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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Wednesday, May 31, 2000

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

Prayers.

THE LATE LIEUTENANT-COLONEL THOMAS G. BOWIE

TRIBUTE

Hon. Raymond J. Perrault: Honourable senators, Lieutenant-Colonel Thomas Bowie, a great Canadian who served this country and this institution, has passed away here in Ottawa at the age of 82. He was Gentleman Usher of the Black Rod between 1979 and 1984, when he retired.

Lieutenant-Colonel Bowie had a rich and full life. After serving with the Canadian army in Britain, North Africa and New Guinea during the Second World War, Colonel Bowie retired as a major in 1945. He was back in uniform in 1947, having joined the Governor General's Foot Guard, where he rose to the rank of Lieutenant-Colonel and commanded the regiment. He was also appointed honorary aide-de-camp to Vincent Massey after he became the first Canadian Governor General.

From 1964 to 1978, Lieutenant-Colonel Bowie served as a parliamentary relations officer, which effectively made him the executive assistant to the Speaker of the House of Commons at the time, Alan Macnaughton. He was the right arm of Mr. Macnaughton. He was an activist in his position and fully in support of reform. He was very popular with the people with whom he worked. One quote from the archives states:

You looked up in awe at him...but he didn't have the snootiness of some military men.

That is a high tribute from the ranks.

Lieutenant-Colonel Bowie leaves his wife, Madeleine O'Neill, his children, Louise, Peter, Geoff and George, and eight grandchildren. We mourn his loss.

SENATOR'S STATEMENT

ONTARIO

GOVERNMENT CUTBACKS

Hon. Jean-Robert Gauthier: Honourable senators, it is a strange world, economically speaking, when a provincial government in Ontario with a debt of \$114 billion is able to distribute \$200 to each of its taxpayers, totalling a cost of almost \$1 billion.

Knowing that the health care system in this city is running an operational deficit in the hundreds of millions of dollars and that our school boards are already financially strapped, the provincial Tory Government of Ontario is about to distribute \$200 to its taxpayers. This public relations effort to boost its Tory image does not help, for example, the children deprived of their needed teachers and equipment, the sick people in our hospitals, the elderly, the homeless, the handicapped or the proper testing of drinking water. The Harris government has not even made the proper provisions in anticipation of the 40 per cent increase in university demands over the next decade in Ontario, partly due to the elimination of Grade 13.

• (1340)

It becomes an even stranger world to learn that the debt in Ontario has grown from \$80 billion to \$114 billion since Mike Harris became premier and that the Government of Ontario spends more every year to service the debt, \$9 billion, than it spends on community and social services.

The strategy used by the Tory government to increase its popularity will not fool Ontarians. It is obvious to us that this money should be used by Ontario to improve services. That is why I suggest that people endorse the \$200 cheque and make it payable to their preferred charity or public service, such as local school boards, health care centres, or needed public services throughout the province.

I shall send my \$200 to the Ottawa Rehabilitation Centre, where I have spent several years and where I know the government has reduced operational grants to a minimum.

ROUTINE PROCEEDINGS

CITIZENSHIP OF CANADA BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-16, respecting Canadian citizenship.

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 two days hence.

QUESTION PERIOD

HUMAN RESOURCES DEVELOPMENT

DATA BANK ON DETAILS OF PRIVATE CITIZENS— ALLEGED BREACH OF SECURITY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the Leader of the Government in the Senate brief this house on the situation in Human Resources Development Canada with respect to reported intrusions into personal data files?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I can only repeat information that is already available with respect to the dismantling of the Longitudinal Labour Force File. I am not able to give specific information, but if the honourable senator wishes to elaborate on his inquiry, I will certainly attempt to get the information.

Senator Kinsella: Honourable senators, there are reports of breaches in the data bank. I have no more information than that. I will await the minister's inquiries and advice to the house. The matter seemed to be germane after our excellent Committee of the Whole yesterday with the Privacy Commissioner.

CANADIAN BROADCASTING CORPORATION

EFFECT OF PROPOSED CUTS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I will turn now to a regional matter that affects many regions of Canada. I refer to the Canadian Broadcasting Corporation and the discomfort experienced across Canada with regard to the proposal to cut out supper-hour news programs in the regions.

My region, the province of New Brunswick, is, as the honourable minister knows, a bilingual jurisdiction. Therefore, we need to have Radio Canada and CBC delivering the regional news to two communities in one province.

Could the minister advise the house what the government policy is vis-à-vis the corporation's proposal and what his understanding is of the current position of the CBC on that issue?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, on the first issue raised by the honourable senator, I will certainly make inquiries of the minister about any alleged breaches of security of information held within that department. I am not aware of any, but I will make that inquiry and relay the information to the Senate.

I was very pleased yesterday, as were we all, I am sure, to hear the Privacy Commissioner characterize the action taken by the honourable minister. When asked whether he was satisfied, he very specifically said that not only was he satisfied, he was absolutely delighted.

Some Hon. Senators: Hear, hear!

Senator Boudreau: To paraphrase him, he said that if he were the person in charge, he could have done no more than the minister. I am sure that all honourable senators were reassured to hear that from the Privacy Commissioner.

With respect to the CBC, it is a good news development that the CBC has decided to retain regional newscasts in various areas across the country.

I am sure that most of us in this chamber have had discussions in the last few weeks with people from our own regions, including CBC employees, who were expressing great concern. I received a call from a very prominent CBC employee immediately after the announcement was made. I asked for his reaction to the new plan. He said that he was very relieved at the change. He was not 100 per cent satisfied, but he said, "They haven't torn up the tracks." I immediately understood what he meant.

As we all know, the CBC operates at arm's length from government. We cannot impose specific communications policies on the directors and management of the CBC, nor should we. However, the people of Canada spoke clearly, and their voices were heard by the directors of the CBC. I can only hope that they will build on the plan that they have laid out to make the production and delivery of regional programming in both languages an even more fundamental part of their future plans.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— OPERATIONAL REQUIREMENTS OF NEW AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, can the Leader of the Government in the Senate confirm, on behalf of the government, that when a maritime helicopter program is initiated it will be a fair and open contract process in accordance with the already-developed requirements of this aircraft and not a watered-down version?

• (1350)

Hon. J. Bernard Boudreau (Leader of the Government): I can tell the honourable senator with great confidence that the process will be fair, open, and will result in the procurement of equipment — as soon as possible, — equipment that the finest military experts will assure us is adequate to the task.

Senator Forrestall: Honourable senators, why does the Leader of the Government in the Senate not answer the question? The question is simple. Has there been any change in the operational requirements for that aircraft? If there has been any change and there is a directed contract to Eurocopter, someone will look awfully silly. The people who will suffer are the men and women who must fly in those aircraft and who have been required to fly in them for the last five or six years.

Therefore, I ask the minister to be specific, yes or no? Have there been any changes? Of course the contract can be watered down as to the requirements, and we can still have an open and fair competition. However, we will not be getting the piece of equipment we want. That is what I am concerned about, which is also what the people who fly these machines are concerned about, that they will get a lesser piece of equipment and that will not be able to do the job safely.

Senator Lynch-Staunton: Hear, hear!

Senator Boudreau: Honourable senators, I can only assure the honourable senator that the procurement of that piece of equipment will be done with the advice of experts and top military officials who know far better than I, for example, exactly what are the requirements. Whether or not those requirements have changed in the last six months or three years, I am not in a position to say. I can say with confidence, however, that the procurement of new military equipment will not be done without the expert advice and guidance of our military, who will be in charge of putting this equipment to work.

Senator Forrestall: Can the Leader of the Government in the Senate give us the assurance that the government, the Minister of National Defence or someone else from the government will not tell the generals that, as far as we are concerned, this is a good enough level, that we do not need to go to the level of the EH-101 or the modifications that were embraced in the Cormorant?

Honourable senators, I ask these questions because today I have received some information, and I have learned to respect the information that comes to me. I think senators in this chamber will recognize that.

REPLACEMENT OF SEA KING HELICOPTERS—
RELEASE OF SUBMISSIONS OF INTEREST

Hon. J. Michael Forrestall: Is it true or not true, or does the minister not know — I am sure he cares, but perhaps he does not know — that the government will ask for submissions of interest from industry within two weeks?

Hon. J. Bernard Boudreau (Leader of the Government): I can assure the honourable senator that I have no knowledge of that at the present time.

TRANSPORT

AIR CANADA—COMMITMENTS TO SMALL CENTRES—
GOVERNMENT POLICY

Hon. Leonard J. Gustafson: Honourable senators, I have a question for the Leader of the Government in the Senate. Air Canada's competition was removed, as far as I can see, and it seems as though centres like Regina are not getting a fair deal from Air Canada. Is the cabinet monitoring this situation? For instance, the biggest plane that will service our area will be

[Senator Forrestall]

a 737. We were being served by Airbuses. It is getting difficult to fly into these small centres.

Is the cabinet looking at whether Air Canada is living up to its obligations and the commitments it made to all of Canada? I am sure that if this is happening in Regina, it is probably happening in Saskatoon and other centres. It certainly is happening in the area to which I travel by air.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I can assure the honourable senator that the government, through the Department of Transport and the minister, monitors these situations very carefully to ensure that Air Canada lives up to its commitments. Of course, we will have an opportunity to study the legislation in some detail, particularly when it goes to committee. I think all honourable senators will be interested in what protections are contained in that legislation, how they might function, who might monitor them and so on. Currently, the minister and his department are carefully monitoring that situation, but we will have an opportunity soon to examine all these areas in much more detail in committee.

Senator Gustafson: It would seem, honourable senators, that it is becoming difficult — and I hear this from people who travel to the Maritimes and to the Prairies — to even get to these smaller centres. Quite frankly, a number of us were left in Winnipeg.

Senator Stratton: On a regular basis.

Senator Gustafson: Yes, and we must stay overnight in Winnipeg and fly on to Regina the next day.

Honourable senators, I just want to reinforce my question. Is the cabinet looking at specific small centres and asking whether good service is being committed to those areas?

Senator Forrestall: The short answer is no.

Senator Boudreau: I would indicate to Senator Gustafson that in travelling to Winnipeg, as he explained, he was definitely heading in the right direction in this country.

The honourable senator's concern is real. We had two airlines that competed and that situation could not continue. Now we are left with a new set of circumstances.

I am informed by the deputy leader that the bill is now before the committee and the committee will, over the next few weeks, have an opportunity to examine these issues. One of the issues will be that reasonable service to small communities is made available.

AIR CANADA—PROGRESS OF LEGISLATION
SETTING OUT OBLIGATIONS

Hon. J. Michael Forrestall: I have a supplementary question, honourable senators. How quickly does the government leader expect to have that bill back before this chamber? It will be in committee for quite a while, I would think.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I have learned, from my experience both in this chamber and in other chambers, never to attempt to estimate when legislators may determine to deal with a particular piece of legislation. I hope it will come back to the chamber within a reasonable period of time, but I know honourable senators will want to give serious attention to this important issue.

Senator Forrestall: I do not think the house should adjourn until June 23, so that is a good date.

FOREIGN AFFAIRS

WAR BETWEEN ETHIOPIA AND ERITREA—POSSIBILITY OF A MORE CONCERTED INTERVENTION

Hon. Douglas Roche: Honourable senators, recognizing that few wars can lay any claim to rationality, the war between Ethiopia and Eritrea is particularly stupid and has caused an unbearable amount of suffering in the refugee camps, as Stephen Lewis reported yesterday.

Canada has indeed sent food aid to this region, known as the Horn of Africa, but is there a way for Canada to express more than its outrage and compassion at this meaningless destruction of life and property other than with food aid? Can Canada use its position on the Security Council to find a workable plan that will stop the fighting and ensure an opportunity for the beleaguered people of Ethiopia and Eritrea to live in peace?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, that is a commendable suggestion to the minister and the government. I believe we can use our position to attempt to influence that result. In the meantime, I believe we have an obligation to offer what humanitarian aid is practically feasible.

On the overall issue of this insane war, as the honourable senator quite clearly characterizes it, I can give the assurance that the minister would have no difficulty using our position and, indeed, whatever influence we have to bring a resolution to that conflict.

Senator Roche: Honourable senators, I thank the government leader for that answer, but can he give us an assurance that the view I have just expressed will indeed be carried forward to the minister on a priority basis?

Senator Boudreau: Honourable senators, I will give that undertaking, without hesitation, to the honourable senator. I might add my own comments to his, as I pass them to the minister without delay.

• (1400)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to some distinguished visitors in the

Speaker's gallery, the delegation from the Russian upper house, the Federation Council. The members of the Federation Council are also members of their individual provincial or state governments and these distinguished visitors are chairmen of the state governments in their respective provinces.

On behalf of all honourable senators, I wish you welcome here to the Senate of Canada and may you have a pleasant stay in our country.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

HERITAGE LIGHTHOUSES PROTECTION BILL

SECOND READING—DEBATE CONTINUED

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. Catherine S. Callbeck: Honourable senators, I should like to congratulate my colleague Senator Forrestall for his excellent remarks in bringing forward this piece of legislation. I do not intend to speak for a lengthy period, nor do I wish to repeat the points already made by Senator Forrestall. I only wish to indicate that I support this bill in principle and to raise a number of questions that I hope can be addressed by the committee during its study.

The purpose of Bill S-21, and I am quoting from clause 3, is:

...to facilitate the designation and preservation of heritage lighthouses as part of Canada's culture and history and to protect them from being altered or disposed of without public consultation.

Moreover, the designation of lighthouses will be made in the recommendation of the Historic Sites and Monuments Board. This purpose addresses the fact that lighthouses are important aspects of Canada's history, especially in the history of our maritime communities both on the east and west coasts of this country. I am in strong agreement with this point. Furthermore, I also believe that some of these buildings need to be protected for their cultural and historic value. However, I am not sure we need to pass Bill S-21 in its current form in order to achieve this. The reason for this is the existence of the Federal Heritage Buildings Review Office, or FHBRO. This office is currently mandated by Treasury Board to evaluate all federally-owned buildings 40 years or older as to their heritage designation before any alterations can be made. Alterations include dismantling, demolishing and disposal.

FHBRO conducts these examinations using a set of established criteria. Once the evaluation is complete, points are awarded for ease of classification. Buildings scoring between 50 and 74 points become recognized federal heritage buildings and those scoring 75 points or more are classified federal heritage buildings.

This distinction is solely administrative and has to do with the degree of consultation required with FHBRO for proposed interventions. With a classified building, a department must seek approval for changes, whereas with a recognized building, a department only needs to seek advice.

Also attached to this policy are in-depth guidelines for disposal of designated heritage buildings. The disposal of heritage buildings is not encouraged without first exploring alternatives such as new uses and leasing or transfer agreements that would offer the least negative impact on heritage character. Where necessary, disposal should be accompanied by legal instruments designed to ensure the ongoing protection of heritage character under new ownership.

Throughout the disposal process, the custodian department consults with FHBRO for advice on developing options, specifying the level and nature of protection required and integrating heritage protection in the determination of the market value.

As you can see, honourable senators, we already have a very comprehensive heritage designation policy for federal buildings. Given that the Federal Heritage Building Review Office currently manages it, I wonder if it is wise to remove one category of federal buildings, namely lighthouses, from this process. This would mean that lighthouses would be under a different review process than all other federally-owned buildings. I am not sure if this is necessary, and if it is, what about the other federally-owned buildings? I do not think any one of us wishes to see separate protection acts for all the different types of federal buildings. In addition, FHBRO has already examined over 200 lighthouses, out of which 120 have been designated heritage buildings.

The final issue that I wish to address has to do with the Real Properties Act and federal policy guidelines for the disposal of surplus property. As has been relayed to me, one of the main problems currently being faced when selling or transferring lighthouses over to community organizations is a provision in those guidelines requiring that all surplus property in Canada be sold at market value. Unfortunately, the ability of community groups to purchase lighthouses for anything more than a nominal fee can be difficult. As such, their proposals are often overlooked and lighthouses are often sold for private development. Bill S-21 does not seem to overcome this obstacle.

In my brief remarks today, honourable senators, I have questioned whether new legislation is needed to aid in the designation of heritage lighthouses in Canada, as there is a current process in place under the Federal Heritage Building

Review Office. Whether this is sufficient is something that I think the committee should examine in detail.

I wish to reiterate my support for the bill in principle, particularly the provision that calls for public consultation and public hearings prior to the removal, sale, alteration or demolishing of a lighthouse. I look forward to further debate on this issue once it has been referred to the appropriate standing Senate committee.

On motion of Senator Hays, debate adjourned.

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. Janis Johnson: Honourable senators, I commend my colleague Senator Milne for her work on Bill S-15. I have looked at this issue carefully and am very much in favour of making the 1911 census available to historical and genealogical researchers. I also strongly support its release and am very concerned about any notion of destroying this data or locking it away on a permanent basis.

There are many excellent reasons for releasing the 1911 census once the standard 92-year limitation has expired.

• (1410)

First, virtually all civilized nations retain census data and make it available to historical researchers once a reasonable time has elapsed, including even such privacy-focused and litigious countries as the United States, which released its 1910 census for research years ago. European nations, such as Iceland, have only released their census records for 1910. Indeed, Iceland has published them for the general record. I mention Iceland because it is a very genealogically oriented society.

Second, because of the immeasurable historical value of such data, no civilized country would have such records destroyed or censored.

Third, genealogically speaking, these records are of vital importance for people tracing their ancestry.

Fourth, current generations of Canadians have a right to know their genealogical past, not only for reasons pertaining to family history but also for medical reasons. No Canadian should be deprived of this vital personal data that is inherently his or hers.

Fifth, because any sensitivity of such data fades quickly with the passage of time and changing circumstances and with the change of generations, concerns about the privacy of the individuals who provided census data become unfounded after a reasonable time has lapsed.

Whereas assurances given by the Canadian government with regard to privacy or other matters should be inviolable and sacrosanct, I do not feel the spirit of any assurances given in the 1906 or the 1911 legislation would be violated by opening the 1911 census. A careful reading of this legislation reveals that the intent of the framers was to allay contemporaneous concerns expressed by citizens of the day primarily with regard to financial information being leaked to “nosy” neighbours or tax assessors. The intention of those responsible was obviously to allay such fears and ensure privacy in that time and context. Failure to provide guidelines for future release has simply been the result of limited focus and oversight on the part of the framers.

This is evident in the wording of the census guidelines. I refer honourable senators to such phrases as “written consent,” obviously not an option 100 years later, being required for the release, and such clauses as, “An enumerator is not permitted to show his schedules to any other person...” or, “...if a fear is entertained by any person that they may be used for taxation...” et cetera. Virtually all data which might have been sensitive at the time, such as income, property, religion, race, has long since become a simple matter of record which is of use only in a historical, sociological or genealogical context and poses no threat or infringement on the living or the dead.

In short, to withhold the 1911 census, on the grounds of narrow and pedantic interpretations of old legislation without due and appropriate consideration for the time context and the lack of specificity evident, would simply deprive present and future generations of Canadians of a valuable historical resource to which the citizens of virtually every other modern nation have access.

A close friend of mine, Mr. Nelson Gerrard of Agborg, Manitoba, has worked for 25 years on historical and genealogical research. He has used extensively census records in Canada, Britain, the United States and Iceland and sees no possible reason why the release of data such as that contained in the 1911 census would raise any concern from anyone anywhere at this time. He tells me that the data is useful in a variety of ways. It is not particularly personal in the context of history and can have no significant adverse affect on anyone.

Honourable senators, in the context of his current work in compiling a history of the Icelandic pioneer community in Manitoba's Interlake Region, the withholding of the 1911 census is a significant impediment which is not easily overcome. Almost all of those alive at that time are now deceased, even the youngest children, and in the absence of records such as a census, there is no one to speak for those generations and no

documentation to show that they ever existed or played a part in the founding of this nation.

From the perspective of a Canadian citizen who is well acquainted with the issues of privacy as well as the disciplines of history and genealogy, I strongly urge the Canadian government and the Senate to consider this matter in a comprehensive, common-sense context, recognizing the semantic inadequacy of that legislation which has hitherto proven an obstacle to the release of data to which every Canadian should obviously have the right of access.

On motion of Senator DeWare, debate adjourned.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to some distinguished visitors in the gallery. In the Speaker's gallery on the left is a delegation of Italian parliamentarians who have been invited to Canada by our colleagues from the Canada-Italy Friendship Group. They are here today, accompanied by His Excellency Ambassador Roberto Nigido, and are the guests of our colleague Senator Ferretti Barth.

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

Honourable senators, I would also like to draw your attention to two other visitors in our gallery, Mr. Alan Lowe, the mayor of Victoria, and his wife, Grace Lowe. They are here at the invitation of Honourable Senator Poy.

Welcome to the Senate of Canada.

DIVORCE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-12, to amend the Divorce Act (child of the marriage).—(*Honourable Senator Sparrow*).

Hon. Sharon Carstairs: Honourable senators, this item is presently standing in the name of Senator Sparrow, and I wish to so leave it. However, if there is agreement of the Senate, I should like to speak to the bill now.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I rise today to speak to Bill S-12. I want to begin by thanking the special committee that examined custody issues and provided to the Senate and the House of Commons a report entitled "For the Sake of the Children." This committee was ably co-chaired by Senator Pearson, and gave excellent recommendations to ensure that children are the individuals in principal need of protection during divorce and resulting custody decisions. I encourage the Minister of Justice to amend the Divorce Act with dispatch and to take these excellent recommendations into consideration and, ultimately, to make them into law.

Bill S-12, however, reflects views with which I do not concur, primarily because it does not, in my view, protect children. The purpose of Bill S-12, as I read it, is to remove the liability of the non-custodial parent to a child over the age of 18, unless that child suffers from physical and/or mental disability.

Honourable senators, I must ask a question: Do parents, custodial or non-custodial, have responsibility to able children over the age of 18? I believe the answer to the question is yes, and this "yes" should have no relevance to the question of who is the custodial parent. Let me now explain why I believe these responsibilities exist, particularly in the provision of education.

Within each family unit there exists a number of factors making up this relationship. Love, affection and the sharing of resources are just some of these factors. However, one factor that is frequently not considered is a factor which I consider to be extremely important. I refer to the factor which I will call "expectation."

Honourable senators, I am the proud mother of two daughters. Their father, who also happens to be my husband, is an equally proud parent. Our daughters are now 31 and 27, and the patterns of expectation begun in their childhood still exist.

• (1420)

Let me give you some examples of these relationships. Infants' expectations are almost entirely on the side of parents. However, even at the age of two, our daughters understood that expectations were a two-way relationship. They had the expectation that each night before they went to bed, either John or I would read them a bedtime story. We, in turn, had the expectation that they would put their toys away. Honourable senators, any of you who are parents and grandparents know that having a two-year old put toys away is no easy challenge — in fact, it is much easier for parents to do it themselves. However, if you are trying to develop relationships and a sense of responsibility on the part of your child, you try to get them to at least begin the process of putting a few of those toys away. That sense of fostered expectations was the basis of our family life, and so they grew.

As they entered school, the most important set of expectations for our family emerged. Both John and I place a high value on education. It was our expectation, firmly entrenched in our children, that their job — just like mom and dad had jobs — was to go to school and to do the very best they could. In turn, they could expect all manner of books and school supplies, trips to the library when research was required, and their parents' attendance at all school events, competitions, festivals and the expectation that, above all else, there would be pride in their accomplishments. The expectation was that their parents would help them achieve the highest level of academic achievement that they desired.

Now, honourable senators, I say that with a bit of chagrin because my eldest daughter is still in school at the age of 31. Yes, we are still helping her achieve her academic goals; and, yes, we are both bursting with pride that she has just been given a post doctoral scholarship in Sweden and will complete her Ph.D. this fall.

Honourable senators, I wish to ask you this serious question: Should these expectations be simply pushed aside and should their expectations have been destroyed if John and I, for whatever reason, had chosen to divorce? Should our children's expectations have been dashed because their parents decided that they no longer wished to be together?

At the average age of 18, most children in Canada are barely finishing high school. They have, for the most part, just begun post-secondary studies at colleges, universities and technical schools. Should the custodial parent be the only one responsible for helping them out at this stage, particularly in circumstances when expectations have been instilled in their children by both parents since childhood? I believe not.

Not all parents will be able to fund their children's education. Many will only be able to offer free room and board. Why should this burden, accepted and welcomed though it may be, only fall to the custodial parent? After all, honourable senators, few judges continue custodial orders after the age of 18 if the child makes it clear that she or he wishes to live with the other parent. The custodial order is then changed.

Honourable senators, I would suggest that a child has two parents, and two parents have equal responsibility — as equal the day before a child's eighteenth birthday as the day after their eighteenth birthday. This provision in the Divorce Act is almost exclusively applied to the educational needs of children over the age of 18 and I, for one, believe it should be maintained.

Some Hon. Senators: Hear, hear!

On motion of Senator Hays, for Senator Sparrow, debate adjourned.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to a distinguished visitor in the Governor General's gallery or the central gallery, namely, Her Highness Sheikha Mozah Bint Nasser Al Misnad of the State of Qatar.

Your Highness, on behalf of all honourable senators, I bid you welcome here to the Senate of Canada and wish you a pleasant stay in our country.

Hon. Senators: Hear, hear!

LIBRARY OF PARLIAMENT

SECOND REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Joint Committee on the Library of Parliament (mandate of the Committee), presented in the Senate on May 30, 2000.—(*Honourable Senator Robichaud, P.C. (L'Acadie-Acadia)*).

Hon. Louis J. Robichaud: Honourable senators, I move the adoption of the report.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (Employment Equity and Diversity Policy), presented in the Senate on May 30, 2000.—(*Honourable Senator Rompkey, P.C.*).

Hon. Bill Rompkey: Honourable senators, I move adoption of this report. The ninth report deals with the employment equity and diversity policy recently adopted by the Standing Committee on Internal Economy, Budgets and Administration.

Employment equity means that all job applicants and employees have a fair chance in the workplace. It is achieved when no person is denied employment opportunities or benefits for reasons other than competence. This means that the Senate will regularly review its employee hiring and promotion policies to ensure that those policies provide equality of employment for any employee in hiring, promoting, training and working conditions.

To achieve fairness, we will ensure that the criteria used for hiring and promoting employees are equitable and barrier-free. Regardless of gender, race, disability or ethnic origin, individuals must be given the opportunity to make the best use of their talents and skills. For the four current designated groups that

have historically been underrepresented, namely, women, aboriginal peoples, persons with disabilities and members of visible minority groups, selection of candidates continue to be based on merit. The Senate is aiming for equitable treatment so that everyone is given the same chance.

Honourable senators, there will be no hiring quotas. The intent of the employment equity program is to remove discriminatory barriers faced by designated groups so that everyone has both an equal and a fair chance at jobs. Hiring will continue strictly on the basis of ability and skills, just as at present. However, we will be setting objectives. "Objectives," as distinct from "quotas," are a means of measuring progress.

In the self-identification questionnaire, which will be sent out shortly by the Clerk and the Human Resources Directorate of the Senate, employees will be asked to reply to specific questions. It is up to them to determine whether or not the description fits. Obviously, the more accurate the information, the better we will be able to assess whether the Senate is achieving fairness in the workplace. Everyone is encouraged to complete the questionnaire as accurately as they can.

The Senate is committed to the goal of a fair and equitable workplace without barriers to the hiring or advancement of any staff members. In order to measure progress in achieving that goal, there is a need to have accurate and complete information about the workforce. The survey will help in two ways. First, it will give us a snapshot of the current workforce and an indication of what progress has been made towards achieving a workforce that is representative of the Canadian population. From that data, the effectiveness of staffing and promotional systems can be evaluated, and changes can be made that will lead to further progress in meeting the Senate's objectives.

• (1430)

Second, the survey results will be compared to external labour force data identifying the number of qualified persons in each of the designated groups. In addition, the information allows us to better respond to the specific needs of different groups of people.

I want to add that the committee appreciates the initiative, the work, the interest and the support of, first, Senator Oliver, who was instrumental in bringing this to our attention and, as well, Senators Robertson and Carstairs, who came before the committee in support of this initiative. I want to pay tribute to them and to thank them for their interest and help.

Honourable senators, I commend the adoption of this report.

Hon. Brenda M. Robertson: Honourable senators, the ninth report of the Standing Committee on Internal Economy, Budgets and Administration is a good report. I am sure all honourable senators will join with me in expressing our appreciation to the staff of the Senate's Human Resources Branch for their hard work in developing a policy on employment equity and diversity. It has been a long time in the making; however, their perseverance, and the perseverance of honourable senators in this chamber, has paid off.

It was in December, honourable senators, in connection with the International Day of Disabled Persons, that I said all Canadians desire to participate in a society in which equality for all is a tangible reality. Today, the Senate has taken another step in that direction.

The objective of the employment equity and diversity policy, as my colleague has said, is to achieve equality in the workplace for women, aboriginal peoples, persons with disabilities and members of visible minorities so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability. This means that circumstances and situations that may be unintentional but that, nevertheless, prevent Canadians from employment opportunities in the Senate will receive our attention and, most important, our action.

This initiative, along with the Action Plan on Accessibility for Persons with Disabilities adopted in March, is good and tangible progress to achieving equality. It brings credit to the Senate of Canada.

I wish to congratulate and thank all honourable senators and officials for the work they have done in developing this policy. It is very important work that they have undertaken. I am sure we all look forward to the day when we are in a position to celebrate the tangible results of our new employment equity and diversity policy, and we must work toward that end with unfailing commitment.

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

Motion agreed to and report adopted.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

TENTH ANNUAL BILATERAL MEETING WITH JAPAN-CANADA
PARLIAMENTARIANS FRIENDSHIP LEAGUE—INQUIRY

Hon. Dan Hays (Deputy Leader of the Government) rose pursuant to notice of March 23, 2000:

That he will call the attention of the Senate to the tenth annual bilateral meeting of the Canada-Japan Inter-Parliamentary Group and the Japan-Canada Parliamentarians Friendship League, held in Tokyo, Hiroshima and Shikoku, Japan, from November 6 to 13, 1999.

He said: Honourable senators, I see that I have left this item on the Order Paper for 11 sittings. Now that we have some time, perhaps I could take a few minutes of the chamber's time to reflect on it.

The tenth bilateral meeting of the Canada-Japan Inter-Parliamentary Group and the Japan-Canada Parliamentarians Friendship League took place on November 6 to 13, 1999, in Tokyo. There was a visit to Shikoku

Island and the four prefectures of that island. There were meetings with governors of three of the prefectures of Shikoku Island.

The meeting followed the Team Canada visit of the Prime Minister to Japan in September 1999. It is my view that this was a most successful Canada-Japan bilateral initiative. It saw 270 business leaders from across Canada in Japan. It saw the endorsement of the global partnership for the 21st century signed by the Prime Ministers of Canada and Japan and resulted in meetings between Canadian participants and Japanese counterparts that totalled approximately 4,000 in number when added together. As usual, a number of contracts were signed at the time of the Team Canada visit. The dollar amount represented by contracts signed was \$450 million.

The trip highlighted certain areas, including high technology, our trade in value-added agricultural products and, most important in my view, our potential to supply the needs of the Japanese energy sector. As I recall, the country is broken into 10 areas that are served by power monopolies in various stages of deregulating their markets. This means demands for technology and for more efficient transmission and generation of electricity. We had some very good meetings that followed up on our bilateral meetings with the Japanese in terms of the potential for Canada and Japan to trade in this area, both in services and in products required to increase the level of efficiency of the Japanese power systems.

Honourable senators, another topic I should like to mention under this item, which, strictly speaking, is not covered by my notice of inquiry but by a notice of inquiry given by Senator Carstairs, is an associated meeting which is the responsibility of the Canada-Japan group. I refer to the Asia-Pacific Parliamentary Forum meetings that were held in Australia between January 9 and 14 of this year. I believe Senator Carstairs covered the important work of that multilateral parliamentary meeting very well.

I mention only that the chair of that group, former prime minister Yasuhiro Nakasone, presided. As usual, we were the beneficiaries of his influence with world leaders in terms of holding a very successful meeting.

• (1440)

Since our bilateral meeting, there have been some changes in the Japan-Canada Friendship League. During my time as chair of the Canada-Japan Parliamentary Association, my counterpart was Dr. Tatsuo Ozawa. He will at some future time be replaced by Chairman Elect Tamisuke Watanuki, presumably after the next election in Japan. That date has not been formally set, but I understand the Prime Minister has identified June 25 as the almost-certain date of the next general election.

Honourable senators, in closing, I thank Senator Callbeck for her kind words yesterday about my recognition by the Emperor of Japan.

[Senator Robertson]

Hon. Jerahmiel S. Grafstein: I wonder if the honourable senator would allow a question or two about Canada's relations with Japan?

Senator Hays: Certainly.

Senator Grafstein: Recently we read in the newspapers that the organization that represents the larger business interests in the country have taken the lead with respect to suggesting a free trade agreement with Japan. Does the senator agree with that? How might we facilitate such an initiative by government, as opposed to the private sector?

Senator Hays: I thank the honourable senator for the question. Talks are underway, supported by the Business Council on National Issues. The honourable senator was referring to the remarks of its president, Mr. Thomas D'Aquino. Free trade is a sort of catch-all, as we know from the negotiations which led to our Canada-U.S. free trade agreement. It did not literally mean free trade. It meant more liberalized trade between the two countries, a much more level playing field and a rules-based system for dispute settlement. Target-setting has begun for reducing barriers to trade, be they sanitary, phytosanitary or tariff barriers.

The discussions with Japan, I am very encouraged to hear, are proceeding but, in the context of what I have just said, free trade does not necessarily mean literally free trade. The Japanese are sensitive about a number of areas, agriculture being one. There are also a number of areas where we would benefit from a trading relationship enhanced by bilateral agreement, which we could call a free trade agreement. I support it.

The government, led by the Minister of Foreign Affairs and International Trade and the Minister of International Trade, is engaged. The Team Canada mission led in September of 1999 by the Prime Minister was a facilitator of those discussions. I am encouraged by the fact that the talks are taking place but they are at a very early stage.

Senator Grafstein: I commend Senator Hays for the award he has received from the Japanese government. It is a great tribute to him and his efforts. I should hope he would take to government the interest in pursuing a free trade agreement, led by the government, as opposed to the private sector.

There is a huge interest in breaking through the invisible tariff barriers that exist in Japan, particularly with respect to our value-added goods and, specifically, as the senator knows, the concern shared by our American colleagues with respect to high tariffs in agriculture, which might be a way of relieving the burden borne by competitive farmers in this country. The level playing field is not level when it comes to either Europe or Japan.

Senator Hays: Honourable senators, in terms of the negotiation being government-led or business-led, the

stakeholders on both sides of a bilateral issue must cooperate if something is to come together. I neglected to mention that, in addition to government and business, we have another extraordinary private-sector group involved, the successor group to one established by the previous government under the co-chairmanship of Peter Loughheed. The present Canadian co-chair is the Honourable Ed Lumley. That group is engaged in broad discussions on the trade file.

Our parliamentary group also provides input as we pursue the best possible relationships, trade and otherwise, between our two countries, Canada and Japan.

Hon. Nicholas W. Taylor: Honourable senators, I, too, congratulate Senator Hays for the significant honour he has received from the Japanese.

Perhaps we from the West do not receive the insight that we should. Can the honourable senator comment on Japan's outlook on the "two China" policy? They are right in the midst of Taiwan and China. What is their general attitude?

I realize I am asking for an opinion, but I know of no one else who would know more about it than the honourable senator. I would be interested in hearing his opinion.

Senator Hays: Honourable senators, that is a large topic. Japan has a close relationship with Taiwan which goes back a long way. It also has a very important and increasingly close relationship with China and has a "one China" policy, as we have.

The issue is an interesting and important one in that theatre because of the evolving role of Japan in security generally. As I am sure the honourable senator knows, the ninth article of the Japanese Constitution prevents it from having other than a self-defence force. Japan is a large spender on military hardware and has a large self-defence force. One of the great debates in Japan revolves around their future role. The Chinese and Koreans and others are interested as well. Taiwan is also, to some degree, involved in that question.

Canada is interested in helping Japan through common efforts in peace and security initiatives, particularly peacekeeping operations, or PKO. We want to play an increasing facilitator role as Japan looks at changing responsibilities for security. I appreciate the honourable senator raising the issue.

Senator Taylor: The honourable senator mentioned PKO and the significant size of Japan's self-defence force. Does the honourable senator have any opinion on whether Japan intends to take a stronger participation in UN peacekeeping operations around the world? PKO resources are already spread too thin, especially in Africa. Yet the Japanese, who seem to have the money, the training and the capacity, are not participating. Is their ninth article used as a dodge or is there another reason for that?

Senator Hays: Honourable senators, Japan is engaged in peacekeeping. Japanese and Canadian soldiers have served together on the Golan Heights and, I believe, in Cambodia. We also have common initiatives that arise out of the convention banning anti-personnel mines and de-mining areas.

• (1450)

Japan is the largest official development-aid-spender in the world. The combination of these things and the common objectives and values shared by the Japanese and Canadian governments provide many opportunities for us to do things together, as we do. However, we have the potential to do a lot more.

A couple of years ago, I attended the first meeting on security issues, which was held in Vancouver. A second meeting is, I believe, scheduled for later this year. That forum and others will provide opportunities for us to further our common interests.

At the time of the Team Canada mission, we had a symposium in the Canadian embassy, of which I was co-chair, that involved discussions on how we might more effectively pursue our common objectives for peace and security in the world.

The Hon. the Speaker *pro tempore*: If no other honourable senator wishes to speak, honourable senators, debate on this inquiry is concluded.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS
OF THE SENATE—DEBATE ADJOURNED

Hon. Nicholas W. Taylor, for Senator Spivak, pursuant to notice of May 30, 2000, moved:

That the Standing Senate Committee on Energy, the Environment, and Natural Resources have power to sit at 5:30 p.m. on Tuesday, June 6 and June 13, 2000, for the purpose of hearing witnesses on its study of Bill 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, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Explain.

Senator Taylor: Honourable senators, this motion originally requested power to sit at 4:30 p.m., but Senator Kinsella thought that might interfere with the regular business of the Senate.

Therefore, we changed the motion to read “5:30,” as the Senate chamber is normally not active at that time on Tuesdays.

The subject matter of Bill S-20 is not within our normal area of expertise, and we have found that witnesses from this industry are not that easy to schedule. We felt that at 5:30 there would be little chance of interfering with the normal business of the Senate.

Senator Kinsella: Honourable senators, we generally allow committees to sit while the Senate is in session when they are dealing with government bills that typically require, at the beginning of the hearings, the presence of the minister, because only the minister can speak to the issue of government policy that underlies a government bill. The tradition in the Senate has been that we make every effort to accommodate ministers of the Crown because we recognize that they have very special responsibilities. That is the typical circumstance under which we allow a committee to sit, even though the Senate is sitting.

From time to time, a special witness will be required by a committee, and we weigh the circumstances specific to each case.

The committee in question is studying a private bill. We have just heard the argument that some witnesses in the tobacco industry are hard to contact. One can appreciate why that is so with some tobacco executives. However, without getting into the merits of the issue, I do not think that this request meets the test established by the custom and usage in this place.

Senator Taylor: Honourable senators, I am pinch-hitting for my chairman, who assured me that she had cleared this with her side, but she said that last time, too.

We gave notice of this motion yesterday and I was under the impression that the Deputy Leader of the Opposition had approved it. I can only repeat that it is difficult to get witnesses from the tobacco industry to the table. We have to give them a definite time, and we think that 5:30 is quite safe. I do not think this would establish a fatal precedent.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, normally we rise at 6 p.m., although we have been known to not see the clock at times. Perhaps this item could be left on the Order Paper one more day. I will take the opportunity to speak to Senators Taylor, Spivak and Kinsella on this matter.

Honourable senators, I move the adjournment of the debate.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to make it quite clear that this is an excessive example of the tail wagging the dog. I think we all agree that our main priority is the Senate chamber and that committees must schedule their business around the sitting hours of the chamber.

There are exceptions, as Senator Kinsella pointed out, such as when a minister with a heavy schedule requests a particular time for his or her appearance. However, that is for a government bill. We are talking here about a private bill. I will vote against any motion asking that a committee be allowed to sit while the Senate is sitting in order to consider a private bill.

Honourable senators, we are setting a terrible precedent. I do not care that witnesses may be available only at a certain hour. If they are interested in a bill, they will accommodate the committee's schedule rather than ask the committee to accommodate theirs. How many tails do we need to wag one dog?

Hon. Jerahmiel S. Grafstein: Honourable senators, I should like to ask the Leader of the Opposition in the Senate for the basis upon which he suggests that a private bill does not have the same status in this chamber as a government bill.

Senator Lynch-Staunton: I did not say that.

• (1500)

Senator Grafstein: You did.

Senator Lynch-Staunton: I did not.

Senator Grafstein: Forgive me.

Senator Lynch-Staunton: There is no minister asking to appear.

Senator Grafstein: Excuse me, but what I heard from the honourable senator was that there should be a separate treatment for a senator's private bill and a government bill, if, in fact, we should accommodate a government bill awaiting the appearance of a minister who has a busy schedule. I drew from that that it was the senator's contention that a private bill has different efficacy and is different from a government bill in terms of treatment in this chamber.

Please bear with me for a moment.

Honourable senators, perhaps I am wrong constitutionally. From custom and practice, I thought the procedure in this place, in terms of time allocation for bills, was that once tabled on first reading, they were to be treated equally. Obviously bills have different time slots and different priorities, but a bill of a senator in this chamber, where each senator is equal, must be treated in a manner based on the priorities set out in our rules, in other words, on an equal basis once in the legislative process. I do not see a differentiation between the two. Perhaps from custom, practice or convention, the honourable senator can tell me if that is different.

Hon. Lowell Murray: Honourable senators, let me add a word to the honourable senator's about the rules. We started to make a distinction some years ago. Far be it from me, it is no longer my role, to defend the prerogatives of the government.

Senator Kinsella: Go ahead.

Senator Murray: However, we put into our rules some years ago that the Orders of the Day be called by the government. The government decides what legislation will be placed before us at a given time, and the government would normally place its own legislation first. Furthermore, the Leader and Deputy Leader of the Government, and the Leader and Deputy Leader of the Opposition, were given official status in our rules, status they had not had previously.

Second, it is the invariable custom, so long as I have been here, that committees, faced with government legislation on the one hand, private bills on the other hand, or policy studies on the third hand, always give priority to government legislation. That is the way it is done. It is not just a matter of custom and tradition. It is now and has been that way since what I like to call the "Robertson" rules were adopted here. Since that time it has been a matter of our rules, as well as of custom and tradition.

Senator Grafstein: I do not disagree with anything the honourable senator has said. That is not my point. I understand the rules and priorities, and I understand that the government is entitled to give priority to legislation, particularly legislation that has a general interest. Once the bill is referred to committee, subject to the questions of priorities and the rules, it should be treated on an equal basis. If, in fact, there is an important witness who cannot be accommodated on a private bill by any other means except during the time when the Senate sits, and if the minister can only come at a time that is inconvenient to the Senate but convenient to him, for good and fair and appropriate reasons, why should that be treated any differently? In custom and practice, why should it be any different? A bill presented by a senator should have exactly the same type of treatment, subject to the priorities. I do not understand that and, by the way, I do not agree with it.

Senator Lynch-Staunton: Honourable senators, I am not demeaning the importance of private bills. God knows that I have introduced more than one myself, but what I was trying to say, and I will now try to clarify, is that this chamber should not be at the mercy of committee schedules beyond fixed schedules. We should not be at the mercy of the schedules that they want to impose on us, beyond the fixed schedules we have already approved, only to satisfy certain witnesses who can only come at certain hours. Otherwise we may as well go to all the committees and ask when we, as a chamber, can sit. If a bill is important enough, and if we feel strongly enough about this chamber, we can accommodate each other, but the chamber should have priority over committee schedules.

Senator Grafstein: I agree with the senator on that point. Perhaps we should adopt what we have always adopted in this chamber, which is the pragmatic rule of case by case.

Senator Murray: That is what the honourable senator is doing.

Senator Grafstein: In other words, the proponent of a private bill should explain to the chamber that it is a request of necessity. However, with respect to a committee hearing a particular witness or proceeding with a meeting at a particular time, the chamber should decide, as opposed to setting some sort of rule that applies differently for government legislation and for private bills. I think they should be treated case by case, argument by argument, on an equal basis. If that is what the Leader of the Opposition in the Senate is saying, I agree with him.

Hon. Sharon Carstairs: Honourable senators, I happen to agree completely with Senator Lynch-Staunton. That is a rarity in this chamber.

Senator Lynch-Staunton: You are coming around.

Senator Carstairs: I agree that the business of the chamber should take precedence over all other business. If we find ourselves in a situation on occasion where the witness, be it on a private bill or government legislation — and it most frequently happens with government legislation — can only appear at a particular time, then I would support a committee that comes forward and asks for leave to sit to hear that particular witness. However, I will not support a blanket motion to allow people to sit while this chamber may still be sitting, as has been outlined here, two weeks in a row.

On motion of Senator Hays, debate adjourned.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, we have a house order to suspend at 3:30. It is slightly before 3:30 now. I should like to move that we suspend the sitting now as if it were 3:30, and return as provided for in the house order for the vote.

The Hon. the Speaker pro tempore: It is moved that the Senate stand suspended until 5:00 p.m. for the purpose of disposing of all questions on Bill C-2. The bells will ring at 4:45 p.m. At 5:00 p.m. a voice vote will be taken on Senator Nolin's first amendment. If a recorded division is requested, the bells will ring for 30 minutes. The motion was adopted yesterday.

Senator Kinsella: Let us try to get that straight.

Senator Hays: Honourable senators, I believe it is Senator Beaudoin's amendment that will be voted on first.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators, that we suspend the Senate until 5:00 p.m.?

Senator Hays: Honourable senators, just to clarify, my understanding is that, under the house order, committees will sit while the sitting is suspended. The bells will begin to ring at 4:45 calling senators to the chamber, and there will be a voice vote at 5:00 p.m., beginning with the amendment proposed by Senator Beaudoin. It may be that the voice vote will be adequate, but if not, a standing vote will begin at 5:30, followed by other votes if necessary.

The Hon. the Speaker pro tempore: It is agreed that we suspend until 5:00. The bells will ring at 4:45 until 5:00 p.m.

Senator Hays: What I am looking for from you, Your Honour, is agreement that we will vote on Senator Beaudoin's amendment first.

The Hon. the Speaker pro tempore: Agreed.

The sitting of the Senate was suspended.

• (1700)

CANADA ELECTIONS BILL

THIRD READING

On the Order:

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”;

And on the motion in amendment of the Honourable Senator Beaudoin, seconded by the Honourable Senator Keon, that Bill C-2 be not now read a third time but that it be amended, in clause 18.1, on page 13, by replacing lines 12 and 13 with the following:

“committee of the Senate and the committee of the House of Commons that normally considers electoral matters, or by the joint committee of both Houses of Parliament designated or established for that purpose.”.

The Hon. the Speaker: Honourable senators, there was an agreement on May 18 that all the questions needed to dispose of the third reading of Bill C-2 would take place today, with the Senate called at five o'clock, and that the bells would ring for 30 minutes.

Yesterday, we had a further discussion, and it appeared then that the vote would take place at 5:30 without the necessity of the bells ringing for 30 minutes. Do we have agreement, as there will be no debate on any of the amendments, that the vote will be at 5:30?

Some Hon. Senators: Agreed.

Senator Kinsella: Let's do it now.

The Hon. the Speaker: Honourable senators, all we are dealing with at this point are voice votes.

The voice vote on the motion in amendment proposed by Senator Beaudoin has been disposed of and a standing vote has been called for 5:30. There are seven motions in amendment from Senator Nolin. Is there any disposition to deal with the seven motions in amendment at once, or is it the wish of the Senate to deal with each of them separately?

Senator Kinsella: One vote.

The Hon. the Speaker: Is that satisfactory, Senator Nolin?

Hon. Pierre Claude Nolin: Yes.

The Hon. the Speaker: It was moved by the Honourable Senator Nolin, seconded by the Honourable Senator Prud'homme, that Bill C-2 be not now read a third time but that it be amended —

An Hon. Senator: Dispense!

The Hon. the Speaker: Shall I dispense with all seven motions in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt Senator Nolin's motions in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motions in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motions 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, the standing vote is deferred until 5:30 p.m.

We are now back to the main motion. We have agreed to have a standing vote on Senator Beaudoin’s motion in amendment. We have agreed to have a standing vote on Senator Nolin’s motions in amendment. I can defer the vote on the main motion until we dispose of those, if honourable senators wish. Would you prefer it that way?

Hon. Senators: Agreed.

The Hon. the Speaker: Then we are back to the Order Paper.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, when we suspended the sitting at approximately 3:15 p.m., we had completed our work. It was agreed at that point with the Speaker *pro tempore* in the chair that we would suspend the sitting until now. Accordingly, I suggest that we continue with a suspended sitting but that we ring the bells for a vote at 5:30.

The Hon. the Speaker: Very well. The bells will ring and the votes will be held at 5:30.

Call in the senators.

• (1730)

The Hon. the Speaker: Honourable senators, the question before the Senate is the third reading of Bill C-2. The first vote is on the amendment proposed by the Honourable Senator Beaudoin, seconded by the Honourable Senator Keon, that Bill C-2 be not now read a third time but that it be amended in clause 18.1, on page 13, by replacing lines 12 and 13 with the following:

An Hon. Senator: Dispense!

Motion in amendment of Senator Beaudoin negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Johnson
Beaudoin	Keon
Bolduc	Kinsella
Buchanan	LeBreton
Cogger	Lynch-Staunton
Cohen	Murray
Comeau	Nolin
DeWare	Robertson
Doody	Roche
Forrestall	Rossiter
Grimard	Simard
Gustafson	Stratton—24

NAYS

THE HONOURABLE SENATORS

Adams	Graham
Bacon	Hays
Banks	Hervieux-Payette
Boudreau	Joyal
Bryden	Kirby
Callbeck	Kroft
Carstairs	Losier-Cool
Chalifoux	Mercier
Christensen	Milne
Cook	Pépin
Cools	Perrault
Corbin	Perry Poirier
De Bané	Poy
Fairbairn	Robichaud
Ferretti Barth	(<i>L’Acadie-Acadia</i>)
Finestone	Robichaud
Finnerty	(<i>Saint-Louis-de-Kent</i>)
Fitzpatrick	Rompkey
Fraser	Sibbeston
Gauthier	Taylor
Gill	Watt
Grafstein	Wiebe—42

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question now before the Senate is on the seven amendments proposed by the Honourable Senator Nolin, seconded by the Honourable Senator Prud’homme. Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Those honourable senators in favour of the seven motions in amendment will please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motions in amendment please say “nay”? *[English]*

Some Hon. Senators: Nay.

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

Senator Kinsella: On division.

The Hon. the Speaker: Honourable senators, we are back to the main motion. It was moved by the Honourable Hays, seconded by the Honourable Senator Moore, that 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, be now read a third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: In my opinion, the “yeas” have it.

Senator Kinsella: On division.

Motion agreed to and bill read third time and passed, on division.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

May 31, 2000

Mr. Speaker,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 31st day of May, 2000, at 6:15 p.m. for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Anthony P. Smyth
*Deputy Secretary
Policy, Program and Protocol*

The Honourable
The Speaker of the Senate
Ottawa

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I would move that the session be suspended until 6:10 in anticipation of receiving the representative of her excellency at 6:15.

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

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

[Translation]

• (1830)

ROYAL ASSENT

The Honourable John C. Major, Puisne judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Deputy Speaker, the Honourable the Speaker of the Senate said:

I have the honour to inform you that Her Excellency the Governor General has been pleased to cause Letters Patent to be issued under her Sign Manual and Signet constituting the Honourable John C. Major, Puisne Judge of the Supreme Court of Canada, her Deputy, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure.

The Commission was read by a Clerk at the Table.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Municipal Grants Act (*Bill C-10, Chapter 8, 2000*)

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 (*Bill C-2, Chapter 9, 2000*)

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 2:00 p.m.

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