader of the Opposition, to test another way to have Royal Assent in this chamber. If this does not work, it is never too late to come back to the desire of Senator Lynch-Staunton and look again at his proposal. I do not think we have taken enough time to reflect.

[Translation]

We have not given enough thought to protecting this system where each — the Queen or her representative, the House of Commons and the Senate — have a duty to perform during the Royal Assent ceremony.

It is a way of explaining our parliamentary system to students in our universities, colleges or small schools, who are very clear about the concept of discipline.

I do not like it when the Royal Assent ceremony is conducted in a perfunctory way. However, this is the direction in which we would slowly be heading if we adopted such changes. I have been through this in the House of Commons.

[English]

I was chairman of the members' services committee. There are many services for parliamentarians that they do not even know about. Then someone arrived and said that, in the name of change, we must change all the services. They invented a monstrous committee, which now has problems. Hence, they will eventually revert to the old members' services committee, which worked quietly and gently on Wednesday afternoons to look after the business that affected the daily lives of members of the House of Commons.

I am afraid that once we cut the tradition, it is finished. It can hardly come back. Therefore, before proceeding with what I consider the ultimate change, we should put our heads together and see if we cannot do things differently.

**Hon. Anne C. Cools:** Honourable senators, perhaps Senator Prud'homme could tolerate a question or two.

**Senator Prud'homme:** Of course.

**The Hon. the Acting Speaker:** Senator Prud'homme's time for speaking has expired. Is leave granted, honourable senators, to extend the time?

**Hon. Senators:** Agreed.

**Senator Cools:** Honourable senators, I wish to thank Senator Prud'homme for a number of questions, one of which obviously is his kindness to me in his remarks, but the essential essence or substance of his comments seems to turn on the question of traditionalist activities. I describe myself as supporting traditionalism, but there is another central point here which is also a legalist phenomenon. I would also submit what I would describe as a parliamentary phenomenon.

Senator Prud'homme knows that I feel strongly about my personal Afro-Saxon heritage and culture. To come to the heart of the matter, the real question here is what we call the *lex parliamenti*, or the law of parliament. It is the duty of parliamentarians to uphold the privileges and the law of parliament.

I contended in my speech, to which Senator Prud'homme referred, that the law of parliament — which is a body of law — upholds the principle that prior to consideration of bills affecting Her Majesty's interest, the Royal Prerogative — that is, Her Majesty's Royal Assent — should be obtained. I had urged that in the instance of a government initiative, obviously government ministers have ready access to Her Majesty's prerogative; but in the instance of backbenchers, I had suggested or urged that the backbencher — in this instance, Senator Lynch-Staunton — consider the possibility of moving a motion on the floor of the chamber for an address to Her Majesty seeking that consent.

The authorities seem to indicate that there are two ways to get Her Majesty's consent. One is through a government minister, a minister of the Crown. The other is an address to the Crown.

It is very interesting — and I wondered if, in Senator Prud'homme's research, he had encountered this — that all of the individuals who advocate, propose and urge the need to make this change in the Royal Assent all indicate that it was changed in England in 1967.

On March 2, 1967, when the most recent changes to Royal Assent were accomplished by bill, the Lord Chancellor himself stood and indicated to the lords that the government had obtained Her Majesty's agreement. The exact words I will put forth for your consideration. Lord Gardiner said:

• (1530)

My Lords, I have it in command from Her Majesty the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Royal Assent Bill, has consented to place Her prerogative and interest, so far as they are affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

Weeks later, on April 17, 1967, in the House of Commons, Attorney General Sir Elwyn Jones made a similar statement. He said:

I have it in Command from the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Bill, has consented to place Her prerogative and interest, so far as they are affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

**The Hon. the Acting Speaker:** Senator Cools, you have been granted permission to ask a question.

**Senator Cools:** That is what I am doing.

**The Hon. the Acting Speaker:** Would you ask the question, please?

**Senator Cools:** Honourable senators, I am absolutely in order, and if anyone has an objection to what I am saying, they must rise on their feet and raise a point of order on what I am saying.

**Senator Lynch-Staunton:** Honourable senators —

**Senator Cools:** I am sorry, Senator Lynch-Staunton, but you did this before. The exchange on this matter is between Senator Prud'homme and myself. If Senator Lynch-Staunton is not objecting to the nature, kind and quality of my question, I think he should contain himself.

I should like the Honourable Senator Prud'homme to respond to my question. The question was: Is a similar procedure necessary here?

Come now, honourable senators, this is pretty transparent. Surely honourable senators can do better than that.

**Hon. John G. Bryden:** Honourable senators, I stepped out for a few minutes and have only been back in the chamber for the last 15 minutes. I wonder if the honourable senator could repeat her question.

**Senator Cools:** Thank you so much. With leave, I would be more than happy to repeat my question.

Honourable senators, what I had been putting to Senator Prud'homme was the essential substance of what I had raised earlier. I was asking the question of whether his research and his study of the matter revealed the fact that in England, when the Royal Assent bill was passed in 1967, both in the House of Lords and the House of Commons, the Lord Chancellor and the Attorney General rose —

**The Hon. the Acting Speaker:** Thank you, Senator Cools.

**Senator Cools:** I am eagerly anticipating Senator Prud'homme's response.

**Senator Prud'homme:** Honourable senators, first, I thank Senator Bryden for having asked that the question be repeated. When answering a question put by Senator Cools, it is always good to have a bit more time to reflect and prepare oneself intelligently.

Second, I should like to say to Senator Cools that it was not my intention to be nice. I always want to pay homage to hard-working senators. The honourable senator happens to be among those whom I recognize as talented and hard-working. I always come away from a debate with her a little richer. Hence, my comment was not made in an effort to be nice and complimentary; it was made to acknowledge that I agree with her.

Honourable senators, even if I were in the minority, I would still stand up for senators I recognize as hard-working. I am not pointing to Senator Lynch-Staunton, who is as equally hard-working as his neighbour, but some of the interruptions I could do without. I could do without the impatience when someone is a hard-working person. Honourable senators, the points that have been raised must be taken into account. There is no doubt in my mind about that. The debate goes back a long time. I have been through some difficult family problems recently and therefore had to read that debate. I had the material sent to me when I was absent. I read what the honourable senator said, as well as the other recommendations. I have only just finished reading 250 pages of the report on the reform of the House of Lords. I suggest honourable senators read that as well. They propose the creation of a Senate that will look something like the Senate of Canada. The report can be obtained for free on the Internet.

Having said that, Senator Cools, I wish to avoid saying that you are totally right and therefore Senator Lynch-Staunton is totally wrong. I did not wish to be in agreement with Senator

Lynch-Staunton, who wants to do away with the tradition, and not answer Senator Cools' question. That is why I came up with the idea of doing Royal Assent in a different manner. Royal Assent has always been done at a moment's notice. I know some ministers are bothered by that and that they do not like to come to the Senate, which I regret.

Honourable senators, as long as my country has existed, it has been very well organized. We have the Queen, and I, as a member of the Queen's Privy Council, say that as long as Her Majesty Queen Elizabeth II lives, "Long live the Queen." I am not sure I could be relied upon to say the same thing if she were to pass away or resign voluntarily.

Honourable senators, I believe in evolution. Canada is known around the world as a country that changes through evolution, not revolution. However, evolution does not mean we should get rid of all of our traditions. I consider one of our traditions to be Royal Assent. We have never abandoned the idea of doing Royal Assent in a different way so that we could accommodate honourable senators, whose first idea when they presented Bill S-7 was to possibly make Royal Assent more efficient. In the name of efficiency, we are killing something which exists. I am attached to Royal Assent and always make a point of coming to this chamber for Royal Assent.

One of our top historians and one of our most intelligent minds, former senator John Stewart, told me time and time again that if senators had put their heads together, we could have declared the GST law unconstitutional due to the way in which Royal Assent was given. Royal Assent demands that there be a ceremony involving the two houses. That ceremony did not take place.

Honourable senators, I was there as a member of the House of Commons. I do not know how I voted on the bill, but I probably voted with the opposition.

**Senator Cools:** I do not think the Honourable Senator Prud'homme was a member of the Senate during the GST debate.

**Senator Prud'homme:** I know one thing: the way Royal Assent was given was not the way tradition has always dictated. I am raising that as a question. There was a long discussion between Senator Stewart — a scholar in these matters — and myself. I did not raise the matter.

Honourable senators may not know that the next time the new Governor General comes to the Senate, or one of her representatives, we could make a special appeal.

Honourable senators, this is a very serious matter. The Deputy Leader of the Government will always remain my friend, but if I must, I will do that. When we talked about independent senators some years ago, I interrupted the then Governor General when he was making a major speech. I did not do so this year because I probably made an error in interpreting the offer regarding the role of independent senators. That has not materialized.



Honourable senators, one senator could have embarrassed you again this year. I could have interrupted the Governor General again this year when you asked for the creation of the committee. I could have expressed my dissent, and we would have had to debate the issue. I do not care where I sit and whether or not I have access to a microphone because I can speak loud enough so that people can hear me. I did not do that because I was given an assurance, but I misunderstood that assurance. This could happen again. If the two Houses work together, this situation will never arise.

• (1540)

We could make a last call before Her Excellency or her representative and say, “I beg you to do this.” I will ask Senator Cools to do all the research on this matter. If she declines, I will ask her to refer me to the appropriate sources. I will read them all. I know that Senator Cools will tell me whether or not I am correct.

Honourable senators, the Senate is a chamber of reflection and one where we exchange views. We should not have preconceived ideas. We should not declare that we are for or against a certain proposal until we have had that exchange of views. I will most likely try the system once more, either before I depart or before I die — that is, if I do not leave here before I reach age 75. I will make one last appeal. There are precedents where you could humbly throw yourself at the feet of whomever is to give Royal Assent and say, “Please, before you give assent to this piece of legislation, I beg of you to hear me out.”

I have had many discussions with very old seniors who have taught me how to do this. However, I have not had an occasion to do that. That is why I say, “Let us modernize.” You never know what will happen when the House of Commons stampedes the system, and the two vast majorities in this chamber go hand in hand. The only option left to us may be to throw ourselves at the feet of whomever is giving Royal Assent and ask, “Would you kindly suspend your Royal Assent until we can reflect on this issue?” You never know what might happen.

I leave that with you for your reflection.

I thank the Honourable Senator Lynch-Staunton for having launched the debate concerning modernizing this institution. However, I wonder if it can be done as a test case. If it does not work, we will have to find other ways to do it.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I should like to address this bill not on its merits but, rather, on the process, that is, where we are on the order paper, and what the disposition of this bill should be.

This bill has been the beneficiary of several excellent speeches, including those today and the exchange between

Senator Prud’homme and Senator Cools. Perhaps in concluding the debate the mover of the bill would wish to answer some of the issues on the merits. For my part, I would hope that we can deal with this motion today.

A number of questions arise here. There is the issue of the merit of the bill, that is, the proposal contained in Bill S-7. Senator Prud’homme has told us that he does not know everything that he would like to know about the bill. He also referred to proposing another kind of Royal Assent. He referred to accommodating some differences. The merits of the bill — that is, the changes that the bill proposes to the Royal Assent ceremony and procedure — are matters with which the committee to which this bill would be referred, if it is given second reading, can properly deal. The questions raised by Senator Prud’homme and others can be considered in committee.

Another matter is of concern, however, honourable senators, and that is the issue regarding the Royal Prerogative. Some senators hold the view that Bill S-7 in no way alters, affects or limits the Royal Prerogative respecting Royal Assent. However, some senators believe that it does affect or limit the Royal Prerogative, in which case the Royal Consent would be required. Ideally, that question should be dealt with by our committee.

If the committee agrees that this question requires an answer, the committee can call witnesses who have constitutional and procedural expertise. That is the appropriate forum for that kind of debate. My understanding is that, if this bill is given second reading, it will be referred to the Standing Committee on Privileges, Standing Rules and Orders, a committee well suited to deliberating on and answering that question, and reporting back to the Senate.

Honourable senators, as a general comment on second reading, which is often referred to as “approval in principle”, our colleague Senator Stewart has been referred to today, in speeches and on other occasions. I should like to join with those drawing on his wisdom and quote from his book entitled, *The Canadian House of Commons, 1977*, where he states at page 84:

The second-reading motion is a procedural motion... What must be remembered is that the legislative process is indeed a process. The House does not commit itself conclusively in favour of a bill at any stage before the final one, when it votes to let the bill pass from the House —

— or not pass from the House.

Therefore, the reference of Bill S-7 to a committee following second reading does not mean that that committee cannot return the bill to the House saying that it should not be proceeded with further, for whatever reason. There are ample precedents for that, but I will not list them. That is one of the options. The committee could determine that the Royal Prerogative is involved and that the Royal Consent is required. The authorities are clear that the Royal Consent can be obtained at any stage. In fact, the most common procedure would be for that to be dealt with in the House of Commons.

Honourable senators, I do not wish to prolong this debate, but I did want to place my comments on the record regarding not so much the substance of the bill but, rather, what the Senate should do by way of procedure. I would hope that the Senate should see merit in giving second reading to the bill and referring it to the appropriate committee of the Senate, which would be the Privileges, Standing Rules and Orders Committee.

**The Hon. the Acting Speaker:** Honourable senators, I wish to inform the Senate that if the Honourable Senator Lynch-Staunton speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am most appreciative and even surprised at the interest that this bill has received, and very impressed with the level of the debate, no matter the views on it. It was most educational, instructive and very helpful.

Whether or not one supports the bill, there is a general agreement that the Royal Assent ceremony as presently carried out does not do justice to its significance. I believe we are all in agreement on that.

Senator Corbin, for instance, mentioned last week that when he was in the House of Commons — and, I am sure Senator Prud'homme remembered that — Madam Sauvé and Speaker Lamoureux would attend every Royal Assent ceremony. A certain prestige was added to the ceremony by the attendance of those key figures.

• (1550)

We must remind ourselves that more often than not we receive a delegate from the Governor General who is not the Chief Justice. On occasion, we receive a Deputy Speaker who is accompanied by no members of the House of Commons but only officials. More often than not, this chamber has had quite a few empty seats on the day Royal Assent is given, which leads me to conclude that it is something which is not as attractive to senators as proceedings on another day would be and which would allow them to be in attendance in larger numbers.

This bill recognizes that situation and suggests a way to at least cut down on the number of ceremonies, which are routine, mundane, and certainly not in the least significant, even less thought provoking, as a Royal Assent should be. If this bill only provokes a debate on the role of Royal Assent in the legislative process, then it will have been more than worthwhile. If, at committee stage, recommendations are adopted to enhance Royal Assent by means other than those suggested in this bill, I will be the first one to support those recommendations.

[ Senator Hays ]

I believe this bill offers an adequate solution to the present situation confronting the traditional ceremony of Royal Assent. If we can find a way to obligate the Governor General's office, the Speaker of the House of Commons, members of the other place and senators to be here in larger numbers on days known well ahead of time and give the Royal Assent feature of the legislative process the dignity and the importance that it deserves, then I shall be the first to drop these proposals and adopt that one. Meanwhile, unless we bite the bullet on this one, I fear that we are in for another few months, if not years, of the scruffy procedure that we are faced with from time to time.

This bill is intended to serve such a purpose, that is, to stimulate debate and to come up with solutions other than the one proposed in the bill, if so desired. I have no doubt that if the interest shown in and support given to Royal Assent are continued at committee, as suggested by Senator Hays, we can vastly improve how the last stage of a bill is played out.

I can assure honourable senators that supporting the bill at this stage is supporting the principle of the bill which is that Royal Assent be retained. The purpose of the bill is to improve on the ceremony, either through passage of the bill or by some other method, which I am sure the Rules Committee will be able to find.

**Senator Prud'homme:** Honourable senators, would the honourable senator allow one question?

**Senator Lynch-Staunton:** Of course.

**Senator Prud'homme:** Honourable senators, the last few minutes of the honourable senator's speech made me change my mind as to how to vote. I am a democrat. I believe in the free flow of information and in study. If I have understood the honourable senator clearly, he said that referring this bill to committee now does not mean that we are necessarily in favour of the bill. If that is the case, then I am more than prepared to vote in favour of sending the bill to committee for further study, if that is the wish of the Senate.

**Senator Cools:** Honourable senators, I rise on a point of order.

The question has not been put on second reading, yet, it seems to me the Honourable Senator Prud'homme is speaking to the question of referring the bill to committee.

**Senator Hays:** Honourable senators, Senator Cools is correct. Fortunately for Senator Prud'homme, the question has not been put. Senator Prud'homme, therefore, now has the opportunity to put his question, which he has already done. Senator Lynch-Staunton now has an opportunity to answer it, as well as any other questions. Following that, I am sure Her Honour will put the question.

**Senator Lynch-Staunton:** Honourable senators, I said that, if there were no more intervenors, I would be willing to move, at the appropriate time, that this bill be referred to the Rules Committee. Obviously, it must be understood that we have to move second reading first.

[Translation]

I will say to Senator Prud'homme that, contrary to what some have said, this bill in no way seeks to abolish Royal Assent. Its purpose is simply to change the manner in which it is exercised. The principle of Royal Assent stands, but the ceremony would be performed differently. During consideration by the committee, if other senators can come up with other approaches, I will be the first to encourage them.

**The Hon. the Acting Speaker:** If no one else wishes to speak, I remind honourable senators that it was moved by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella, that the bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

On motion of Senator Lynch-Staunton, bill referred to the Standing Senate Committee on Privileges, Standing Rules and Orders.

[English]

## IMMIGRATION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ghitter, seconded by the Honourable Senator Cohen, for the second reading of Bill S-8, to amend the Immigration Act.—(*Honourable Senator Wilson*).

**Hon. Lois M. Wilson:** Honourable senators, I rise to speak to Bill S-8, a private member's bill tabled by Senator Ghitter on November 7, which seeks to re-enact previous legislation to allow the Minister for Citizenship and Immigration to divert the boats carrying so-called illegal immigrants back from Canadian waters. It appears to be a painless and simple solution to a difficult problem.

In essence, the bill is enabling legislation giving discretionary decision-making power to the Minister for Citizenship and Immigration to turn back any vehicle within 12 nautical miles of the territorial sea or the internal waters of Canada, if "the Minister believes on reasonable grounds" that the vehicle is bringing any person into Canada in contravention of this act or regulations. In other words, the bill is to stem the flow of what some believe to be the continuing arrival of boatloads of illegal

immigrants or non-bona fide refugees. That, indeed, is my first difficulty with this bill. The use of the word "may", which allows ministerial discretion, means possible inconsistency of treatment of people before the law. It does not guarantee equal treatment of all people, although we like to think of that as a fundamental right. Such discretion may appear to be adequate under a benign and wise minister of the government, but still begs the question of equal treatment before the law.

On Thursday, February 17, Senator Grafstein filled in the background and history of the bill, as well as the previous measures Immigration Minister Caplan is proposing to stop the trafficking. I will not reiterate the points so ably made in his intervention, but simply say that I support Minister Caplan's proposals and think those initiatives are a more creative way of dealing with a very tough problem than turning back the boats to the high seas.

Bill S-8 has incorporated much of the current thinking from refugee law debates. My second difficulty is that the proposals contained in the bill do not seem to take into account the international treaty rights that are at issue because of Canada's international obligations outlined in the Convention Against Torture, for example, or in the Organization of American States human rights systems. These are the life, liberty and security of the person; freedom of movement; related due process; and non-discrimination based on the means of transport. Related rights that could be at issue are protection from torture or cruel treatment; and family rights with related due process.

• (1600)

Ms Mary Robinson, the United Nations High Commissioner for Human Rights, has spoken out to governments in favour of protecting potential victims. She spoke to the committee preparing an international convention against transnational organized crime at a Vienna meeting on July 7, 1999. At that meeting she said that any instrument dealing with transnational organized crime must commit itself to preserving and protecting the fundamental rights to which all persons, including illegal migrants, are entitled. Ms Robinson emphasized that international obligations to human rights must be at the core of any credible anti-trafficking strategy.

At that meeting in Vienna, Ms Robinson went on to say:

Hundreds of thousands of destitute individuals are knowingly entrusting their lives and fortunes to unscrupulous profiteers. As borders are tightened around the world, organized criminal networks provide the only chance for many people in their search for security and a better life. It is right to target these networks. It is also right to continue our fight against the corruption, which allows them to flourish. However, in our efforts to eliminate illegal migration we cannot forget that all persons, irrespective of their status, have rights in law, which must be protected. The two goals are not irreconcilable: attacking and dismantling the organized criminal networks that are engaged in illicit movement of people for profits; and the protection of the legal rights of victims of this sad trade.

It is not only the UN treaties to which Canada is signatory that are relevant. It behooves us also to pay attention to the Inter-American Commission on Human Rights of the Organization of American States, which Canada joined in the early 1990s. Although the commission does not yet have legal force, it does recognize and pronounce on individual complaints of violations of human rights, as it did in March 1997 in regard to the Haitian boat people who had been returned to Haiti despite fear of persecution upon return.

The third difficulty I have with the bill is that it proposes unilateral action only. Trafficking and irregular migration are among the most pressing problems currently facing the international community. Neither of these problems can be effectively addressed by one state or even by a group of countries. They are transnational both in scope and effect. I have watched the efforts of various Western governments to find a simple and international legal way of avoiding hearing the claimant by passing the problem to another country. To my mind, nothing short of an impartial and independent hearing on refugee status can settle the issue in concert with an international convention against transnational organized crime such as is being prepared at the UN.

The last and fourth difficulty I have is that genuine mistakes can be made and authentic refugees may well be turned away without a fair hearing and their fate sealed because of unwarranted and untested assumptions about their motives and claims. The group may well include those with genuine claims to refugee status. I urge Canada to ensure that the principle of non-refoulement of asylum seekers is preserved and underlined in any proposed bill.

It is my hope that the appropriate Senate committee will look carefully at the serious implications of this bill and will invite witnesses from the Inter-American Commission of Human Rights to provide evidence. That commission has authority to interpret treaties in this region of the world and is well-situated to do so because it conducted a site visit to Canada in October 1997. A report on that visit is anticipated imminently. We would be prudent to avail ourselves of their wisdom.

On motion of Senator DeWare, debate adjourned.

## PUBLIC SERVICE WHISTLE-BLOWING BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator DeWare, for the second reading of Bill S-13, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistle-blowers.—*(Honourable Senator Lynch-Staunton)*.

[ Senator Wilson ]

**The Hon. the Acting Speaker:** Honourable senators, if the Honourable Senator Kinsella speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wish to make a few comments on Bill S-13. We had an excellent analysis presented to us by our colleague Senator Finestone. This bill has also captured the interests of a broad cross-section of people. Many are interested in not only the machinery of government but also our public service and the kinds of modern challenges presented to public servants, who are committed to working in an environment that is marked by the highest ethical standards. Because of the conflicting issues that are so often presented to the modern day public servant, the time has come for us to identify the appropriate vehicle for dealing with this issue of so-called whistle-blowing.

If adopted by the Senate now, the National Finance Committee, which generally has the mandate to look at these kinds of things and other matters that affect the public service, may make a very positive contribution to this new area that is of importance to all Canadians.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on National Finance.

## PARLIAMENT OF CANADA ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-5, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—*(Honourable Senator Lynch-Staunton)*.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, Senator Grafstein is unavoidably away from the chamber. He has asked me to move second reading of Bill S-5.

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

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

On motion of Senator Hays, for Senator Grafstein, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

### CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Poulin, for the second reading of Bill C-202, to amend the Criminal Code (flight).—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, Bill C-202, to amend the Criminal Code with respect to persons fleeing in a motor vehicle whilst being pursued by a peace officer, is a very important bill. It addresses the problem of the many injuries and sometimes tragic fatalities associated with high-speed police chases.

• (1610)

This measure attempts to address that and, in principle, we support such an initiative. However, the bill has an error in it. On page 2 of the bill, in clause 3, subclause (5) states:

For greater certainty, where a court charges an offence under section 220, 221 or 236 —

The courts do not “charge” anything under our system. That word obviously is incorrect. If you read the French, it states:

[*Translation*]

Lorsqu’un chef d’accusation vise une infraction prévue aux articles 220...

[*English*]

It is clear that that word “court” probably ought to have been the word “count”. I draw that to the attention of the chamber. Senator Milne’s committee, to which I suspect the bill is being referred, might want to take note of that and see that it is corrected.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

### CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Watt, for the second reading of Bill C-247, to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences).—(*Honourable Senator Di Nino*).

**Hon. Marcel Prud’homme:** Honourable senators, may I ask a question? We have now moved the bill of Senator Lynch-Staunton forward. I am very happy that we are moving all these bills along. Suddenly, we arrive at this bill, which I should like to see go to committee for further study, and I understand the matter is to be stood. There is a great interest in this bill. We may agree or not; I repeat the argument I made earlier. However, is it not possible to send this bill to committee today?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, debate on this item is adjourned in the name of the Honourable Senator Di Nino, and he asked me, knowing that he would not be in the chamber at this time this afternoon, if I would stand the debate or move the adjournment. I believe he intends to speak to this bill tomorrow, or, if not tomorrow, very shortly.

**Hon. Dan Hays (Deputy Leader of the Government):** I might add, honourable senators, that at least one senator on this side of the house wishes to speak after Senator Di Nino, and perhaps more than one.

**Senator Kinsella:** Honourable senators, I remind everyone once again that even though an item stands adjourned in the name of an honourable senator, that does not prevent other honourable senators from rising and speaking on the matter.

Order stands.

### INTER-PARLIAMENTARY UNION

REPORT OF CANADIAN GROUP ON  
102ND INTER-PARLIAMENTARY CONFERENCE HELD IN  
BERLIN, GERMANY—INQUIRY—DEBATE ADJOURNED

**Hon. Sheila Finestone** rose pursuant to notice of December 16, 1999:

That she will call the attention of the Senate to the Report of the Canadian Group of the Inter-Parliamentary Union on the 102nd Inter-Parliamentary Conference, held in Berlin, from October 9 to 16, 1999.

She said: Honourable senators, I stand today to present a more complete report of the 102nd Inter-Parliamentary Conference held by the IPU in Berlin in October. The Canadian delegates were Senators Comeau, Fraser and Tkachuk, and, from the House of Commons, Marlene Catterall, Maurice Dumas, Jerry Pickard and Svend Robinson. This event took place amid extensive celebrations of the German Parliament, the Bundestag, for it was 10 years ago that the Berlin Wall came down and the long-held dream of a united Germany became a reality. Parliament had just been moved from Bonn to Berlin, and our inaugural ceremony took place in the newly renovated Reichstag.

Before discussing the results of this conference, I should like to give honourable senators some background on the Inter-Parliamentary Union, which is the oldest parliamentary organization, founded in 1889, and the only one with a worldwide membership. At present, there are 138 countries in the IPU, and honourable senators may be interested to learn that over 1,600 delegates from 131 countries participated at the conference in Berlin.

Within its structure, there are six geopolitical groupings or caucuses that meet prior to and during the conference to discuss strategy for the various debates and activities. The Canadian group is a member of two caucuses, which is quite unusual. One is the like-minded western caucus, known as the Twelve Plus Group. In 1974, there were only six members in that group, and now there are 43 countries. I know that some honourable senators in this room were there in 1974, including our Speaker, Senator Molgat. It is my privilege to serve on the Twelve Plus executive committee. In addition, we belong to the Asia-Pacific Group, in which there are 21 members, because we have a very strong and active interest in that region.

The members of these caucuses, as honourable senators will understand, have very differing political points of view, structures and philosophies, yet we are able to come together to work on issues of mutual interest and of global reach, and to discuss our points of view and make our contributions — and I think most of them are very constructive — to joint proposals on major, worldwide issues that need our collective action. I think honourable senators would agree that most of the issues today are of mutual interest, yet there is no way one single parliament can answer those particular questions.

• (1620)

The IPU is the only worldwide organization that truly belongs to the legislative branch and through which parliaments are present and can project their vision directly on the world scene. Also, these meetings offer a unique opportunity for members to engage in parliamentary diplomacy and to have, in the space of a few days, a great number bilateral contacts with parliamentary leaders, particularly speakers and chairs of the foreign affairs committees from most countries around the world. It is truly a global village in which I think it is a privilege to participate.

Parliamentary delegations reflect the political spectrum of each national parliament. Members come from not only the majority party but also from the opposition. The divergent views

[ Senator Finestone ]

held by members of a delegation are often reflected in that country's vote.

The IPU is considerably more than a meeting place for parliamentarians, it also runs programs and produces very interesting studies. Many of these programs and studies are aimed at enhancing democracy. There are technical programs that offer concrete support to the parliamentary institutions and which promote equal participation of men and women in politics and vigorously defend and support the universal establishment of human rights and democracy.

The IPU undertakes many studies and publishes statistics on worldwide interests. I have often heard statistics quoted both in this house and the other place, which come from the studies conducted by the Inter-Parliamentary Union. The participants are parliamentarians who wish to contribute, through permanent dialogue, to the joint global elimination of undesirable developments, including phenomena such as the north-south divide, the alarming destruction of the environment, and the whole question of AIDS.

Dr. Carolyn Bennett of the other place was one of the writers of a most important document related to an interesting study and procedure. That document has just been made available and is being distributed worldwide.

All of these issues that I have mentioned, including that of organized crime, are issues that national governments are no longer able to overcome on their own.

The Inter-Parliamentary Union has an important relationship with the United Nations. In 1996, the two institutions signed an agreement of cooperation to work together on a number of projects. This has led to the signing of individual agreements with various UN agencies such as UNESCO, ILR, and UNCHR.

In essence, it means that the IPU provides a parliamentary dimension to the work of the United Nations. For example, when major international conferences such as the World Food Conference, the World Tourism Conference, or the Conference on the Status of Women occur, the Inter-Parliamentary Union organizes a conference or seminar. These meetings allow parliamentarians to sit together and discuss how the recommendations that flow from these conferences could be implemented in their respective countries.

We all recognize, of course, that the executive can propose, but parliamentarians have to vote. Therefore, parliamentarians should be better informed. It is through the process of the IPU's relationship with the United Nations that we move that agenda forward for parliamentarians.

At the December 1997 Ottawa Conference on Anti-personnel Landmines, our own Canadian IPU group organized two round tables for the many parliamentarians in attendance. Legislators were able to define and discuss important issues. For example, they discussed how to implement the legislation required to ban land mines; how to fund for de-mining efforts; and how to bring victim assistance programs to their own various countries.

I might add that this cooperation agreement with the United Nations has resulted in an increase in the volume of activities on the part of the Canadian group. You may be interested to know that the IPU held a meeting for parliamentarians during the United Nations Conference on Commerce and Trade which was held recently in Bangkok. It was interesting to note that Canada could not send a delegation because of insufficient funds being allocated to these international organizations. I think it is important that Canadian representatives be present at these conferences, particularly where Third World commerce and trade issues are being discussed, so that we may contribute to the discussions of how to move their agendas forward and improve their financial circumstances.

I will now discuss some of the highlights of the Berlin conference. I would draw to your attention the subjects debated at this 165th session of the inter-parliamentary council. They are issues of concern in the making of our own Canadian foreign policy.

The first topic under the heading of international humanitarian law was the contribution of parliament to ensuring respect for and the promotion of international humanitarian law on the occasion of the fiftieth anniversary of the Geneva Convention. It included such issues as anti-personnel land mines and the International Criminal Court. You will be interested to learn that the drafting committee used the Canadian draft resolution as a base document.

The other major issue which received great focus during this session was related to the International Criminal Court, which will bring perpetrators of genocide, war crimes and crimes against humanity to justice, if their own countries fail to do so in good faith. However, 60 countries must ratify the Rome Statute on the International Criminal Court before it is established. Thus far, only four countries have done so. Unlike the Ottawa Convention on Landmines that came into force in about 18 months, the Rome Statute will take longer because most countries must make major legislative changes, including amendments to their constitutions. It is interesting to note that France amended not only its Constitution, but that the proposed legislation went through their Senate and House of Commons without too much difficulty.

Canada chaired the proceedings of the preparatory committee on the International Criminal Court and has been actively involved in promoting its ratification. Our group, which has worked extensively at the parliamentary level to promote the ratification of the land mine treaty, continued its advocacy work on behalf of the ICC. During the Berlin conference, we spoke to the issue at the plenary session, at committee, and we also sponsored lunch with like-minded countries to discuss strategy for moving this whole issue forward. That is when the French told us how they were handling this issue. It was of great interest

to the Brazilians, who wanted to know how to move that agenda forward.

I would point out that, in the House of Commons on December 10, 1999, International Human Rights Day, the ministers of Foreign Affairs and Justice, and the Attorney General introduced legislation to create what will be called the "Crimes Against Humanity Act." This legislation, when enacted, will implement, in Canada, the Rome Statute and will replace the current war crimes provisions in the Criminal Code.

During the Berlin conference, we received copies of a particularly useful document called the "Handbook for Parliamentarians on International Humanitarian Law." It is available through my office if honourable senators would like to read it. I think you will find it worthwhile reading. The IPU and the International Committee of the Red Cross jointly sponsor the handbook which provides, in a clear and concise format, what legislators can do to promote key information on international humanitarian law and how to proceed with respect to the Ottawa Convention on Landmines. It also provides a draft outline of the nature of the law required to amend a constitution in order that it can be applied within a country, rather than in a foreign court or the International Criminal Court.

I am impressed by this document, especially as it presents complicated concepts in a straightforward manner. It provides a particularly impressive array of guides for action which were found to be very useful by the parliamentarians who were in attendance — 1,700 of them, by the way.

The second subject that they addressed was the economic crisis which was precipitated by the economic crisis in the Asia-Pacific region. The issue was the need to revise the current global financial and economic model. Again, the Canadian IPU group played a significant role in proposing this subject for debate and study because we had gone to Mongolia and China, where the Asia Pacific group had discussed this issue at great length. Canada, having shorelines on both the Pacific and the Atlantic Oceans, was well positioned to raise a subject matter that holds the interest of many countries of the world.

In addition, we provided to delegates copies of the recent report of the millennium round of the WTO by the House of Commons Foreign Affairs and International Trade Committee. Those views and recommendations brought many parliamentarians from other parts of the world to our seats in the plenary hall with both congratulatory messages and questions.

• (1630)

At each conference, there is an opportunity for the selection of a supplementary agenda item. In this case, delegates voted to accept the contribution of parliaments to a peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations within one's state.

A lively debate took place and a very interesting resolution was presented. The Canadian group, through one of its delegates, presented an amendment to the resolution calling for protection from discrimination based on sexual orientation. I can tell honourable senators that this amendment was defeated both at the committee stage and in plenary, but this same amendment, brought by a member of this Senate and a member of the House in 1980, was soundly defeated then and got only seven votes. This time, there were over 350 votes in favour of this particular amendment. The case of sexual orientation is moving forward in the conscience and goodwill of people in terms of non-discrimination.

The agenda for this conference had been established several months prior, but we also had an opportunity to present our views on a number of timely issues, including the situation in East Timor, the overthrow of the government in Pakistan, and the situation in Belarus.

With respect to the question that was most pressing, the case of East Timor, there was a great debate as to whether it was appropriate to pass a resolution. It became an emergency debate. Given that there is a demand for 80 per cent to agree to the debate, the debate was not held. I recommended, as a member of the world executive committee, that we ought to look at the percentage of the vote required to determine if a subject is worthy of discussion.

With respect to Pakistan, we met with the Speaker of the Pakistan Parliament. It was moving to see how he had to go back home to take over the reins of management of the government and to see the distress of the delegates at what had taken place in Pakistan.

With respect to Belarus, two different groups with opposing views came to see us in the Twelve Plus and at the plenary session.

I will mention briefly the work of the IPU committee on the human rights of parliamentarians because I believe this is one of the more significant areas of our activity. Canada is held in very high regard, but approximately 160 parliamentarians are being held in jails across the world because they spoke their mind. They had the right as elected people to speak their mind, but they ended up in prison.

Senator Joan Neiman helped establish that committee. She had visited many countries of the world. Her skill and diplomacy enabled many of those parliamentarians to be released from prison. We Canadians in the IPU continue this work. We meet with ambassadors from the various nations and we speak to leaders. The organization continues to have some success in the release of prisoners, but with more than 100 cases outstanding, it is very important that contacts through Canada continue to be made.

A day-long meeting for women parliamentarians is the first activity of each conference. At the conference, there were 146 women from 95 countries, representing 21 per cent of the

delegates. That is quite a change. Issues relating to women's contributions, as seen from a women's perspective through a gender lens, were examined. For example, Canadian representatives and representatives from Malaysia and the Ivory Coast proposed a draft resolution on behalf of the meeting of women parliamentarians on issues that related to a new global and economic model. I am pleased to report that we have a new president, Dr. Najma Heptulla.

**The Hon. the Acting Speaker:** Honourable Senator Finestone, your 15 minutes have expired. Do you seek leave to finish your presentation?

**Senator Finestone:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Finestone:** For the first time, the World Organization of International Organizations will have a woman as president. Dr. Heptulla is the deputy chairman of the Rajya Sabha, the Upper House of India. She was elected as president of the inter-parliamentary council this last term. She stated that her selection was:

...a clear reflection of the importance women have come to occupy in parliamentary life. It is also a recognition of the fact that to build a democratic society based on justice and freedom for all, equality of women and partnership between men and women are a fundamental necessity.

Honourable senators, I was pleased to represent Canada as the nominee and then the elected member of the world executive committee of 13 members from around the world.

The next inter-parliamentary conference will be held in Amman, Jordan, at the end of April 2000. After considerable work over several conferences, the Canadian group was successful in getting the topic of culture and cultural sovereignty selected as one of the main issues. Combined with an Iranian proposal on dialogue among civilizations, the exact wording of our proposal is:

The dialogue among civilizations and cultures, including such issues as the role of culture in international cooperation and coexistence; ways of promoting international cultural exchanges; and the preservation of cultural diversity and social pluralism in a globalized world.

I hope we will have an interesting debate in that regard. At the end of August of this year, the IPU and the United Nations are jointly organizing a conference of presiding officers to be held at the UN headquarters immediately prior to the Millennium General Assembly. I am pleased to alert honourable senators to the fact that the Honourable Gildas Molgat, Speaker of our Senate, has been elected and is actively involved and participating in the preparatory meetings.



In conclusion, I underline the important work undertaken by parliamentarians at these international meetings. It is a time when we, as legislators, can meet our colleagues from around the world and learn about their interests and views. At the same time, we can emphasize our own commitment to democratic ideals, good governance, human rights, human security, peace and international cooperation. The objective of the IPU can probably best be described today as promoting the globalization of democracy and assisting parliamentarians to exercise their shared responsibilities for the world in which we live.

**Hon. Marcel Prud'homme:** Honourable senators, having been chairman of the Inter-Parliamentary Union and having organized the last convention in Canada — in Ottawa in 1985 — I cannot let this occasion pass by without asking consent to adjourn this debate under my name. I want to put on the record the 25 years' experience I received from the IPU. In the future of the IPU, I see a growing danger, which I will elaborate upon at a later date.

On motion of Senator Prud'homme, debate adjourned.

## FINANCING OF POST-SECONDARY EDUCATION

INQUIRY—DEBATE ADJOURNED

**Hon. Norman K. Atkins** rose pursuant to notice of February 8, 2000:

That he will call the attention of the Senate to the financing of post-secondary education in Canada and particularly that portion of the financing that is borne by students, with a view to developing policies that will address and alleviate the debt load which post-secondary students are being burdened with in Canada.

He said: Honourable senators, it gives me great pleasure today to begin debate on the inquiry I set down two weeks ago, an inquiry into the future of post-secondary education in Canada and, in particular, the funding of post-secondary education, especially that portion borne by students through tuition fees.

As I have said before on other occasions, one of the great opportunities we have as senators occurs through the inquiry process. Any senator can place before this chamber a matter of pressing national or regional concern and thus give all senators the chance to participate in the debate on the subject.

• (1640)

We are not constrained by our rules to limit debate in order to give priority to government business, as they must in the other place.

Today, I wish to address what I believe are the three major problems which beset education in Canada: our high dropout

rate, a lack of adequate preparation of our young people for the workplace, and the need to revisit the method of funding post-secondary education in Canada, particularly in relation to our aid programs which purport to help students in need finance their post-secondary education.

Honourable senators, I realize that I am treading in an area which is predominantly within provincial jurisdiction. However, I do not believe we should be restrained in dealing with this subject by the Constitutional straitjacket. There is a leadership role for the federal government in setting forth a vision of education for Canadians that will make Canada one of the leading nations in the global community. The federal government also has a role as the primary funding agent of research and development as part of post-secondary education in Canada, which, if research funds are properly disbursed across the country, would help in regional development.

If Canadians are to prosper in the international marketplace of ideas and jobs in the next century, the problems of our education system must be addressed and resolved. Dr. Kelvin Ogilvie, President and Vice-Chancellor of Acadia University, perhaps described education best when he said that education is ultimately the key to a successful society, but success will only come when the problems are addressed. Students, educators and educational institutions must adapt to the new reality on which our economy is based — not on natural resources but on knowledge. Actually, in many ways, business and commerce already have recognized the advent of the new economy and globalization, as we are looked upon as one of the world leaders in new technology and telecommunications.

Honourable senators, the issue for business arising out of the problems, especially a lack of funding in the field of education, is the failure of our educational institutions to keep up with the demand for graduates in computer science and other high-tech areas. Canada's labour market cannot accommodate untrained people as skill demands are rising to allow us to achieve international competitiveness now and in the future. Market demands, together with competitive pressures and technological change, are shifting the mix of occupations. Fewer jobs are available to those with lower levels of education. Still, students drop out before finishing high school. This makes no sense. By the end of this year, the proportion of new jobs requiring 16 or more years of schooling will rise to 40 per cent. Nearly two thirds of all new jobs will require at least 12 years of education, meaning high school graduation.

The cost of a high dropout rate to Canadians is lost productivity and a loss of economic prosperity. In the last nine years, the country has generated 1.8 million dropouts. According to a study completed by the Secretary of State in 1993, Canada has forfeited more than \$65 billion in lost productivity, foregone taxes and increased spending on social welfare.

These problems are severe and threaten the competitiveness of Canada in the international arena. Therefore, what can be done?

With regard to Canada's dropout problem, the Organization for Economic Cooperation and Development's report on education, released in September of 1997, states that Canada should look at preventive measures, early childhood education, effective career guidance and more years of compulsory schooling to reduce the number of students who either drop out or graduate without the basic skills for the job market. This study suggests that the dropout rate before high school graduation is approximately 20 per cent, down significantly from the 1991 study, which had it at 30 per cent. Even this is not good enough if Canada is to be competitive in the global community.

An article on page 3 of today's *Globe and Mail* quoted slightly different numbers, but they were still significant to the points that I am attempting to make.

Honourable senators, the school curriculum must be reviewed. The 1991 school dropout survey indicated that a high percentage of the dropouts were dissatisfied with both the variety of courses and their usefulness. They also had difficulty getting along with teachers and felt they did not fit in at school.

Reacting to these comments, the Edmonton Board of Education established a special high school dedicated to repeaters. The high school's focus is on a core curriculum: mathematics, science, English and social studies. Professionals are being brought in to act as mentors, and students have the opportunity to visit local colleges and universities to get a sense of what it is like to pursue higher education. Most important, the school has made a concerted effort to attract teachers with a deep interest in motivating older students. Programs are innovative, with the emphasis on success. However, in order to solve this dropout problem, a commitment is needed by all stakeholders, including governments, both federal and provincial, departments of education, teachers, employers, unions, parents, students, as well as social and volunteer agencies.

Honourable senators, the second problem I wish to address is the lack of adequate preparation of our young people for the workplace. In order to ensure that our students are technically educated to take on the world, it is my belief that the corporate sector must become directly involved in the education process. Businesses should become more active in determining the skills that should be acquired by both the high school and university graduate. I do not believe that business involvement necessarily means that general education goals of literacy and cultural knowledge need be sacrificed on the altar of technical training.

Most, if not all, employers want people whose skills encompass academic achievement such as written and oral communications, and the ability to think critically regarding problem-solving and decision-making. There are many avenues through which business can help in the education process: cooperative opportunities, job placement, mentors for students, career tutoring and counselling, as well as helping educators to learn the real needs of the business and corporate community. Educators can then realistically identify the needs of employers,

especially in relation to information technology areas. In recent years, universities with which I am familiar had partnered with corporations. This ensures that both faculty and students are familiar with the needs of the workplace and how they can be fulfilled.

As well, professional organizations are working more closely with universities to ensure that students have the technical skills when they graduate to enter directly into professional programs. For example, Waterloo University School of Business is partnering with a professional accounting association in order to establish a combined MBA/CA program.

Honourable senators, these partnerships are a good beginning and demonstrate the benefits of cooperation between business, academic and professional organizations. However, in order for our graduates to compete in the global marketplace, it is important that this partnering be expanded to the greatest extent possible.

Now I wish to focus on cost — costs of post-secondary education, costs borne by the institutions themselves, and the costs shouldered by the students. In December of last year, the British Columbia Ministry of Advanced Education, Training and Technology released a very important study on the costs of post-secondary education in Canada, concentrating on the diminishing federal participation in these costs. This share of total federal program spending devoted to post-secondary education transfers has fallen by 50 per cent since 1979-80. More particularly, post-secondary education was the target of very large declines in transfer payments in 1996-97 and 1997-98. At present, total federal program dollars dedicated to post-secondary education has fallen to only 1.6 per cent of total government spending in 1998-99. The federal government must renew the commitment of previous federal governments and address the deficiency in core funding caused by reduced transfer payments. The provinces and territories need a reliable funding partner, namely, the federal government, for post-secondary education in Canada.

• (1650)

I agree with and support the conclusions of the Progressive Conservative Poverty Task Force, along with the Canadian Federation of Students, who both called for the restoration of the funding of the Canadian Health and Social Transfer to pre-1994 limits, the replacement of some \$3.5 billion. Such a move should help Canadian post-secondary education institutions to meet their social and economic needs and to begin to rebuild their infrastructure and, hopefully, reduce tuition fees. This is based on the fact that a significant portion of the money would go directly to post-secondary education.

Honourable senators, I now want to turn my attention to focus on the costs borne by the students and the financial needs of our post-secondary students.

With the introduction of Canada's Student Loans Program in 1960, we prided ourselves on having solved the accessibility problem for those wishing to attend university. In many ways, I believe we were deluding ourselves even then. The school experience of low-income families, children with disabilities, and those from minority groups, even with the Canada Student Loans Act, differs from the experience of children from middle- and high-income families.

The issue of costs and high debt loads on students must be addressed, but addressed in the context of affordability for all students, regardless of their demographic circumstances. Gone are the days of annual tuition of \$500 or less, as it was when I was in university. Summer jobs were also more plentiful. If you were lucky, you could even cover tuition with the summer wages that you earned. Now, tuition is more than \$4,000 per year on average, and there are books and living costs to be added on. Many students are graduating with crippling debt loads.

The first thing that must be done is to eliminate the taxable status of scholarships. It makes no sense to me for universities and community colleges to give money to students in the form of scholarships which then become taxable in the hands of the students. It distorts the gift from the institution and creates financial problems for the student instead of solving them. It penalizes excellence. The government must eliminate the taxable status of scholarships as a taxable benefit. In this regard, I support the conclusion of the Progressive Conservative Party Task Force on Poverty and the task force recommendations which would raise the minimum income threshold from incurring income tax liability to \$12,000. While this should help students who receive scholarships escape from liability to pay income tax, I still believe that the Income Tax Act should be amended so that scholarships are not included in the taxable income of students.

Solving the problem of student funding once and for all cannot occur through half measures. It will require imagination and a commitment of substantial resources. At the end of the Second World War, Parliament enacted the Veterans Rehabilitation Act, 1945, under which funds were provided for veterans wishing to attend university under the university training program. Those veterans who indicated a desire to attend university had their tuition paid directly to the university by the Department of Veterans Affairs and were given a living allowance on a monthly basis. This continued as long as satisfactory progress was made in university. This was a massive investment by the government in the future of the country. However, because of its success, Canada had a well-educated, tax-paying population contributing positively to society just a few years after the end of World War II. Veterans graduated with an education or trade virtually debt free.

Such an investment in the future of Canada is possible now as we turn the corner into an era of budgetary surpluses. We must make post-secondary education, be it in a university, community college or technical school setting, accessible to all who

academically qualify. Regardless of the person's circumstances, anyone who has graduated from high school should have the opportunity to go on to some form of post-secondary education.

Now is the natural time to study the implementation of such a plan. The agreement between the banks and the government on student loans expires this summer. Now is the time for the federal government to make its presence felt in —

**The Hon. the Speaker:** I regret to interrupt the honourable senator, but his 15-minute speaking period has expired. Is leave to continue requested?

**Senator Atkins:** Yes.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Senator Atkins:** Now is the time for the federal government to make its presence felt in a positive fashion by financially getting behind the student aid program in Canada.

We all have heard in the past few weeks how the government and the banks are mishandling this program. The banks are not happy because they are not making enough money. The government has no new ideas, so the only response is to throw money at the problem. Instead of throwing the money at the students, the government is throwing the money at the banks. How ridiculous can matters get?

What is the problem that is causing the banks to approach the government for aid? The default rate on loans by graduating students exceeds one in four loans. That was mentioned in the same article this morning. Do we believe students who graduate and move into permanent, well-paid, challenging jobs are renegeing on loan payments? I doubt it. The problem is, even with the economic growth we are experiencing, many graduating students are being left behind by the job market. What is the government's answer? Give the banks more money, not help the students or create an economic climate which will help first-time job applicants. The government's answer, proposed in a budget two years ago, the Canada Millennium Scholarship Foundation, has met with disastrous results. In many instances, instead of money going into the hands of cash-strapped and loan-weary students, it is going to the provincial governments to be applied to existing debt. The student does not see a dime.

As I stated earlier, we have an unacceptably high school dropout rate in Canada of more than 20 per cent. We should encourage those who wish to continue to learn after they have been out of the system for a few years to resume their education through financial incentives, which is very similar to what happened with people who joined the military during the war and who had not finished their high school education. They came back and finished their high school education and went on to post-secondary training.

What I am proposing here is much more than the one-shot millennium fund. I envision an ongoing commitment to the funding of students who wish to attend learning institutions beyond high school. How can we do this? Let us look at establishing the Canada education assistance program, which would apply to all eligible students pursuing a diploma or university degree. It would require a commitment of perhaps \$1.5 billion or even slightly more on an annual basis. At first glance, this may sound to be a lot of money, but it is not when you compare it to the post-war initiatives for veterans. Remember, also, that part of this amount, perhaps half of it, will be repaid to the government, subject to conditions attached to the program.

Through the years from 1946 to 1950 when the post-war program was in effect, the total amounts disbursed by both university and vocational training, including fees and living allowances, was more than \$1.5 billion in 1999 dollars in total for the five-year duration of the program. Approximately 75,000 veterans benefitted. Canada then had a population of under 13 million, as opposed to now when we have 30.5 million persons. As a result of this program, Canada had an energetic and well-educated work force which helped make Canada one of the leading nations in the world in the 1950s and early 1960s.

• (1700)

Annually, there are now more than 700,000 students enrolled in some form of post-secondary education. Of that number, more than 300,000 annually seek financial assistance through existing programs. Under the program I am advocating, some of these students would receive the full amount interest free needed to finance both tuition and living costs if they attend an institution away from home. Some would receive only a portion of the cost, depending on need.

This is a needs-based program. Students in need will be helped. Those who are not need not apply. Obviously, the financial details would have to be worked out as the proposal is studied in depth.

My purpose here is to present a new, effective method of solving the student debt problem. The program instituted for post-war veterans and the one I am proposing are comparable. However, now, in a five-year period, we would be helping significantly more students than those who benefited from the post-war program, and we would be helping a wider cross-section of Canadians.

I truly believe that if the proposal were implemented we would be much closer to solving the accessibility problem and the problem of punitive student debt. The educational institution would benefit as well, as it would receive the grant money immediately.

I am suggesting that eligibility for the program would have to be determined based on certain established guidelines. Those eligible would have their tuition and a portion of their living

expenses funded through this program. Similar to the post-war program, tuition would be paid directly to the educational institution. I also believe it could be administered by the same bureaucracy established to deal with the millennium scholarship fund, of course with help from the student awards offices at the educational institutions. Repayment would only begin one year following the student obtaining full-time employment. Then and only then would interest be charged. Initially, money would be given as a loan, but up to one half of the amount would be forgivable — perhaps 25 per cent of the amount if the student graduates on time and another 25 per cent if the student receives reasonably high academic standing in two years of the four-year program.

Honourable senators, the time to act to solve the problems of student financing is now. Based on evidence given by the Canadian Federation of Students to the House of Commons Finance Committee, the average student debt upon graduation increased from \$8,900 in 1990 to \$25,000 in 1998. This dramatic increase has put higher education out of reach for most low-income Canadians. Also, I ask honourable senators to remember that these amounts must be paid back out of after-tax money, making it imperative that graduates have the opportunity to find satisfactory jobs.

Of the 29 members of the OECD, Canada and Japan are the only two countries without a national grants program. In a submission to the House of Commons Finance Committee in the fall of last year, the Canadian Federation of Students acknowledged that some of the government's recent debt and interest relief measures will be of some help. However, they stress that a needs-based program is the only method of ensuring that those Canadians who cannot afford the up-front costs of post-secondary education have access to this system.

The recent British Columbia study, to which I referred earlier, states that recent research has shown that young people from low- and modest-income families find costs a barrier to accessing and completing post-secondary studies. The university participation rate for 18- to 24-year-olds from lower socioeconomic backgrounds has increased very little over the last past eight years in comparison with learners from higher socio-economic backgrounds. This is directly related, of course, to the fact that university tuition fees increased on average by more than 126 per cent since 1990, while community college students have been hit by even larger increases of over 200 per cent in some provinces.

I agree with the conclusion of the report of the Canada Centre on Policy Alternatives entitled "Missing Pieces: An Alternative Guide to Canadian Post-secondary Education". It states that we have to get back to a system with needs-based grants and, in so doing, scrap the millennium scholarship fund as being a temporary and insufficient response to education funding. I believe we need a national commitment to fund post-secondary education in Canada, to fund institutions and to provide adequate resources to students who attend them.

[ Senator Atkins ]

The federal government should demonstrate both vision and political will in this area. In the new economy, the divide between those who flourish and those who languish in poverty will be education. Do not forget that if you look at any of the polls these days, health is the first issue and education is the second issue in the country.

It is my hope that upon completion of the debate on this inquiry, in which I would encourage many senators to participate, a reference could take place to the Standing Senate Committee on Social Affairs, Science and Technology. I believe that Senator Kirby, who chairs this committee, is keenly interested in this subject. I, and thousands of students across Canada, would very much appreciate anything he can do in this area to facilitate the committee's study of this topic. I believe we, as senators, can study this issue and report recommendations which, if implemented, would seriously help all those who are in financial need but wish to pursue a post-secondary school education.

On motion of senator DeWare, debate adjourned.

### ADJOURNMENT

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

**Hon. Dan Hays (Deputy Leader of the Government)**, with leave of the Senate and notwithstanding rule 58(1)(h), moved:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, February 23, 2000, at 1:30 p.m.;

That at 3:30 p.m. tomorrow, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to adjourn the Senate;

That should a division be deferred until 5:30 p.m. tomorrow, the Speaker shall interrupt the proceedings at 3:30 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred division; and

That all matters on the Orders of the Day and on the Notice Paper, which have not been reached, shall retain their position.

Motion agreed to.

The Senate adjourned until Wednesday, February 23, 2000, at 1:30 p.m.

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