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OFFICIAL REPORT
(HANSARD)

Thursday, May 18, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

CONTENTS

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

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THE SENATE

Thursday, May 18, 2000

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

Prayers.

SENATORS' STATEMENTS

THE SENATE

MANDATORY RETIREMENT

Hon. William M. Kelly: Honourable senators, last evening the Speaker had a very nice gathering to allow three departing senators to say their farewells. It is part of the tradition here. I want to explain why I was not present. I was one of the three senators. I had been requesting an opportunity to meet with the Minister of Defence on a matter that was important to me, and he had granted me his audience yesterday between 4:30 and 5:00 p.m. Therefore, I was not able to attend the gathering last night.

I must say a few things. I am not totally prepared at this point to say "goodbye." The fact is that the requirement that we leave at a certain age is a blatant example of age discrimination. I am quite serious. I intend to do two things. I intend to file a complaint with the Human Rights Commission, and, furthermore, I shall be asking for an injunction against this seat being filled by any new senator until my case is heard.

I was reminded of how mammoth this problem will become when I saw Senator Stanbury up in the gallery on Tuesday. I thought of Senator MacEachen and all the others who are sound in mind and body, totally capable of carrying on their senatorial duties. I, like the ones with whom I have spoken on this issue, would be quite prepared to have my mind and my body checked on a six-month basis. I think it is time we rallied around and took care of the situation, because it is absolutely unacceptable.

WORLD WAR II

FIFTY-FIFTH ANNIVERSARY OF VE DAY

Hon. Raymond J. Perrault: Honourable senators, particularly in the past century, Canadians of many ages, thousands as young as 19 and some as young as 16 or 17, served with distinction on the battlefields and in the war zones of the world. They were Canadians of many racial descents, of many religions and philosophies. They came from every one of our nation's provinces and territories. They served with uncommon valour on land, on the seas, and in the air.

In World War II, our merchant mariners kept vital supply lines open, earning high praise from Winston Churchill, who said that the war could not have been won if the Battle of the Atlantic, with its large Canadian component, had been lost. Thousands from all of the services never returned.

Many of these gallant Canadians are buried, together with their comrades, in the incredibly beautiful Commonwealth War Graves Commission cemeteries. The names and the resting places of thousands are known only to God. The bodies of some have never been found.

The week of May 1 to 11 marked an important observance for the people of Holland and for Canadians, especially for our gallant and courageous war veterans. This week marked the fifty-fifth anniversary of the liberation of the Netherlands. As honourable senators are aware, Canadian forces played a very prominent role in the liberation of Holland.

In Northern Europe, thousands died and were buried in cemeteries in Holland, Belgium and a few in Germany. Crowds of people attended the events of that memorable week, events which included march pasts, parades, tattoos, entertainment evenings, and the unveiling of statues.

The Veterans Affairs Canada delegation visited many of the cemeteries and such major locations as Apeldoorn. There was a wreath laying at the Liberation Forest Monument. Later, in the presence of Her Royal Highness Princess Margriet, we visited Holten and its 1,355 Canadian war cemetery graves. There was a ceremony and wreath-laying at Osterbeek War Cemetery. There was a memorable visit to Utrecht, where 2,338 Canadians are resting, and a visit to the 2,338 Canadians at Groesbeek Canadian War Cemetery.

There was a ceremony and wreath laying at Bergen-Op-Zoom War Cemetery, and then on to Germany where there were ceremonies and wreath-laying at Reichswald War Cemetery and the Rheinberg War Cemetery where several Canadian flyers who died on German soil are resting. Last but not least, there was the burial of a Canadian member of the forces whose body was found only a short while ago. He has been interred with honours, and many Canadians were at the interment. He has no name. In a real sense, he is the unknown soldier of the fifty-fifth liberation observances in Holland.

• (1340)

Honourable senators, there were parades, cultural events, receptions and dinners. The streets were crowded with grateful Dutch citizens. Dutch hospitality was absolutely outstanding, as the Dutch expressed their gratitude for the Canadian sacrifices in Holland so many years ago.

Significantly, the children of Holland played a prominent role in all of the public events. Canadian graves were decorated by young Dutch girls and boys, who festooned them with small Canadian flags, while compositions written by other Dutch youngsters were featured along with poems written for the occasion.

I asked one of our hosts about the prominent role of children in these liberation anniversary observances. He said: "Canadians — many of them very young — gave us our liberation in that terrible war fought so many years ago. We shall never forget." He continued: "We believe it to be important that our young of today know what happened in those terrible war years and the cost of freedom. We want our young people never to forget who gave us our freedom, and the many Canadians who died for us and who paid the price with their lives."

In conclusion, honourable senators, this man also said, "We remind our young people that many of these young Canadians were virtually the same ages as today's generation of our Dutch young people. These fallen Canadians had the potential to do great things in this world. War denied them long, productive lives." As our Dutch host said, "We shall never, never forget them."

Honourable senators, it was a marvellous and emotional week — a week never to be forgotten. It was a week which emphasized the special relationship between Holland and Canada, which is a relationship that will exist forever. It was a week in which one hopes there will never be another war, and that blood sacrifices such as the First World War and the Second World War will never occur again.

OFFICIAL CODE OF CONDUCT FOR PARLIAMENTARIANS

Hon. Donald H. Oliver: Honourable senators, it is time that the Parliament of Canada had an official code of conduct for parliamentarians. The purpose of such a code is to assist in reconciling official responsibilities with senators' personal interests. A code of conduct would help to avoid even a potential conflict of interest.

Since being summoned to the Senate some 10 years ago, I have stood in this place on eight occasions to strongly urge honourable senators to adopt such a code. As you know, I was co-chair of the Special Joint Committee on a Code of Conduct with Peter Milliken, MP, and we tabled a report in March of 1997. Since that time, nothing has happened. The report was not adopted in either the House of Commons or the Senate.

Honourable senators, there has, of course, been other work done in recent years and there are several existing provisions regarding conflict of interest and code concerns for parliamentarians. These rules are not consolidated in a single statute, but they are found in the Parliament of Canada Act, the Criminal Code, the *Rules of the Senate*, the Standing Orders of the House of Commons, Conflict of Interest and Post-employment Code for Public Office Holders, as well as other laws. Many of these provisions are rather antiquated and deal only with specific situations. It is generally recognized by most concerned Canadians that a more up-to-date and relevant set of rules is required, both to guide politicians and to assure the Canadian public that high standards of conduct apply to all of our dealings.

This week I was reminded again that we do not have any code when I received the fifth report of the Committee of Standards in Public Life, chaired by Lord Neill of Bladen, Q.C., called "Reinforcing Standards." It is a review of the first report of the Committee on Standards in Public Life in the United Kingdom. That committee was set up in October 1994 by the Right Honourable John Major, against a backdrop of public disquiet about standards in public life. At that time there were three major problems in the U.K.: the cash-for-question scandal; allegations that former ministers were obtaining employment with firms with which they had connections while in office; and a perception that appointments to public bodies were being unduly influenced by political party considerations.

Honourable senators, it is my view that politicians should be insulated from any such allegations, and that one way to start to build up that kind of respect is to adopt a set of official principles and a code of conduct that provide the transparencies and accountability to which the public is entitled. After all, service to Parliament is a public trust. We should adopt a code of official conduct to reassure the public that all parliamentarians are held to standards that place the public interest ahead of parliamentarians' private interests, and to provide a transparent system by which the public may judge this to be the case.

ROUTINE PROCEEDINGS

PROCEEDS OF CRIME (MONEY LAUNDERING) BILL

MOTION TO WITHDRAW FROM LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AND REFER TO BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate, notwithstanding rule 58(1)(*f*), I move:

> That Bill C-22, An Act to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence, which was referred to the Standing Senate Committee on Legal and Constitutional Affairs, be withdrawn from the said Committee and referred to the Standing Senate Committee on Banking, Trade and Commerce.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Later*]

COMPETITION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-276, to amend the Competition Act (negative option marketing).

Bill read first time.

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

On motion of Senator Hays, bill placed on the Orders of the Day for second reading Monday, May 22, 2000.

QUESTION PERIOD

HUMAN RESOURCES DEVELOPMENT

PRIVACY COMMISSIONER'S REPORT—DATA BANK ON DETAILS OF PRIVATE CITIZENS—SAFEGUARDS BY GOVERNMENT

Hon. Roch Bolduc: Honourable senators, in his last report the Privacy Commissioner wrote a chapter on HRDC's Longitudinal Labour Force File. The Privacy Commissioner tells us that this database contains records of more than 33.7 million individuals. We are now being told by HRDC that keeping 2,000 data elements on each of us is for the purpose of sound manpower policy formulation against unemployment, and for training program purposes, et cetera. The training aspect has been, I believe, transferred to the provinces, or some provinces at least.

Unemployment statistics released this morning gave us some figures up to the end of 1999. They show that 6.3 million people work in large firms employing more than 300 people and small- and medium-sized enterprises employing from 50 to 300 people, and that 5.5 million people work in small businesses of less than 50 employees. There were 800,000 self-employed workers, and 1.5 million unemployed.

• (1350)

Therefore, of 14.1 million people — half of all Canadians — 10 per cent are unemployed. Yet, we keep files on 35 million people, including 90 per cent of the people who have no concern about unemployment, including all of us here.

We need information on 5 per cent of the total Canadian population, yet we build a virtual behemoth on 35 million people, 5 million more Canadians than there are living, and it is operated by 25,000 employees. That is a bureaucratic "dérapage" of the highest order.

Will the minister commit himself to entering into an agreement with Quebec, British Columbia, Ontario and Alberta to stop this Kafkaesque nonsense?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for raising this question again today. The file at HRDC, to which he and the Privacy Commissioner referred, goes by the rather long name of Longitudinal Labour Force File. It was created for the purpose of conducting research and evaluation on Canada's social programs and the impact of specific pieces of legislation that have been in place for a considerable period of time. The file also assists in the design of government measures legislation that may be contemplated.

The minister responsible for HRDC and the Minister of Justice have indicated publicly, consistent with my own comments, that the Privacy Act faces challenges in today's society that simply did not exist five or ten years ago. For this reason, it does warrant a review. Some changes have already been instituted by HRDC and more are contemplated. I believe the Privacy Commissioner confirmed that everything is legal. In fact, he did not request that such practices cease, just that we must now respond to the increased challenges to maintaining privacy presented by new technology.

I am confident that the minister responsible for HRDC is responding in an appropriate way. I am also pleased that the Minister of Justice indicated publicly that it may be time to review the provisions of the Privacy Act.

[*Translation*]

Senator Bolduc: Honourable senators, the government does not want to put a stop to the transfer of data from the Customs and Revenue Agency to the Department of Human Resources Development. I have always assumed that our tax returns were confidential. Now, information is going to be sent from one department to another. This is not acceptable. Since 1917, we have always understood that tax returns remained within a department. We can understand and accept the fact that data are shared between the two departments, between one government and another. There are 25,000 employees at the agency. The minister said yesterday that only six employees have access to this information.

In my opinion, we must urge the Minister of Justice to prevent data from the revenue agency being released to other departments. We must make sure that tax returns are confidential. This is the least we can ask.

[*English*]

Senator Boudreau: Honourable senators, I shall certainly convey the views raised by the honourable senator to colleagues in cabinet, including the Minister of Justice, who has indicated a willingness to review the privacy legislation.

I wish to reiterate that provisions are in place to encrypt all information transferred to HRDC. The minister also indicated publicly that there are only six people in the department who have the capacity to access such information. I think that people are generally in agreement that programs and legislation which were designed using that information are operating effectively and that the use of that information in the design of legislation and programs is legitimate.

I shall certainly pass the views of the honourable senator along to my colleagues.

USE OF SOCIAL INSURANCE NUMBERS
IN DATA GATHERING ON PRIVATE CITIZENS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, when the social insurance number was introduced, many reassurances were given that only very restricted use would be made of it. Given that modern technology has since arrived on the scene, will the government undertake an inquiry into the commitment that was made about the use of the social insurance number and the misuse of it which is so obvious across Canada? That misuse, tied to modern data technology, infinitely multiplies the problem with which we are now faced.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Honourable Senator Kinsella has clearly pointed out the expanding challenge of technology in the modern world. It involves social insurance numbers, credit card numbers, and so on. That information is often freely given by individuals but, once given, is sometimes used for purposes which the individual may not have intended or even contemplated.

I agree with the minister and the honourable senator that this may be an appropriate time to step back and look at where we are now, in the year 2000. Perhaps we must examine the capability of all this new technology and determine how it has impacted on the need for provisions respecting privacy. It may be time to update our existing practices and legislation.

I shall convey the senator's concerns to the Minister of Justice.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
POSSIBLE PURCHASE FROM COMPANY IN FRANCE

Hon. J. Michael Forrestall: Honourable senators, I have a question for my returning hero. We were able to confirm that his predecessor rose to the rank of Acting Chief Petty Officer. Does the Leader of the Government care to try for one himself?

We have been told by most reliable sources that during the Prime Minister's visit to France in June he will be discussing with French government officials and members of Aerospatiale and Daimler Chrysler a proposed contract directed to Eurocopter to replace the aging Sea King fleet.

• (1400)

My concern, Mr. Minister, is that the Canadian Forces have the proper equipment to do their job, not the cheapest available, not a piece of equipment that was rejected in the last go-round based on 20-plus-year-old technology. I am somewhat concerned about that.

My question to the Leader of the Government in the Senate is this: Is the government planning a directed buy from France for the Eurocopter Cougar Mk 2 to replace the Sea King?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for raising the issue of my recent flight. I am pleased to have this opportunity to share the experience with some honourable senators, at least in this chamber, if not in the helicopter.

I had the opportunity to take an operational flight where we rendezvoused at sea with HMCS *St. John's* which was on active duty. We were removing a sailor from that vessel and then subsequently performed routine anti-submarine manoeuvres and a simulated search and rescue mission, returning safely and without incident approximately two and one-half hours after takeoff.

I was exceptionally impressed by the professionalism of the crew and how well they were able to perform with the equipment. The senator would probably share my views on that point. Everything they were able to do was done with great professionalism. I was pleased to have had an opportunity to see the equipment at work and to get a better appreciation of what they do. I also appreciated the opportunity to speak to a crew that operates the equipment on a daily basis.

Senator Forrestall: Where is the flight log?

Senator Boudreau: As to the other question of the honourable senator, I have no knowledge. Thus, I can neither confirm nor deny the information that the honourable senator raises today. I shall certainly forward the question along and provide a response in due course. I cannot comment on it one way or another.

REPLACEMENT OF SEA KING HELICOPTERS—
OPENNESS OF PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, we all know that the minister does not particularly want to swallow his pride and buy the EH-101, after the embarrassing near $1-billion cancellation cost. It seems that the Cougar Mk 2 may come with a promise of a Chrysler plant or two and a French government promise to keep its nose out of a Quebec referendum, when it comes.

Even though the Cougar employs 20-plus-year-old technology, is top heavy and is not a proven maritime helicopter, to my knowledge, it is operated only in a limited way by the French navy and the Chilean navy.

Can the minister assure the house that the competition to replace the Sea King will be fair, open and in accordance with the approved statement of operational requirements?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I cannot comment specifically on some of the preamble to the honourable senator's question, except to say that part of it stretches credibility somewhat to believe that such factors would be involved.

As the honourable senator has told me on a number of occasions — and I have spoken to others about this point — if an order were to go out tomorrow to replace all of the Sea Kings, it would take some time for the new aircraft to arrive on the scene and to be put into active duty. In fact, how long it would take from one point to the other depends in some instances on the type of procurement process that would be followed.

Senator Forrestall: That is what I am talking about.

Senator Boudreau: There are various options available. I have no information that anything other than the normal procurement practices are being contemplated. I shall certainly inquire and bring the senator whatever information I can.

Senator Forrestall: Honourable senators, I, for one, do not consider buying a next-to-useless piece of equipment off the shelf to be part of a normal procurement process. We are talking about buying a piece of equipment that has to last 20 or 30 years. We are not talking about buying a piece of 20-year-old technology. Members of the Canadian Armed Forces deserve a little bit better. I ask the minister, if we have to wait for five years, to make damn sure that the members of the Armed Forces are the beneficiaries of a proper process and that they get the type of equipment that they want and need, equipment that they have told us for the last 10 to 15 years they need.

Will the minister carry the concern that I have expressed today to his cabinet colleagues, including the Prime Minister, and come back to this chamber with some kind of a response as to whether or not anyone in government is contemplating an order off the shelf of the Eurocopter Cougar Mk 2?

Senator Boudreau: Honourable senators, I shall make the inquiries, as I have indicated. The answer I bring back will depend, obviously, on the individuals who are questioned. I have always believed that the aircraft that will be chosen at some point will certainly not be chosen without the recommendation of military experts and military personnel.

Not being an expert myself on various potential candidates for the replacement helicopter, I would be inclined to rely on those experts who will give us that advice.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, are the experts the minister will be relying on today the same ones who recommended the purchase of the EH-101 some 10 years ago?

Senator Boudreau: Honourable senators, not being around 10 years ago in this capacity, I have no idea who the experts were at that stage. Whatever replacement helicopter might be chosen, it will be one that has been reviewed and approved by current military experts.

Senator Lynch-Staunton: That does not answer the question. They are still there waiting, as you well know.

THE SENATE

PROPOSAL TO INSTITUTE GOVERNMENT RESPONSES TO PETITIONS

Hon. Eymard G. Corbin: Honourable senators, my question is to the Leader of the Government in the Senate. Senator Forrestall just a moment ago spoke of relating our concerns to cabinet and whoever makes decisions.

I found out recently that there is a practice in the other place of the government laying on the Table its responses to petitions. We do not have that practice here in the Senate. I refer to petitions of the type presented by Senator Milne, for example, regarding genealogical research and census records. We sometimes wonder if those petitions are going anywhere, if they are getting the attention they deserve or, indeed, if anyone beyond those sitting at the Table are listening. As to what happens to them, we have no idea. Indeed, I wonder if the petitioners themselves sometimes have the feeling that they are petitioning in the wind because we never see any concrete results.

Would the Leader of the Government in the Senate be supportive of a change to the *Rules of the Senate* or a commitment on the part of the government to table substantial responses to petitions presented in this house by senators on behalf of Canadians?

• (1410)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for raising that particular issue. I appreciate his experience in the practices of the other place particularly. It sounds to me like a sensible idea and one that I shall pursue.

DELAYED ANSWER TO ORAL QUESTION

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on May 4, 2000, by Senator Meighen, regarding the possibility of suspension of the anthrax vaccination program.

NATIONAL DEFENCE

POSSIBILITY OF SUSPENSION OF ANTHRAX VACCINATION PROGRAM

(Response to question raised by Hon. Michael A. Meighen on May 4, 2000)

HMCS *Calgary* is not scheduled to depart Canada until June and is expected to begin patrols in July. The Canadian Forces carefully monitors and assesses levels of risk and will take the steps necessary to protect its personnel.

The anthrax vaccine starts to provide protection from this very deadly disease from the first inoculation. Protective antibodies develop in 85 per cent of individuals after one dose and in up to 95 per cent of individuals after three doses. To provide further protection, Canadian Forces members would receive antibiotics until they have taken the third dose.

The U.S. Food and Drug Agency issues a license for a vaccine only if it meets their rigorous standards which are among the highest in the world. The license has been in effect since 1970 and has never been revoked. The FDA has publicly endorsed the safety and effectiveness of the Bioport anthrax vaccine. However, given that the second question pertains to the safety of the vaccine — a matter that has been the focus of a recent court martial decision that may be appealed — it would be inappropriate to comment further on the matter.

ANSWER TO ORDER PAPER QUESTION TABLED

FOREIGN AFFAIRS—HUMAN RIGHTS IN CHINA—
GOVERNMENT POSITION

Hon. Dan Hays (Deputy Leader of the Government) tabled the answer to Questions No. 11 on the Order Paper—by Senator Kinsella.

[*Later*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to call your attention to a very distinguished visitor in our gallery, His Royal Highness Prince El Hassan bin Talal of the Kingdom of Jordan.

Your Royal Highness, on behalf of all the honourable senators, I wish you welcome here to the Senate of Canada.

ORDERS OF THE DAY

CANADA ELECTIONS BILL

MOTION FOR ALLOTMENT
OF TIME FOR DEBATE ADOPTED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, in the past, at the beginning of "Government Business," I have taken advantage of my opportunity, pursuant to rule 38, to comment on the status of negotiations between myself and the Deputy Leader of the Opposition.

I am sure Senator Kinsella will comment, but I rise now to indicate that we have an agreement on a voting time for Bill C-2.

Accordingly, pursuant to rule 38, I move:

> That, in relation to Bill C-2, An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts, no later than 5:00 p.m. Wednesday, May 31, 2000, any proceedings before the Senate shall be interrupted and all questions necessary to dispose of third reading of the Bill shall be put forthwith without further debate or amendment, and that any votes on any of those questions be not further deferred; and
>
> That if a standing vote is requested, the bells to call in the Senators be sounded for thirty minutes, so that the vote takes place at 5:30 p.m.

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators —

The Hon. the Speaker: Honourable Senator Kinsella, I remind you that such motions are to be put without amendment or debate. However, leave can be given for comments.

Senator Hays: I should ask for that leave, honourable senators.

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

Hon. Senators: Agreed.

Senator Kinsella: Thank you, honourable senators. I concur with the statement of the Deputy Leader of the Government with reference to my position. Senator Hays has correctly outlined the pith and substance of our discussions, and we shall vote on May 31.

Hon. Anne C. Cools: Honourable senators —

The Hon. the Speaker: Honourable Senator Cools, is this on a point of order?

Senator Cools: Honourable senators, you could say it is a point order. I just want to be sure that, when we adopt this motion, we are adopting the position that the vote will be held at a particular time, that we are crystal clear that the order of the Senate in respect of time will be totally honoured, and that we shall never again see in this Senate chamber a repetition of what I consider to be an error that was made yesterday, where, by leave, honourable senators agreed not to see the clock with regard to an order of the Senate. Not seeing the clock usually applies in respect of the rule about terminating sittings at six o'clock. An order of this chamber simply cannot be overturned by giving leave with unanimous consent. I am reiterating the point that I made yesterday. In other words, if His Honour has before him an order of this chamber which orders him to see the clock and to call for the bells at a particular time, that motion simply cannot be overturned or altered by leave of the Senate to not see the clock.

The Hon. the Speaker: Honourable Senator Cools, I thank you for your comments. This, however, is not within my power to do. I am sure you have been heard.

I want to remind all honourable senators that, when leave is requested, any one single senator can rise or simply say no, and then leave is not granted.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, under "Government Business," I should like to call Order No. 2, resuming debate on Bill C-20, as the first order of business. It is my understanding that we were at the point of suspending debate at the end of Senator Murray's time.

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

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, An Act 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,

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Lynch-Staunton, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"Bill C-20, An Act 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, be not now read a second time but that the Order be discharged, the Bill withdrawn and the subject-matter thereof referred to the Standing Senate Committee on Legal and Constitutional Affairs."

Hon. Lowell Murray: Honourable senators, I had concluded my remarks and had replied to several questions. I do not think there were any further questions when we adjourned yesterday.

Hon. Anne C. Cools: Would Honourable Senator Murray take a question from me?

Senator Murray: Certainly.

Senator Cools: There has been a fair amount of talk in this chamber about supporting the idea of the bill and supporting the concept of the need for clarity. There is also a lot of concern in this chamber that some of the attempts to bring clarity may be, in point of fact, bringing greater obscurity.

It was my understanding that there was no legal possibility for secession. As a matter of fact, it was always my understanding that, until very recently, even the term "secession" was not a legitimate term in the lexicon of Parliament or in the lexicon of politics in this country. If you will remember, until quite recently, the language was "sovereignty," and, before that, it had been "sovereignty association."

• (1420)

My question to the honourable senator is this: To the extent that Bill C-20 creates a legal ability or a legal obligation on the government to negotiate secession, and in view of the fact that Bill C-20 is apparently creating law, for the first time, under which secession may take place, am I right to conclude that, in so doing, Bill C-20 makes secession not only possible but legitimate, and, therefore, indirectly tells Quebecers that voting in a referendum for secession is a proper and legal option for them?

Senator Murray: The short answer to the question, in my opinion, is that, yes, it does legitimize the secessionist option. Most of the other points that my friend has referred to have been thoroughly canvassed in several of the speeches that have been made in this debate and by people who have obviously researched them in considerable detail.

As for the question of clarity, that is a laudable objective. Whether or not this bill achieves clarity is a matter which I, and my colleagues on this side, would want to explore in considerable detail with Minister Dion if this bill passes second reading and goes to committee. Of course, if it does not, then that question and all other questions are moot.

Hon. P. Michael Pitfield: Honourable senators, I welcome this opportunity to comment briefly on Bill C-20. It is a truly extraordinary and remarkable piece of legislation — not because of its form or its drafting but, rather, because it expresses an idea. In doing so, it has won quite a following.

In terms of expenditure, the bill does virtually nothing. It issues no great demands. It assumes no great undertakings. It makes very few commands. It simply says what the federal government should do in the event of certain kinds of provincial referenda and their consequences. That is it. In terms of federal interference with the rights of the citizens or the powers of the provinces, it leaves little ground for complaint.

The bill has had a considerable impact in both English- and French-speaking Canada. English-speaking and French-speaking Canadians have been given to understand that the legislation has been generally regarded as prudent and farsighted — a response by a government to a danger that it is not to be unprepared for.

All governments are becoming more concerned with questions of expenditure than they used to, and that distinguishes the legislation in a major way.

This legislation is of a kind that we are seeing more and more these days. It is legislation that is concerned with the realization of objectives. It is legislation that is used to publicize party positions. It is not legislation in the sense that we used to think legislation ought to be, namely, laws that govern, laws that regulate and laws that are laws. It is legislation that calls upon people in ways that are new to them.

In the course of dealing with the issue, this approach has a great many hidden costs. It is very destructive, for example, to systems of accountability. It does the same things to systems of personnel management and systems of administration that it does to the traditional concept of public administration. I mention this not to criticize but, rather, to set the background. The costs of this kind of initiative must be included when one makes an assessment of whether or not it adds significantly to the role of Parliament. The costs must be determined in the context of the offsetting concerns for corresponding objectives and decision-making systems and decision-making.

Honourable senators, all of this explains why I am drawn to support the bill. It is the sort of management of techniques about which civil servants and nerds like to opine.

• (1430)

The next time anybody prepares a speech for me that has the text on both sides of the page, I shall personally have them hung out to dry. On top of that, I shall send anyone here who dares complain, to the optician to have drops put in his eyes 20 minutes before he speaks. He may then make a decision about distance.

Seriously, though, taking on the responsibility for defending some of these technocratic ideas perhaps explains why I support the central theme of this legislation. I congratulate the Prime Minister for the skill with which he has brought along his colleagues and those in other levels of government whose support is required to have this sort of bill enacted.

The bill is, indeed, a prudent measure and has already contributed, in manifold ways, to significantly clearer thinking, but clarification is a two-way street, if not for the professor, at least for the pupil. I confess that, at least for this pupil, while Bill C-20 generally seems to encourage clarification, it nonetheless leaves a scum of disappointment with regard to a few matters.

There is much to be said for what the bill does in terms of the role of the Senate, for example. In that regard, it has long been hinted in some quarters that one or another of the ministers and their aids are strong supporters of the abolition of the Senate. There is nothing wrong with that. People's views on the Senate vary greatly. There is lots of room for discussion. It is great that we should come to grips with it but, still, Bill C-20 comes perilously close to changing what I would say is the general consensus of members with regard to the Upper House, namely, that the question is best not tackled in detail outside of the context of general reform of the Constitution.

I do not imagine there is a formula in the books more frequently stated than the one that goes something along the lines of: "the Queen, on the advice of the Senate and the House of Commons,..." et cetera. However, along comes this bill and all of that is implicitly dismissed, and we are not three but two active players on the issue of constitutional reform. No longer the Queen, the Senate, and the House of Commons; it is to be the Queen and the House of Commons. Is it really the government's intention to downgrade the Senate in this manner — to change it from being one of the principal institutions of the Constitution to that of being virtually an afterthought to the incorporation of the Business Council on National Issues?

I hope our committee will make sure that this idea is very carefully explored, and that it will do what it can to bring the matter before the courts. I cannot believe that the courts will uphold it, either as a correct interpretation of the law or as the correct usage of an application for amendment to the Constitution.

Hon. Joyce Fairbairn (The Hon. the Acting Speaker): I must inform the honourable senator that his speaking time has expired. Is leave being sought to continue?

Senator Pitfield: Yes.

• (1440)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I wonder if we could extend the usual time frame. This is the last day of debate. Accordingly, I think we should keep track of our time. I would propose that we give leave to Senator Pitfield to continue for a further 15 minutes.

The Hon. the Acting Speaker: Is it agreed, honourable senators, that Senator Pitfield continue for another 15 minutes?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I intended to participate in the debate, but I would be more than happy to give to Senator Pitfield all the time to which I would be entitled.

The Hon. the Acting Speaker: The Honourable Senator Hays has suggested 15 minutes. Would he be prepared to follow Senator Prud'homme's suggestion?

Senator Cools: Let us just give Senator Pitfield as much time as he wants.

The Hon. the Acting Speaker: Senator Pitfield, please continue.

Senator Pitfield: Honourable senators, I wonder if this legislation is to be a precedent for other takeovers by the executive. I refer to the sort of thing that we have been seeing more of in recent years. I noted a while ago that an Order in Council had been passed under the Transfer of Duties Act that essentially vested in the Prime Minister powers of appointment that Parliament had previously.

In my early days in Ottawa, I had argued long and fretfully about leaving matters to the Minister of Energy, Mines and Resources to deal with in those days. Here they are, 10 years, 11 years after that big debate, sweeping the changes out the door and bringing in new changes. I considered the question of how one weighs the view of ministers and members of Parliament 10 years ago against what is essentially the view of officials today. At what point does the onus of leadership switch from one to the other?

Again, honourable senators, one thinks in terms of the application to this legislation of the powers of ministers in relation to takeovers of responsibilities. Is there ever any opportunity for the process to be tested once it disappears into the maw of the government machine?

The Prime Minister has expressed his concern for what the debate on Bill C-20 might bring forward in relation to his reputation in history. I was calling a moment ago for a reference of this bill. What is to be gained if a reference is made and lost some way down the road, as opposed to if it is done today voluntarily? One of the duties of a person appointed to an office is that he or she is to defend that appointment. What is the application of the oath of office that this individual took when he or she assumed office? Surely, it is to defend the appointment. How does one defend the appointment when the pressure exists to opt for the fruit of a change in policy? It is difficult to imagine the pressure that one can come under.

Finally, we know it does not really matter, but, nonetheless, remembering the Queen's law is simply a matter of politeness. I confess to being somewhat embarrassed, as a grown adult, that we can drop on the Queen in this way the changes that we are proposing. Whatever the government wishes to do, it is likely that the system will allow it to do it. This certainly seems to be the outlook in this instance, and it makes me mad.

Honourable senators, I should like to make it clear that I have no financial purpose in making this argument. Like many other senators, it is not the money that brings me here each week. I agree that it is interesting and satisfying work, but, take it from me, let us not just sit on it. Let us get it into someone else's hands. Use it to get more supporters, if you will. Political participation is vital to the system. It is very important that we recruit new members to our political parties. We need to involve more members of the private sector in the tasks of government. If we are to deal with the issue, let us deal with it forthrightly.

• (1450)

The foundation of democracy, we are taught, is participation. The mainstay of participation is the party. It seems to me that, in some senses, the private-sector system is often fulfilled by the party system. The health of the parties is not all that vigorous. The party change needs to be refreshed.

Rather than taking the Senate out of context and making it simply another entry in the Prime Minister's date book, let us take hold, and determine our view of these proceedings.

I am not raising the policy; I am simply raising the question of whether we are going about this wisely. Why now? I have been one of many officials who, over the years, has worked away at trying to understand the governmental process. I stood with Mr. Pearson on the steps of the Château Laurier Hotel in the early 1960s, after he had spoken to a Liberal convention, when reporters came up to him and said, "Prime Minister, they are debating whether it is better to be red or dead. What relationship has this to your position on the Constitution?" It was early in the national political agenda then. I do not think the Prime Minister had given a great deal of thought to his reasoning, but he had clearly come to the conclusion that, insofar as he was concerned, it was probably somewhat better to be red than dead.

We then got into a two-step process of dealing with the Constitution as a process and as a practical question of substance. We discovered that we did not know that much about the Constitution and how it worked. There were all those wonderful law books, but few answers. Therefore, the exercise I mentioned became entrenched in the system 40 years ago.

It is now coming to a close, as a result of Bill C-20. Bill C-20 will put in place some basic ideas with regard to the Constitution, some basic processes with regard to how the interests of the provinces and certain organizations are to be considered. It lays down an understanding of the negotiation process: that which can be initiated by a government and that which cannot. It also sets out the role of information. Above all, it is an important element in the process of negotiating constitutional change.

You will have occasion to tell your friends of a Thursday afternoon when you saw the wonderful hand of friendship reach across this room as you indulged one of your members by letting him reminisce when you should have been getting on with your work. Under those circumstances, why would anyone raise the issues that I have? That is, to me, one of the wonders of this country. Why, without any special study and out of the clear blue sky, would the federal government suddenly conclude that it wants to downgrade a constitutional institution whose role has really done nothing but increase over the years? It has a record of contribution to our society that few other institutions can meet. Is someone preparing to call for a unicameral chamber in our federal system?

• (1500)

The Hon. the Speaker: Honourable Senator Pitfield, I regret to have to interrupt you, but as it is now 3:00 p.m., pursuant to the order adopted by the Senate on Tuesday, May 16, 2000, it is my duty to interrupt the proceedings to dispose of all questions on the motion of the Honourable Senator Boudreau, P.C., for the second reading —

Senator Hays: Honourable senators, the order of the Senate calls for a one-half-hour bell, leading to a vote at 3:30 p.m. — that is, assuming the voice vote is such that a standing vote is called for. Senator Pitfield has not finished his remarks, and we have two other speakers who wish to make comments before we dispose of this matter at second reading stage, namely, the Leader of the Opposition and the Leader of the Government.

Honourable senators, might we agree to grant leave to vary the order to provide an additional 15 minutes? I should hope that Senator Pitfield could conclude and the Leader of the Opposition and the Leader of the Government — in that order — could have some of that time. I propose that we extend the time for a further 15 minutes. Five minutes for each of them would probably be appropriate. If Your Honour could call that, assuming there is leave, then at least we shall have some comments on the record from those three important contributors to this debate.

The Hon. the Speaker: It is proposed by the Honourable Senator Hays that we defer the ringing of the bells for 15 minutes to allow five minutes each for the three speakers remaining, namely, Honourable Senator Pitfield, P.C., Honourable Senator Boudreau, P.C. and Honourable Senator Lynch-Staunton.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: We shall proceed on that basis, then. The bells will ring at 3:15 p.m. and the vote will take place at 3:30 p.m.

Senator Pitfield: Honourable senators, I wish to thank you for allowing me this last opportunity to wrestle with the tiger and try to redeem myself in four minutes.

The more you look at the change that is being proposed with regard to the Senate, the more you realize that it is so ridiculous that it must be preposterous. The government in office is not immune from making strange decisions. I have no doubt that our committee will want to look carefully at what is being proposed.

When someone says that he does not like the Senate, I tend to say, "Why, that is great. The more people who dislike the Senate, the more people who will want to change it and we can get on with that job." Let us not pretend that the failings of the Senate are all at the door of its incumbents. Let us, rather, understand the two legislative chambers that have been the practice both in this country and in the United States for many years. There is a whole side of the relationships of individuals that is covered by our memories of these sorts of institutions.

When they come knocking at your door, and you want to unload onto those you honour and respect and believe in what you think are the lessons of your time, remember, I beg you, the literal meaning of your oath of office. Remember that timing is the critical matter in many of the decisions that you are here to deal with — timing with respect to your position and timing with respect to when it is time for you to sit down.

Hon. Senators: Hear, hear!

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I have spoken already at this stage of the debate. I am prepared, therefore, to yield my five minutes to the Honourable Senator Pitfield, if he has not concluded his remarks.

The Hon. the Speaker: Honourable Senator Pitfield, at this stage you are offered another three minutes.

Senator Pitfield: Honourable senators, I remember when Keith Davey used to sit over in the corner on the top row and say, "Do not call him Mr. Speaker." As a result, I did not speak to the Speaker for the first 10 years that I was here.

I do have one thing to address on this subject and to those I have worked with on the matter over the years. I am grateful for the opportunity to confide this, namely, that it is terribly important that we develop a view of our country and what we are trying to achieve. It is terribly important that we stand for what we believe in and not ask ourselves first whether it will wash in the rooms of those upstairs. There is a coherent and national story to our country. I believe with all my heart that the time is coming when we shall be out there trying to sell it to our compatriots.

• (1510)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise to speak briefly in support of Senator Stratton's amendment, which we shall be voting on first, to the effect that we not consider Bill C-20 at this time but, rather, send the subject matter to committee. I want to add to the argument by reading to honourable senators what is entitled, "A Solemn Declaration Respecting the Right of Quebecers to Decide on Their Future," which was tabled in the National Assembly of Quebec on May 3 by the official opposition, which, I remind all honourable senators, is the only strong federalist party we have in Quebec.

I shall read the pertinent parts without taking them out of context.

> BE IT RESOLVED THAT THIS ASSEMBLY: Reaffirm that Quebecers have the right to choose their future and to decide their constitutional and political status themselves, and that this right must be exercised in accordance with the constitutional or international laws, conventions and principles that are applicable to the territory of Quebec....Recognize that Aboriginal nations have particular concerns, claims and needs within Quebec and that the existing rights of these nations — ancestral, treaty and other rights, including their right to autonomy inside of Quebec — must be protected and confirmed. Reaffirm that the National Assembly alone has the power and ability to set the terms and conditions for the holding of a referendum in accordance with the *Referendum Act*, including the wording of the question. Declare that when Quebecers are consulted in a referendum held under the *Referendum Act*, the applicable democratic rule is an absolute majority of votes deemed valid. Reaffirm that Quebecers have the right to expect that any popular consultation on Quebec's secession from Canada will have a clear question and that, when such a consultation is held, the government of Quebec will respect the Reference on Quebec Secession of August 20, 1998, particularly respecting the constitutional obligation to negotiate on the basis of the democratic principle, the rule of law, constitutionalism and federalism, as well as the protection of minority rights.

There is no room for Bill C-20 in this declaration. The official opposition there has spoken out officially against Bill C-20. That declaration was presented on behalf of the only federalist party in Quebec on which we can rely to fight any referendum. We cannot ignore its voice unless we want to play into the hands of the Parti Québécois, as by supporting Bill C-20 at any stage we shall be sanctioning deep divisions within federalist ranks in that province, divisions which could well have fatal consequences.

There is no urgency to Bill C-20, unless pandering to the vanity and pride of a prime minister is considered an urgency. Even the hard-line separatists agree that secession of Quebec is out of the question, and that any future referendum will be on a form of political and economic association, not on outright separation.

Why the haste to pass a bill that is vague, contradictory, incomplete, selective in its use of a Supreme Court opinion and, even worse, divides federalists rather than unites them? We would be better advised to set the bill aside for now and examine the objections and concerns raised here on both sides of the chamber, both by those who oppose the bill and by those who support the objectives of the bill but are still very unhappy with it.

Even if only one of the objections raised here is valid, the bill is seriously flawed and deserving of amendment, if not rejection. Better this cautious approach than the one proposed by the government, which is to fast-track the bill without change and let the future determine whether it can even be applied without stumbling into a constitutional morass. This, the Senate must avoid. Support for Senator Stratton's amendment will accomplish exactly that.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: It being 3:15 p.m., in accordance with the leave given, I shall now proceed with the question.

It was moved by 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,

> And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Lynch-Staunton, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:
>
> > "Bill C-20, An Act 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, be not now read a second time but that the Order be discharged, the Bill withdrawn and the subject-matter thereof referred to the Standing Senate Committee on Legal and Constitutional Affairs."

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Speaker: Honourable senators, we shall have a standing vote. The bells will ring for 15 minutes. The vote will be held at 3:30 p.m.

• (1530)

The Hon. the Speaker: Honourable senators, the question before the Senate is the motion in amendment by the Honourable Senator Stratton.

Motion in amendment negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Atkins	Keon
Beaudoin	Kinsella
Berntson	LeBreton
Bolduc	Lynch-Staunton
Carney	Murray
Cochrane	Nolin
Cogger	Oliver
Comeau	Prud'homme
DeWare	Rivest
Di Nino	Roberge
Doody	Robertson
Forrestall	Rossiter
Grimard	Simard
Johnson	St. Germain
Kelleher	Stratton—30

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Mahovlich
Boudreau	Mercier
Bryden	Milne
Chalifoux	Pearson
Christensen	Pépin
Cook	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud (*L'Acadie-Acadia*)
Fitzpatrick	Robichaud (*Saint-Louis-de-Kent*)
Fraser	Rompkey
Gill	Ruck
Grafstein	Stollery
Graham	Taylor
Hays	Watt
Hervieux-Payette	Wiebe—39
Joyal	
Kenny	
Kolber	

ABSTENTIONS

THE HONOURABLE SENATORS

Cools	Gauthier
Corbin	Kelly
Finestone	Pitfield—6

The Hon. the Speaker: Honourable senators, the question now before the Senate is on the main motion, that Bill C-20 be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

Honourable senators, pursuant to the order, we shall proceed with the vote now.

Motion agreed to and bill read second time on the following division:

YEAS

THE HONOURABLE SENATORS

Austin	Kolber
Bacon	Kroft
Boudreau	Mahovlich
Bryden	Mercier
Chalifoux	Milne
Christensen	Pearson
Cook	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(*L'Acadie-Acadia*)
Fraser	Robichaud
Gill	(*Saint-Louis-de-Kent*)
Graham	Rompkey
Hays	Ruck
Hervieux-Payette	Stollery
Joyal	Watt
Kenny	Wiebe—38

NAYS

THE HONOURABLE SENATORS

Atkins	Keon
Beaudoin	Kinsella
Berntson	LeBreton
Bolduc	Lynch-Staunton
Carney	Murray
Cochrane	Nolin
Cogger	Oliver
Comeau	Prud'homme
DeWare	Rivest
Di Nino	Roberge
Doody	Robertson
Forrestall	Rossiter
Grimard	Simard
Johnson	St. Germain
Kelleher	Stratton—30

ABSTENTIONS

THE HONOURABLE SENATORS

Cools	Kelly
Corbin	Pitfield
Gauthier	Taylor—7
Grafstein	

REFERRED TO COMMITTEE

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

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that the bill be referred to the Special Senate Committee on Bill C-20, the committee that was struck on Tuesday to carry out a study of the bill and to report back to the chamber.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Some Hon. Senators: On division.

On motion of Senator Hays, bill referred to the Special Senate Committee on Bill C-20, on division.

• (1540)

COMMITTEE OF SELECTION

SIXTH REPORT ADOPTED

Leave having been given to proceed to Reports of Committees, Order No. 7:

The Senate proceeded to consideration of the sixth report of the Committee of Selection (nomination of certain Senators—Special Committee on Bill C-20), presented in the Senate on May 17, 2000.—(*Honourable Senator Mercier*).

Hon. Léonce Mercier: Honourable senators, I move the adoption of this report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Pat Carney: Honourable senators, I ask for the consent of the Senate to proceed to Item No. 3 under "Senate Public Bills," which deals with second reading of Bill S-21. I understand this has been discussed between the house leaders.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should very much like to accommodate Senator Carney. However, I regret that I am unable to do so in that I must give priority to government bills.

I would call as the next order, Item No. 4 under "Government Business," second reading of Bill C-26.

CANADA TRANSPORTATION ACT
COMPETITION ACT
COMPETITION TRIBUNAL ACT
AIR CANADA PUBLIC PARTICIPATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Raymond J. Perrault moved the second reading of Bill C-26, to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence.

He said: Honourable senators, I appreciate the opportunity to speak to this chamber on the matter and substance of Bill C-26, which is the government's legislative response to the airline restructuring which began some nine months ago.

Honourable senators will know that this important bill was passed by the House of Commons —

The Hon. the Speaker: Honourable senators, could we have order, please, so we can hear the honourable senator who is speaking? If it is necessary to have conversations, I would urge you to have them outside of the chamber so that we can have a proper debate.

Senator Perrault: Thank you, Your Honour.

Honourable senators will know that the House of Commons passed this important bill on Monday, May 15, and that there is a great need for us to carry out our review expeditiously.

[*Translation*]

Senators will remember that this important bill was passed by the House of Commons on Monday, May 15, 2000 and that we must give it serious attention.

[*English*]

Numerous stakeholders have their own reasons for wanting this bill to come into force as quickly as possible; indeed, this bill has something in it for each of them. Communities currently being served want the assurance that Air Canada can be held to its commitments made to the Minister of Transport to maintain service to all the points that were being served by Air Canada, Canadian Airlines and their wholly owned subsidiaries last December 21.

Communities that may be at risk of losing services want air carriers to give notice of exit. They also want carriers to provide an opportunity for the elected officials of the municipal or local government at the point or points of service to meet and discuss with the carrier the impact of the proposed discontinuance or reduction of service. The proposed legislation would provide for such a process to take place.

Consumers want the assurance that there will be fair pricing. This will be promoted by the increased scrutiny of prices on monopoly routes and, for the first time in over 15 years, will include scrutiny of cargo rates. This will be complemented by the restoration of the ability of the Canadian Transportation Agency to review the terms and conditions of domestic carriage in the same manner as it now reviews the terms and conditions of international carriage.

Consumers are anxious for the appointment of the proposed air travel complaints commissioner who would be located in the Canadian Transportation Agency. This person will review written complaints from persons who have not been able to resolve their complaints satisfactorily with the airlines. The commissioner will be able to request documents for review and to mediate where possible. There will also be semi-annual reports listing complaints with carriers involved and indicating any systematic problems that need to be addressed.

Consumers should be pleased that they will be able to deal with Air Canada and its subsidiaries, including Canadian Airlines, in the official language of their choice. Where there is significant demand, of course, some provision is to be provided.

[*Translation*]

Consumers should be pleased that they will be able to deal with Air Canada and its subsidiaries, including Canadian Airlines, in the official language of their choice. This legislation will be implemented progressively.

[*English*]

Employees want the assurance that Air Canada's commitment to no involuntary layoffs or relocation for the next two years will be respected.

Smaller carriers have a longer list of expectations. This bill contains enforcement measures that should guarantee that Air Canada will implement the undertakings it made to the Commissioner of Competition with respect to access to facilities and services these carriers need to carry on their businesses. The bill makes these undertakings enforceable and provides penalties for non-compliance.

The bill also contains amendments to the Competition Act which provide for making a regulation that will set out the anti-competitive acts and conduct of a person operating a domestic air service. This bill will make such behavoiur reviewable by the Competition Bureau and Tribunal. It will give some assurance that smaller carriers will have some protection if they try to compete with the dominant carriers.

Smaller carriers will appreciate the removal of exclusive-use clauses in confidential contracts, which should give them more scope for attracting corporate travel contracts for business travel. Travel agents will want passage of this bill because it gives them an exemption from the conspiracy provisions of the Competition Act so that they can negotiate collectively for domestic commissions with a dominant carrier.

I should even venture to say that Air Canada wants this bill passed because it will confirm the framework within which it must operate, not only on the service side but on the corporate side as well.

This bill allows the individual share ownership of Air Canada shares to rise from 10 per cent to 15 per cent. It also allows the foreign ownership limits of Air Canada to change at the same time as the rest of the air industry when the Governor in Council exercises the authority currently provided in the Canada Transportation Act to amend the percentage of allowable foreign shareholdings. There is no change to the obligation to be controlled by Canadians.

Canadian Airlines will like this bill because it confirms the terms and conditions of the government's acceptance of the acquisition deal with Air Canada. For the government, this bill contains provisions for a new process to review major mergers and acquisitions in the airline industry. It also creates greater requirements for monitoring of the industry.

• (1550)

This seems like a long list for a bill that has only some 20 clauses. That is because this bill does not set out to re-regulate the domestic air sector. It makes a few changes to address our new reality. Its focus is not on government intervention in the airline business. Its focus is to promote and protect both competition and the consumer.

I believe this bill has found the balance between these two objectives and will make a significant contribution to achieving the government's main objective of a safe and healthy airline industry that meets the needs of Canadian travellers and shippers and allows our carriers to compete with confidence on the world stage.

The fact is, honourable senators, we have in our nation two excellent airlines. Both Air Canada and Canadian Airlines have excellent worldwide reputations for excellence and quality of service. This year, Air Canada was rated number one in North America for its cabin service. Just two years ago, Canadian Airlines won the same honour. We have two good operating entities.

I remember some of my recent experiences with American carriers. Other senators have gone through similar nightmare experiences. The customers were charging the gate like an Oklahoma land grab in the 1860s. We have never had that problem with our Canadian airlines.

Some people say that service has gone downhill and does not exist any more. The other day I was on a flight where five people were asked to step down because it was overbooked. That is a problem that faces many airlines from time to time.

The sooner this matter is dealt with in the committee, the better. I invite honourable senators who may not be official members of the committee to come to those meetings. They will be very important to the regions of our country and all of the provinces. It will be of benefit to be there for those talks. I am sure that senators from the Maritime provinces will want to find out about the future of airline scheduling in their communities.

There are stories of long lineups at Air Canada these days, but we could perhaps put this down primarily to growing pains. It will be very challenging to bring together two carriers of this size. The sooner we start studying the bill in committee, to give it the careful examination which it deserves, the sooner we shall have a better airline situation in all of Canada.

I have one final appeal. I hope that honourable senators will agree to send this bill to the Standing Senate Committee on Transport and Communications for detailed scrutiny as soon as possible.

On motion of Senator Forrestall, debate adjourned.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to call Order No. 1 under "Government Business," resuming debate on third reading of Bill C-2, as the next item of business.

CANADA ELECTIONS BILL

THIRD READING—MOTIONS IN AMENDMENT—
DEBATE CONTINUED

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,

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 375, on page 154,

(*a*) by replacing line 27 with the following:

"**375.** (1) A registered party shall, subject to";

(*b*) by replacing line 32 with the following:

"registered party shall appoint a person, to be";

(*c*) by adding the following after line 36:

"(3) The registration of an electoral district agent is valid

(*a*) until the appointment of the electoral district agent is revoked by the political party;

(*b*) until the political party that appointed the electoral district agent is deregistered; or

(*c*) until the electoral district of the electoral district agent no longer exists as result of a representation order made under section 25 of the *Electoral Boundaries Readjustment Act*.;

(4) Outside an election period, the electoral district agent of a registered party is:

(*a*) responsible for all financial operations of the electoral district association of the party; and

(*b*) required to submit to the chief agent of the registered party that appointed the person to act as the electoral district agent an annual financial transactions return, in accordance with subsection (5), on the electoral district association's financial transactions.

(5) The annual financial transactions return referred to in subsection (4) must set out

(*a*) a statement of contributions received by the following classes of contributor: individuals, businesses, commercial organizations, governments, trade unions, corporations without share capital other than trade unions, and unincorporated organizations or associations other than trade unions;

(*b*) the number of contributors in each class listed in paragraph (*a*);

(*c*) subject to paragraph (*c*.1), the name and address of each contributor in a class listed in paragraph (*a*) who made contributions of a total amount of more than $200 to the registered party for its use, either directly or through one of its electoral district associations or a trust fund established for the election of a candidate endorsed by the registered party, and that total amount;

(*c*.1) in the case of a numbered company that is a contributor referred to in paragraph (*c*), the name of the chief executive officer or president of that company;

(*d*) in the absence of information identifying a contributor referred to in paragraph (*c*) who contributed through an electoral district association, the name and address of every contributor by class referred to in paragraph (*a*) who made contributions of a total amount of more than $200 to that electoral district association in the fiscal period to which the return relates, as well as, where the contributor is a numbered company, the name of the chief executive officer or president of that company, as if the contributions had been contributions for the use of the registered party;

(*e*) a statement of contributions received by the registered party from any of its trust funds;

(*f*) a statement of the electoral district association's assets and liabilities and any surplus or deficit in accordance with generally accepted accounting principles, including a statement of

(i) disputed claims under section 421, and

(ii) unpaid claims that are, or may be, the subject of an application referred to in subsection 419(1) or section 420;

(*g*) a statement of the electoral district association's revenues and expenses in accordance with generally accepted accounting principles;

(*h*) a statement of loans or security received by the electoral district association, including any conditions on them; and

(*i*) a statement of contributions received by the electoral district association but returned in whole or in part to the contributors or otherwise dealt with in accordance with this Act.

(6) For the purpose of subsection (5), other than paragraph (5)(*i*), a contribution includes a loan.

(7) The electoral district association shall provide the chief agent of a registered party with the documents referred to in subsection (5) within six months after the end of the fiscal period."; and

(*d*) by renumbering subsection (3) as subsection (8) and any cross-references thereto accordingly,

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 405, on page 166, by replacing lines 36 and 38 with the following:

"(3) No person, other than a chief agent, or a registered agent or an electoral district agent of a registered party, shall accept contributions to a registered party.

(4) No person, other than a chief agent of a registered party, shall provide official receipts to contributors of monetary contributions to a registered party for the purpose of subsection 127(3) of the *Income Tax Act*.",

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 424, on page 174, by replacing lines 14 to 16 with the following:

"(*a*) the financial transactions returns, substantially in the prescribed form, on the financial transactions of both the registered party and of the registered party's electoral district associations;",

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 426,

(*a*) on page 176, by replacing lines 36 to 38 with the following:

"shall report to its chief agent on both its financial transactions return and trust fund return referred to in section 428, and on the annual financial transactions returns on the electoral district associations' financial transactions referred to in paragraph 375(4)(*b*), and shall make any"; and

(*b*) on page 177,

(i) by replacing line 11 with the following:

"electoral district agents, registered agents and officers of the regis-", and

(ii) by replacing line 20 with the following:

"electoral district agents, registered agents and officers of the party to",

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 473, on page 202, by replacing lines 37 and 38 with the following:

"registered party or to a registered agent of that registered party in the",

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 477, on page 203, by replacing lines 30 to 31 with the following:

"**477.** A candidate, his or her official agent, and the chief agent of a registered party, as the case may be, shall use the prescribed forms for",

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, P.C., that Bill C-2 be not now read a third time but that it be amended, in clause 560, on page 246,

(*a*) by replacing line 18 with the following:

"ceipt with the Minister, signed by the chief agent or a registered "; and

(*b*) by replacing line 25 with the following:

"(*a*) by the chief agent or a registered agent of a registered".

Hon. Consiglio Di Nino: Honourable senators, I rise in support of Senator Nolin's amendments to Bill C-2. As you will recall, I raised this question in my comments on second reading.

Canadians are cynical, and rightly so, in many cases. They are cynical about political finance in this country. There are too many opportunities for abuse, too many loopholes and too many excuses being given for not closing them. The issue of money going to riding associations is a problem we have long chosen to ignore. I am very happy that our colleague Senator Nolin has decided to speak out on the need for reform in this area and to propose some amendments to address the problem.

Honourable senators, openness and transparency are fundamentally important to the health of our political process. We need to lift the veil, as Senator Nolin is trying to do with these amendments, on some of the areas which have to date remained in the shadows.

Honourable senators, secrecy subverts democracy. We fool ourselves if we think Canadians are not interested or that they are not aware of the abuse and misuse of money which occasionally occurs in politics, whether it be in leadership contests, riding association records or candidates for parties. In fact, quite the contrary — not only are Canadians aware, they want to know who is giving money, how much and what for. I believe they have a right to know.

Anyone who has any doubts about this has only to look to the Alliance leadership race. People everywhere are asking, "Who is bankrolling the different candidates, particularly Mr. Long?" Unfortunately, unlike his two rivals, Mr. Long refuses to be upfront with Canadians. He refuses to make public to what degree and from where his funding is coming. No doubt he is hoping that, if he says nothing, the issue will just go away.

Honourable senators, this reasoning has served the Prime Minister well since he came to office, but I am not sure Mr. Long has the same warm and forgiving relationship with the media — one newspaper excepted — that Mr. Chrétien has. We shall just have to see.

While I am on this point, it should be said that Mr. Long's fellow leadership candidates have not been much more forthcoming. Mr. Manning and Mr. Day tell us they will only release the names of the contributors. They refuse to divulge how much money individual contributors give. Really, theirs is an empty promise as far as real transparency is concerned.

Honourable senators, what Canadians want is simple. It is what the Honourable Senator Nolin is trying to give them. People have told us time and time again that all they are looking for is simple honesty: Who is giving the money to whom? How much is being given? Are there any strings attached?

If there are strings attached, as I suspect sometimes happens, then the answer is very simple: Politicians, or "wannabe" politicians, should refuse it. They should do the honourable thing, as Mr. Klees recently did when he withdrew from the Alliance leadership race. They should say, "No, I am not going to take your money or your help if there are secret obligations attached." This is the only honest thing to do.

Critics would have Canadians believe that all politicians routinely — or sometimes — hide the sources of their money. Indeed, they would have us believe that politicians actively collaborate to keep their sources hidden from the public.

I believe it is just the opposite. In many cases, it is the donors themselves who provide the pressure to keep their names hidden. It is the donors who do not want to be identified publicly with a candidate or party and who do not want people to know how much they have given. Again, I say, if money is offered conditionally, politicians should refuse to accept it. It is as simple as that.

Honourable senators, these amendments are a significant step toward political finance reform. Not to unduly belabour the point, it gives strength to the arguments raised by me during second reading, and by Senator Nolin and others during this debate, to bring more openness, transparency and accountability into the system of political funding. Surely, no one could be against such an initiative, particularly an initiative so long overdue as this.

• (1600)

Riding associations have been called the black hole of political finance, and not without reason. Riding associations collect significant sums of money and yet much of what they collect often goes unaccounted for, as we heard during testimony before the committee. A recent article in *Maclean's* magazine went as far as to characterize riding associations as operating largely beyond the law's reach. In other words, they are a law unto themselves. They are able to do this because we, by our inaction, have allowed them to.

[Senator Di Nino]

I read this week in *The Hill Times,* by the way, that, despite Senator Hays' arguments of the other day, some members of his party do agree with what Senator Nolin is attempting to do with these amendments. The article quoted at least one Liberal, Judy Sgro, MP for York West, as saying that any attempt to keep the political finance system fair and honest is a plus. *The Hill Times* also cited a Liberal riding president as saying he believed Senator Nolin's effort to amend the bill to be a positive step.

Honourable senators, clearly the secrecy of riding association books and records is a problem. It is a problem of lack of accountability, of perception of abuse, and of cynicism that we ourselves have allowed to build by our failure to act. The problem affects not only riding associations but also leadership races and political funding in general.

By supporting Senator Nolin's amendments, we shall be making a strong statement to Canadians. We shall be telling them that we recognize the problem areas and that we want to do something about them. We are addressing the issue publicly and honestly. We are trying to do something concrete to limit future abuses. By adopting Senator Nolin's amendments, we shall be saying to Canadians that we commit to candour, openness and integrity in the area of political funding, a commitment that will be good for everyone. It will be good for our democracy. It will be a win-win situation.

I urge all honourable senators to give serious thought to this issue and to support Senator Nolin's amendments.

On motion of Senator DeWare, debate adjourned.

PRIVACY COMMISSIONER

MOTION TO RECEIVE IN COMMITTEE OF THE WHOLE ADOPTED

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of May 16, 2000, moved:

> That the Senate do resolve itself into a Committee of the Whole, at 4:30 p.m. on Tuesday, May 30, 2000, in order to receive the Privacy Commissioner, Mr. Bruce Phillips, for the purpose of discussing the work of this Office.

Motion agreed to.

HERITAGE LIGHTHOUSES PROTECTION BILL

SECOND READING—DEBATE CONTINUED

Leave having been given to proceed to Senate Public Bills, Order No. 3:

On the Order:

> Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator DeWare, for the second reading of Bill S-21, to protect heritage lighthouses.—(*Honourable Senator Callbeck*).

Hon. Pat Carney: Honourable senators, I appreciate the courtesy of leave to move to this matter. I have the problem that was outlined in the discussion of the bill on airline mergers. All of us in this house are captive to airline schedules.

I want to speak to this bill to protect heritage lighthouses. This bill has been sponsored by my East Coast colleague Senator Mike Forrestall. I have been privileged to work on the West Coast aspects of this bill.

The purpose of the bill is to designate and preserve lighthouses, including all buildings and equipment, as part of Canada's culture and history, whether or not they are used as navigational aids. We wish to protect them from being altered in any way, whether it be restoration or renovation, or from being disposed of without public consultation.

People care deeply about the lighthouses on both coasts. Manned lighthouses give a profound sense of the safety net on our coasts. More important, the history of the lighthouses is part of the heritage of our coasts and of our country. The focus of the bill is to provide a process by which the public can be involved in any applications filed with the Department of Heritage for alteration or disposal of a lighthouse.

The Heritage Minister, upon recommendation of the Historic Sites and Monuments Board of Canada, known as "the board," would be able to designate any lighthouse as a "heritage' lighthouse that meets the board's criteria.

Bill S-21 does not make public consultation automatic; however, it does establish a process that interested parties can use to object to applications filed with the Department of Heritage for alterations to these lighthouses. The board shall give all interested parties a reasonable opportunity to make a presentation before it. If the board finds the objection credible, it may advise the minister in its report to recommend to the Governor in Council that the application to alter the lighthouse be refused.

This bill will come into force on a day or days to be fixed by order of the Governor in Council. The precedent legislation, Heritage Railway Stations Protection Act, 1988, did not come into effect until 1991. We would want to avoid such a delay because many light stations are in poor repair and a delay would negate the purpose of the bill.

The cost implications are based on those that Parks Canada has experienced in administering the Heritage Railway Stations Protection Act, on which Bill S-21 is modelled. According to the Historic Sites and Monuments Board, costs involved with carrying out this legislation are basic administrative costs associated with the board.

Parks Canada has obtained $1 million per year, for five years, to permit a level of response to its new responsibilities under the Heritage Railway Stations Act. However, based on their preliminary inventory of lighthouses and associated buildings, resource implications for Parks Canada could be between $1 million and $2 million per year if that formula were applied.

Community groups, such as the West Vancouver Historical Society and other groups on the West Coast, as well as local governments, are anxious and willing to preserve and restore our lighthouses. This bill accommodates the potential to develop financial partnerships.

There is no current process by which the public has any input as to what happens to these historical Canadian landmarks. The Canadian Coast Guard does not have a mandate to protect the cultural and heritage significance of lighthouses. Nor is it in a position to provide for the care of these heritage buildings.

Time is running out as many of these lighthouses are in critical need of repair. Current legislation for the protection of lighthouses is inadequate. Only 3 per cent nationally have a genuine heritage protection and only 12 per cent have even partial protection and, in B.C., the figure is even lower. The Nova Scotia Lighthouse Preservation Society statistics show that, under current legislation, more lighthouses are being rejected than protected. The federal heritage review office has rejected 157 lighthouses from heritage status.

Some lighthouses in Canada are currently being automated and most of the historical navigational equipment has been removed. There is concern that the Department of Fisheries and Oceans is not taking inventory as it is removing this equipment. Other light stations have been demolished without notice.

This bill would apply to all 120 currently designated heritage lighthouses in Canada. As others are so designated, they will also be covered. In B.C., nine of 52 light stations are currently designated as fully or partially protected heritage buildings.

Lighthouses are vitally important to British Columbians, given our treacherous terrain and weather. Their history tells a story of the remote and unpopulated coast.

I should like to give you a short history of these nine West Coast lighthouses currently designated as federal heritage buildings in an attempt to display their amazing stories as recorded by the Maritime Museum of British Columbia and the author/lighthouse historian Donald Graham.

At Carmanah Point, on the west coast of Vancouver Island, known as the "graveyard of the Pacific," hundreds of mariners have drowned in shipwrecks because they missed the entrance to Juan de Fuca Strait. Originally this lighthouse was to bracket an American position on Cape Flattery, and it was to be located on Bonilla Point on the Canadian side. Unfortunately, when the shore party offloaded supplies under thick fog and waited until the fog had cleared, they found themselves on Carmanah Point, some distance away. Rather than drag supplies back down the cliffs, they built the lighthouse at Carmanah.

• (1610)

Established in 1891, Carmanah became the first traffic control centre. At this station, a steam whistle was installed, providing ship-to-shore communication in dark as well as foggy conditions using telegraphic codes. The duties of the lightkeeper included monitoring ships along the West Coast and communicating their movement to Victoria. Currently the lighthouse provides a service to the people using the West Coast Trail, with support and first-aid facilities to people who get hurt.

Fisgard, another station, was built in 1860. This was the first manned light station built on the west coast of Vancouver Island. Its location was to mark the proximity to Victoria Harbour. This building is an architectural marvel. It is unique in its composition of function and workmanship because it has a solid granite base that is four feet thick, the bricks were imported from England, and an iron spiral staircase was imported from San Francisco. The architect, H.O. Tiedeman, was a renowned architect of the day who also built Victoria's first legislative building. Today, the lighthouse is part of the Fort Rodd Hill National Historic Park.

Nearby Race Rocks was built in 1842 to mark the terrifying 8-to-10 knot tides that entrapped vessels caught in its grip. These tides were second only to the dreaded Ripple Rock in Seymour Narrows, which was blown up in the 1950s with an explosion second only to the atomic bomb dropped on Hiroshima. To this day, lightkeepers still save people who are being spun out to sea by the strong tidal currents.

Estevan Point was the site at which the First Nations people of Vancouver Island first set eyes on a European ship in 1774 and first made contact with European people. Captain Juan Perez sailed into these waters aboard the *Santiago*, with the intention of exploring more northerly latitudes and claiming land for Spain. The point was named after Perez' second-lieutenant, Estevan José Martinez.

When it was built in 1909, the lighthouse at Estevan Point was the boldest, most beautiful lighthouse in all of B.C. — an eight-sided column soaring 150 feet above the ground. It is in an area that is claimed and known as the Hesquiat land, part of the Nuu'chah'nulth Tribal Council. I see my colleague Senator Mahovlich nodding because we met with them on our recent trip to the West Coast.

Estevan Point lighthouse is also alleged to be the only light station to be attacked by enemy gunfire. Honourable senators may remember that there was a terrible scare on the West Coast during World War II. In 1942 a Japanese submarine, lying two miles off the coast, shelled the light station. Later it was revealed that this may have been a hoax to persuade the government in Ottawa to tighten security and increase its measures to intern Japanese Canadian citizens.

Langara lighthouse — special for my colleague Senator Forrestall — is on Graham Island, which is the northernmost island of the big islands of the Queen Charlotte Islands. A lighthouse was built here because at that time the Grand Trunk Pacific Railway line was planned for Prince Rupert to ensure that the ships coming into Prince Rupert, and to the connection with this great Grand Trunk Pacific Railway, would arrive safely.

Established in 1913, right from the start Langara was a superlative lighthouse: the furthest out, the largest island, with major weather and tidal wave observations. It is one of the most isolated light stations and, as late as 1980, Transport Canada, which then held the mandate for lights, was still warning prospective lightkeepers away from Langara light. This was based on the argument that the place was best suited to someone who had already done time in isolation.

Pachena Point light station was established in 1908, after the shipwreck of the *Valencia*, and was the marker on the West Coast. The *Valencia*, a San Francisco ship carrying 160 passengers, surpassed any other shipwreck before the *Titanic* in terms of sheer horror. On its last run from San Francisco to Victoria, the passenger ship struck rocks 10 miles west and north of Carmanah light. The captain, O.M. Johnson, fooled by the fog, which engulfed the steamer soon after she left the harbour, and forgetting to take into consideration the Japan Current, thought he was near Juan de Fuca. The ship hit the rocks amid terrible waves.

Frank Lehm, one of the survivors and a freight clerk on the *Valencia*, reported that he would forever remember the screams of men, women and children mingled in awful chorus with the shriek of the wind, the dash of the rain, and the roar of the breakers. As passengers rushed on deck, they were carried away in bunches, by huge waves that seemed as high as the ship's mastheads. The ship began to break up almost at once, and women and children where lashed into the rigging above the reach of the sea. It was a pitiful sight to see frail women, wearing only their nightdresses, with bare feet on the frozen ratlines, trying to shield the children in their arms from the icy wind and rain. Most of them died.

Triple Island, also known as "the Rock" or "Little Alcatraz," conforms most closely to the austere image of popular imagination — a tower rooted upon a rock, a man-made bulwark against the implacable, rushing power of the sea. The cluster of rocks juts out of Brown Passage, 28 miles west of Prince Rupert. It, too, was linked to the Grand Trunk Pacific Railway as a powerful source of help to northern mariners.

Brockton Point lighthouse, of course, is at the entrance to Vancouver Harbour. Established in 1890, Brockton Point marked the abrupt turn into Coal Harbour for inbound ships and drew outbound vessels toward First Narrows.

In July 1906 came the inevitable collision in the Narrows. After that there was *Princess Victoria*, which hit the small Union Steamship tug, the *Chebalis*. Any sailor will appreciate Captain Howse of the *Chebalis* confessing before collapsing in shock and grief in the aftermath, "I thought we were making good time and did not trouble to look behind." It was a fatal blunder. "I had just altered course a little more to starboard when suddenly I heard a whistle and as I looked out astern, I saw the *Victoria* on top of me."

Only eight of the *Chebalis'* 15 passengers and crew survived this tragedy. It was after that that Brockton Point lighthouse was improved. This lighthouse has personal significance to my family because my son-in-law is a descendent of Portuguese Joe, who squatted on Brockton Point and married the daughter of the Squamish chief. Our family maintains that Brockton Point belongs to us. I promise to leave politics before pursuing that land claim.

Point Atkinson lighthouse is probably the most famous of Canada's West Coast lighthouses. It is located on the west shore and started operation in 1874. Its tower is synonymous with Vancouver for foreign seamen and residents alike. The people of West Vancouver have a nearly mystical attachment to "their" lighthouse and to the 185-acre park, which contains the last stand of virgin coastal timber to be found in that part of the province.

Honourable senators might be interested to know that lightkeepers are very poorly paid. With an MP's patronage position, an MP could appoint the lightkeeper, usually for about $40 a month, out of which he paid for general supplies and coal. After 26 years of service, during which he had not taken a 24-hour day off, the lightkeeper Walter Erwin retired in 1909. For all of his efforts, his pension was a mere $33 per month.

Not all the lighthouses that we would like designated heritage are considered heritage lights. On my own island of Saturna, our lighthouse does not have a heritage designation. The lighthouse was established in January 1888.

East Point lighthouse, like so many others, went up over the hulks of wrecks. East Point marked the final destination of the heavily laden barque *John Rosenfeld,* carrying an overweight shipment of coal bound for San Francisco. As it passed Saturna Island, the captain of the tug *Tacoma* was misled by weather conditions, causing the *Rosenfeld* to run aground near Boiling Reef. Boiling Reef is aptly named, as it boils just where the Juan de Fuca Strait becomes the Strait of Georgia, half a mile from the boundary between Canada and the U.S. At this site, East Point, a light was erected to improve safety along this main shipping channel that separates Canada and the U.S. It has been destaffed and is now occupied by volunteers who look out for seamen in distress. The building is used, in part, by volunteer firefighters, and our fire engine is kept there. Another part of the site has become a regional park for the use of people in the region. It is beloved by Saturna Islanders. People have an attachment to the light, and that is why we think people will look for an opportunity to contribute to its upkeep.

Honourable senators, I urge you to support this bill.

On motion of Senator Carney, for Senator Callbeck, debate adjourned.

• (1620)

STATISTICS ACT
NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-15, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator Johnson*).

Hon. Nicholas W. Taylor: Honourable senators, I am somewhat bothered by Senator Milne's motion. I am not in favour of making old census data available to the public, for a number of reasons. This is a topical issue because the Privacy Commissioner has just told us that the Government of Canada has about 1,000 bits of information on each of us. The issue of whether information that the government has acquired about us is kept private is currently in the public sphere, and the first place where the government gets information is from census forms.

There are several reasons I am not happy with the thought that my grandchildren could find out how I lived. It is very intriguing to know what grandpa and great-grandpa did, but if people know that the information they put on their census forms will become public at some time in the future, that will govern what information they provide. It is no longer data that one thinks will be buried forever. It becomes almost like a radio or TV interview in that the information will be made public.

I am also concerned about the sanctity of the contract. People from 1900 until today who participated in the census had every reason to believe that they had contracted with the government of the day to keep their information private forever. We are now considering breaking that contract. Once we do so, what is to keep us from shortening the period for which the information is kept secret?

I am loath to have the government open files and release information after people have died, with which people the government has contracted. When censuses are conducted in the future, perhaps people should be advised that the information will be released at a set time in the future. I do not agree, however, that we can renege on a contract made with the Government of Canada 50 or 80 years ago. That would be to break an ancient trust.

My next point is that if you know that the information you are providing will be revealed in the future, you may have a tendency to embellish. You may paint your life in the way that you would like your grandchildren to think it was.

Finally, although historians say that census information is useful for valid reasons such as predicting birth defects and other inherited traits, they can also be used to find out information that the person who provided the information would not have wanted revealed. A census is sort of like going to confession. You do not expect to read about it in the papers later.

Honourable senators, those are my reasons for opposing this motion.

Hon. Lorna Milne: Would the Honourable Senator Taylor accept a question?

Senator Taylor: Yes.

Senator Milne: Is Senator Taylor aware that the only questions that were asked 92 years ago were name, address, relationship to the head of the family, and age? The questions in the census up until 1951 were very innocuous.

One of the objections to this bill, which is constantly reiterated, is that people were promised that the census results would be forever kept secret. Better minds than mine have done an enormous amount of research of the records, and nowhere in the records of the House of Commons, the Senate, or the newspapers of that time was there any mention of perpetual privacy promised for personal census results — not once, not ever.

• 1(1630)

Is the Honourable Senator Taylor aware that never once has a complaint been registered with the Privacy Commissioner, Statistics Canada or the National Archives of Canada about the release of historic census results? This applies not only in Canada but also in the United States and Great Britain. Never once has a complaint been made about the release of historic census data. I am talking about something which applies to approximately 620 million people in those three countries.

Senator Taylor: Honourable senators, I thank the honourable senator for her questions.

The honourable senator mentioned that census questions asked in the early part of the century were limited. I did not intend to suggest that those limited questions were the only ones ever asked. The point is that the little needle-noses who acquire and put together the questions asked of people on the census are making the forms longer and longer. As a matter of fact, I was with someone the other day when they opened their mail box. After uttering an expletive, the person said, "I got the long form to fill out." In other words, we are being asked to give the census takers more and more information.

The information I am talking about is information from the 1920s, the 1950s and the 1990s. In other words, there becomes a rolling deadline in that, once the seal has been broken, it will go on and on. Therefore, more complete information is being asked for today.

How will the decision be made as to what information should be released? Will the request down the road be: "We want the information until 1920, but not after that." In other words, the whole sanctity of the contract will be destroyed.

The honourable senator said that no one has ever made mention of the lack of privacy. One reason for that might be that most of those people are dead. The dead do not complain.

I do not know what importance can be attached to the lack of complaints of invasion of privacy. In law, just because you do not complain about something does not mean you like it. The honourable senator is advocating a form of negative billing to census taking. In other words, if you do not get up to complain, it is all right. I question that.

[Senator Milne]

The honourable senator is saying, "I want that information. My generation wants it, so we should have it." I hope my grandchildren do not start kicking the slats out of their cradles and demand all the information from my generation. There is an implied contract to keep the information private.

Senator Milne: Honourable senators, I wish to ask a follow-up question of the Honourable Senator Taylor.

Is Senator Taylor aware that, in 1983, the new Privacy Act regulations permitted public access to name-identified census data after 92 years? This is a provision written into the Privacy Act. The post-1901 census is not excluded from this public access. If it was not the intention of the government, as they had always done up until that point, to release, at 10-year intervals, the further census results, why on earth in 1983 would they be writing laws along that line?

Senator Taylor: That is a good question, honourable senators. In effect, the honourable senator has turned my own argument around. I have said that there were no precedents and that we had a contract not to open up that data. The honourable senator is saying, "They have already broken the contract, so why can we not keep breaking it?" The only argument to that is that two wrongs do not make a right.

Hon. Sheila Finestone: Honourable senators, would the Honourable Senator Milne clarify the comments that she just made? As I understand the provision of the Privacy Act, it allows for the opening of census data for research purposes only. It is not a general opening of all the information contained in the census files of 1901 and on, but for a deliberate and defined purpose.

The Hon. the Speaker: The Honourable Senator Finestone may address a question to the Honourable Senator Taylor, but not to the Honourable Senator Milne in this case. She was addressing questions to the Honourable Senator Taylor.

In any case, I must inform the Senate that the 15-minute period has elapsed. Is the Honourable Senator Taylor requesting leave to continue?

Senator Taylor: No.

The Hon. the Speaker: Honourable senators, this matter originally stood in the name of the Honourable Senator Johnson. Is it your pleasure, honourable senators, that it remain in her name?

Hon. Senators: Agreed.

Order stands.

[*Translation*]

• (1640)

FEDERAL LAW–CIVIL LAW HARMONIZATION BILL

SECOND READING

Leave having been given to revert to Bills, Order No, 3:

On the Order:

> Resuming debate on the motion of the Honourable Senator De Bané, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-22, to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Hon. Gérald-A. Beaudoin: Honourable senators, the intent of Bill S-22 is to harmonize federal law with the civil law in Quebec. This is the first bill in this regard. It will be followed by other similar bills, as considered appropriate.

The intent of this bill is to reinforce the principle and advantage of bijuralism in Canada. This initiative, which has started to bear fruit today, was not born yesterday. In 1978, a program of joint drafting was instituted at the Department of Justice of Canada so that our legislative drafters could draft originals of bills in English and French so that one was not the translation of the other.

The reform of the Quebec Civil Code in 1994 had a major impact on federal law so that, after establishing a Civil Code section and adopting the policy on applying the Quebec Civil Code in the federal public administration, the Department of Justice created, in 1997, the program to harmonize federal legislation with Quebec civil law.

Canada is a bilingual and bijural country. Bilingualism on the federal level is consecrated by section 133 of the Constitution Act, 1867 and sections 16 through 22 of the Canadian Charter of Rights and Freedoms. We also have the Official Languages Act. The bijural nature of Canada is enshrined in the Constitution, as evidenced in the Quebec Act of 1774, subsection 92(13) and section 94 of the Constitution Act, 1867, and paragraph 41(*d*) of the Constitution Act, 1982, which protects the composition of the Supreme Court of Canada. The consent of each of the 10 legislative assemblies of the provinces and of the Parliament of Canada is required — the Senate has a suspensive veto of 180 days — to modify the composition of the Supreme Court. In my opinion, the composition of the Supreme Court includes the component with expertise in civil law, that is the three justices out of the nine who must be trained in civil law. This is one more example of the bijural nature of Canada.

Subsection 92(13) of the Constitution Act, 1867 attributes to the provincial legislatures jurisdiction over "property and civil rights." It was this subsection that enabled Quebec to retain its system of private law which took its inspiration from France. For Georges Étienne Cartier, one of the fathers of Confederation, this was a matter of the utmost importance.

Section 94 of the Constitution Act, 1867 allows the federal Parliament, under certain conditions, to make provision for the uniformity of laws relative to "property and civil rights." Quebec was not covered by this general rule for obvious reasons. This is one case where, on the constitutional level, the status of Quebec differed from that of the other provinces.

As early as 1774, the British lawmakers, thanks to Prime Minister Lord North, had recognized the right of "Canadians" to live under a French civil law system. After the American revolution, Loyalists settled in Canada, in large part in Ontario. The Constitutional Act, 1791, which called for the establishment of two provinces, allowed the Assembly of Upper Canada to introduce common law in that province. The other British colonies in North America were already under common law. The Province of Quebec retained its civil law. Under the Union of 1840, uniting Quebec and Ontario, the situation remained unchanged.

In 1864, the Province of Canada—Ontario and Quebec, that is, Upper Canada and Lower Canada— Nova Scotia, New Brunswick and Prince Edward Island were thinking of forming a federation. The delegates from Lower Canada wanted to see that province remain a master of its own destiny as far as religion and education were concerned, retaining its system of French civil law.

On June 10, 1857, under the Union, the legislation put forward by Attorney General Georges Étienne Cartier to codify the civil law of Lower Canada took effect. The Commission members were selected on February 4, 1859. They were Justices René-Édouard Caron and Charles-Dewey Day from Quebec City, and Justice Augustin-Norbert Morin from Montreal. Eight reports were produced between October 12, 1861 and November 25, 1864. The result was turned over to the legislature on January 31, 1865. A proclamation was issued on May 26, 1866 and the Civil Code of Lower Canada took effect on August 1, 1866, eleven months before Confederation.

In 1867, Westminster recognized the right of Canadian provinces to legislate property and civil rights. This was the most important power to be given provincial legislatures and it later formed the foundation for provincial autonomy. The original four provinces were joined by six others. Only the Province of Quebec is governed by a private law regime of French origin. The other provinces are governed by the common law system. Eugene Forsey was quite right when he wrote:

> Quebec is not, has never been, and will never be a province like the others; it is the citadel of French Canada.

Also worthy of note is the *Parsons* decision ([1881-1882] 7 A.C. 96). The Judicial Committee of the Privy Council pointed out that the expression "property and civil rights" in subsection 92(13) of the Constitution Act, 1867, has the same meaning as in section 94. If the central Parliament could legislate contractual matters in the province, section 94 would no longer protect Quebec. The Privy Council added that the expression "civil rights" in subsection 92(13) had as broad a range of meaning as the expression "civil rights" used in the Quebec Act of 1774. Under the terms of Article VIII of the Quebec Act, His Majesty's Canadian subjects enjoyed their property, their customs and other civil rights as in the past. In the Quebec Act of 1774, the words "property and civil rights" are used in their broadest sense. There was no reason, said the Privy Council, for these words to have a different or more restrictive meaning in the Constitution Act, 1867.

• (1650)

Bill S-22 offers us an overview of the importance of bijuralism in Canada and the advantages this confers upon us. In this era of the globalization of markets and the internationalization of individual rights and freedoms, our two legal traditions of common law and civil law lend weight to us on the international scene. Let us not forget that 80 per cent of the population of the planet are governed by either common law or civil law.

Incidentally, the fact that Canada is the only country in the world to simultaneously belong to the G-7, la Francophonie, the Commonwealth and APEC confers upon us a special place in the world.

In addition, I might point out that the training of our legal experts at the University of Ottawa, McGill and Dalhousie is becoming more and more focused on bijuralism. These three universities offer a "national program," which offers students who are interested in doing so the possibility of earning two degrees in four years, one in common law and one in civil law. This program is becoming increasingly popular.

Bill S-22 includes a preamble which acknowledges that the unique character of Quebec society is connected in part to its civil law tradition. This is an undeniable fact. With this we are conforming to the motion we passed on December 7, 1995 recognizing Quebec as a distinct society.

The preamble to Bill S-22 sets out the main objectives of this legislation: harmonious interaction of federal legislation and provincial legislation, respect of common law and civil law traditions, full development of our two major legal traditions which give Canadians a window on the world, and facilitated access to federal legislation that takes into account the common law and civil law traditions, in its English and French versions

I readily concede that it is no easy feat to draft such legislation. As Marie-Claude Gervais wrote in the *Journal du Barreau* on September 15, 1999:

> Those drafting legislative texts are expected, in a concern for consistency, to respect the principle of uniformity of expression: each term ought to have but a single accepted meaning; each concept ought to have but a single expression. This principle of interpretation means, in this case, that throughout the legislation, and over and above it, in the entire body of legislation, the same term must have the same meaning.

It should be noted that a bill like this is not drafted in isolation: law professors, the Barreau du Québec, the Chambre des notaires du Québec, and Quebec's justice minister all worked on Bill S-22. In this regard, I recommend an authoritative work of 1,062 pages entitled "The Harmonization of Federal Legislation with Quebec Civil Law and Canadian Bijuralism: Collection of Studies," published by the federal Department of Justice in 1997.

The main features of Bill S-22 have to do with amendments to the Interpretation Act in order to include provisions recognizing the coexistence of the two Canadian legal traditions and confirming the need to give precedence to provincial law when applying a federal law with private law components;

> the repeal of pre-Confederation provisions of the *Civil Code of Lower Canada* in so far as they relate to subjects that fall within the legislative competence of Parliament since 1867;
>
> the replacement of pre-Confederation provisions of the *Civil Code of Lower Canada* with respect to marriage.

For the rest, the bill is essentially a housekeeping bill.

It amends 48 federal statutes in order to harmonize definitions, expressions and other words to ensure that federal law reflects both the civil law and the common law. The statutes amended by Bill S-22 have to do with property law, civil liability and security.

As Justice Michel Bastarache of the Supreme Court of Canada so aptly said on November 26, 1998 at a conference on bijuralism:

> We have a unique opportunity in Canada to take our inspiration from the two greatest legal systems in the world. Tribute must be paid to the new efforts to take full advantage of this fortunate situation.

I am naturally very favourable to Bill S-22, subject of course to further consideration in committee.

Hon. Pierre Claude Nolin: Honourable senators, would the honourable senator agree to answer a few questions?

Senator Beaudoin: Yes.

Senator Nolin: The honourable senator referred to the Civil Code of Lower Canada. Does the Province of Quebec intend introducing legislative amendments to its civil laws?

Senator Beaudoin: Eleven months prior to Confederation, the Civil Code of Lower Canada, which was based on the Napoleonic code in France, came into effect and, in 1994, as you know, the reformed Civil Code came into effect. The federal laws had to adjust to the new Civil Code of Quebec. They were very careful to respect legislative jurisdictions.

The federal harmonization bill meets this objective, in my opinion. I see no legislative jurisdictional conflict between Ottawa and Quebec City in this regard, and I should point out that the Quebec Department of Justice was consulted. I congratulate the federal Department of Justice for undertaking such a formidable task. It took some time, but it was done very well.

This bill will surely be referred to the Standing Senate Committee on Legal and Constitutional Affairs and there each clause of the bill will have to be checked. I am quite optimistic. I think that we shall have no difficulty because the text was considered, and the individuals gave it a lot of thought. They consulted the Bar Association, Quebec and professors, people knowledgeable in civil law and in the application of laws.

The Hon. the Speaker: If no other honourable senator wishes to speak, I shall put the question.

It was moved by the Honourable Senator De Bané, seconded by the Honourable Senator Rompkey, that Bill S-22 be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

[*English*]

• (1700)

CRIMINAL CODE
CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

On the Order:

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

Hon. Nicholas W. Taylor: Honourable senators, in speaking to the motion by Senator Cools, seconded by Senator Watt, for second reading of Bill C-247, to amend the Criminal Code and Corrections and Conditional Release Act, I follow Senator Bryden, but my views reflect the opposite side of the question. Senator Bryden gave a very worthy and interesting critique of what, in his opinion, was wrong with Bill C-227 which, for lack of a better word, has become known as the "consecutive" sentencing bill.

Senator Bryden made much of the six principles of sentencing that we provided for in Bill C-41 many years ago. Those are: to denounce harmful conduct; to deter the offender and other persons from committing further offences; to separate offenders from society, where necessary; to assist in rehabilitating offenders; to provide reparation for harm done to victims; and to promote a sense of responsibility in offenders and acknowledgement of the harm done.

Senator Bryden implied, as often happens in arguments involving sentencing, that those who want some offenders to be confined for a longer term of imprisonment are accused of having vengeance as their prime motive. That is an uncharitable view of any opposition to the status quo.

It concerns me how the legal profession joins arms and circles like Arctic muskox when someone who is not from the judiciary or the legal profession suggests that changes should be made to the statutes which deal with punishment for offences committed. That comment is a prelude to my remarks because, although I have spent many years in the legislature and in other places, not as a lawyer, I must say that I have "hatched" a few of them in my family.

Senator Cools: Hatched?

Senator Taylor: If you sit on an egg long enough, it hatches.

My point is that the mood of the public is recognized by the courts. After all, a few hundred years ago we used to hang people for stealing sheep. I doubt that it was the lawyers who removed that provision from that law. The public realized that hanging someone for stealing sheep was too rough a punishment.

This bill deals with consecutive sentencing. Senator Bryden suggested that the bill is inconsistent with the principles of sentencing. Honourable senators, I just read those six principles and I see nothing in those six principles which would be adversely affected by consecutive sentencing. That principle certainly denounces harmful conduct and deters the offender. It separates offenders from society. The only question it raises might be in connection with the rehabilitation of offenders. The present system of concurrent sentences assumes that the person will be rehabilitated after a life sentence, which today works out to 25 years. Rehabilitation after consecutive sentencing would probably be just as effective under this proposed provision. I cannot see how these changes would make a big difference. Criminals would continue to be returned to the community, but passage of this bill would certainly slow that process down. That is the whole idea behind consecutive sentencing.

Senator Bryden also questioned the process by which the bill was passed in the House of Commons. The bill was definitely not cobbled together, as he suggests. The bill was the subject of lengthy debate in the House, a debate spanning four years along with several days of committee hearings. We often accuse the other place of not getting much done, but we must all readily agree that, in four years, they are bound to get something done. That process spanned the last election. To say that the bill was cobbled together is a rather loose statement.

Consecutive sentencing is rare today, leading to circumstances where victims are reluctant to come forward because they know that, no matter what they say, not a single day will be added to the sentence of the offender. In other words, it holds up the natural progress of justice if a repeat offender is before the courts. Potential witnesses who have knowledge of another offence will say to themselves, "What is the use of coming forward? What I say will in no way affect the sentence. It might be a consecutive sentence. Big deal." There is a danger in thinking that consecutive sentencing actually works against justice and that people who should come forward on a multiple rapist or multiple murderer would not do so. Why would a potential witness stick his or her neck out and come forward as a witness or as a complainant when the person knows it will not change the sentence? They know the sentence will be served concurrently. In fact, there is the danger that, when the offender is released, he or she may not be rehabilitated as well as an offender should be and may then take vengeance on society.

Currently, the judge has the discretion to impose a consecutive rather than a concurrent sentence. This bill will not remove any discretion from the judges. If anything, if this bill is passed, judges will have more leeway in sentencing. Some people have argued that it handcuffs judges. I do not think that is true.

Another complaint we hear is: "How can you give a person two life sentences when the person only has one life?" Honourable senators, that is playing with words. That is a bit of fancy rhetoric because we do not impose "life" sentences. What is imposed is a term of imprisonment of, say, 20 or 25 years. There is no such thing as a life sentence. Senator Nolin is shaking his head. I am glad I got his attention. It involves semantics or playing with words to say that you cannot impose life sentences. If you cannot impose life sentences, you can certainly impose consecutive 25-year sentences. That is a way of getting around the language.

The other argument relates to the principle of deterrence. Consecutive sentencing is used in cases of multiple rape and multiple murder. There is no deterrent now for either a rapist or a murderer who has already committed two or three violent offences. Nothing will deter that offender from committing offence number three, four, five, six, or seven. There is almost a incentive for a person who is not mentally balanced to continue this criminal activity because the sentencing that he or she will receive will be no worse than if he or she had stopped after committing the first two offences. In other words, over a period of time, under our present system, we are encouraging the commission of multiple rapes or murders.

Our society has done away with capital punishment. I agree with that for a number of reasons, but I shall not get into that debate. However, so-called life imprisonment is nothing but a halfway house between capital punishment and letting the person out in society after just a slap on the hand, hoping that they have been rehabilitated.

• (1710)

Consecutive sentencing recognizes the fact that a convicted person will spend more time in that halfway house called a jail than he or she would otherwise. I do not see how that in any way strikes at the principles of justice that some of my legal friends speak about.

Government has recently allowed for changes in the right to parole in regard to the faint hope clause. If we can tamper with it a bit, why not tamper with it more and address consecutive sentencing?

Honourable senators, this is a sensible bill with a tremendous amount of logic behind it. I have a daughter who is a law professor and she says there is no relationship between the law and logic. In this particular case, I think she is absolutely right. The logic behind this proposed legislation is that, if there are sentences and if we can have one 25-year or 20-year sentence, surely we can have a second or a portion of a second. Logic is witness to that.

Hon. Anne C. Cools: Honourable senators —

The Hon. the Speaker: Honourable senators, does any other honourable senator wish to speak? If not, I must advise that, if the Honourable Senator Cools speaks now, her speech will have the effect of closing the debate on the matter.

Senator Cools: Honourable senators, I should like to thank Senator Taylor for his remarks of the past few minutes. I shall be very brief in my remarks.

Albina Guarnieri is an outstanding and long-serving Liberal from the Toronto area who is very well-known for her work supporting the Liberal Party of Canada in Toronto and in the environs. I thought it was important that that fact should be known in this chamber. Ms Guarnieri is a person for whom I have great respect and for whom I hold enormous affection.

In defence of Albina Guarnieri, I think her own work, strong character and loyalty to the causes that she espouses speak for themselves.

Honourable senators, when Senator Bryden spoke on April 11, I asked him a few questions and he responded. At that time, I reserved the right to raise a point of order. I declined to raise a point of order in the future as time went by because it was impossible to assemble everyone together at the same time.

For the record, I should like to say that, following his speech on April 11, 2000, I rose and asked Senator Bryden some questions because in his speech he asserted that he had said that I had been exaggerating. I asked him at page 1100 of the *Debates of the Senate*:

> Could the senator tell me how I have been exaggerating anything to this chamber?

Senator Bryden responded by saying:

> Honourable senators, if you look at the transcript I believe you will see that I never used the word "exaggerate".

He continued later in the paragraph to say:

> Once again, I very carefully prefaced my remarks by saying "in my opinion".

I invite the honourable senator to check the Hansard.

Honourable senators, I was pretty clear that I had heard accurately, and I put the question again to Senator Bryden, asking him to clarify. Senator Bryden again responded, at page 1100 of the *Debates*:

> Once again, though, I may be wrong but I do not think even there I used the word "exaggeration".
>
> When I was discussing what happened in this chamber, I twice referred to Senator Cools by name because I was quoting her....If Senator Cools has drawn another impression, that is unfortunate, but that certainly is what I intended to say and I believe that is what I said.

At that point, I said to the chamber:

> I will review the record with some care, but what I heard, as sponsor, was the honourable senator talking about the bill in this chamber.

Honourable senators, I did review the record of Senator Bryden's speech and, at page 1098, I found that this is what he said:

> Honourable senators, that is what we were told in earlier proceedings in this chamber, but it is not completely accurate. When one reads the testimony heard by the committee in the other place, one learns something different. In his testimony, David Daubney said that in fact...

Senator Bryden then continued to quote from David Daubney. He also continued for another few sentences and then said, on page 1098:

> Honourable senators, I was most struck by the fact, once again, that the sponsor is exaggerating the effect of this bill.

Honourable senators, I intend to do little about this other than to let the record clearly show that what I heard is what Senator Bryden actually said. Perhaps Senator Bryden may wish to respond to that in the future or, perhaps, make some sort of clarification.

I asked him twice. He said he did not say I was exaggerating. I looked at the record. The record clearly indicates that was the case.

Having said that, honourable senators, I should like to move along and to add that I think it is important that when we talk about other colleagues, especially of the same side, or colleagues in the other chamber, even when we disagree we should be mindful that people expect their work to be respected.

At the end of the day, if we say that we are colleagues and members of the same caucus, that caucus membership does carry with it a set of responsibilities that convey a certain amount of respectful deference, even in disagreement.

Honourable senators, the debate here has been quite rounded and sufficiently full. There is evidence before us all that something in respect of these questions needs correction. I understand that many honourable senators believe that this, perhaps, is not the appropriate, best or most efficient way to make those corrections. However, it is my opinion that, if senators feel strongly that they wish to amend the bill, they should bring forward the amendments. I am quite confident, as the sponsor of the bill, that the Senate committee will view those amendments with great consideration and they will be well received. I think that debate is very important and that the debate must go on.

Having said that, honourable senators, I shall end my remarks so that the question can be properly put.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Cools, seconded by the Honourable Senator Watt, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I simply wanted to say that I fully support this bill introduced by Senator Cools.

[*English*]

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

[*Translation*]

• (1720)

CANADIAN BROADCASTING CORPORATION

INQUIRY—DEBATE ADJOURNED

Hon. Marie-P. Poulin rose pursuant to notice of Thursday, May 11, 2000:

> That she will call the attention of the Senate to the Canadian Broadcasting Corporation.

She said: Honourable senators, in the last few days, there have been reports that the Canadian Broadcasting Corporation intends to embark on a radical change of direction by reducing its regional production from coast to coast, cutting back staff in several offices, and putting the savings into projects for national broadcast.

It is surprising to learn that our public broadcaster is thinking of reducing its overall hours of Canadian production at the very time when communications are exploding, when technical convergence is multiplying strategic alliances, when the Internet is not only giving us access to information of all sorts from around the world, but is also a springboard to the world for a variety of Canadian productions from such places as Newfoundland, Quebec, Saskatchewan and the Yukon. The Senate has already published two reports on this communications explosion. These reports are entitled "Wired to Win I" and "Wired to Win II." All the witnesses who appeared before the senators involved in this special study repeated that it was not clear where technical convergence would lead us, but that there was no doubt that the future lay in the content.

Honourable senators, it is still more surprising to learn that our public broadcaster is contemplating cutbacks to its regional production at a time when G-8 member states, and the members of the Francophonie, are discussing the importance of respecting, promoting and protecting cultural diversity in the context of globalization. Is this not the very essence of our country? Canada is made up of small groups spread about over a huge area. Canada is not a homogeneous country. It is our diversity that has enabled us to develop tolerance and respect for differences. This diversity is a living entity, not something static. In coming years, it will become enriched, or impoverished. Our cultural diversity will be enriched by our coming to know each other through CBC television, both English and French. Yes, Canadians want to come to know each other through their public television network.

[*English*]

Honourable senators, the Standing Committee on Canadian Heritage in the other place was told on Tuesday that CBC English television is in an identity crisis, that CBC English television is in a financial crisis, and that the CBC will deal with it. Bravo: all Canadians want a renewed and revived CBC. I wish the Board of Directors the necessary discernment to make the right choices so that Canada will be better served from coast to coast to coast.

I also heard the representative of English television state that the proposal to reduce the number of hours produced by English television across the country has been on the drawing board for 15 months. So much has happened in the last 15 months in the field of communications; more specifically, at the CBC itself, with the arrival of a new CEO. When Mr. Robert Rabinovitch was appointed to the CBC, the entire communications industry rejoiced. He is well-respected as an experienced public servant and a successful businessman, and he is known for his commitment to public broadcasting.

[Senator Poulin]

Honourable senators, I believe that Mr. Rabinovitch has the required values and stamina to lead our Canadian public broadcaster into the 21st century. When one leads, one needs a team, sometimes even an army. I was particularly impressed to hear him say this week that he has every confidence in his staff. He knows that each program is only as good as its idea and its production. He knows that every CBC piece of news will be as objective, balanced and informative as the reporters will feel respected and supported.

However, he arrives at a particularly challenging time. Every employee of this creative organization and news organization that is the CBC, in every location of the country, has seen colleagues lose their job, every year since the mid-1980s. All of us in this chamber have enough senior management experience to know what 16 years of instability can do to an organization. Our public broadcaster is an organization totally dependent on creativity and innovation, on dedication, on professionalism, in every location. How can the small teams in, let us say, Moncton, Chicoutimi, Windsor, Regina or Iqaluit continue to want to be the best in their radio and television service to Canadians in their locality?

Honourable senators, remember when we used to call the CBC the "Mother Corp"? Maybe the time has arrived for a new CBC CEO to manage our public broadcaster like a father — not an overprotective father because this makes for future weak adults; and not an ambivalent father since this makes for unclear goals and rules. Rather, we need a "grooming" father who can ensure a variety of opportunities for the development of the many skills required in the production of television and radio programs. How many of you, honourable senators, watch and laugh with *This Hour Has 22 Minutes*? It was developed 10 years ago in a very small CBC location in the Atlantic provinces. We need a grooming father for all of Canada to ensure a variety of opportunities for the development of Canadian talent from coast to coast to coast.We are all old enough to remember Anne Murray singing and strumming her guitar in a small CBC studio in the Atlantic provinces 35 years ago.

• (1730)

We need a grooming father, a balanced father, encouraging and demanding at once, for his most valuable resource — CBC staff. On the one hand, he must recognize excellence, such as good interviews and outstanding visuals, but, on the other, he must reject mediocrity, such as unethical comments or unbalanced reporting.

Honourable senators, on the one hand, we need a balanced father for all of Canada, offering two public television services in the English language and two public television services in the French language, services called Newsworld and RDI. All programming is broadcast nationally, as in the American model. On the other hand, we need services called CBC television and La télévision de Radio-Canada, where some programming is broadcast locally and some nationally, as in the BBC model.

Honourable senators, we need not only a grooming father, not only a balanced father, but a smart father. This is an era of "smart" buildings, "smart" communities, where everyone and everything is connected. Why not a smart CEO who can link the CBC to other cultural agencies like the NFB and the NAC; link CBC to small and large private ventures in small and large communities; link CBC to colleges and universities for training because of the urgent need for professionals in the new media? We need a "smart" CEO to link the old and the new media, rural and urban Canada, the majority and the minority groups; English-speaking and French-speaking Canadians. This is what local television capacity will ensure.

[*Translation*]

Honourable senators, our public broadcaster is like a tree. The more vigourous and well-nourished its roots, the lovelier its foliage. The more the employees and programs are rooted right across Canada, the more successful its national programming. What is more, the very identity of CBC and Radio-Canada will rise to the surface. A public service, yes! A public service that informs, enlightens and entertains.

[*English*]

Hon. Joan Fraser: Honourable senators, would the Honourable Senator Poulin accept one short question?

Senator Poulin: Yes.

Senator Fraser: Honourable senators, I was struck by Senator Poulin's remark about the need for roots in any organization of this nature. If the roots are not strong, the tree will not be strong.

I know that Senator Poulin has vast personal experience in this field. At least in the domain of news, would the honourable senator consider local news-gathering operations to constitute those roots?

Senator Poulin: The Honourable Senator Fraser also has a journalistic background. She knows that those operations are essential. Not only must every station have the capacity to identify and gather stories, but they must also have the capacity to produce them.

The whole perspective must be in the context of the news as it is going on. Given the vast expanse of this country, it is impossible for a person sitting in one city to have any sense of the background and the development of a news story in another locality.

Hon. Nicholas W. Taylor: Honourable senators, perhaps Senator Poulin would permit another question.

The major thrust of the attack on the CBC seems to be the shutdown of regional news coverage. There are areas in Canada where we are inundated with news coverage. I can mention Calgary, Edmonton, Toronto and Vancouver. Is there any way of getting the message through to the CBC that we do not need another regional news service in big cities where three or four networks are already operating? We do need them, however, where there is no competition. In other words, CBC can serve a national purpose by catering to Canadians who will not otherwise have access to regional news.

Senator Poulin: The honourable senator actually asked three questions. He is a concise person as usual, and I am honoured to answer the questions.

First, is there a place in this country for both a private and a public news-gathering service in certain big cities? My answer is yes, absolutely. The nature of professional news-gathering might use the same process, but the objective is not the same between a public broadcaster and a private broadcaster.

What differentiates the quality of the news between Canada and certain other countries that have no public broadcasting? It is the level of ethics in journalism. Absolutely, even in large centres, we have a place for the balanced approach of both private and public broadcasting.

There is the matter of certain centres where there are no other services. For instance, in all our northern services, the native people are served with a well-established, very articulate team. In many northern regions, there is no other service. That is where we see and live the true essence, the true raison d'être, of our public broadcaster.

The third, implied question is whether we, as a country, can compete with entertainment or news that comes from other countries, for instance, from our neighbour the United States. I say yes, because Canadians want to recognize themselves in their public broadcaster.

Although, at times, it is fun to be entertained with programming from other countries, it is also necessary to be informed and entertained by our own programming.

On motion of Senator Bolduc, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

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

On Motion No. 70:

> That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:30 p.m. on Wednesday, May 17, 2000, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I ask leave to withdraw Motion No. 70, as it is no longer relevant.

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

Hon. Senators: Agreed.

Motion withdrawn.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

On Motion No. 71:

> That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, May 17, 2000, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I ask leave to withdraw Motion No. 71, as it is no longer relevant.

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

Hon. Senators: Agreed.

Motion withdrawn.

• (1740)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE WITHDRAWN

On Motion No. 72:

> That the Standing Senate Committee on Energy, the Environment, and Natural Resources have power to sit at 4:30 p.m. on Tuesday June 6 and June 13, 2000 for the purpose of hearing witnesses on its study of Bill S-20, to amend and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would argue against the Senate adopting this motion. The subject of this study is not a government bill. This courtesy is extended generally when there is a government bill before a standing committee, and a special witness, such as a minister, is scheduled to appear before the committee. In the past, in those special circumstances, the Senate has allowed a committee to meet even though the Senate may then be sitting. None of those criteria is met in this case, and I would urge honourable senators not to adopt this motion.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I understand the comments made by Senator Kinsella. We have no special reason before us as to why senators should be absent from the chamber in order to attend a meeting of a committee.

Perhaps the Honourable Senator Taylor would be prepared to adjourn the debate in order to give Senator Spivak an opportunity to justify this procedure. At this point, however, I am in agreement with Senator Kinsella.

Hon. Nicholas W. Taylor: I must confess, honourable senators, that I went through the motions like a sleepwalker. I did not really think this motion through. Both senators have made a valid point. Senator Spivak and I have discussed this matter. We have scheduled witnesses to appear before the committee at some point in the future. However, we have some time between now and then, and I suspect those appointments can be moved around. In light of the comments made by both honourable senators, I shall contact Senator Spivak during our break to see if we can rearrange our schedule.

Senator Hays: Does the Honourable Senator Taylor wish to withdraw the motion? There is time to give notice and put it on Order Paper again.

Senator Taylor: I would ask leave to withdraw the motion.

The Hon. the Speaker: Is leave granted to withdraw the motion, honourable senators?

Hon. Senators: Agreed.

Senator Hays: On a matter of clarification, some honourable senators are confused about whether debate is adjourned or whether this motion has been withdrawn.

My understanding, honourable senators, is that the motion has been withdrawn and it will go off the Order Paper. Even though the motion was proposed by Senator Spivak, Senator Taylor, the deputy chair of the committee, has moved the motion. We have had a debate, and the result of the debate is that a disposition has been expressed on the part of the opposition and the government deputy leaders that it is inappropriate to deal with this without justification. Senator Taylor asked that it be withdrawn. Therefore, it will not be on the Order Paper, it will be withdrawn.

Is Senator Graham in agreement with that procedure?

Hon. B. Alasdair Graham: The motion was in Senator Spivak's name. I thought that perhaps the most convenient, appropriate and conventional way in which to handle this, if there is some concern, is to allow the matter to stand rather than withdraw the motion. Subsequently, when we resume our sitting, the chair of the committee could provide an appropriate explanation.

Senator Hays: Honourable senators, I have no problem in hearing from Senator Taylor, as the mover of the motion, to the effect that he wishes the motion to be withdrawn. We can see from the text of the motion that there is plenty of time to move another motion at a later date and to justify the moving of such a motion, as has been suggested by Senator Kinsella, with whom I have agreed.

As I understand the matter, we have agreed that the motion shall be withdrawn and we can revert to "Government Notices of Motions."

Motion withdrawn.

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 30, 2000, at 2 p.m.

The Senate adjourned until Tuesday, May 30, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, May 18, 2000

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce Foreign Affairs	99/12/07 99/12/09	0 0	99/12/16		
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs	99/12/16	2	00/02/09		
S-17	An Act respecting marine liability, and to validate certain by-laws and regulations	00/03/02	00/04/04	Transport and Communications	00/05/09	2	00/05/17		
S-18	An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)	00/03/21	00/04/04	Foreign Affairs	00/05/04	0	00/05/16		
S-19	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	00/03/21	00/04/06	Banking, Trade and Commerce					
S-22	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	00/05/11	00/05/18	Legal and Constitutional Affairs					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts	00/02/29	00/03/28	Legal and Constitutional Affairs	00/04/13	0			
C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23	99/12/01	Foreign Affairs	99/12/09	0	99/12/14	99/12/16	35/99

C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02	99/12/06	Subject matter 99/11/24 Social Affairs, Science and Technology	99/12/06 99/12/07	2	99/12/09	00/04/13	5/00
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs	99/11/30	4	99/12/08	00/03/30	1/00
C-9	An Act to give effect to the Nisga'a Final Agreement	99/12/14	00/02/10	Aboriginal Peoples	00/03/29	0	00/04/13	00/04/13	7/00
C-10	An Act to amend the Municipal Grants Act	00/03/28	00/04/10	National Finance	00/05/04	0	00/05/09		
C-13	An Act to establish the Canadian Institutes of Health Research, to repeal the Medical Research Council Act and to make consequential amendments to other Acts	00/03/30	00/04/04	Social Affairs, Science and Technology	00/04/06	0	00/04/10	00/04/13	6/00
C-20	An Act 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	00/03/21	00/05/18	Special Committee of the Senate on Bill C-20					
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/12/14	99/12/15	–	–	–	99/12/16	99/12/16	36/99
C-22	An Act to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence	00/05/09 (withdrawn 00/05/11) 00/05/11 (reintroduced)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18) Banking, Trade and Commerce (00/05/18)					
C-23	An Act to modernize the Statutes of Canada in relation to benefits and obligations	00/04/12	00/05/09	Legal and Constitutional Affairs					
C-26	An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence	00/05/16							
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	00/03/23	00/03/28	–	–	–	00/03/29	00/03/30	3/00
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/03/23	00/03/28	–	–	–	00/03/29	00/03/30	4/00

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-202	An Act to amend the Criminal Code (flight)	00/02/08	00/02/22	Legal and Constitutional Affairs	00/03/02	0	00/03/21	00/03/30	2/00
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02	00/05/18	Legal and Constitutional Affairs					

C-276	An Act to amend the Competition Act, 1998 (negative option marketing)	00/05/18
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09
C-473	An Act to change the names of certain electoral districts	00/04/10

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13	00/02/23	Legal and Constitutional Affairs					
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin) *(Dropped from Order Paper pursuant to Rule 27(3) 00/05/11)*	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/11/02	00/02/22	Social Affairs, Science and Technology					
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02	00/02/22	Privileges, Standing Rules and Orders					
S-8	An Act to amend the Immigration Act (Sen. Ghitter) *(Dropped from Order Paper pursuant to Rule 27(3) 00/05/04)*	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03	00/05/04	Legal and Constitutional Affairs					
S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault, P.C.) *(Dropped from Order Paper pursuant to Rule 27(3) 00/02/08)* *(Restored to Order Paper 00/02/23)*	99/11/04							
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18							
S-13	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	99/12/02	00/02/22	National Finance					

S-15	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	99/12/16							
S-16	An Act respecting Sir John A. Macdonald Day (Sen. Grimard)	00/02/22							
S-20	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	00/04/05	00/05/09	Energy, the Environment and Natural Resources					
S-21	An Act to protect heritage lighthouses (Sen. Forrestall)	00/04/12							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-14	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/12/02	99/12/07	–	–	–	99/12/08	00/03/30	

CONTENTS

Thursday, May 18, 2000