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Wednesday, May 3, 2000

—

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Wednesday, May 3, 2000

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

Prayers.

SENATORS' STATEMENTS

IN RECOGNITION OF NAVAL FORCES

Hon. Shirley Maheu: Honourable senators, as we approach the fifty-fifth anniversary of VE Day, I should like to read to you a poem written by Jack F. King, RCNVR, UNTD, RCN Reserve, in April and October of 1999. It is called *A Naval Remembrance*.

They came from the wheat fields,
The forests, the towns,
Great cities and mountains,
Some were of renown.
Many were mere youth
Most all of them young,
The eager, the scared
Knew not what they dared.
They withstood every hardship
Long gut-wrenching days,
Lonely vigils on watch,
They proved that they cared.

Overworked, overtired,
Midst sweat, tears and toil,
And oft when torpedoed
Were covered in oil.
Unable to shower —
Subs nearby did hover;
Storms, ice and fog,
Encompassing fear
Of collisions so near;
Messdecks sloshing
With sea, spew and gear;
Homesick and seasick
They still sallied forth
These young men, Canadian,
At sea proved their worth.

Their equipment not modern
Their ships lacking, too,
Their "on-the-job training"
Pushed most convoys through.
Some shipmates were lost
By the wrath of the sea,
By the bombs and torpedoes
Of a harsh enemy.

"Wary Navy" most were,
R.C.N. lads in blue —
100,000 and Wrens
And Merchant Navy, not few;
They all toiled together
Like good ship's crews do
In "sweepers" and "four-stackers",
Corvettes, frigates, too,
Destroyers and launchers,
Cruisers, carriers — not new.
Through frustration, despair
The Canadian Navy yet grew
Midst turmoil and terror
To a multitude from a few.
To 400 ships in our Navy,
400 Merchant Ships, too.

The East and the West,
They gave of their best;
These sea-faring sailors —
the R.C.N.V.R., R.C.N.,
Merchant Navy and the Wrens.

Tomorrow, honourable senators, I shall bring forward a liberal translation from a member of what used to be my riding.

ONTARIO

CONGRATULATIONS ON BUDGET

Hon. Gerry St. Germain: Honourable senators, I am honoured to rise in my place today so that I might give praise where praise is due. Yesterday afternoon, and I am sure all senators saw the event on their evening news reports, the Government of Ontario stood up to be counted. Minister of Finance Ernie Eves announced the results of the 1999 fiscal year and the budget for the years 2000-2001. To tremendous applause, of course, he announced the first back-to-back balanced budgets for the Province of Ontario, a feat so impressive for Ontario that officials were hard-pressed to determine accurately when this was last done. They seem to have determined that it has not been done since 1914.

Honourable senators, I learned in business that nothing happens in life until someone does something or until someone sells something. All reasonable people immediately understand that the successes of Alberta and Ontario are because of the results of hard-working people in both business and public office. When governments spend more than they take in, obviously changes must be made in the way things are done.

Ontario's economy has been transformed beyond recognition in the past decade, thanks to the "stand up and be counted" efforts of the workers of the great Conservative alliance across Canada and to people with visions of what this country can be. If Ontario can point to only one reason why the economy is booming, it can only point to the Mulroney government's introduction of free trade.

• (1340)

Brian Mulroney used to say, and I heard him many a time, that "the best social program in the country is a job." The Ontario and federal governments today are reaping the results of the hard work of the previous federal Conservative government. Canadians tell me every day that they want another leader with the vision and intestinal fortitude to do the job, to stand up and be counted.

Honourable senators, I look forward to more Conservative leaders taking the helm of Canada's ship and steering us further down the road to greater prosperity.

[Translation]

NOVA SCOTIA

MISAPPROPRIATION OF FUNDS FOR FRENCH-LANGUAGE TRAINING

Hon. Eymard G. Corbin: Honourable senators, on Friday, April 28, Nova Scotia's education minister told that province's House of Assembly that his department used federal funding earmarked for French-language education for other purposes. This was something some of us had suspected for a long time, thinking of the funding programs in my own province of New Brunswick, for instance. For a provincial minister to make such an admission is quite something. It is scandalous in more than one regard. That province is not the only one to pull a fast one with federal funding intended for specific programs and projects.

This must stop. It is not only unfair, it is dishonest. It also deprives the student population of the services it is entitled to expect from its government.

As a French Canadian and a federalist who wants to see this country run the way it should, I am outraged at this state of affairs and I call on the federal government to take the necessary action to correct this regrettable practice as quickly as possible.

I also think it is up to the Auditor General of Canada to promptly look into the use made of funds earmarked for education and other programs and report to Parliament on the extent of the practice, not just in the Province of Nova Scotia, but in other jurisdictions as well.

[English]

NATIONAL DEFENCE

STATEMENT BY FORMER SEA KING PILOTS AND ENGINEER ON AIRWORTHINESS OF AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, I should like to read to you the following document. It is self-explanatory.

The following statement is declared by three retired Sea King pilots who have all held senior leadership positions in the Maritime Helicopter community, and a retired Aerospace Engineer who has held senior positions responsible for Sea King airworthiness.

Colonels Cody and Myrhaugen and Brigadier-General Curleigh have collectively flown over 10,000 hours in the Sea King helicopter (many of them at sea flying from naval ships), each have served in at least four Sea King squadrons, all three have been Commanding Officers of operational Sea King squadrons, and all three went on to assume senior leadership positions such as Commander of 12 Wing Shearwater, home base of Canada's Sea Kings, Deputy Commander of Maritime Air Group (MAG), responsible for all Canadian Sea King operations, and Commander of the MAG. Colonel Murphy has been involved in Sea King support since 1966 and during that time held positions such as the Rotary Wing Engineer at Shearwater, the Senior Staff Officer Engineering and Maintenance at the MAG, and the responsibility for Sea King airworthiness at NDHQ here in Ottawa.

What we have to declare was not arrived at lightly. At a meeting on May 1 with four other senior retired officers who are members of Friends of Maritime Aviation, we reviewed the current Sea King situation. Included in our examination were recent after-deployment and incident reports which were obtained by the media through access to information, and which included concerns expressed by some of those who are flying Sea Kings today.

Our review and analysis led us to the conclusion that we must now state publicly and categorically that in our experienced view, the stage has been reached where we are fast approaching a critical point that will put continued Sea King operations at great risk.

Not to mention the lives of the men and women who fly them.

To keep this declaration as short as possible, we will amplify the above statement in a separate document. Until today, the FOMA has deliberately avoided the temptation of using "safety" as a scare tactic to prod the government to replace our unreliable and operationally limited Sea Kings. We focused on the many other valid reasons to take prompt action on this matter. However, as stated above, we now believe the elastic band has been stretched as far as it can go. When it snaps catastrophically, the blame will be rightly placed on the head of the one man who is holding up initiation of the new Maritime Helicopter Project. We hope you are listening, Mr. Prime Minister.

NEW BRUNSWICK

SCHOOL SYSTEM—UPDATE ON MAKING WAVES PROGRAM

Hon. Erminie J. Cohen: Honourable senators, we have all watched with horror and disbelief the insidious rise of violence in our middle and high school populations, and our collective voice cries out: What can we do?

I rise today to update you on “Making Waves,” a program that I introduced in this chamber three years ago and continue to proudly endorse. It was designed to give high school students in New Brunswick basic information on dating violence, abusive relationships, the impact of gender and media stereotypes on their choices and actions, and the ability to recognize the warning signs and avoid becoming a victim.

This innovative program educates and trains students to raise awareness and provides them with skills for identifying and resisting negative behaviour from their peers. It has been very successful. It was endorsed by the National Crime Prevention Council as “a model for crime prevention among young people.”

A study conducted in New Brunswick schools by the Muriel McQueen Fergusson Centre for Family Violence Research has shown that among students surveyed in Grades 7, 9, and 11, some 22 per cent of girls and some 12 per cent of boys had already experienced psychologically and physically abusive dating experiences. It is particularly disheartening to note that abusive dating experiences have already begun by Grade 7. While this study was conducted in New Brunswick, I believe other provinces would see similar figures if they were to conduct their own research.

Speaking to victims of abuse has shown that it does not begin as an adult or after marriage. For many, the violence begins when they are dating. It has been proven that the sooner violent behaviour is recognized, the better the chance there is of breaking the cycle of abuse. The key is to be able to identify certain behaviours early, before they become more serious and before the physical or sexual abuse starts.

“Making Waves” is designed to allow each school to adapt their program to local needs, which helps identify and eliminate problems before they start or become too serious. This initiative is touted as one of the best of its kind in Canada and should serve as a model for similar programs across the country.

Tomorrow morning, the founders of “Making Waves” and two student participants will be in the Reading Room to present their unique program and its impact on New Brunswick youth. This is the type of project that deserves federal funding. Many times, people who are involved in these projects spend half of their physical and emotional time raising the funds, when they could be delivering the service more effectively. This program is important because it deals with the root of the problem, rather than attempting to undo damage already done.

Honourable senators, I wish to thank my colleague Senator Carstairs, who graciously agreed to co-host this event with me. We both welcome the opportunity to give visibility to this

creative and effective program at breakfast tomorrow morning in our Reading Room at 7:45 a.m.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to visitors in our gallery today. They are members of Canada’s reserve force from the army, navy, air force and rangers who are here to commemorate Reserve Force Uniform Day, May 3, 2000.

[*Translation*]

Reservists are Canadian citizens from all walks of life who devote some of their time to military service. They are professionals, students, public servants, labourers, entrepreneurs and university students.

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

[*English*]

- (1350)

ROUTINE PROCEEDINGS

STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON STUDY TABLED

Hon. E. Leo Kolber: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled “The Taxation of Capital Gains.”

I must add, however, that I am somewhat embarrassed to say that a copy of this report seems to have found its way into the hands of a major daily newspaper and an article about the committee report appeared this morning. As honourable senators know, a recent report of the Committee on Privileges, Standing Rules and Orders dealt with the issue of confidentiality of our reports. I look forward to consideration of that report and finding a way to stop these totally unacceptable leaks.

Honourable senators, pursuant to rule 97(3), I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

FARM CRISIS IN PRAIRIE PROVINCES—EFFECT OF RISING PRICES FOR FUEL AND TRANSPORTATION ON AID TO GRAIN FARMERS

Hon. Leonard J. Gustafson: Honourable senators, I have a question for the Leader of the Government in the Senate. For two years, we have heard about the farm crisis, especially on the Prairies. However, the farm crisis is not only happening on the Prairies. I understand that, because commodity prices have decreased by half, Ontario farmers who are specifically grain producers are suffering severely, as well as farmers in Saskatchewan, Manitoba, Alberta, Quebec, and wherever there is dependence on commodity prices.

Honourable senators, we have heard this for two years. Farm crisis groups have been established. Yesterday, the farmers received some welcome support from Adrienne Clarkson, the Governor General of Canada. The following was reported in today's *Leader Post*:

In an interview with the *Leader Post* Tuesday afternoon, Clarkson said she was distressed to hear from so many young people who feel they have no choice but to leave their family farm and move out of the province.

“That is a dramatic change which will have a lot of reverberations right through all of Saskatchewan's social fabric.”

Clarkson believes the plight of Saskatchewan farmers isn't well understood by other Canadians...

The Governor General recognizes that we have a national problem here.

One might say, “Well, the government has provided money.” However, the railroads have just increased the price for the freight of grain by 4.5 per cent. That will take away from any support funding that has been provided by the government thus far. The increase in fuel prices will use up some of the aid given to the farmers. Does the government recognize the situation facing grain producers, and the fact that the outcome will have an impact on the whole structure of Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for raising this issue once again. Obviously, I am well aware of his concern in this area, as are other members of the government because I have communicated that concern on a regular basis.

Commodity prices continue to be very difficult and the reasons for those commodity prices, as the honourable senators knows far better than I, depend on a myriad of factors. These factors

include everything from weather, to government subsidies, to transportation and all sorts of related matters.

The government has responded and I will not go through the programs introduced and the measures taken. However, the honourable senator has acknowledged that the federal government's response was welcomed by the premiers of Manitoba and Saskatchewan, the two provincial governments most directly affected.

The honourable senator also brought to my attention the situation with the Farm Credit Corporation and the concern that many farmers might well be facing the immediate crisis of loss of property. I have had an opportunity to seek out some of that information, and I will be giving Honourable Senator Gustafson a written copy of it.

Honourable senators, I do not intend to diminish the situation, but some of the information that I received was of some comfort. For example, the indication is that Farm Credit Corporation customers are managing to make their payments despite the commodity price downturn. As of the end of March, 2000, which was FCC's year-end, nationally 95 per cent of the accounts were up-to-date, and in Saskatchewan the rate is slightly less, with 93 per cent of the accounts being up-to-date.

Also, it has been indicated that the arrears level has not yet shown a large increase, although admittedly there is a rising trend. For example, in Saskatchewan, at the end of March, 2000, there were 674 customers in arrears compared to 552 at the same time last year. There was an increase, but it did not appear to be a catastrophic increase. In Manitoba there were 159 customers in arrears at that point in time, compared to 142 at the same time last year.

I have received assurances from the Farm Credit Corporation that they will continue to monitor the amount of the arrears and the number of accounts. I have also been assured that they will continue ongoing discussions with the federal Minister of Agriculture and the two provincial ministers.

FARM CRISIS IN PRAIRIE PROVINCES— LEVEL OF GOVERNMENT SUBSIDIES

Hon. Leonard J. Gustafson: Honourable senators, the minister mentions the fact that farmers have received money. When the premiers were here and met with the Prime Minister, monies were made available. They are receiving the funds right now, so I know exactly what they are getting. The most that the big farmers could possibly receive is \$7,500, but the average farmer is receiving approximately \$3,000. As I said before, that will not even take care of the price in the increase of fuel for a couple of months.

• (1400)

In terms of farm subsidies, my house leader handed to me a report out of the *New York Times* stating that Congress has agreed to \$7.1 billion in farm aid.

The Americans are recognizing that they have a major national issue. Canada does not seem to recognize the same condition here. Solving this problem will take some real money, not just be a little help here or a little help there. Agriculture is facing a serious problem.

This *Times* article of April 14 goes on to say that farm subsidies were supposed to end, but that is not the case. The Government of Canada must understand that if it holds back and does not do what should be done, the Americans will take over this country.

Do honourable senators know how much money it takes to buy a quarter section of land in Saskatchewan right now with American money? With \$20,000 of U.S. money, one can buy a quarter section of land — 160 acres. German companies are buying up land all across Manitoba.

The big question is whether the government will come to grips with a serious approach. I am suggesting that it will take a couple of billion dollars per year. The government boasts of a surplus. Is the government willing to use some of that surplus to save one of the most important industries in this country — agriculture?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, “how much is enough” is always an issue in any government program or effort. No matter what the contribution, some will indicate — and in most cases rightfully so — that more should be done, and more funds should be committed. That is true of farm assistance, but it is also true in any number of other areas. It is a fact of government that we must live within limited resources. For example, we will never be able to match the subsidies offered by the United States or by the European Community. I do not think the honourable senator nor anyone else would suggest that we try to do that.

The premiers of Manitoba and Saskatchewan came to Ottawa to negotiate an agreement for assistance that would be real and meaningful and that would make an impact in their provinces. When the arrangement was complete, the premiers indicated that they believed they had been successful in that attempt.

Is the assistance enough? I accept the opinion and the view of the senator that it is not, but I can say that the actions taken by the government to date have been substantial. Ultimately, as he and I know, the long-term solution is to reduce and eliminate subsidies by all countries and to allow our farmers to compete on a level playing field. Obviously, our farmers are much more efficient than the world competition.

Senator Gustafson: Honourable senators, what if the farmers are no longer there? Bankruptcies are the order of the day. One of my neighbours went bankrupt a few days ago. I attended a sale held by a farmer who was selling out his machinery because he quit farming. His combine was a fairly good one, but it sold for \$5,000. We do not hear about most of those cases.

[Senator Gustafson]

These things are happening. I would be the last one to cry. It is demoralizing to have to do this, but we must place before the Senate and the country the importance of this industry.

I ask again: Will the minister carry to the cabinet the important decisions that must be taken to make agriculture thrive and work in Canada?

I should like to ask another question. Subsidies may go on forever, but this situation in agriculture is beyond subsidies. The railroads can increase their freight rate by 4.5 per cent. The money that the farmers get from the food chain right now is 0.07 per cent on their investment, according to the Farmers Union. Some of the processing companies are getting up to 30 per cent return on their investment. The machine companies are getting between 18 per cent and 25 per cent return on their investment. Why can farmers not get a reasonable price for their commodities? We supposedly get 6 cents on a loaf of bread. Canada must deal with this problem or we are gone.

Senator Boudreau: Honourable senators, as I have said in the past, I agree without hesitation and will continue to bring these concerns and this issue to my colleagues in the government. I shall also continue to monitor the credit situation with Farm Credit Corporation on a periodic basis to ensure that the federal minister, the provincial ministers and the corporation maintain an up-to-date picture of what is happening in the farm community with respect to credit and any financial crisis that may occur. I give that undertaking to the honourable senator without hesitation.

FARM CRISIS IN PRAIRIE PROVINCES—
FLEXIBILITY OF AID PROGRAMS—GOVERNMENT INITIATIVES
ON INTERNATIONAL SUBSIDY ISSUE

Hon. A. Raynell Andreychuk: Honourable senators, I rise on a supplementary question. The answers of the minister bothered me in two ways. He said that the Farm Credit Corporation reports that 93 per cent of farmers have complied with loan repayment. It seems to be a response about the majority. If the majority are complying, then everything is okay. My concern is for that 7 per cent who could not repay their loans. They probably did not have a relative with extra money. They probably did not have extra equipment or extra land.

We are talking about the poorest of the poor in this country — the poor farmer who has no alternative; the farmer who probably grew up on a Saskatchewan farm, who knows nothing else, and who did not take the education needed to make alternative choices because there was a future in farming back then.

Honourable senators, we are not losing just one farmer. We are losing a family. We are losing a resource in rural Saskatchewan. Does that not count? Should there not be rules in the farm credit system to help the most needy? Why are we working on a percentage, saying that if 93 per cent can pay, then everything is okay? Many of those who did pay had difficulty doing so. Many are in a totally destitute position. That does not mean they are bad farmers. It means that they do not have the extra means.

Honourable senators have heard the figures from Senator Gustafson. People cannot make money farming these days. They are trying to wait for a turnaround. Surely, the government has a responsibility here. Surely, the Farm Credit Corporation should take that into account. There is no stretching their rules now. Will the government put some stretch in those rules to take into account some of these situations?

I have a second question. The government continues to say that the problem in agriculture is due in part to the need for provinces to do more, but, more particularly, it is caused by the subsidy issue around the world. What is the government's plan to tackle the subsidy issue?

The minister went to the WTO and said that we would specifically tackle the subsidy issue. The Europeans said they would deplete and reduce their subsidies but not until three years hence. They have a three-year cushion with which to prop up their farmers. We have heard what the Americans are doing, but what is our international strategy? What is the foreign policy initiative to attack the subsidy issue? There is no ingenious Cairns Group initiative like we had a number of years ago. There is no new initiative. What is the government doing on the subsidy issue internationally?

• (1410)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, there were two questions, and I shall attempt to answer both. With respect to the question of the percentage of farmers who appear to be in some credit difficulty, if there is even one farming family that cannot meet their financial obligations and faces an extreme credit problem, then that is serious. It is especially serious for that particular family. I used to say that if the unemployment rate was only one person and you happened to be that person who was unemployed, then you would take no comfort in the fact that the unemployment rate was low. I am not minimizing that situation when I say that the concern was raised that a high percentage of people on farm credit were facing such a crisis. I do not know that any loan program, administered by either the government or by the private sector, would have 100 per cent of its borrowers up-to-date at any given time. If you went to the Bank of Nova Scotia across the street and asked to see their loan portfolio, it would be considered fairly normal that a certain percentage of people were in arrears. This situation does not seem to be dramatically different from that type of situation. However, for an individual farm family that is facing this difficulty, it is an extremely serious situation.

The overall numbers are helpful in terms of looking at the scope of the problem. I will convey the honourable senator's concerns and views. I already have the assurance of senior officials at the Farm Credit Corporation that they will continue to monitor the situation and will continue discussions with the relevant ministers.

The honourable senator also asked: What are we doing with respect to the World Trade Organization and our efforts there? The Canadian position has been clear, and on every occasion, the

minister puts our position forward as forcefully as possible. It is not an easy task. Obviously, it is not something on which we will be successful in one stroke overnight. Admittedly, this involves a long, ongoing process. From my discussions with the minister, I am confident that he is serious in his efforts and takes every opportunity to put Canada's case forward.

Senator Andreychuk: Would the minister be able to table the government's strategy on subsidies with respect to the WTO, rather than simply stating, "We will pursue"? I have not been able to get my hands on a document that outlines the strategy. It is extremely important to at least give farmers the feedback that something is being done. If the minister will give that undertaking, then I will return to the farm credit issue.

Honourable senators, there are no inefficient farmers left in Saskatchewan. They left many years ago. Senator Gustafson can give you all the statistics. We are not talking about a number of defaulters as you might in a bank or in another institution. We are talking about what used to be efficient farmers, who find themselves in a crisis that is not of their own making. They have exhausted their own resources and any other resources available to them. It is small comfort to know that other people can rely on relatives. I know of families who have taken out mortgages on their city property to pay off some relative's farm loans. That is cold comfort to the person who has neither a relative nor the means. That is why I am saying that this is hurting the poorest of the poor. Talk to those families and to their children. That is the issue here. At this point it is not a statistical thing, it is a humanitarian issue.

Senator Boudreau: Honourable senators, I do not want to repeat my comments with respect to that issue. The information that I have does not give any indication of how serious those arrears are, it only contains an overall category of farmers in arrears. However, I do not think they are in arrears due to any shortcomings of their own. Obviously, it is a situation that has developed. If there is one farmer or one farming family in that circumstance, then we should all be concerned. I merely brought the numbers here to give honourable senators an overall picture of the circumstance at a given point in time, which was March 31 of this year. At that time, 95 per cent of the farmers across the country were not in arrears; everything was up-to-date. I do not think we should make more or less of that statistic, and I do not purport to do that.

With respect to the increased detail that the honourable senator has requested, I will certainly pass on that request and supply whatever detail I can get.

LOW RATE OF RETURN TO PRODUCERS—GOVERNMENT RESPONSE

Hon. Mira Spivak: Honourable senators, I rise on a supplementary question. There is another piece of information apart from the government strategy on the subsidies question. One former colleague and one colleague on the government side of the House, namely, Mr. Dennis Mills and Mr. Ralph Ferguson, have commented on the fact that there is not a fair share for producers. Senator Gustafson has just outlined how unfair the situation is, and Dennis Mills has put forward a proposal.

I should like to know the government's policy with regard to ensuring that the obscene gap is narrowed between what the processors and everyone else receives compared to the producer, who is seeing a negative return and is being squeezed.

The government can look upon this situation with equanimity. In the past, we have had wage and price controls and all sorts of things. I am not advocating wage and price controls, but I am suggesting that an economic structure that allows everyone in an industry to make tremendous profit while producers are making a negative profit and are in a desperate situation should not be countenanced. What is the government's plan to address this particular shortcoming in the pricing structure of the industry?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not familiar with the particular plan that the honourable senator mentions. If Mr. Mills has proposed a detailed plan to deal with this situation, I would certainly be interested in reading to what extent he would interfere with the normal market forces in this case.

I would be happy to ask the Minister of Agriculture what initiatives, if any, are under consideration in this area. I would certainly be happy to receive, from either the honourable senator or her caucus, any suggestions concerning what useful action might be considered and to pass along any specific recommendations.

Senator Spivak: Honourable senators, has the Honourable Leader of the Government in the Senate read the documents that Ralph Ferguson and Dennis Mills have put forward?

Senator Boudreau: No, I have not read those documents.

Senator Spivak: The leader might try that to begin with.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—STATEMENT BY FORMER SEA KING PILOTS AND ENGINEER ON AIRWORTHINESS OF AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I reviewed and put on the record the incident summary on Talon41. A few moments ago, I read to you a declaration of concern by four of the most respected men in the Sea King community in Canada. They have said:

...we now believe the elastic band has been stretched as far as it can go. When it snaps catastrophically, the blame will be rightly placed on the head of the one man who is holding up initiation of the new Maritime Helicopter Project. We hope you are listening, Mr. Prime Minister.

Will the minister go to the Prime Minister this afternoon and ask him to initiate the Maritime helicopter program before we have a serious tragedy, yes or no?

[Senator Spivak]

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I must answer the question a little more thoroughly than with just yes or no. In point of fact, the suggestion has been made by the honourable senator that people who are serving in the Sea King helicopters are being sent on missions which place their lives in danger as a result of the equipment. That is a pretty serious, fundamental charge.

• (1420)

Senator Forrestall: Do you deny it?

Senator Boudreau: I am not an expert on the military, so I asked them. I met, as recently as this morning, with the most senior people involved in the military and put the question to them. I told them that there has been some suggestion that senior military personnel are sending members of our Armed Forces out in equipment that puts their lives at risk. Some people are now second-guessing the views, opinions and statements of our most senior military personnel. Whom do we believe? Because I know there will be skepticism on the other side of the floor, I asked them, "On what do you base your view that Sea King helicopters are in fact worthy to perform the missions upon which you send the equipment and crew?"

Since this issue has been raised extensively in this place a number of times, particularly yesterday, I want to take a minute or two to indicate to honourable senators the type of information given to me this morning by senior military personnel.

Senator Lynch-Staunton: You can name them.

Senator Boudreau: I will supply a list of the names to the honourable senator.

Honourable senators, let me tell you about the types of maintenance programs that are presently being done on this equipment. Routinely, there is a full inspection by military personnel after every 600 hours of operation. At every 2,400 hours of operation, a total inspection is done by IMP Aerospace in their headquarters in Halifax, where each year approximately five of the aircraft are virtually dismantled, inspected and reassembled to ensure that they are worthy to perform the tasks for which they are sent.

Let me now indicate to those honourable senators who are concerned some of the programs that are underway to ensure that those pieces of military equipment are properly able to perform their tasks.

There is an ongoing program involving centre-section maintenance and repair, which deals with the legitimacy of the fuselage of the aircraft. This program costs \$18 million and is already well underway. That entire program has covered 21 of the 30 military helicopters to date. Under this program, the balance of nine helicopters will be fully completed by 2002. That is an \$18-million program, on one particular element of maintenance and repair.

There is an ongoing engine upgrade program valued at \$10.4 million. Of the same 30 helicopters, nine have been completed to date and the balance will be completed by October of 2003.

There is a main gearbox upgrade program. I am told that the particular incident the honourable senator brought to the floor of the chamber yesterday involved the gearbox. The main gearbox upgrade is another \$18 million ongoing program. Three of the 30 helicopters have been completed and the balance will be completed by February of 2002.

I do not want to go on and on, honourable senators, but I could. For example, there is also a tail-wheel support assembly upgrade program.

Some Hon. Senators: Go on, go on!

Senator Boudreau: There is a standby attitude indicator program. There is an engine compartment fuel line routing and clamping improvement program. The list goes on.

Honourable senators, let us give the senior military personnel a little credit. Are they less concerned than we are about sending their own personnel out on equipment? I think not. That is not a charge I would make of them. In fact, they supplied me with information indicating that there is an extensive and committed program to ensure that these Sea King helicopters remain able to perform their functions.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a supplementary.

The Hon. the Speaker *pro tempore*: Honourable senators, the time for Question Period has expired.

Some Hon. Senators: Extend.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave for the extension granted?

Some Hon. Senators: No.

Senator Hays: It is a short day, honourable senators.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker *pro tempore*: I am sorry, honourable senators, but I do not have unanimous consent.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on April 5, 2000, by Senator Roche regarding sanctions against Iraq, report of Secretary-General; a response to a question raised in the Senate on April 5, 2000, by Senator Gustafson and Senator Andreychuk regarding the farm crisis in the Prairie provinces; a response to a question raised in the Senate on April 5 and 6, 2000, by Senator ForreSTALL regarding Kosovo,

resolution on return of Serbian force; a response to a question raised in the Senate on April 6, 2000, by Senator Oliver regarding Nova Scotia, effect of proposed cutbacks on employees in Halifax; a response to a question raised in the Senate on April 6, 2000, by Senator Carney regarding Ucluelet-Tofino, British Columbia, request for replacement of leasehold fish licensing system; a response to a question raised in the Senate on April 7, 2000, by Senator LeBreton regarding the alleged involvement of the Prime Minister's Office in the purchase of property in Hull, Quebec; a response to a question raised in the Senate on April 7, 2000, by Senator ForreSTALL regarding Yugoslavia, rotation of peacekeeping soldiers home, problems of return flight; a response to a question raised in the Senate on April 7, 2000, by Senator Roche and by Senator Andreychuk regarding the level of pay for foreign service officers; a response to a question raised in the Senate on April 11, 2000, by Senator Lynch-Staunton regarding Israel, deployment of neutron anti-tank mines, possibility of representations by Prime Minister during visit; a response to a question raised in the Senate on April 11, 2000, by Senator Nolin regarding the Auditor General's report on RCMP screening process of forensic services and DNA testing; a response to a question raised in the Senate on April 12, 2000, by Senator Oliver and Senator Comeau regarding firearms registration form, nature of personal information requested; a response to a question raised in the Senate on April 13, 2000, by Senator Meighen regarding the possibility of suspension of anthrax vaccination program; and a response to a question raised in the Senate on April 13, 2000, by Senator Stratton regarding the flooding problem in Manitoba and Saskatchewan, possibilities of assistance.

UNITED NATIONS

SANCTIONS AGAINST IRAQ—GOVERNMENT POLICY

(Response to question raised by Hon. Douglas Roche on April 5, 2000)

Canada worked diligently throughout 1999 to re-engage the UN Security Council on Iraq in order to bring about humanitarian improvements and the return of weapons inspectors to Iraq. As you are aware, it was a Canadian idea to create three panels in January 1999 to examine the humanitarian, disarmament and Kuwaiti POW issues to review the status of these issues. The panel reports were instrumental in the development of a UN Security Council resolution to address the Iraq problem.

On December 17th, 1999, the UN Security Council passed the omnibus resolution on Iraq. The resolution calls for the reestablishment of a disarmament agency, the UN Monitoring, Verification and Inspections Commission (UNMOVIC) to replace the Special Commission (UNSCOM) which left Iraq at the start of the bombing campaign in December 1998. The resolution also invokes changes in the scope and delivery of humanitarian goods allowable under the current sanctions regime and sets clear disarmament conditions for the suspension of sanctions.

Passage of the Resolution began the clock ticking on a number of key humanitarian provisions which can be implemented without requiring reciprocal Iraqi concessions. These provisions include the lifting of the ceiling on oil exports, the addition of a cash component to humanitarian contracts to help with local implementation, and a streamlined approval process for humanitarian goods. The oil export ceiling has been lifted and Iraq now controls the quantity of its oil exports. The pre-approved list of goods in the food, education, medicine and agriculture sectors have been finalized and approved by the Security Council which will speed up the approval and delivery process for humanitarian goods. The humanitarian provisions of Resolution 1284 provide practical measures aimed at addressing the situation facing the people of Iraq. The resolution also provides a road map for the suspension and lift of sanctions as well as for increased investment in the Iraqi oil industry.

Canada has actively sought to improve the humanitarian situation in Iraq and has worked to ensure the inclusion of humanitarian provisions in Security Council Resolution 1284. To date, and despite growing international concern about the humanitarian situation in Iraq, the Government of Saddam Hussein has refused to accept the provisions of Security Council Resolution 1284. The Government of Iraq must bear the responsibility for not taking action that could lead to the suspension of sanctions.

The report "We the Peoples" can be found on the Web site at the following address: <http://www.un.org/millennium/sg/report/>.

AGRICULTURE AND AGRI-FOOD

FARM CRISIS IN PRAIRIE PROVINCES—SUPPORT FUNDING
TO FARMERS—DEMANDS OF BANKS—FARM CREDIT
CORPORATION—EFFECT OF SUPPORT FUNDING TO FARMERS

(Response to questions raised by Hon. Leonard J. Gustafson and Hon. A. Raynell Andreychuk on April 5, 2000)

- Senior officials of Farm Credit Corporation (FCC) have met with Minister Vanclief as well as the Provincial Minister, Duane Lingenfelter, in Saskatchewan to discuss the situation and the program implemented by the Corporation to work with customers.
- FCC realizes the seriousness of the situation that many Canadian farmers face as a result of the low commodity prices.
- FCC staff have been proactive in contacting clients to discuss their financial situations, the government

encourages clients to take the initiative and contact their financial institutions prior to payment dates rather than waiting until they receive arrears notices.

- FCC customers are managing to make payments despite the commodity downturn. As of the end of March 2000 (FCC's year-end) 95 per cent of accounts were up-to-date nationally and 93 per cent in Saskatchewan.
- Arrears levels also have not yet shown a large increase although they are rising. In Saskatchewan at the end of March 2000, there were 674 customers in arrears compared to 552 at the same time last year. In Manitoba, there were 159 customers in arrears compared to 142 the same time last year. FCC will continue to monitor the situation closely in the coming year.

UNITED NATIONS

KOSOVO—RESOLUTION ON RETURN OF SERBIAN FORCE—
GOVERNMENT POLICY

(Response to questions raised by Hon. J. Michael Forrestall on April 5 and 6, 2000)

Under the Military Technical Agreement signed by the Federal Republic of Yugoslavia and KFOR, there is provision for the return of limited numbers of Yugoslav forces to Kosovo to carry out very specific functions such as maintaining a presence at cultural sites. However, any return of Yugoslav forces will be governed by a separate agreement which will only be concluded once the Commander of KFOR believes it appropriate. The Commander of KFOR clearly does not believe that the time has come to consider the return of Yugoslav forces to Kosovo. This is a view which is supported by the Government of Canada.

CANADIAN BROADCASTING CORPORATION

NOVA SCOTIA—EFFECT OF PROPOSED CUTBACKS
ON EMPLOYEES IN HALIFAX

(Response to question raised by Hon. Donald H. Oliver on April 6, 2000)

- The CBC is an autonomous Crown corporation guaranteed journalistic, creative and programming independence under the *Broadcasting Act*. Accordingly, the CBC is responsible for all aspects of its operations
- CBC management is overseen by a Board of Directors comprising a cross section of Canadians. This Board sets the overall strategic direction for the CBC, within the framework created by the *Broadcasting Act*, and approves all major financial decisions.

- In December 1999, the President of the CBC, Mr. Robert Rabinovitch, announced the creation of a Re-engineering Task Force. The Task Force is initially concentrating its efforts on four key areas: a redesign of English television, sports programming, property management, and the transmission and distribution system.
- The CBC President has indicated that the Task Force's work will be ongoing, and that it will be reporting from time to time to the CBC Board of Directors on its findings.
- There has been recent media speculation about possible layoffs in English television and potential reductions in the amount of local and regional television programming.
- However, the CBC has not announced any decisions resulting from the re-engineering process now under way within the Corporation. It would be inappropriate, therefore, to speculate on the eventual results of this internal exercise.
- CBC senior executives have emphasized that the Corporation's priority is to ensure taxpayers receive value for their investment in public broadcasting. They have also stressed that, while changes to the Corporation's operations are required, the CBC remains strongly committed to regional reflection.
- The federal government clearly recognizes the importance of providing the CBC with the financial stability it needs to adequately fulfil its mandate as the national public broadcaster. This responsibility includes providing programming that "informs, enlightens and entertains" and which reflects Canada and its regions.
- In the current fiscal year (2000-2001), the CBC will receive more than \$900 million in Parliamentary appropriations. The CBC also has access via independent producers to the \$200-million Canadian Television Fund. In addition, the Corporation generates more than \$400 million annually in commercial revenues, including advertising, programming sales and the operation of its specialty television services — Newsworld and *le Réseau de l'information*.

FISHERIES AND OCEANS

UCLUELET-TOFINO, BRITISH COLUMBIA—REQUEST FOR REPLACEMENT OF LEASEHOLD FISH LICENSING SYSTEM

(Response to question raised by Hon. Pat Carney on April 6, 2000)

To hold a commercial fishing licence privilege, one must be a Canadian citizen, 16 years of age or older and must pay the applicable fee. In the Pacific Region, the Department of Fisheries and Oceans does not generally restrict the leasing

of fishing licences or require the owner of a fishing licence to be a fisherman. With respect to residency, DFO has no legal authority to stipulate where a licence holder resides.

The department has considered proposals to restrict licence leasing, for example, by imposing an owner-operator requirement on holding a licence. Proposals were considered in two major licensing policy reviews, as well as in the context of the Pacific Policy Roundtable. This is a contentious issue. There was no consensus. Ownership or leasing restrictions would be difficult and costly to enforce. Moreover, many long-term participants in the salmon and herring fisheries have consistently leased licences (and in some cases vessels). If the rules were changed to eliminate this practice, many of these people who live in coastal communities could be forced out of the industry.

Community ownership of a fishing licence is feasible, but the department does not provide licences or quota to communities for economic development reasons. Any relaxation of this policy would create competition among communities for government funding of licences and quota, and would dramatically complicate and further politicize resource allocation and licensing in the fisheries.

PUBLIC WORKS AND GOVERNMENT SERVICES

ALLEGED INVOLVEMENT OF PRIME MINISTER'S OFFICE IN PURCHASE OF PROPERTY IN HULL, QUEBEC

(Response to question raised by Hon. Marjory LeBreton on April 7, 2000)

- The Department of Public Works and Government Services is a major property owner which provides office accommodation for public servants and Parliamentarians across Canada.
- In 1991, the Department of Public Works and Government Services entered into a 25-year lease with the owner with an option to purchase the Louis St. Laurent Building.
- The Government of Canada made a fair, valid and reasonable offer to purchase the Louis St. Laurent Building. The offer made on March 3, 2000, was equivalent to the outstanding value of the amount of the 1991 contract with the owner/ mortgagee. It was rejected on March 31, 2000.
- The building is an important element in responding to the Department of National Defence's requirement for stable, long term accommodation.
- With respect to the allegations that individuals have failed to register under the *Lobbyists Registration Act*, the Minister of Industry has indicated that the Ethics Commissioner will look into this matter.

NATIONAL DEFENCE

YUGOSLAVIA—ROTATION OF PEACEKEEPING SOLDIERS HOME— PROBLEMS OF RETURN FLIGHT

(Response to question raised by Hon. J. Michael Forrestall on April 7, 2000)

The safety and well-being of Canadian Forces (CF) members deployed abroad is of paramount importance and the Department of National Defence has taken every reasonable measure to ensure that the needs of its men and women are met.

During mid-December 1999, 1,300 Canadian Forces personnel were repatriated to Canada as part of a rotation of troops serving in Kosovo. As a means of effecting the return of these personnel, the CF complemented its own airlift capabilities by contracting civilian aircraft.

The flight on 15 December 1999 was one of a series of chartered civilian aircraft scheduled to return approximately 250 CF personnel from Skopje, former Yugoslav Republic of Macedonia. The aircraft's return to Canada was delayed by a total of 56 hours because of a series of unfortunate incidents including: mechanical problems; the need to locate and prepare a substitute aircraft; a medical emergency onboard the aircraft involving a CF member while en route to Skopje; several days of bad weather at the airport in Skopje; and the need to coordinate the arrival time in theatre with the local airport.

During these delays, CF personnel were first held overnight in their base camps and then transferred to Camp Maple Leaf, the Canadian Camp in Skopje. As the delays continued, CF personnel were relocated to a U.S. Army-operated heated shelter at the Skopje airport intended for KFOR troops awaiting delayed flights.

In accordance with NATO's airport contingency plan for KFOR troops, the U.S. Army provided 250 cots for the shelter, and breakfast and showers were available from a U.S. facility near the airport. These arrangements were made by the CF's National Command Element in the region. In addition, cellular telephones were supplied by the Canadian Forces to permit telephone calls home, a canteen was set up, and some soldiers were returned to Camp Maple Leaf to rebook holiday leave flights affected by the delayed departure. At no time were our troops abandoned by the Canadian Contingent.

[Senator Hays]

The unfortunate and improbable combination of events that delayed the return of CF personnel to Canada is profoundly regretted. The patient endurance of those individuals affected and their families waiting at home is gratefully acknowledged.

While the delays in the redeployment of CF personnel was unexpected, the NATO back-up plan to use the U.S. facilities at the Skopje airport served them well. Every reasonable effort was — and will continue to be — made to help ensure that our military personnel, who give so much in the cause of advancing international peace and security, receive the necessary support they deserve.

FOREIGN AFFAIRS

LEVEL OF PAY FOR FOREIGN SERVICE OFFICERS— UNION NEGOTIATIONS—DISPARITY BETWEEN OFFERS TO SENIOR AND JUNIOR STAFF

(Response to questions raised by Hon. Douglas Roche and Hon. A. Raynell Andreychuk on April 7, 2000)

QUESTION:

Will the government undertake to review this matter and make an offer that is commensurate with current market conditions, so that those highly trained and deeply committed persons who work at home and abroad to advance Canada's worldwide interests will be paid at a level corresponding to their value to Canada?

ANSWER:

The Foreign Service Officers are represented by the Professional Association of Foreign Service Officers. The Association and Treasury Board, the employer, are currently engaged in the collective bargaining process which includes opportunities for third party review. It would be inappropriate for an additional review to be undertaken outside of this ongoing process.

QUESTION:

....why there is such disparity between the offer being given to the middle-and first class staff in the Foreign Affairs Department and the offer that the senior levels within the foreign service are receiving?

ANSWER:

The current offer to Foreign Service Officers provides for the same relative increase for all levels. There is no other offer outstanding.

ISRAEL—DEPLOYMENT OF NEUTRON ANTI-TANK MINES—
POSSIBILITY OF REPRESENTATIONS
BY PRIME MINISTER DURING VISIT

per se, but did praise the government for moving forward on this important initiative.

(Response to question raised by Hon. John Lynch-Staunton on April 11, 2000)

- The article in the Sunday Times of London raises an hypothetical question; the author, citing military sources, says that “The Israeli government *is considering* planting small nuclear landmines near the Golan Heights...”
- As this is only an hypothetical question, there has been no changes in the evaluation of the risks to the safety and security of the Canadian peacekeepers currently on the Golan Heights.
- The Government of Canada will assess very carefully any development which might affect the Canadian peacekeepers in the region.
- The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, commonly known as the Ottawa Convention, does not cover anti-tank mines.

SOLICITOR GENERAL

AUDITOR GENERAL'S REPORT ON ROYAL CANADIAN
MOUNTED POLICE SCREENING PROCESS OF
FORENSIC SERVICES AND DNA TESTING

(Response to question raised by Hon. Pierre Claude Nolin on April 11, 2000)

The time frame for completing DNA analysis has improved dramatically since the Auditor General completed his audit in 1999. Initial screening tests, which had taken 82 days at the time of the audit, now take five days. All Priority 1 DNA cases, such as a murder where there is no suspect, are to be completed by the RCMP within 30 days by September 30, 2000, compared to the considerably longer average of 183 days, as cited in the Auditor General's report.

The Solicitor General met with the Auditor General prior to the tabling of his report to discuss his recommendations. The Auditor General did not audit the DNA data bank

JUSTICE

FIREARMS REGISTRATION FORM—
NATURE OF PERSONAL INFORMATION REQUESTED

(Response to questions raised by Hon. Donald H. Oliver and Hon. Gerald J. Comeau on April 12, 2000)

Questions such as: during the past two years have you experienced a divorce, separation or breakdown of a significant relationship; a major failure in school, loss of jobs or bankruptcy; are not asked for the purpose of registering a firearm. They are however asked to those who are applying for a licence to Possess and Acquire firearms.

Following consultations with the Privacy Commissioner regarding the nature of the questions asked of applicants for a Possession and Acquisition Licence, the Privacy Commissioner concluded that the Government had sufficient statutory authority and research material to justify the kinds of questions and the time span they cover.

A 1995 Department of Justice report entitled Firearms Control and Domestic Violence outlined several factors that were present in a significant number of cases of domestic homicide. These risk factors were then integrated as questions in the Firearms Licence Application Form in an effort to improve the screening of applicants. The most common characteristics associated with domestic violence were having a criminal record, a history of domestic violence or alcohol or drug abuse. However, issues such as a recent stressful life event, such as large debts, bankruptcy, job loss, separation or divorce also played a large role. In view of these findings, it was decided, after a review by all of the Canadian Firearms Centre's Partners, that questions would be included in the Possession and Acquisition Licence application to address these issues. The primary purpose of the Firearms Licence is to assess the suitability of the applicant from a public safety point of view.

These questions are similar to those asked in connection with the former Firearms Acquisition Certificate (FAC). With the *Firearms Act* the application forms were reviewed and modifications were made to make the questions more appropriate in view of recent research findings.

When applying for a Possession and Acquisition Licence, each individual must fill out the appropriate form, which allows the Chief Firearms Officer in the province of residence to conduct verifications. The information provided by the applicant can be validated through a criminal record check, Firearms Interest to Police data bank, contact with two personal references named by the applicant, and if need be a community investigation. For the most part, the information on the application form, when combined with the good judgement and hard work of Firearm Officers is effective in screening out persons who may be at risk to misuse firearms. The increased screening for Possession and Acquisition Licence applicants is essential, as it responds to studies of past tragedies, which have shown that certain individuals are at greater risk to themselves or others. The objective is to prevent someone from purchasing a firearm while in an unstable and potentially dangerous situation. We believe that questions asked on the Possession and Acquisition Firearms Licence application are reasonable and justifiable when weighed against the greater public safety benefits to Canadian society.

The *Firearms Act* came into effect on December 1, 1998 and although the program is still in its implementation stage, it has already begun to improve safety. As of March 31, 2000, across Canada, 1522 firearms licences have been refused or revoked. This is over fourteen times more revocations from potentially dangerous individuals than the total for the past five years.

NATIONAL DEFENCE

POSSIBILITY OF SUSPENSION OF ANTHRAX VACCINATION PROGRAM

(Response to question raised by Hon. Michael A. Meighen on April 13, 2000)

The current threat level in the Persian Gulf does not warrant the vaccination of CF members. Consequently, there are currently no plans to administer anthrax vaccine to crew members of HMCS Calgary. HMCS Calgary will be carrying American anthrax vaccine on board should the threat assessment change and vaccinations be required for CF members. The vaccine is the best protection CF troops have against anthrax, a biological agent that is fatal in almost every case. Because there remains a residual threat level, the CF is taking the additional step of outfitting HMCS Calgary with a bio-detector that will provide early warning in the unlikely event of a biological attack. This will give crew members more time to take protective measures.

[Senator Hays]

Further, all crew members will have state of the art individual protective equipment consisting of a mask, coveralls, gloves and boots. Personnel will also be equipped with a capability to conduct life-saving decontamination to further minimize any risk to personnel. Additionally, CF ships can create what is called a citadel where in the majority of the vessel is effectively sealed against contaminants. Outside air is filtered for any contaminants while the air pressure inside the citadel is kept higher than normal atmospheric pressure, meaning that in the event of a leak, air will be expelled from the ship, not drawn into the ship. Furthermore, CF medical staff and units are trained to deal with the medical aspects of operations in a nuclear, biological or chemical environment, if necessary.

The vaccine manufactured by Bioport has **not** been banned for use in the U.S., nor has Bioport been shut down.

AGRICULTURE AND AGRI-FOOD

FLOODING PROBLEM IN MANITOBA AND SASKATCHEWAN— POSSIBILITY OF ASSISTANCE

(Response to question raised by Hon. Terry Stratton on April 13, 2000)

The primary purpose of the Disaster Financial Assistance Arrangements (DFAA) is to provide basic assistance to individuals, small businesses and farmsteads and to restore public works to their pre-disaster condition. Damage costs that are insurable or recoverable in whole or in part under other government programs are excluded.

The projected DFAA eligible expenditures to be incurred by the province of Manitoba following the flooding of farmland in 1999 will amount to approximately \$16.4 million. This would result in a federal share of about \$12.75 million. The expenditures will cover eligible items such as private property, road repairs, culverts, and other infrastructure.

Assistance for agriculture-related losses such as weed control, loss of applied fertilizer and forage establishment are covered by the Crop Insurance program. The losses are therefore not eligible under the DFAA guidelines.

QUESTION OF PRIVILEGE

NOTICE

The Hon. the Speaker *pro tempore*: Honourable senators, before I call the Orders of the Day, I will now recognize Senator Tkachuk.

Hon. David Tkachuk: Honourable senators, pursuant to rule 43, I ask for leave that I be permitted to give oral notice of a question of privilege that I gave in written form to the Clerk's office just a short while ago.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted that I suspend rule 43 and allow oral notice rather than written notice?

Hon. Senators: Agreed.

Senator Tkachuk: Honourable senators, the report of the Standing Senate Committee on Banking, Trade and Commerce on taxation of capital gains was presented today by Senator Kolber, the committee's chairman. This morning, the *National Post* ran a story on this report, effectively forcing Senator Kolber to present the report today rather than on the day that we had agreed upon. Obviously, the report was given to that paper by someone.

• (1430)

It has happened before, honourable senators, that reports of committees have been given to people and to members of the news media outside the chamber. I find that insulting to us all.

Therefore, I should like to see this matter referred to the Standing Committee on Privileges, Standing Rules and Orders. I want to know who leaked the report. I want some action taken. Perhaps honourable senators, staff or whoever did this will govern themselves according to the rules of this place.

I ask for Her Honour's guidance in this matter.

The Hon. the Speaker *pro tempore*: Is the Honourable Senator Tkachuk moving that the matter be sent to the Standing Committee on Privileges, Standing Rules and Orders?

Senator Tkachuk: Yes, honourable senators.

Hon. Jack Austin: Honourable senators, my understanding of the procedure that is now followed by the Senate is that a question of privilege requires a *prima facie* finding by the Speaker. Therefore, evidence with respect to the alleged breach of privilege must be presented to the Senate and to the Speaker to assist the Speaker in his or her determination of a breach of privilege.

I have before me the story which appeared in the *National Post* today under the title "Senate report urges capital gains tax cut." The story quotes extensively from the report which was tabled today by Senator Kolber who is Chair of the Banking Committee. The last sentence in the story states:

The report is expected to be released in the next few weeks.

Let me say again, honourable senators, that the author of the article, Alan Toulon, quotes extensively from the report and admits that the report has not yet been issued by the Senate.

Under the rules, that is clearly a breach of privilege. I wish to refer the Senate to the 6th edition of Beauchesne's, paragraph 877(1), which states:

No act done at any committee should be divulged before it has been reported to the House. Upon this principle the House of Commons of the United Kingdom, on April 21, 1937, resolved "That the evidence taken by any select committee of this House and the documents presented to such committee and which have not been reported to the House, ought not to be published by any member of such committee or by any other person." The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege.

Thus, honourable senators, I believe that a breach of privilege is clearly demonstrated in this circumstance. Under our current process, it is usual, if the Speaker makes a *prima facie* finding of breach of privilege, that the matter be referred to the Standing Committee on Privileges, Standing Rules and Orders to determine whether in fact the breach of privilege can be established and reported to the Senate.

I have before me the fourth report of the Standing Committee on Privileges, Standing Rules and Orders, which recommends another process for making this determination. However, the Senate has not yet considered that report.

Hon. Lowell Murray: Honourable senators, I am glad that the Chairman of the Rules Committee has referred to the fourth report of his committee and to the process that is recommended therein when dealing with unauthorized disclosures of confidential committee reports and so forth. It is not really an alternative process for dealing with a question of privilege. It seems to me that what is suggested — and my friend can elaborate if he wishes, and I hope he will — is an additional process in the course of which the committee itself would be required to undertake an investigation of the circumstances surrounding the alleged leak; the means, nature and extent, et cetera. As part of the inquiry, it is likely that committee members as well as committee staff, could be interviewed, and so forth.

As I understand the recommendations of the committee, the question of privilege could still be considered by the Rules Committee while the Banking Committee conducted an investigation on its own to see where responsibility lay for the leak.

The Hon. the Speaker *pro tempore*: Are there any other honourable senators who would like to speak on whether or not there is a *prima facie* case of a breach of privilege?

Senator Austin: Honourable senators, might I respond to the comments made by the Honourable Senator Murray?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order. This debate is completely out of order. Senator Tkachuk received leave to give oral notice of a question of privilege. Giving leave to table the question of privilege did not include starting a debate. According to our rules, a debate on privilege takes place at the end of the Orders of the Day. Right now we are interrupting the regular Orders of the Day with an issue which is completely out of order.

I sympathize with Senator Tkachuk's claim. However, we are not in the position to debate it, unless leave is granted to debate it. If we do that, then we will not get to what I think are more important matters, which is government legislation.

I hope that the honourable senator's question of privilege will be upheld. However, he only asked for the right to give notice. That did not open the matter to debate.

Hon. Dan Hays (Deputy Leader of the Government): Senator Lynch-Staunton has drawn our attention to an important procedural process, which I agree we should observe. Accordingly, I suggest that, having received notice of the question of privilege, we return to it at the appropriate time, which is at the end of the Orders of the Day.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise now to give an indication of where we are at in terms of the three items of government business with which we are about to deal.

The first is Bill C-2, standing in the name of Senator Oliver. I understand that with the agreement of Senator Oliver there may be an intervention by Senator Fraser and possibly by Senator Wilson. From the point of view of the Deputy Leader of the Government — and I am in discussions with the Deputy Leader of the Opposition on this matter — we on this side have as an objective that this matter be voted on no later than the end of next week. I think this allows time to deal with what I know are important matters that senators wish to raise. In all fairness, we should let all honourable senators know that that is our objective.

I read in the *Ottawa Citizen* that Senator Nolin would like to propose an amendment to the bill. Other senators may want to propose amendments. Without taking advantage of our time, that pushes us up against the deadline.

I am aware that approximately 10 senators wish to speak to Bill C-20, which is an important bill. Again, I am in discussions with the Deputy Leader of the Opposition on this bill. Our objective is to have this bill in committee — that is, finished second reading stage — by the end of next week as well.

As I have said, I am aware of at least 10 senators who wish to speak to the bill, and we have heard from about 10 thus far. I know as well that at least 30 senators have participated in the debate to date, through questions and so forth.

The last item is Bill C-23. I think Senator Robertson intends to speak to it today. We would like to see this bill finished second reading stage, if at all possible, by tomorrow.

• (1440)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Deputy Leader of the Government has indicated his general wish as to how things might unfold. I would caution that it is much safer to speak as a historian than as a prophet around these parts.

We have identified those three pieces of government legislation. Events will unfold as they will, but there is no commitment to nail things down. We are making good progress on all three.

It was our expectation that our critic would be speaking today on Bill C-2, but he had an appointment. If other senators wish to go ahead of him, they may do so. However, we will speak to the other two bills today.

CANADA ELECTIONS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Moore, for the third reading of Bill C-2, respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts.

Hon. Lorna Milne: Honourable senators, before we start the debate on Bill C-2, I should like to mention that I have received a letter from the Minister of State and Leader of the Government in the House of Commons regarding this matter.

Hon. John Lynch-Staunton, Leader of the Opposition: Honourable senators, I rise on a point of order. An item was called, and the honourable senator rose to speak, making the comment “before we start the debate on Bill C-2...” How could an honourable senator interrupt the debate to talk about something else?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, perhaps Senator Milne, instead of saying “before we get into debate,” could simply take advantage of the opportunity to rise on debate to bring forward this important information. I understand Senator Fraser also wishes to speak today.

Senator Milne: I am speaking to the bill, honourable senators. This is germane to the debate on this bill, because there were concerns raised in the committee about clause 18.1, which allows the Chief Electoral Officer to carry out a study on electronic voting. I received a letter this morning from the Minister of State and Leader of the Government in the House of Commons about this particular item. I should like to read it into the record.

The Honourable Lorna Milne, Senator
Chair

The Standing Senate Committee on Legal and
Constitutional Affairs

...

Dear Senator:

Thank you for inviting me to appear before the Senate Committee on Legal and Constitutional Affairs on March 30, 2000, to address Bill C-2 (the proposed new *Canada Elections Act*). I would like to respond to one issue that was raised by Committee members during my appearance.

As you know, the Standing Committee on Procedure and House Affairs voted to adopt clause 18.1 which authorizes the Chief Electoral Officer to carry out studies on electronic voting and, with the prior approval of the appropriate House Committee, to test an electronic voting process for future use in a general or a by-election. I would like to reiterate that clause 18.1 does not authorize permanent implementation of electronic voting nationwide. This would require both the House of Commons and the Senate to approve further legislative amendments.

Members of the Senate Committee nevertheless expressed the view that the Chief Electoral Officer should be required to obtain the prior approval of the House Committee and Senate Committee that normally consider electoral matters before testing an electronic voting process in an official election.

I have noted the proposal made before the Committee and I am fully disposed to offer amending section 18.1 the next time the government revises the *Canada Elections Act* to add the obligation for the Chief Electoral Officer to seek the approval of the Committees of both Houses before testing an electronic voting process. This proposal takes into account the importance of having an improved *Canada Elections Act* in place for the next election as well as the need to leave the Chief Electoral Officer enough time to complete the necessary preparation for the bringing into operation of this Bill.

It goes without saying that such amendment would not be required, in the event that the Chief Electoral Officer has

already proceeded to test an electronic voting process by the time the *Canada Elections Act* is re-opened. It should be noted, however, that nothing in Bill C-2 would prevent the Senate Committee from inviting the Chief Electoral Officer to appear before it to present his proposal for an electronic voting process.

Hoping that this offer will be of assistance to your committee, I remain

Yours sincerely,
The Honourable Don Boudria

Hon. Joan Fraser: Honourable senators, I am grateful to Senator Oliver for agreeing to allow me to speak at this point, and I will keep my remarks brief. I should like to take just a few moments to explain why I shall vote for this bill, unamended, even though in committee I expressed serious concerns with one portion of it, concerns that were reported in the press.

Much of this bill is about the nuts and bolts of running elections, and I defer to those with more experience in the field for an analysis of that material. So far as I can tell, it is all reasonable and well-designed.

There are, however, two parts of the bill about which I can speak on the basis of some experience. The first is the part relating to opinion polls, which has two main thrusts. It blacks out the publication of new opinion polls on election day, which I think is not only justifiable but desirable. It also, however, sets out detailed criteria for publication of the methodology of opinion polls, which would apply during the whole campaign period.

[*Translation*]

It is this last rule which concerns me. It seems to me that the bill goes much further than necessary. In a democracy, any move to limit freedom of expression must always be accompanied by extreme caution and hesitation. I understand the purpose of the legislation, which is to protect voters against misinformation not likely to be corrected in the normal course of electoral debate. It strikes me, however, that this more-than-legitimate objective could be accomplished through less drastic means, such as rules that would come into play only near the end of a campaign. I firmly intend to address this in the near future.

[*English*]

Meanwhile, however, there is another element of this bill that I consider so important that I believe it is urgent to get it passed and into the law books as soon as possible, that is, without sending the bill back to the House of Commons to await who knows how long a debate there, and perhaps extinction there. The portion to which I refer concerns the new rules to control third-party spending, specifically third-party advertising, which is covered in Part 17 of the bill. Some Canadians believe that it is simply wrong as a matter of principle to limit third-party spending on elections. I am not one of those Canadians.

In my province, Quebec, we have had restrictions on third-party spending for more than 20 years now. In my time as a newspaper editor, I had to deal with those restrictions, and they have served us very well. There have been some rough spots that have been addressed by the court, which I believe are avoided in the bill now before us. However, those rules have meant that it has been impossible for any third party to exercise undue influence on the voters — in effect, to buy an election or a referendum. They are one of the key reasons why Quebec has been able to hold such crucial votes affecting the destiny of the country in a climate where all sides were willing to trust the democratic process.

Under the rules set out in this bill, everyone still has freedom of speech, but no third party, no interest group, will be able to use that freedom to swamp competing voices. The democratic process will be aided, not limited.

Honourable senators, contrast that with the situation in the United States. In this year's American federal election, it is estimated that soft money, what we would call third-party spending, will amount to US\$500 million. That does not even include soft money that goes to state party committees, or the money spent by third parties on election ads that address issues rather than supporting or opposing candidates.

We all know the corrosive effect that the need to find these huge sums of money has had on American election politics. Honourable senators, that is surely not a pattern that we would want to see in Canada.

• (1450)

However, as I listened to witnesses in the committee hearings on this bill, I could see the beginnings of that trend very clearly. I believe we need to stop it now. That, honourable senators, is why I shall enthusiastically support Bill C-2.

On motion of Senator Nolin, debate adjourned.

MODERNIZATION OF BENEFITS AND OBLIGATIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator P  pin, seconded by the Honourable Senator Maheu, for the second reading of Bill C-23, to modernize the Statutes of Canada in relation to benefits and obligations.

Hon. Brenda M. Robertson: Honourable senators, I am rising to voice my support, as Senator P  pin did yesterday, for Bill C-23, to modernize the Statutes of Canada in relation to benefits and obligations, as passed in the other place on April 11, 2000.

Although in some ways it is housekeeping, the purpose of this omnibus bill is to ensure that same-sex unmarried or

common-law couples have the same financial benefits and obligations as opposite-sex common-law couples. The bill is intended to ensure that the federal government treats opposite-sex and same-sex couples equally. In order to implement the principle of equal treatment for all common-law relationships, amendments to 68 federal statutes affecting 20 federal departments and agencies will be required.

Honourable senators, as previously stated, equal treatment means the bill will provide benefits previously unavailable to same-sex couples while also imposing new obligations. In terms of benefits, for example, in the Income Tax Act, with the government's proposed legislation, an individual in a same-sex relationship may declare his or her partner and/or children as dependants on their income tax returns and thereby declare daycare and medical costs as deductible expenses. In another example under the Canada Pension Plan, the surviving partner in a same-sex relationship would qualify for survivor's benefits based on his or her spouse's contribution to the plan.

In terms of new obligations, under the Bankruptcy and Insolvency Act, for instance, married persons are not allowed to transfer ownership of their home or property to their spouse prior to declaring bankruptcy. The changes would place the same obligations and restrictions on both same-sex and opposite-sex relationships.

Under the Insolvency Act, the Canada Business Corporations Act, the Bank Act, the Canada Elections Act, and the Trust and Loans Companies Act, the changes would provide for similar limitations, prohibitions and obligations for opposite-sex and same-sex common-law couples that now apply to married couples. Therefore, it seems to me that Bill C-23 will provide simple fairness in the delivery of federal government programs to all common-law couples.

Honourable senators, the federal government, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, British Columbia, Yukon, Nunavut and the Northwest Territories have extended survivor pension benefits to same-sex partners of their public servants. As well, British Columbia, Quebec and Ontario have begun to amend their legislation more broadly to include same-sex couples. Many private businesses, including Bell Canada, Sears, IBM, the TD Bank, Bank of Montreal, Air Canada, as well as 30 municipalities and 35 universities across Canada provide benefits to the same-sex partner of their employees.

In light of what is already occurring in both the private and the public sectors, I do not believe that Bill C-23 is groundbreaking or trend-setting, as some critics have claimed. I believe that provisions detailed in Bill C-23 are simply the next logical step on the road to equality.

The 1998 Angus Reid poll, which was referred to in committee testimony in the other place, stated that two-thirds of respondents expressed the view that same-sex couples should receive equal relationship rights and responsibilities as opposite-sex couples. If anything, honourable senators, Bill C-23 is simply catching up to modern times.

[Senator Fraser]

Perhaps the best characterization of this legislation is that it is a housekeeping or technical bill. This housekeeping bill will simply bring federal statutes in line with the findings of the courts and human rights tribunals concerning the equal treatment of same-sex couples. The message emanating from the courts and the tribunals is loud and clear: Common-law same-sex couples must be accorded the same access as common-law opposite-sex couples to enjoy the social benefits programs to which they have contributed.

Honourable senators, Canada prides itself on being a leading nation. As such, discrimination based on sexual orientation is unacceptable. Thankfully, Bill C-23 does not condone or condemn an individual's sexual orientation, it simply encourages equality. Bill C-23 is not about marriage, nor does the bill threaten the institution of marriage. The bill maintains a clear legal distinction between marriage and common-law unmarried relationships. It does not change the definition of marriage that has been included in the bill as an amendment. The interpretation section reads:

For greater certainty, the amendments made by this Act do not affect the meaning of the word marriage, that is, the lawful union of one man and one woman to the exclusion of all others.

Honourable senators, Bill C-23 has somehow been caught up in the debate about the proper relationship between Parliament, the court and the executive. It has been said that Bill C-23 is the result of the rulings of judges, who are not elected, and chairs of tribunals with no direct accountability to the people, and that Bill C-23 is the consequence of the political activism of the courts, in particular the Supreme Court ruling in *M v. H*. Although critics of the federal government have made the case that this administration is guilty of delegation of law-making to the courts, in this particular matter I believe that the onus is on Parliament.

The decision precludes the government limiting benefits and obligations by discriminating against same-sex common-law relationships. Denying equal treatment before the law to same-sex couples is a violation of both the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act. I am aware that some critics of this bill believe that it puts us on a slippery slope to who knows where. I am satisfied that it does not. The bill is not about special rights, special rules or special interest groups. It is most certainly not about legislating morality.

Honourable senators, I am looking forward to studying the bill in detail when it is referred to the Standing Senate Committee on Legal and Constitutional Affairs. However, in the meantime, I wish to raise three issues that cause me some concern.

My first concern is the possibility that Bill C-23 could be easily abused. For example, it would be easy for two individuals who simply want to share an apartment to declare themselves common-law partners in order to receive the benefits. How would the Canada Customs and Revenue Agency deal with a situation of possible abuse and what control mechanisms would be available to prevent such abuse?

My second concern is the complex issue of other dependent relationships not specifically detailed in the bill, and there was some discussion on that here yesterday afternoon. Many Canadians have expressed concern surrounding the fact that the bill does not make provisions to extend benefits and obligations to other family relationships. The premise is that we want our laws to encourage families to take care of each other, and it is also based on the fact that many adult Canadians reside with elderly parents, brothers, sisters or other relatives. In other words, would it not be appropriate to treat other family relationships in the same way that Bill C-23 proposes to treat common-law relationships?

Some parliamentarians have taken the stance that Bill C-23 is bad legislation because it does not take into account all Canadians and the many types of relationships that exist. I anticipate those witnesses appearing before the Standing Senate Committee on Legal and Constitutional Affairs will be asked to testify to what appears to be an inherent unfairness about the scope of the bill. I am also encouraged by the undertaking of the Minister of Justice to refer this particular issue to a parliamentary committee.

• (1500)

I understand that the minister is consulting with the Chairs of the Commons committees on human resources and on finance to develop a process by which the broader issue of dependency could be reviewed. I look forward to getting an update from the minister on the progress she is making when she appears before the Senate committee.

The broader dependency issue is a tricky one. The implications for both individuals and Canadian society as a whole are unclear. Much thought must be given to a whole range of questions. This is the central question: While benefits which reflect dependency would be welcome, should legal obligations be imposed on individuals for those relatives with whom they reside? Other questions need to be addressed. What are the definitions of dependency and relationship? What relationships would be allowed? Would relationships be self-declared, or would the government issue some kind of licence or need some kind of proof? How many people would relationships of dependency involve — any two people who live together or an unlimited number as long as they live under the same roof? Should some form of public registry be established to keep track of relationships? If so, how would privacy issues be addressed? How would negotiations with the provinces be completed?

Honourable senators, I suggest these are all very tricky issues involving a new legal relationship, and they are by no means the only issues that will require a great deal of study before I will be prepared to take a stand on this particular aspect of the debate.

It does seem clear-cut to me, honourable senators, that we should support this bill which ensures that the federal government grants equal treatment to all common-law relationships. We may support the bill now, prior to determining the finer details of other dependency relationships.

My third concern relates to social policy-making in general. The Minister of Justice speaking in the other place during the second reading of Bill C-23 stated:

Important matters of social policy should not be left to the courts to decide. If Parliament does not address the issue, the courts will continue to hand down decisions in a piecemeal fashion, interpreting narrow points of law on the specific questions before them. This guarantees confusion and continuing costly litigation. Most worrisome, it risks removing us from the social policy process altogether.

Honourable senators, I could not agree more with the Honourable Minister of Justice. Canadian society has undergone fundamental changes in recent decades, to the extent that the underlying assumptions upon which social policy and family support systems are based are out of date.

A recent editorial in the *Ottawa Citizen* makes the case. It argues that it used to be that, if a couple lived together, then they were married. The wife did not earn an income outside the home. Contraception was not always accessible or effective, which meant that marriage almost always led to children. The editorial goes on to argue:

...it's hard to exaggerate how much this picture is changing. According to the 1996 census, 15 per cent of couples are common law. There are well over one million lone-parent families. And modern contraception, especially the pill, has made procreation more clearly a matter of choice for couples — contributing to the plummeting birth rate and a growing number of childless couples. Then there was the economic revolution that saw women enter the work force. By 1996, the husbands were the sole income earners in just 16 per cent of marriages.

The point is, honourable senators, the times are rapidly changing. The old assumptions governing public policy, in particular policy-making of social issues, are not keeping up. It is as if a vacuum exists between the old thinking and contemporary society's demands. That vacuum is being filled by examples of public policy based on court decisions handed down in piecemeal fashion.

It is as if we have lost control of social policy-making. We are always mopping up after the fact. We cannot seem to see the social changes in advance. We can foresee the changes in technology, but we cannot see the changes in the social structure. They are always there, but by the time we catch up to that social change, so much has gone by and so much then needs to be done. We are always mopping up in this regard.

Quoting further from the *Ottawa Citizen* editorial:

So many of the basic assumptions on which government builds systems of family support have changed. How have governments responded? Certainly not by truly rethinking those systems. Instead, new segments of society have simply been tacked on to existing structures as political circumstances warranted.

[Senator Robertson]

It could be that Bill C-23 is just such an illustration. That being said, honourable senators, I commend the government for taking active steps to eliminate the discrimination pointed out to us by the courts. I intend to support this housekeeping bill. I urge all honourable senators to do so as well.

Hon. Lois M. Wilson: Honourable senators, in my view, Bill C-23 is progressive Canadian legislation. As you know, the current bill came about as a response to the many rulings of the Supreme Court through which the government has been directed to address the inequities in the application of Canadian law and rights.

I support this bill. For years, common-law heterosexual couples have been getting the same benefits as married heterosexual couples, yet no questions have been raised as to the validity of their receiving the same treatment as their married counterparts. No one starts out wanting to be gay or lesbian, partly because of the continuing social stigma this carries, but gays and lesbians do exist. This bill recognizes this and provides fundamental rights and obligations to them.

I do not think this bill threatens the status of marriage as an institution. Marriage between heterosexual couples exists for many, many reasons other than procreation. Nor does the bill necessarily undermine the family. I think of two lesbian friends who are raising a child they have acquired since their union. They are doing an excellent, responsible job with that family.

What does the future hold? In my view, it is only a matter of time before the definition of marriage as set forth in this bill is challenged and the government is ordered to address the issue of equity in marriage or union within the gay and lesbian communities. Apparently Canadians need more time to think about this issue, but, be assured, it will be raised in the future.

It behooves us to prepare ourselves carefully and responsibly for that eventuality. The presenting issue now is Bill C-23, and I fully support its passage.

On motion of Senator Cools, debate adjourned.

**BILL TO GIVE EFFECT TO THE REQUIREMENT
FOR CLARITY AS SET OUT IN THE OPINION
OF THE SUPREME COURT OF CANADA IN THE
QUEBEC SECESSION REFERENCE**

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boudreau, P.C., seconded by the Honourable Senator Hays, for the second reading of Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference.

Hon. Norman K. Atkins: Honourable senators, I join the debate on Bill C-20 with a great deal of trepidation. I have listened to and read every word said here. I admit to being impressed by the depth of knowledge and experience expressed not only in the speeches but in the question and answer sessions that have followed.

Before I begin, I want to put my credentials or perhaps lack thereof in plain view. No one will ever accuse me of being a constitutional lawyer. I will leave that to Senator Beaudoin and others. Right off the top, I say, do not be disappointed at not receiving a constitutional treatise from me.

• (1510)

On the other hand, I have been a senator since 1986. I am not sure what that gives me. Perhaps, if nothing else, it provides for me a sense of history, a sense of appreciation of the traditions and powers of this place. What I believe I bring to this debate is a sense of politics, a sense gained in some 38 campaigns spread out over 48 years.

When I look at this bill and when I look at its genesis, the way it has been drafted, its title, and the nature of the debate in the other place, I must admit — and I truly mean it — that this bill is good politics. However, and this is the point I will try to develop today — and it is a question raised by Senator Kinsella at the beginning of his speech — it may be good politics, but is it right? Let us go back in time and attempt to determine from where this bill came.

I suppose it originated out of the debacle that was the federal government's response to the Yes side of the 1995 referendum campaign in Quebec. We all remember the dying days of that campaign, when the Prime Minister suddenly became engaged in it. While the No side was victorious, but only by a slight margin, history will write that the blame for the close margin of victory rests squarely on the shoulders of the Prime Minister, who, in part, had to be rescued by the then leader of the federal Progressive Conservative Party and the now leader of the Quebec Liberal Party, the Honourable Jean Charest.

Part of the hasty response by this Liberal government to the results in Quebec was the passage through the House of Commons of a resolution recognizing Quebec as a distinct society and a badly drafted bill that supposedly amended the constitutional amending formula by giving a veto to Quebec, British Columbia and, by implication, Alberta over future constitutional change. These were the immediate responses to the 1995 referendum result. Apart from this bill, little else has happened.

The Minister of Justice then decided to refer three questions to the Supreme Court of Canada by way of the reference procedure — three questions to which, as Senator Lynch-Staunton pointed out, any first-year law student would know the answer. This was an avenue that we opposed as a political party. It is the responsibility of government, of Parliament, of members of the Senate and the House of Commons, to work as best they can to

keep Canada together. This is not a responsibility to be passed on to the Supreme Court of Canada.

However, the Supreme Court did respond and, as well as giving answers to the question posed to it, the court thought it would be helpful to try to find a middle ground. While it determined that Quebec could not declare independence unilaterally, it did determine that secession was a real option after a referendum that contained a clear question which received support from the clear majority.

It was also the opinion of the court that negotiations had to take place after such a vote, and it attempted to define the breadth of those negotiations.

Honourable senators, I now want to deal with the government's response to that Supreme Court opinion, Bill C-20.

The two political parties represented in the Senate are committed to finding or developing policies that will keep Canada together. We may differ on the means but, in the end, we are all strongly committed to the goal of national unity.

During the period from 1984 to 1993, the Progressive Conservative Party attempted on two different occasions to respond in a provocative way to the issues of national unity. When you act in what you believe to be the best interests of the country, sometimes you succeed and sometimes you fail.

As honourable senators know, the Meech Lake Accord was the Progressive Conservative's response to the constitutional issues raised by the Province of Quebec. The Charlottetown accord occurred as an overall response to the need for fundamental change in this country. Supported by the Liberal Party, it did not survive a nationwide referendum.

My point is that, although we failed in our attempts, we tried. We tried to offer positive renewal, which was supported by all organized political parties in the other place and all premiers and aboriginal leaders. Unfortunately, the government's response to the continuing debate on national unity or revitalization of the federation is a bill that outlines how secession could take place.

The government tells us this bill is necessary to implement the Supreme Court of Canada's decision. I must agree with Senator Fraser when she stated that she thought the decision was enough — there was no need for a bill.

Again, although nothing in the Supreme Court decision requires the government to act, the government drafted the bill in terms that make it seem like they are required to bring in this bill. In the preamble of the bill, there are eight paragraphs. The Supreme Court of Canada is mentioned in five of them. In fact, as Senator Kinsella pointed out, a version of the bill is available from Minister Dion's department where each clause and each preambular paragraph has the so-called relevant paragraphs of the Supreme Court judgment set out below them. We have a bill — purported to be required by the Supreme Court opinion, which sets one part of the country against the other — apparently justified by this court opinion. It is great politics but, I ask you, is it right?

Why did the government act? Senator Boudreau helps us with that. The government acted because Premier Bouchard refused to commit himself to not calling another referendum in the current mandate of the present Quebec government. Indeed, instead of responding by sitting down with the provinces and discussing the major issues in the federation — that is, health care, education, the economy, lack of productivity — discussions that would convince the Quebec government and Quebecers that a referendum would be futile and therefore not to have a referendum, what does the government do? It brings in a bill to try to regulate how a referendum that will result in separation will be held — that is, how the federal government will respond to a referendum. It is brought in under the guise that it will bring clarity to the situation.

Who could be against clarity? Obviously, only those who oppose the bill. Fortunately, however, one federal political leader in this country had the courage to state that this was not the way to govern a federation. The dismantling of the country is not the job of the federal government. It was the Right Honourable Joe Clark who was able to say publicly that this bill does not do what it says it does. It ignores the real duty of the central government — the duty of keeping the country together. It gives the appearance of government action when the government is not really acting at all.

Honourable senators, there is no clear question in the bill. There are not even guidelines as to what would constitute a clear question. The clear majority is not spelled out, either. Where is the clarity? What is spelled out is a timetable that puts the government in a straitjacket, limits its responses and sets up a situation where a province actually now knows exactly the response time and the limitations on the response of the federal government to both the question and the majority vote required.

Claude Ryan, in an April 6, 2000, article published by the C.D. Howe Institute in reference to the clear question and clear majority, states:

But Byzantine discussions over what constitutes a clear question and a clear majority are far removed from the true heart of the debate.

In effect, the Supreme Court gave its opinion on the question of how a sovereignty project could be conducted in a manner consistent with the Canadian constitution. There are, however, more important questions to pose — questions of a fundamentally political, rather than legal, nature: Why does a sovereigntist movement exist in Quebec? Why has this movement been so significant over the past quarter century? What is the best strategy to counter the idea of Quebec sovereignty?

Let us look more closely at the bill, honourable senators. Under close examination, it provides a limited role for the Senate, as originally drafted no role for the aboriginal peoples of Canada, who are recognized in the Constitution, and the provinces have only a consultative role. The only legislative body where the majority is controlled by the Prime Minister's Office is the body that is given a decisive role in this legislation.

[Senator Atkins]

• (1520)

On reflection, perhaps we in the Senate should be complimented because it is obvious the PMO does not believe it can control the Senate. Remember, there have been times, as Senator Kinsella so rightly pointed out, when the Senate has defied the PMO and voted down legislation. Again, the Senate is not an institution universally loved in this country, so why not limit its role? Again good politics, but I ask, is it right? Of course it is not.

Honourable senators, the explanation from Senator Boudreau confuses the meaning of responsible government and the constitutional role of the Senate. Senator Fraser tried to help out by redrawing the definitions of legislation. As you know, we have private bills and public bills. Now, according to Senator Fraser, we will have different classes of bills: very important, highly political bills that need not involve the Senate, and ordinary bills with which the Senate can be entrusted.

Once the House of Commons is placed in the position of determining the clear question and the clear majority, there is no reason constitutionally, legally or otherwise for excluding the Senate from an equal role. There is simply no valid reason to preclude the Senate from a role equal to that of the House of Commons. This is why I intend to support the motion of Senator Lynch-Staunton that the committee be instructed to amend Bill C-20 to rank the Senate in a role equal to that played by the House of Commons.

I believe that at this stage it is important to get to the heart of the debate. The debate is not about how to react to referenda once called, but how to deal with the issues that are of concern among all participants in the federation and seek renewal.

In a speech given at the annual awards dinner of the Public Policy Forum held on April 6, 2000, Raymond Garneau, President and CEO of Industrial-Alliance Life Insurance Company, former federal member of Parliament for Quebec, and former minister of finance of the Government of Quebec, raised the lack of federal initiatives in this area as an issue of great concern. He stated:

I am preoccupied by the fact that very little is being done anymore at the grass-roots level to promote the kind of Canada in which most Quebecers would be proud to be part. My sense is that the do-nothing strategy which led us to the disastrous 1995 referendum results remains firmly in place. It was risky in 1995 and still is very risky today.

I hate to say it, but when over 49% of the population of the second largest province in this country has decided to vote for separation and abandon their loyalty to Canada to keep only their love for Quebec, I think it is wrong to believe that “to turn the page and look at the future” will do the job. I know that a large number of Canadians are anxious to turn the page. I am too, but the “do-nothing” strategy will do little to bring together the love and loyalty of Quebecers for Canada.

I, too, am concerned that, with Bill C-20 as the only federal response to the situation in Quebec, the government is missing the mark once again. I can appreciate the government's preoccupation with referenda. It is our history that the only time referenda have been held in the province of Quebec on separation is when there was a Liberal government in Ottawa. I believe that with Bill C-20 the government is playing a dangerous game. I will again quote Mr. Garneau commenting on Bill C-20:

I raise all of this now to cast a somewhat different light on the Clarity Bill currently before Parliament. I think I understand what the Clarity Bill is intended to do. What it most certainly will not do is to bring us any closer to resolving the deep conflict which exists for Quebecers in rationalizing the duality of love and loyalty for Quebec and for Canada.

It is too much to hope that the government would come to its senses and withdraw this bill — reverse itself like it did on the NHL team subsidies. If it did withdraw the bill, or decide not to proclaim it, it would show that it understood how the history of Canada has developed and the enduring value and wisdom displayed by the Fathers of Confederation as they wrote the old British North America Act, now known as the Constitution Act, 1867.

Claude Ryan, in an article from which I quoted previously, agrees with this point of view, but puts it in the context of further negotiations to be entered into by Quebec. He states:

Quebecers, I admit, too often propose global changes to the distribution of powers between Ottawa and the province. The division of powers set out by the Fathers of Confederation in 1867 had much to recommend it. It was imbued with realism, and there is no need to start again with a clean slate. Quebec should proceed instead in a more constructive manner.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt the honourable senator, but his 15 minutes have expired.

Are you requesting leave to continue, Senator Atkins?

Senator Atkins: Yes, please.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators, for the Honourable Senator Atkins to continue?

Hon. Senators: Agreed.

Senator Atkins: It is my belief that governments over the last 30 years have not given enough credit to the Constitution as originally drafted. It did not contain a method by which the country could be broken up. It forced politicians, as Senator Lynch-Staunton pointed out, to negotiate and compromise in order to get on with building and growing this country, but provided no easy way out, no road map to secession.

Honourable senators, this bill may be good politics, but I ask you again, is it right? It simply provides for the government the appearance of doing something about renewing the federation, while the government abdicates its responsibility to work to make the federation function better. This is the role of government, not the role it has assumed by bringing in legislation designed to stir up the majority against the minority, which, in reality, solves nothing except perhaps an attempt to reinforce the government's popularity so that it can issue a writ and ask Canadians to elect them for another term in office. It is now time for the government to adopt a positive attitude and, in discussions with all the provinces, including Quebec, look at the problems existing in our federation and work together to solve them. This is far better than the current negative approach, which involves trying to write rules to govern the breakup of this country.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move the adjournment of the debate. I am not sure which of our colleagues will take up Bill C-20 at the next sitting. However, I will move the adjournment of the debate on behalf a senator on our side who will identify himself or herself tomorrow.

Senator Lynch-Staunton: That is not the way to adjourn debate.

On motion of Senator Hays, debate adjourned.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the other business that would be dealt with now is the matter of privilege. However, I am advised by the deputy clerk and the Speaker that this will be taken care of if we adjourn at this time, it being 3:30 p.m. This matter will be dealt with at the end of Orders of the Day at the next sitting in that a house order takes precedence.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Mira Spivak: Honourable senators, I give notice that tomorrow, Thursday, May 4, 2000, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. on Tuesday, May 9, 2000, for the purpose of hearing witnesses in its special study, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Senate adjourned until tomorrow at 2 p.m.

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