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(HANSARD)

Thursday, June 29, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, June 29, 2000

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

Prayers.

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Honourable senators, before I proceed with Senators' Statements, I should mention that yesterday we gave certificates and a farewell to the pages who are leaving us.

Today, I should like to introduce Diedrah Kelly, the chief page, and Chloe McAlister, deputy chief page, who will be with us next year.

After the ceremony this morning for the Famous Five, honourable senators can see that women are also taking over here.

SENATORS' STATEMENTS

THE SENATE

COMITY WITH HOUSE OF COMMONS

Hon. Jack Austin: Honourable senators, my purpose in speaking today is to express a sincere regret that since the last federal election in 1997, the Senate has been visited with and is continuing to experience a series of legislative and rhetorical events the effect of which, if not design, is to weaken the links of comity between Parliament's two legislative chambers on which so much of the effectiveness of a working Parliament must be based.

Certainly, we are aware of the continuing debate in the country regarding the nature and structure of an upper house in the Canadian parliamentary system. The Senate is on record on many past occasions as welcoming informed discussion about reform. The delay in holding an open and direct review is not caused by this chamber.

If I find that my Senate colleagues share my concern about these recent events, I may propose, later in this session, that we send a message to the other place inviting them to a formal conference to discuss the reform of Parliament.

Some Hon. Senators: Hear, hear!

[*Translation*]

HOMELESS WOMEN

Hon. Lucie Pépin: Honourable senators, even if Canada is a good country to be born in and to live in, we still have poverty. According to a study by Monica Townson of the Canadian Centre for Policy Alternatives, the poor make up close to 19 per cent of our population.

Honourable senators, today I should like speak to you of a type of poverty that is not much talked about, but is increasing in our country: homelessness. In particular, I wish to talk about homeless women. Theirs is a reality that is present in most major Canadian cities, and even some regional centres, including Trois-Rivières, which is in my district. The homeless one sees in our streets are mainly men, but there are also homeless women. They are merely less visible.

Homelessness means adopting a lifestyle that is extremely precarious; it means hunger and thirst, exposure to all manner of dangers and diseases; it means not being able to wash or to rest properly in a bed; it means lack of health care and very often lack of recognition.

Homelessness for women is all that and more. It means using soup kitchens dominated by men; it means separation from one's children and being the object of their disapproval; it means trading sexual services for a meal or to avoid sleeping in a public park in the cold when all of the city's shelters are full; it also means being exposed to sexual aggression. Homeless women are also at risk of unwanted pregnancies and they do not always have access to terminations.

While homelessness among women is definitely less common than among men, it is growing very quickly. Yet very few beds are available for homeless women. For example, in Quebec City, only about 10 per cent of emergency beds are available to these women. Homelessness hits women very early on. In Montreal, the average age of homeless women is 17, but some of them are as young as 13 or 14. Homelessness among women is synonymous with drugs and prostitution. According to some Quebec data recently published in *La Gazette des femmes*, nine out of ten homeless young women aged 17 inject cocaine or heroin daily and, to support that habit, must deal with criminal gangs that often turn them into sex slaves or force them to take part in criminal activities. The public has little sympathy for homeless women. It is not easy for society to recognize that the socialization process as applied to women has failed and is even deemed undesirable by some young women. Such an attitude by society has much to do with the fact that homeless women suffer various mental problems more often than homeless men do. Consequently, they are more dependent on medication than men are.

Honourable senators, I am asking you to reflect on our values and priorities as a society. Considering that Canada is perceived as a great place to live with a very progressive charter of rights, can we let an increasing number of people live in poverty? This is a contradiction that casts a shadow on the simple justice in which Canadian society believes.

[*English*]

NEWFOUNDLAND VIKING CELEBRATIONS

Hon. Ethel Cochrane: Honourable senators, a few days ago, a 22.5-meter-long replica of Leif Eriksson's Viking ship left Iceland. The ship, called the *Islendingur*, meaning "Icelander," is re-enacting the famous explorer's voyage to North America 1,000 years ago. It has a nine-member crew headed by Gunnar Eggertsson, who is a descendant of Leif Eriksson. The voyage of the *Islendingur* marks the beginning of a summer-long Viking celebration in Iceland, Greenland, the United States and Canada, but especially in my province of Newfoundland and Labrador.

Thousands of visitors will be travelling to Newfoundland's northern peninsula headed for L'Anse aux Meadows where Eriksson is believed to have first landed 1,000 years ago. The original Viking settlement was lost for many centuries, but it was discovered in 1961 by a team of Norwegian archaeologists at L'Anse aux Meadows on the tip of the Northern Peninsula. It is a national historic site and, according to the Newfoundland Tourist Bureau, it is the first location in the world to be recognized by UNESCO as a World Heritage Site of cultural significance.

There will be Viking celebrations throughout Newfoundland this summer but especially on the Northern Peninsula. Near L'Anse aux Meadows National Historic Site, there will be Norse stead. That is a grand encampment where up to 100 people will re-enact life during the Viking age, including battles, weddings and day-to-day traditional Viking food and culture. The highlight of the summer will be the arrival of a flotilla of 10 to 12 Viking boats from around the world, led by the *Islendingur* at L'Anse aux Meadows on July 28.

The *Islendingur* will then spend 25 days in Newfoundland waters, visiting nine ports of call on the west coast, the south coast and the Avalon Peninsula. I encourage all honourable senators, your families and friends to take advantage of this perfect opportunity to learn first-hand about the earliest European settlement on our shores and the Vikings' exploration of our coast.

• (1320)

Honourable senators, please make a heritage visit this summer to Newfoundland's west coast and northern peninsula. I can assure you that you will have a grand time.

[Senator Pépin]

UNITED NATIONS

HUMAN DEVELOPMENT INDEX—TOP RANKING OF CANADA

Hon. Joan Cook: Honourable senators, I am pleased to rise today on the eve of Canada's birthday to announce that for the seventh consecutive year, Canada has been ranked number one among 174 countries in the United Nations Human Development Index.

The index is part of the annual report released by the United Nations Human Development Program. It measures life expectancy, adult literacy, education and income distribution. Canada received the top spot in recognition of our high life expectancy, adult literacy rates and standard of living. As the Prime Minister stated earlier today:

> Scoring first place on the HDI has become common for Canada over the last decade, but has never become commonplace. If anything, year after year of achieving such remarkable recognition has only whetted our appetite to ensure that our quality of life is not only sustained but enhanced.

AGRICULTURE AND AGRI-FOOD

HISTORICAL SUPPORT FOR FARM PRICES

Hon. Leonard J. Gustafson: Honourable senators, today the Standing Senate Committee on Agriculture and Forestry will table a report on farm prices. I should like to read into the record a previous comment on a report from the archives.

> Under the Conservative Government of Prime Minister John Diefenbaker the farmers of Canada have at long last been given realistic and effective farm price supports. This is part of a larger program to raise the standards of living for Canadian farmers...

Honourable senators must take into consideration that this was written in the 1950s.

> Deliberate attempts have been made to misrepresent this legislation. The reason is obvious. Opposing parties are afraid that farmers will find out that this Conservative Government has, in a few short months in office, done more to meet their real needs than any other administration in history.
>
> It is our job to tell the farmers the facts in plain, positive and powerful terms.
>
> Canadian farmers have long sought:
>
> GUARANTEED FARM PRICES related to their costs of production and the cost of what they have to buy.

GUARANTEED FARM PRICES set in advance to the Crop Season.

GUARANTEED MINIMUM FARM PRICES in the event of a general economic decline affecting all prices,

The article then goes on to say that it is:

...necessary to ensure that the prescribed prices for an agricultural commodity in effect from time to time shall bear a fair relationship to the cost of production of such commodity.

THE SENATE

EXPRESSION OF APPRECIATION FOR EMPLOYEES AND SENATORS' STAFF

Hon. Mabel M. DeWare: Honourable senators, as we prepare at last to leave this place for the summer, I should like to take this opportunity to say a few words about some very important people. Those are the many Senate employees and senators' staff who work hard, and make it possible for us in this chamber to do our work.

In expressing appreciation for all that they do, I speak both as an individual senator and on behalf of my colleagues on this side of the chamber. Certainly, the senators opposite also share the appreciation.

Without their tremendous support provided by employees and staff, the Senate would not be able to function as efficiently as it does. Thanks to their support, whether direct or indirect, we are able to serve Canadians well.

In the chamber we benefit from the dedication of the Table officers who help keep our business on track. Our various needs are looked after by our cheerful and willing pages who also assist us outside the Chamber. Senate security also does a fine job. The interpreters assure that we all understand one another in English and French. Do not forget our reporters who are responsible for the printed word.

Of course, we would not get a thing accomplished if we did not get guidance from the Speaker and Speaker *pro tempore*.

In committee, we rely on the professionalism of clerks, other staff in the Committees Directorate, the law clerk and his office and the Library of Parliamentary researchers.

We are also able to run our offices efficiently thanks to all the work that is performed on behalf of the Senate administration. In particular, the messengers and maintenance workers deserve a lot more credit than I think they often get.

I should like to say a big thank you to all the employees and staff who make our work possible. I wish one and all a wonderful summer.

Hon. Senators: Hear, hear!

THE LATE JOHN ARAB

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I should like to speak today on the passing of John Arab. In the year 323 B.C., Alexander the Great met his maker. In 1962 A.D., Frank Mahovlich was married to Marie Devaney, who was his maker.

At our wedding, the Saint Michael's Cathedral All Boys' Choir sang under the leadership of John Arab, Canada's leading tenor at the time. Mr. Arab studied entirely in Canada, first in his native Halifax, then at the Banff School of Fine Arts and the Royal Conservatory of Music in Toronto.

One of his teachers, Monsignor J. E. Ronan, the founder and first director of the St. Michael's Choir school, told him to listen to the great tenors, Enrico Caruso, Benjamino Gigli, and Jussi Bjoerling.

He made his debut with the Canadian Opera Company 1958, singing the tenor lead, Count Almaviva, In Rossini's *Barber of Seville*. He also had roles in *Othello, Falstaff, la Bohème, Cosi fan tutte, Die Fledermaus*, and *Macbeth*.

In 1967, he created the roles of O'Donaghue and Lemieux in the COC production of Canadian composer Harry Somer's *Louis Riel*. He sang in the opera's revivals in 1968 and 1975.

John Joseph Arab was born of Lebanese immigrants in 1930, beginning his career as a soloist in St. Mary's Cathedral in Halifax. He joined the St. Michael's Boys Choir in 1954 where he studied under Ernesto Vinci.

In 1971, Mr. Arab married mezzo-soprano Kathleen Ruddell and family obligations made him retire from the COC in 1977 to teach music with the Toronto Catholic District School Board.

Among his proteges is Michael Burgess, best known for his role as Jean Valjean in the musical *Les Misérables*.

I would now show my appreciation to John Arab for not only singing at my wedding, but also for contributing so much to the musical world for which Canada is well known around the world.

Vive la Canadienne, vole, mon coeur vole!

NOVA SCOTIA

VISIT TO OTTAWA BY 2ND WELLINGTON CUB SCOUT PACK OF HALIFAX

Hon. J. Michael Forrestall: Honourable senators, I rise today with pride to draw your attention to the 2nd Wellington Cub Scout Pack's visit to Parliament Hill and the Senate as their millennium project. They were in the gallery yesterday.

The 41 or so Cubs and 30 parents, all of whom, incidentally, crowded into my modest office downstairs at one point, came by train as far as Montreal. Due to the lateness of the train, they took a bus to Ottawa. They made it in time for the Senate.

Can you imagine the Cub Scouts' experience to get to Ottawa, a chance to view a part of the beauty that is Canada. They will spend several days here in the nation's capital, including Canada Day, July 1, 2000, our birthday. To their parents and Cub Scout Pack leaders, it is a worthy trip, in my opinion, and one that deserves mention.

What better way is there to train citizens and leaders of the future than to afford them the opportunity to see and visit the nation's capital and watch the nation's business being reviewed and legislated here in the Senate. What better way than to see the Speaker of the Senate execute his duties with fairness and with honesty; to see our dear colleagues yesterday, Senators Stollery, Nolin and Kinsella, debating great issues and great concerns of today and likely the laws of tomorrow; to see our pages, of whom we are so proud, execute their duties with professionalism and, perhaps, to see an opportunity for a son or a daughter of Wellington to fund an excellent Canadian education when those Cubs grow up and decide to go to university. Thus, they will learn something of government and citizenship during their visit here. They will also learn about resourcefulness.

• (1330)

Some senators may remember that I asked the Leader of the Government in the Senate 10 days or so ago a question about these kids. These Cub Scouts came to Ottawa, and they did it on their own, raising over $31,000. They held bake sales, flea markets, bottle drives, dances — I would have loved to have seen that, because they are all 10, 11 or 12 years old — and an auction to meet their goal. They fell $6,000 short. However, I have an assurance. I trust the Leader of the Government in the Senate to rectify the situation because, you see, Wellington is in Halifax county, where the Leader of the Government in the Senate today may very well be an aspiring member of Parliament in a matter of months.

Senator Kinsella: Maybe he will stay for the afternoon!

Senator Forrestall: Honourable senators, we should be proud of these people and their leaders. They are citizens of a great country who came here yesterday to learn first-hand more about what their teachers had been teaching them in their classes throughout the winter.

Honourable senators, you saw the Cub Scouts and their leaders quietly watching in the gallery. They were polite and respectful, as they were when they were in my office and downstairs in that great wonderful chamber, the Aboriginal Room.

The Hon. the Speaker: Honourable Senator Forrestall, I regret to interrupt, but your three-minute speaking period has expired.

Senator Forrestall: Let me just say —

The Hon. the Speaker: I am sorry, honourable senator.

Senator Forrestall: Will His Honour sit me down after all these months?

The Hon. the Speaker: I am sorry, but the rules state that I must stop honourable senators after three minutes.

THE SENATE

CEREMONY ON OPENING OF FAMOUS FIVE EXHIBIT

Hon. Sheila Finestone: Honourable senators, I think it is appropriate to thank the Senate, the senators and, in particular, His Honour the Speaker, for chairing a ceremony today to honour the memory of five special persons — five women who, in effect, are responsible for one-third of the members of this house. It was through their efforts that the British Parliament determined that we women are persons.

I had a great sense of pride as I watched the Mistress of Ceremonies, Mary McLaren, as Usher of the Black Rod, chair the session so effectively and pleasantly in English and in French. All who surrounded the maquette appreciated her, as well as Deputy Prime Minister Herb Gray, who pointed out that the millennium fund had enabled the development of this project. That money will ensure that the statue will be installed on Parliament Hill on October 18, 2000, right behind the Senate, where for the first time women were able to bring their particular perspective to the governing of this land. It is not a better perspective, nor a worse perspective — it is just a different experience, which is very important.

I hope all senators who have not had an opportunity to do so will go to look at this maquette and to recognize these extraordinary five women. They are quite extraordinary. I thought that the women who addressed us, Mrs. Frances White, President and CEO of the Famous Five Foundation, and Senator Vivienne Poy, who is one of the benefactors, did a superb job. We are all very proud.

When you look at Emily Murphy, honourable senators, please remember that this Famous Five woman was a tough and committed visionary who was determined to enfranchise women. She worked to establish the wife's right to one-third of her husband's estate, and she was the first female magistrate in the Commonwealth.

I should like you to remember when you look at Henrietta Muir Edwards that she was a dedicated woman who supported divorce on equal grounds, spoke to prison reform and the introduction of mother's allowances.

When you look at Louise McKinney as she is sitting in her chair, recall that she was the first woman to sit as a member of a legislative assembly in Canada after being elected in 1917 in Alberta, the first election at which Canadian women could vote or run for office. They are well advanced in Alberta.

Irene Parlby was the first woman awarded an honorary Doctorate of Laws from the University of Alberta — once again, Alberta. She successfully sponsored the Minimum Wage for Women Act, and she spent her life supporting initiatives to improve the lives of women and children.

Last, and far from least, is Nellie McClung. I know His Honour is quite proud of Nellie McClung. When I visited the Lieutenant-Governor's home, I found a series of Nellie McClung's books on his shelf, which was quite impressive. Although she did not attend school until she was 10 years old, she became a teacher by the time she was 16. Through her efforts, in 1916, Manitoba became the first province to give women the right to vote and the right to run for public office.

Honourable senators, I wish to thank Frances Wright, and I want to particularly thank Barbara Paterson, who created the design. Please look at how beautiful this maquette is and enjoy the fact that you were the sponsors of equality for woman in Canada.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before I proceed to the next item, I should like to remind honourable senators that at 3:30 p.m. today all proceedings will be stopped for the purpose of calling the votes on Bill C-20. The voting will begin at 4 p.m.

Honourable senators, there are five amendments before us now, and you will find them all in the *Order Paper and Notice Paper*, starting at page 1. If there is any question as to the amendments, they are all there.

I suggest that we begin by voting, as is the normal practice, on the last amendment proposed and then work our way up to the main motion, unless the Senate has a different view. As I say, that is the standard practice when dealing with subamendments.

If there are no other comments, we will start with the fifth amendment, unless there are further amendments today.

ROUTINE PROCEEDINGS

PRESENT STATE AND FUTURE OF AGRICULTURE

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY PRESENTED

Hon. Leonard J. Gustafson: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Agriculture and Forestry, which deals with the interim report entitled "Repairing the Farm Safety Net to Meet the Crisis: Simple, Successful and Sustainable."

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 29, 2000

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred the Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act, has examined the said Bill in obedience to its Order of Reference dated Wednesday, June 28, 2000, and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chair

Senator Lynch-Staunton: Shame!

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

Senator Kolber: With leave of the Senate and notwithstanding rule 58(1)(*g*), I move that the bill be read the third time now.

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

Senator Kinsella: No.

The Hon. the Speaker: Leave is not granted; therefore, the bill will be placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1340)

QUESTION PERIOD

BANKING, TRADE AND COMMERCE

CANADIAN TAXPAYERS FEDERATION—REQUEST TO APPEAR BEFORE COMMITTEE DURING STUDY OF BILL C-37

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chairman of the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker: The honourable senator is absent at the moment.

Senator Kinsella: In the absence of the chair, I will put my question to the deputy chair. In the absence of the deputy chair, perhaps I can put my question to the Leader of the Government.

Honourable senators, earlier today a report was tabled with reference to Bill C-37, which was referred to the Banking Committee last night. I have in my hands a copy of a letter from the Canadian Taxpayers Federation requesting an opportunity to appear before the Senate committee that is studying Bill C-37. The letter indicates that the federation is deeply concerned about the Senate's intention to pass Bill C-37 without any public consultations. Was the request of the Canadian Taxpayers Federation to appear before the Banking committee taken into consideration?

Hon. E. Leo Kolber: Yes, honourable senators. We only received the letter by fax this morning. As of last night, we had no such request. We thought we would serve the greater good by passing the bill now, thereby making sure that those affected will not be punished, should an election be called before September.

Honourable senators, this is not a partisan issue. Most members in the House of Commons voted for the bill. I am not certain about the Conservatives, but members of the Bloc and the Reform did. We felt that we were serving the greater good, and we felt comfortable in passing the bill.

REQUESTS OF ORGANIZATIONS TO APPEAR BEFORE COMMITTEE DURING STUDY OF BILL C-37

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): My understanding, honourable senators, and thus my supplementary question to the chairman of the committee, is that a number of other community groups wish to express their view as to the merits of Bill C-37, as well as to the details.

Honourable senators from time to time may observe from the Hansard of the other place the speed with which certain bills are passed by MPs, particularly a bill of this type, which is in their own personal interest. Given that interest and given the indecent speed with which this bill went through the other place, is it not the responsibility of this house to give a bit of deliberation to Bill C-37? It is not even 24 hours since we concluded second reading. Will the Banking Committee look at the requests that are coming in and hold appropriate hearings?

Hon. E. Leo Kolber: Frankly, I do not have an answer to that question. I do not know. I doubt it very much. Also, to be called indecent at my age is kind of flattering. Thank you.

THE SENATE

COMMENTS IN NEWS ARTICLE ATTRIBUTED TO SPOKESWOMAN OF OFFICE OF LEADER OF THE GOVERNMENT

Hon. Anne C. Cools: Honourable senators, I have a question for the Leader of the Government in the Senate. It is in respect of a newspaper article in *The Globe and Mail* dated Thursday, June 29, 2000. The article is entitled "Liberals confident Senate will approve clarity bill; Divided Red Chamber to vote today on Bill C-20." The article, written by Daniel LeBlanc, states:

> A spokeswoman for the Liberal Leader in the Senate, Bernie Boudreau, predicted that today's vote will be tight.

My questions for the Leader of the Government are: One, in a parliamentary system, what is a spokeswoman? Two, who is Jennifer Austin? Three, why is Jennifer Austin, whoever she may be, making public comments and speculation about votes in the Senate that have not yet occurred?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I wish to thank the honourable senator for making me aware of that report. I appreciate her concern. I am not aware of the story. Jennifer Austin works as a communications officer in my office.

Senator Cools: Perhaps, honourable senators, His Honour could inform Jennifer Austin that her job does not include speaking for senators.

REQUEST TO POSE QUESTION TO CHAIR OF SPECIAL SENATE COMMITTEE ON BILL C-20

Hon. Anne C. Cools: Honourable senators, my next question is to the chairman of the special committee for the study of the clarity bill, Senator Joan Fraser. I attempted to ask this question a few days ago, and Senator Fraser was shielded from having to answer the question; therefore, I should like to put the question again.

The Hon. the Speaker: Honourable Senator Cools, I regret to say that I must object. I must object to your wording. I simply do not accept it, Senator Cools, and I would ask you to retract. I did not "shield."

Will you please sit down. When the Speaker stands, senators sit.

I did not shield Senator Fraser. I observed the *Rules of the Senate*. That committee no longer existed and there was no possibility of asking questions of the honourable senator. I would ask Senator Cools to retract her statement about my shielding.

Senator Cools: Honourable senators, if I have offered any offence to His Honour, I would be happy to retract, but the fact of the matter is —

The Hon. the Speaker: Senator Cools, there are no facts about the matter — this is the rule. I would ask you immediately to retract.

Senator Cools: In fact, I just said that if I have offended His Honour, I would be happy to apologize.

The Hon. the Speaker: Then there are no further comments on the issue. You have retracted and the matter stops.

Senator Kinsella: Question!

Senator Cools: Honourable senators, I have reviewed the order of reference in respect of the special committee of which Senator Fraser was or is the chairman. My review of the order of reference shows that the committee is still very much in existence. In other words, that committee is still available to refer any matters in respect of Bill —

The Hon. the Speaker: Honourable Senator Cools, that committee has reported. On the conclusion of its report — it is a special committee — it has ceased to exist.

Senator Cools: That is not so, Your Honour.

Senator Mercier: Order, order!

The Hon. the Speaker: There are no further questions to be asked of the chairman of the committee. Your references are most offensive, Senator Cools.

Senator Cools: Honourable senators, I am sorry that His Honour is taking this so personally, but the reference includes —

The Hon. the Speaker: Senator Cools, it is not a matter of my taking it personally; it is a matter of my taking it as the Speaker of the Senate. The honourable senator is going against the rules. I have said that and the Honourable Senator Cools will not listen.

Senator Cools: There is no rule.

The Hon. the Speaker: You may ask the Leader of the Government any question you wish, but you cannot ask questions of the chairman of a committee who is no longer the chairman of a committee that does not exist.

Senator Cools: Very well, honourable senators, I shall ask my question of the Honourable Leader of the Government in the Senate.

CLARITY BILL

ALLEGED COMMENTS BY CHAIR OF SPECIAL SENATE COMMITTEE

Hon. Anne C. Cools: Honourable senators, I have examined the reference that constituted the special committee. According to that reference, the committee is still very much extant and in existence.

• (1350)

Special committees, when constituted, usually have pertaining to them a date of dissolution. This date is usually the same as the date the committee reports. According to my reading of the order of reference, the committee is still very much in existence. For example, if, for a ridiculous reason, something were to happen today, which is unlikely, then the Senate is in a position to return the bill to the committee.

My question, again, to the Senate leader — because the answer that was given last time was not satisfactory to me — is that I should like to know what the government thinks of the statement that was made by Senator Fraser in which a judgment was cast on the Senate's work in respect of the GST and the Free Trade Agreement.

It is my clear recollection that the Senate activities and the proceedings that ensued during the GST and the Free Trade Agreement were very much at the behest of the Liberal Party under the leadership of Senator MacEachen. I followed Senator MacEachen with some diligence and pride. I should like to know what the current Leader of the Government thinks of that statement.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I do not know that I follow fully the question of the honourable senator. I think the original question concerned a newspaper report of some comment allegedly made by some senator. I indicated at the time that I was not prepared to comment on newspaper reports. I have long ago learned that that can be a dangerous practice. I would certainly be happy to discuss this issue or any other matter at greater detail outside the chamber with the honourable senator, but I do not think I can respond to her question as she might wish.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to a question of March 21, 2000, from Senator Angus regarding job creation and possible mismanagement of funds, request for statistics on jobs created; a response to a question of April 6, 2000, by Senator Stratton regarding the growth of the Employment Insurance Fund, disbursement of surplus funds; a response to questions of May 17, 2000, by Senator Lynch-Staunton and Senator Roberge regarding the data bank on details of private citizens, verification of accuracy of information and availability of information to other departments; a response to a question of June 15, 2000, by Senator Roche regarding Canada's participation in removal of anti-personnel mines from Kosovo; a response to a question of June 19, 2000 by Senator Roche regarding financial support for lawsuits by former students of residential schools.

[*Translation*]

I have the response to a question asked in the Senate by Senator Prud'homme on June 19, 2000 concerning the possibility of diplomatic relations with North Korea. I have the response to a question asked by Senator Bolduc on June 21, 2000 relating to negotiations on the favoured exemption from International Traffic in Arms Regulations.

[*English*]

I have a response to a question of June 22, 2000, from Senator Andreychuk regarding the current political situation in Cameroon; a response to a question of June 22, 2000, by Senator Forrestall regarding the replacement of Sea King helicopters, procurement process request for statement of requirements.

[*Translation*]

I have the response to a question asked by Senator Rivest on June 27 concerning the allocation of funds for Canada Day Celebrations in Quebec.

[*English*]

HUMAN RESOURCES DEVELOPMENT

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

(Response to question raised by Hon. W. David Angus on March 21, 2000)

Concerning Placétéco and Human Resources Development Canada's (HRDC) Transitional Jobs Fund (TJF): on March 4, 1997, HRDC approved a $2.04-million Transitional Jobs Fund project with Aérospatiale Globax. The project had received the support of the Government of Quebec on March 3, 1997.

The purpose of this project was to create jobs and help diversify the economy in the Trois-Rivières region, in the case of Technipaint, and the Shawinigan region, in the case of Placétéco. At the time, these regions had an unemployment rate of over 12 per cent.

In the spring of 1998, the company experienced difficulties. The Department had two choices: do nothing and allow existing jobs to disappear or work to maintain these jobs and help create new jobs. The Department decided to work with the company to continue the project. The original company now exists as two companies, Technipaint and Placétéco.

As of March 3, 170 people were working in this area of high unemployment, due in large part to HRDC's help. When the project was first approved, there were 64 people working at Placétéco, 49 at Technipaint and 6 at Aérospatiale Globax. At various times, there were as many as 135 employees working at Placétéco. Technipaint signed a contract with Bombardier for the painting of 82 Regional jets and has 92 people working in Trois-Rivières. Placétéco signed a 5-year contract for $8M with a major aeronautical company, Bell Helicopter. There were 78 people working at Placétéco.

The Transitional Job Fund (TJF) was designed to create employment opportunities for Canadians in areas of high unemployment. The TJF was been replaced by the Canada Jobs Fund.

GROWTH OF EMPLOYMENT INSURANCE FUND—DISBURSEMENT OF SURPLUS FUNDS

(Response to question raised by Hon. Terry Stratton on April 6, 2000)

The cumulative EI surplus is expected to be $27,782 million at the end of the 1999-2000 fiscal year. The surplus for the 1999-2000 fiscal year alone was $6,805 million.

DATA BANK ON DETAILS OF PRIVATE CITIZENS—
VERIFICATION OF ACCURACY OF INFORMATION—
AVAILABILITY OF INFORMATION TO OTHER DEPARTMENTS

(Response to questions raised by Hon. John Lynch-Staunton and Hon. Fernand Roberge on May 17, 2000)

A number of requests have already been received from Canadians for access to a copy of what information was held on them in the Longitudinal Labour Force File.

HRDC is responding as quickly as possible to these requests and is working with the Privacy Commissioner to ensure protection of privacy in responding to the requests.

With the help of the Privacy Commissioner and the Employment Insurance Commission, a protocol was developed for reviewing the information to ensure that it is correct. Measures have also been developed to ensure that the right information is transmitted to the right individual.

Contrary to media reports, no one will be asked to resubmit their information request. While the Longitudinal Labour Force File no longer exists, HRDC will still honour the information requests.

For requests received **up until June 30, 2000**, HRDC will make arrangements with the Canada Customs and Revenue Agency to provide the information that was part of the file which has since returned to them.

After this date, privacy requests will need to be made separately to HRDC and the Canada Customs and Revenue Agency.

As has been stated in the House of Commons, the HRDC Longitudinal Labour Fource File has now been dismantled and the information is being sent back to the originating departments.

Insofar as whether this information is available to the RCMP, there have been no known requests from the RCMP or CSIS to access the information in the Longitudinal Labour Force File and they did not have direct access to the Longitudinal Labour Force File.

UNITED NATIONS

CANADA'S PARTICIPATION IN REMOVAL
OF ANTI-PERSONNEL MINES FROM KOSOVO

(Response to question raised by Hon. Douglas Roche on June 15, 2000)

The United Nations (UN) has indeed issued an official statement regarding Canadian participation in the de-mining effort in Kosovo, by way of its Under-Secretary-General for Peacekeeping operations, Mr. Bernard Miyet. In his declaration, which took the form of a letter to the Globe and Mail Editor, Mr. Miyet said that the context of intervention in Kosovo was such that Canada and other donors countries were "entering new and largely unchartered territory." He then states that early problems relating to de-mining in Kosovo were rapidly settled and that Canada's contribution in those projects was greatly appreciated by the UN. Mr. Miyet concludes by reiterating the UN's appreciation for sustained Canadian efforts in mine action programs throughout the world and underlines Canada's important leadership role in this field.

As for the current situation on the ground in Kosovo, we now have a second demining team that was deployed last week. They will therefore have time to contribute in a significant matter to relieve Kosovo's mine problem before the start of winter.

CHURCH COMMUNITY

INDIAN AFFAIRS—FINANCIAL SUPPORT FOR LAWSUITS
BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS—
GOVERNMENT POLICY

(Response to question raised by Hon. Douglas Roche on June 19, 2000)

The government has long recognized and accepted the responsibilities it has for the abuses that occurred within the Indian Residential School System. The government apologized to the former residents of these schools that are victims of physical and sexual abuse in 1998. At that time, the government also set aside $350 million which was granted to the Aboriginal Healing Foundation and is now being used to fund initiatives nation-wide that are addressing the legacy of abuse at residential schools.

With respect to the litigation that has been brought forward, the Minister of Indian Affairs and Northern Development is pleased to report that over 300 claims have now been settled by the government out-of-court. Regrettably, a number of claims could not be settled and have proceeded to trial. In the decisions we have received to date, the courts have held that the churches clearly share responsibility for what happened at these schools. At one school, the church was found to have an even greater share of the liability than the government.

The first residential schools were created by the churches and formed part of the churches missionary experience here in Canada. Since 1874 the government and the churches worked together in the development and administration of these schools. The churches are not blameless for what happened at these schools and must contribute toward resolving these claims to the best of their ability.

We believe that these institutions should accept responsibility for their activities and for the risks they create by virtue of those activities — especially the risks of child abuse. Religious organizations played a significant role in the development and administration of residential schools. Canada is fully prepared to accept and deal with its responsibility, and seeks to have the churches do the same to the extent of their ability.

We cannot comment on the finances of the churches or their capacity to pay out their legal responsibilities. At this time it is impossible for us to determine the ability of the various church bodies to meet their legal liabilities due to a lack of information on matters such as assets, revenues or insurance coverage. The government is asking that the churches work with us to help us consider their ability to meet their obligations arising from litigation.

FOREIGN AFFAIRS

DIPLOMATIC RELATIONS WITH NORTH KOREA—
GOVERNMENT POLICY

(Response to question raised by Hon. Marcel Prud'homme on June 19, 2000)

The Government of Canada adopted a policy of "engagement" toward North Korea more than two years ago. This policy has meant an escalation in the amount of contact and dialogue between officials of the two governments, in addition to encouragement and support for academic exchanges, activities of non-governmental organizations and private contacts. In December of 1999, a delegation of working level Foreign Affairs officials accompanied a group of academics to Pyongyang and undertook extensive discussion of regional security, trade, investment, humanitarian and cultural issues. In March 2000, a return visit to Ottawa of North Korean Foreign Affairs officials occurred which focussed on presenting and illustrating the three pillars of Canadian foreign policy: peace and security, economic prosperity, and Canadian values and culture. Attention was focussed on Canada's democratic institutions, including the House of Commons, Canada's tradition of peacebuilding and human security, and its involvement in multilateral organizations of all types. Additional visits are planned, and with each encounter the level of mutual understanding increases, and the ability of the two side to exchange views on the substance of issues is enhanced. This government-to-government engagement is intended to lead, in due course, to normal bilateral relations. The pace of this evolution will be gauged to North Korea's commitments and actions.

CANADA-UNITED STATES RELATIONS

NEGOTIATIONS ON FAVOURED EXEMPTION
FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—
REQUEST FOR UPDATE

(Response to question raised by Hon. Roch Bolduc on June 21, 2000)

- The NORAD agreement and the agreement on remote sensing will not eliminate problems resulting from the April 1999 amendments to the Canadian Exemptions provisions of the US International Traffic in Arms Regulations or ITAR.

- These agreements cover separate issues and have been subject to separate negotiations.

- Canada has been aggressively pursuing a resolution with the US to restore licence-free access to unclassified, controlled defence and aerospace-related US goods and technology. On June 16, 2000, the Minister of Foreign Affairs and the US Secretary of State issued a joint statement announcing agreement on a package of regulations and legislative measures designed to achieve this objective.

- It will take several months to complete the legislative and regulatory changes stemming from the agreement reached with the US. However, the package of measures agreed to with the US will have long-term benefits for Canadian industry.

- Bill S-25, "An Act to amend the Defence Production Act", was introduced in the Senate on June 14, 2000. This is the first step in restoring Canadian access to US goods and technology.

FOREIGN AFFAIRS

CAMEROON—CURRENT POLITICAL SITUATION—
GOVERNMENT POLICY

(Response to question raised by Hon. A. Raynell Andreychuk on June 22, 2000)

Canada has repeatedly expressed its concerns over reported human rights abuses.

Canada is active in promoting good government and human rights in Cameroon.

Within the framework of our Aid program for Cameroon, Canada finances initiatives which strengthen democratic values and human rights.

Canada disburses $4.5 million to support democratic development, human rights and good government in Cameroon.

We are following with great interest Cameroon's liberalization reform process.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—PROCUREMENT PROCESS—REQUEST FOR STATEMENT OF REQUIREMENTS

(Response to question raised by Hon. J. Michael Forrestall on June 22, 2000)

The Maritime Helicopter Project is the Minister's number one equipment priority. The Government continues to develop an appropriate procurement strategy to replace the Sea Kings.

The Government will ensure that the new helicopter meets the Canadian Forces' operational requirements. A Statement of Requirements is the basis of any major equipment project, and the Maritime Helicopter Project is no different. As the procurement strategy has yet to be finalized, it would be inappropriate to table the Statement of Requirements at this time. As the Minister has previously indicated, a number of issues must be carefully examined and other Government departments have to be consulted to ensure that the procurement strategy will lead to the right equipment and the best value for Canadians. The Government will make an announcement when all the issues have been addressed.

HERITAGE

QUEBEC—ALLOCATION OF FUNDS FOR CANADA DAY CELEBRATIONS

(Response to question raised by Hon. Jean-Claude Rivest on June 27, 2000)

- The higher allocation for the celebrations in Quebec is used by the Celebrate Canada Committee for Quebec to produce entertainment shows in Montréal (3 days) and in Quebec City (2 days) as well as shows in 13 regional centres (Laval, Trois-Rivières, Sherbrooke, Rouyn, Drummondville, Montmagny, Saint-Georges-de-Beauce, Chicoutimi, Rimouski, Baie-Comeau, Gaspé, Sorel, La Malbaie) attended by over 1.5 million people. This is a unique situation as none of the other Celebrate Canada Committees have to be producers of Canada Day celebrations in their jurisdiction.
- The allocation for Ontario does not include the celebrations of Canada Day in the national capital region, which are supported separately by the National Capital Commission. Information provided by the NCC indicates that $2.0M is spent on Canada Day activities in the national capital region.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to call as the first order of government business Bill C-18. The reason is that if we deal with Bill C-18 now and give it third reading, it could be given Royal Assent; whereas, if we wait, it would not receive Royal Assent until the fall. A number of senators would like that to be the case. Thus, we shall come to Bill C-20 in a moment.

I would ask that Bill C-18 be called.

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Ione Christensen moved the third reading of Bill C-18, to amend the Criminal Code (impaired driving causing death and other matters).

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to call as the next order of government business, Bill C-20. However, I ask leave to make a few comments so that it would be clear what I expect. I think I have agreement from my counterpart, Senator Kinsella, as to how this bill is to proceed.

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

Hon. Senators: Agreed.

Senator Hays: Honourable senators, we await a ruling from His Honour which I expect will be given before debate commences today on Bill C-20. When debate commences, in agreement with Senator Kinsella and in departure from what I had indicated on two previous occasions that the last speakers would be the Leader of the Opposition and the Leader of the Government, we would provide Senator Adams with an opportunity to speak, assuming that he does not go past 2:15. By my information, he does not intend to do so, thus we would have the 75 minutes set aside for the two leaders to speak.

The other item I should like to draw attention to is the fact that Senator Boudreau will rise when I take my seat with a message that is relevant to Bill C-20 and also possibly relevant to the ruling that His Honour will give. We shall then proceed to hear Senator Adams.

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

ROYAL CONSENT

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I have the honour to advise this house that Her Excellency the Governor General is pleased, in the Queen's name, to give consent, to the degree to which it may affect the prerogatives of Her Majesty, to the consideration by Parliament of a bill entitled "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."

The Hon. the Speaker: Honourable senators, in light of the statement by the minister, which is the proper course of action in that if such a statement is to be made it must be made by a minister, it is unnecessary for me to proceed with my ruling because Royal Consent has been given.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, on behalf of my francophone colleagues, I would ask the Leader of the Government in the Senate to table the announcement he has just made in French as well, because I understood none of it.

[*English*]

Senator Boudreau: I would agree to do that. I shall table it now.

[*Translation*]

• (1400)

The Hon. the Speaker: Honourable Senator Corbin, having listened carefully to the statement by Senator Boudreau, I can tell you that it is a standard formula. I have it in French as well, if that is what the chamber wishes.

Senator Corbin: It is a vitally important document, and I should like to be able to understand it.

The Hon. the Speaker: In fact, it would be up to the Leader of the Government to read it.

[*English*]

The Hon. the Speaker: The statement must be made by a minister. Honourable Senator Boudreau has made it in English, but there is a request for it in French.

[Senator Hays]

Senator Boudreau: Does His Honour wish me to read it in French?

The Hon. the Speaker: Yes.

[*Translation*]

Senator Corbin: Honourable senators, I was not asking for that much, just for the document to be tabled in French also so that all francophone senators may understand it.

The Hon. the Speaker: Honourable senators, the document is tabled in both official languages.

[*English*]

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C., for the third 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 Watt, seconded by the Honourable Senator Adams, that Bill C-20 be amended in paragraph six of the Preamble to read as follows:

> WHEREAS the Supreme Court of Canada has confirmed that, in Canada, the secession of a province, to be lawful, would require an amendment to the Constitution of Canada, that such an amendment would perforce require negotiations in relation to secession involving at least the governments of all of the provinces and the Government of Canada, **as well as representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

and in subclause 3(1) to read as follows:

> It is recognized that there is no right under the Constitution of Canada to effect the secession of a province from Canada unilaterally and that, therefore, an amendment to the Constitution of Canada would be required for any province to secede from Canada, which in turn would require negotiations involving at least the governments of all of the provinces and the Government of Canada, **and the representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended,

(*a*) in clause 1, on page 3, by replacing line 40 with the following:

"resolutions by the Senate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government is proposing the referendum on secession, any formal state-"; and

(*b*) in clause 2, on page 5, by replacing line 2 with the following:

"ate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government proposed the referendum on secession, any formal statements or resolutions by".

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, that Bill C-20 be not now read a third time but that it be amended:

(*a*) on page 2, by adding the following after line 33:

"**1.** Subject to this Act, the Government of Canada must act at all times in accordance with the principle that Canada is one and indivisible.";

(*b*) in clause 3, on page 5, by adding the following after line 24:

"(2) Where it has been determined, pursuant to section 3, that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada,

(*a*) the Government of Canada shall consult the population of Canada, by national referendum, about the proposed secession; and

(*b*) after the national referendum, the Senate and the House of Commons may, by joint resolution, authorize the Government of Canada to enter into negotiations to effect the secession of the province from Canada, subject to the terms and conditions set out in the resolution."; and

(*c*) by renumbering clauses 1 to 3 as clauses 2 to 4 and subclause 3(2) as (3), and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended, in clause 2, on page 5, by adding after line 15 the following:

"(5) The Government of Canada shall not enter into negotiations on the terms on which a province might cease to be part of Canada if, within 30 days of the House of Commons making a determination that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada pursuant to subsection (1), such negotiations are objected to by at least three of the following:

(*a*) Ontario;
(*b*) Quebec;
(*c*) British Columbia;

(*d*) two or more of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces; and

(*e*) two or more of the Prairie provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Prairie provinces.

(6) The following definitions apply in this section.

"Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

"Prairie provinces" means the provinces of Manitoba, Saskatchewan and Alberta.".

And on the motion in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that Bill C-20 be not now read a third time but that it be amended:

(*a*) in clause 1,

(i) on page 2,

(A) by replacing line 34 with the following:

"**1.** (1) The Senate and the House of Commons shall, within", and

(B) by replacing lines 40 and 41 with the following:

"Canada, consider the question and, by joint resolution, set out their determination on whether the",

(ii) on page 3,

(A) by replacing line 7 with the following:

"dum question, the Senate and the House of Commons shall",

(B) by replacing line 32 with the following:

"dum question, the Senate and the House of Commons shall",

(C) by replacing lines 40 and 41 with the following:

"resolutions by the representatives of", and

(D) by replacing line 45 with the following:

"any other views they consider to be relevant", and

(iii) on page 4, by replacing line 4 with the following:

"the Senate and the House of Commons determine, pursuant"; and

(*b*) in clause 2,

(i) on page 4,

(A) by replacing lines 15 to 18 with the following:

"Canada, the Senate and the House of Commons shall, except where they have determined pursuant to section 1 that a referendum question is not clear, consider and, by joint resolution, set out their deter-",

(B) by replacing line 27 with the following:

"province cease to be part of Canada, the Senate and the House",

(C) by replacing lines 33 and 34 with the following:

"(*c*) any other matters or circumstances they consider to be relevant.", and

(D) by replacing line 38 with the following:

"province cease to be part of Canada, the Senate and the House", and

(ii) on page 5,

(A) by replacing lines 1 and 2 with the following:

"formal statements or resolutions by",

(B) by replacing line 6 with the following:

"on secession, and any other views they consider", and

(C) by replacing line 11 with the following:

"unless the Senate and the House of Commons determine,".

Hon. Willie Adams: Honourable senators, I know that my time is limited as both leaders wish to speak following me, but I should like to take a bit of time on Bill C-20.

I was born in northern Quebec. I ended up in Churchill, Manitoba, in 1953, after I left northern Quebec. Things were different at that time and a lot has changed since then.

I am extremely concerned about Bill C-20, especially regarding aboriginals in Canada, not only here but in Quebec. My relatives live in Quebec, as do the Cree.

Senator Banks made a statement yesterday on Bill C-20. He said that Bill C-20 is not only about Quebec and aboriginals in Quebec but also about people across Canada.

My English is not as good as that of my colleague Senator Watt, so I should like to yield to Senator Watt to deliver my speech and answer any questions should they arise as a result of my speech. I shall be speaking to Senator Watt in Inuktitut, and he can answer you in English after.

Hon. Charlie Watt: Honourable senators, I hope what we are doing here is in order.

Honourable senators, inside and outside this chamber, we have heard time and again that there is no need for a specific provision in Bill C-20 to guarantee the participation of aboriginal peoples in future negotiations on secession. We are being told that section 35 of the Constitution Act, 1982 guarantees such participation.

On June 27 last, the Honourable Senator Murray went to the heart of the matter when he said:

> Does section 35 of the Constitution Act, 1982 provide adequate guarantees for the aboriginal peoples of Quebec, who would be most directly affected by any attempt at secession?

His view was that section 35 is not a sufficient guarantee. In this, I concur.

Governments make constitutional commitments that they then often fail to implement or apply. Take the recent example of Bill C-23 or Bill C-47 or the gun legislation where the executive power says aboriginal concerns will be dealt with at the regulation stage.

Governments can also ignore constitutional convention. On September 28, 1981, the Supreme Court of Canada declared the federal patriation legislation unconstitutional because provincial rights had not been adequately protected in a unilateral process. Moreover, this legislation was crucial, as is claimed for Bill C-20.

To illustrate my doubts, I shall contend that section 35 of the Constitution Act, 1982 has been subject to steady erosion throughout the Bill C-20 process and since its beginning.

Erosion had unfolded over several phases. The downgrading of section 35 commenced when the Supreme Court of Canada was asked in 1998 not to consider the issue of aboriginal consent if jurisdictions were changed. Then the government, instead of having recourse to the Supreme Court notion of "political actors" for purposes of deciding to negotiate, specified only the federal and provincial governments for purposes of such a decision. This restriction reflects political expediency and the desire for governments to have flexibility in the face of constitutional constraints.

A second phase occurred when the government rejected an amendment that confirmed aboriginal participation during debate on Bill C-20 in the House of Commons this spring. It merely accepted the vague commitment to take account of the views and resolutions of aboriginal people in considering where a question or a majority were clear. Honourable senators, this process is not even one of consultation.

Inconsistencies in a third phase marked the testimony made by the Minister of Intergovernmental Affairs before the special Senate committee on May 29, 2000. On the one hand, Mr. Dion said:

> However it is certain that the Government of Canada has an obligation towards aboriginal peoples, a fiduciary obligation, and would have to respect it. We would need to respect section 35(1) of the Constitution of our country.

On the other hand, and in response to several questions as to aboriginal consent if jurisdictions were to change, Mr. Dion had this to say:

> The court has said that nothing would be decided in advance — nothing would be decided in advance of the negotiations.

We noted once more the emphasis on expediency and the emphasis on the need to limit parties to possible negotiations. We are being told by the executive power, "trust us." For our part, however, we prefer to place our trust in the rule of law, beginning with the basic law of our land, the Constitution.

Some Hon. Senators: Hear, hear!

Senator Watt: Since, we have witnessed a further erosion of section 35 during our own debate in this chamber. We have been told, for example:

> ...the Constitution does not presently provide for aboriginal peoples to be a party to negotiations at this level of the amendment-making process.

Since 1982, there has been only one comprehensive and successful amendment process; it took place in 1983 with modifications to section 35. Such modifications required aboriginal participation and consent.

I signed the agreement between the government and the aboriginal people. Therefore, constitutional convention requires aboriginal consent and participation on issues directly affecting aboriginal people. However, the constitutional convention cannot be ignored. This is why we should ensure that provisions to guarantee aboriginal participation be incorporated into legislation on clarity.

• (1410)

Such provisions would provide comfort to all Canadians. When the rights of one people are neglected, the rights of all are neglected. If section 35 is eroded, other constitutional rights will be eroded. We must follow the path of fairness for all through both amendments on aboriginal participation.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, making sport of the Senate has become a Canadian pastime, and one that even its most diligent members must put up with. I like to think that criticism is aimed more at the nature of the institution than at those who make it up, and understandably so. On many occasions, I have publicly agreed, among others, that having in one of the most democratic countries in the world an appointed body with, for all intents and purposes, the same powers as the elected one is an anachronism, and while I can defend the effectiveness of its efforts as an appointed chamber, I shall never stand in the way should agreement ever be achieved in substituting an elected one for it. When it comes, however, to introducing legislation in which the bicameral nature of Parliament is deliberately exploited, then it is not the Senate which is challenged, it is all of Parliament.

I well understand any government's frustration and impatience with the Senate. Too many ministers still consider that this body's role is to rubber-stamp legislation coming from the other place and have difficulty in accepting anything but a cursory examination of it. Yet how many times has the diligence of the Senate uncovered flaws and omissions leading to amendments — not all of them insignificant, far from it.

The Senate has an enviable record of improving legislation as well as challenging what it senses may be unconstitutional. That this annoys ministers who expect that the passive acceptance of their proposals in the House of Commons will be repeated in the Senate is not surprising. That that annoyance lead to an indecent whittling away of the Senate's authority, however, should be resisted even by those most opposed to the Senate in its present form, for far better an appointed Senate than no Senate at all.

Senator Kinsella: Hear, hear!

Senator Lynch-Staunton: Left alone, the House of Commons is but the tool of the executive, where a compliant majority, both cowed and even threatened, slavishly bows to the will of the executive's edicts, usually determined by unelected intimates in the Prime Minister's Office.

The government's dismissal of the Senate is made more unacceptable as it is based on a deliberate and cavalier distortion of the Supreme Court's opinion. In the seventh "whereas" in Bill C-20's preamble, one reads:

> WHEREAS, in light of the finding by the Supreme Court of Canada that it would be for elected representatives to determine what constitutes a clear question and what constitutes a clear majority in a referendum held in a province on secession...

The government relies on paragraphs 100, 101 and 153 of the Supreme Court's opinion to back up this assertion.

Paragraph 100 does not speak of elected representatives, it speaks of political actors. Paragraph 101 speaks of both. However, more pertinently, paragraph 153, on which the wording of the seventh paragraph of the preamble is based, reads in part as follows:

> However, it will be for the political actors to determine what constitutes "a clear majority on a clear question" in the circumstances under which a future referendum vote may be taken. Equally, in the event of demonstrated majority support for Quebec secession, the content and process of the negotiations will be for the political actors to settle.

The government has shown open contempt for the Supreme Court by deliberately misquoting and misinterpreting it by substituting "elected representatives" for "political actors" — and this by a minister who, in his second reading speech, spoke no less than three times of "political actors" and not once of "elected representatives."

The reason given for the inequality in the role of the Senate and the House of Commons, both by the minister and by the sponsor of the bill in the Senate, is that the House of Commons is a confidence chamber, and therefore, the Senate is relegated to an advisory status only. According to them, responsible government dictates the inequality in the roles of the two legislative chambers. This is absolute nonsense, because, if their argument is taken to its logical conclusion, there is no need for a bicameral Parliament. That is a decision for the provinces, along with the federal government and, ultimately, the people of Canada to take. As long as we have the Senate, it must play its appropriate role, especially on a matter so vital to the federation as the one before us.

Senator Kroft has argued that since, in 1982, the Senate was given a suspensive veto over constitutional change, this means that it is acceptable to relegate it to advisory status in this bill. Let me remind him and those who share that feeling that the 1982 arrangement was based on a constitutional amendment negotiated by the provinces and the federal government and enacted by a statute passed by the British Parliament.

Senator Kroft and others should also know that sometimes a suspensive veto can be more effective and more powerful than an absolute one, because it will be used. Just remember the Senate's actions on the Meech Lake Accord. One can even argue that the 1982 compromise left the Senate more powerful than it was before.

Many witnesses before the Senate committee on Bill C-20 shared the opinion that the Senate must be included in a role equal to the House of Commons. Professor David Smith, the Head of Political Studies at the University of Saskatchewan, devoted his entire appearance before the committee to the subject of the Senate. His position is clear:

> To abandon bicameralism at the moment the Canadian Federation faces its greatest test is to abandon the principle that made Canada possible as a plural society in the first place.

Senator Christensen asked Professor Smith how, in practical terms, he could see the Senate exercising its role, and while he stated he had not thought this through completely, he stated:

> The answer could be one of several varieties. The two houses could either deal with it sequentially or contemporaneously or in a joint committee or separately.

The important matter for him was that each chamber would bring, "as the Constitution intended they should, different perspectives reflecting the range of interests that the Fathers of Confederation decided they should serve."

Professor Howse reflected on the Supreme Court's discussion of democracy and expanded it to include, in his opinion, the Senate of Canada:

> Democracy is also about discussion, about checks and balances, and about the protection of various kinds of rights of minorities. In all these respects, it is hard to imagine that the Senate would not be, therefore, part of the picture of democracy at the federal level when it comes to these issues that deal with the possible break-up of Canada.

Perhaps it was Professor McEvoy of the University of New Brunswick, a supporter of the bill, who said it best in terms of the Senate:

> In a perfect world, the Senate, being the House of the Federation...should make this decision, not the House of Commons. If you must make a choice of one House over the other, I prefer the Senate as the voice of the regions of Canada rather than the House of Commons, as it is weighted by population in the centre.

This view of being lost in a vote held by the House of Commons was expressed in a letter to the special committee by Premier Binns of Prince Edward Island, in which he wrote, in part:

> Prince Edward Island should be true to its historic position: the Senate is important in defending the Island's representation in both Houses of Parliament. To the extent that Bill C-20 either directly or indirectly undermines the validity and functioning of the Senate, a province like Prince Edward Island is concerned.

Honourable senators, by not supporting Senator Grafstein's amendment, the Senate will be in league with the government in shamelessly distorting a Supreme Court opinion. I cannot believe, once these facts are before you, that anyone would want to be party to such contempt.

Honourable senators, let me turn to the amendments that have been proposed by Senator Joyal. I agree with those who argue that, whether the country's Constitution proclaims indivisibility or not, an overwhelming unequivocal will for separation will prevail in the long run. Why, though, should this shift the national government from promoting national unity to confirming secession as a legal option, as does Bill C-20? This is the most abhorrent feature of the bill. The sponsoring minister may repeat all he wants that Bill C-20 will effectively put an end to confusing questions. The fact is that it will not.

• (1420)

All that it does is tell Quebec that the federal government will only sit at the same table when a strong and clear will to break up the federation has been expressed. Any other proposed changes to the association with the federation supported by a clear vote will not be considered: Status quo or secession, take it or leave it! Cooperative federalism is dead. Long live the threat of dissolution!

When a court is asked to interpret a law, it often relies, beyond the words of the legislation itself, on the intent of the legislator, and this principle should be applied in any discussion on divisibility.

Indivisibility as such was not discussed during the Confederation debates, and understandably so. After all, what happened in 1867 was a bringing together of colonies and finding a way to keep them together without any one dominating the other and without the national government dominating them all.

Following Nova Scotia's petition for secession in 1868, Sir John A. Macdonald made it clear how the new federation was to be considered, and he did not have to use the word "indivisibility" to make his point. He wrote to a friend:

> The ground upon which Unionists must stand is that repeal is not even a matter for discussion.

This was a natural conclusion to a statement he made in the House in 1865 as follows:

> If we do not represent the people of Canada, we have no right to be here. But if we do represent them, we have a right to see for them, to think for them, to act for them; we have the right to go to the foot of the throne and declare that we believe it to be for the peace, order, and good government of Canada to form of these provinces one empire, presenting an unbroken and undaunted front to every foe, and if we do not think we have this right, we are unworthy of the commission we have received from the people of Canada.

I am relying on quotations from Sir John A. Macdonald as he was regarded before and after Confederation by all parties as the dominating personality without whom Confederation would not have been possible.

At the Quebec conference in 1864, it was Macdonald who drafted most of the resolutions, the first one of which reads:

> The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain provided such Union can be effected on principles joint to the several Provinces.

Bill C-20 is in direct contradiction to what those who brought this country together succeeded so well in establishing. Senator Joyal's amendment deserves support because it goes a long way to confirm a basic premise leading to the historic event of 1867, as well as giving Canadians a right to reconfirm or annul the commission given in 1867.

This, then, gets us into the second part of Senator Joyal's amendment dealing with a national referendum. This, he argues, is based on the premise that sovereignty in Canada, the Constitution of Canada, ultimately belongs to the people of Canada.

When the amending formula was adopted in 1982, it did not provide for a consultation mechanism through a referendum. However, I believe, as does Professor Behiels, one of the last witnesses to appear before the special committee, that any major constitutional change in Canada must now involve a national referendum. This precedent was set in 1992 by the Mulroney government in relation to the Charlottetown Agreement. As professor Behiels states, "...if this bill is to be absolutely clear, the role of the Canadian people should be written into the bill because they have the ultimate sovereignty...."

Senator Joyal's amendments also respect the opinion expressed by the Supreme Court in the secession reference case when it stated in paragraph 93:

> The negotiation process precipitated by a decision of a clear majority of the population of Quebec on a clear question to pursue secession would require the reconciliation of various rights and obligations by the representatives of two legitimate majorities, namely, the clear majority of the population of Quebec, and the clear majority of Canada as a whole, whatever that may be. There can be no suggestion that either of these majorities "trumps" the other.

I should like now to turn to the amendment proposed by Senator Watt which addresses a serious deficiency in Bill C-20. I am astounded that the Chief of the Assembly of First Nations, while pressing for an amendment to allow aboriginals full negotiating privileges in the event that a constitutional amendment on secession was required, is quite content to accept Bill C-20 without this amendment. He, and others, are making a serious mistake by relying on assurances from the Minister of Intergovernmental Affairs to the effect that their future in Canada is always protected by section 35.1 of the Constitution Act, 1982.

The minister's position is but an afterthought as it contradicts his formal statement during second reading of Bill C-20 in the other place when he established clearly that the Government of Canada was, in effect, the ultimate authority. Honourable senators, this is what he said:

> The bill does not reiterate the position once advanced by the Bloc's intergovernmental affairs critic to the effect that the aboriginal peoples living in Quebec would have the right to continue to remain in Canada in the event of the province's secession.

He went on to say:

> Aboriginal populations in Quebec have twice demonstrated through referenda, in 1980 and 1995, their clear will to stay in Canada. If aboriginals were to express such a clear will once again, the Government of Canada could not guarantee in advance what fate would await them, but it is committed to taking that factor into account during negotiations on secession. The government would have all its responsibilities to all Canadians at heart. The House of Commons, every member of this House, would have the opportunity to assess the way in which the government conducted these infinitely painful, serious and difficult negotiations.

At third reading, in discussing an amendment to include "representatives of the Aboriginal peoples of Canada among those whose views would be taken into consideration..." the minister confirmed the distinction by saying:

> ...on this matter, and I want to stress this, the reason why subsection 3(1) of the *Clarity Act* mentions, among the participants in possible future negotiations on secession, only the governments of all of the provinces and the Government of Canada is that these are the only political actors to which the Court assigned an obligation to negotiate in the event of clear support for secession.

He went on to say:

> But neither the Court nor C-20 rules out the representatives of the Aboriginal peoples of Canada. Simply put, it was not for C-20 to go beyond the Court's Reference by creating an obligation for actors other than those to which the Court assigned such an obligation.

It is quite clear that aboriginals are reduced to little more than observers, that section 35.1 is so interpreted, and that the federal government and the provinces as the minister interprets the Supreme Court opinion "are the only political actors to which the court assigned an obligation to negotiate in the event of clear support for secession." The court never speaks of legislation to implement its opinion, yet the government takes advantage of it to, in effect, give it the final word, despite its constitutional obligations toward the First Nations.

The same aboriginal senators who argued during the debate on the Nisga'a Treaty that section 35 allowed for the creation of a third order of government are now interpreting the same section as reducing First Nations in the event of the negotiations leading to the breakup of Canada to nothing more than unwanted spectators, as they were not even included as participants in the original draft of Bill C-20.

At the risk of being presumptuous, I want to remind those who rely on the recent generous interpretation of section 35 of a recent historical fact with which, surely, no aboriginal person is unfamiliar. In 1869, William McDougall was appointed lieutenant governor of the Northwest Territories and sent there to confirm their annexation to Canada following the purchase of the Northwest and Rupert's Land from the British government and the Hudson's Bay Company. When McDougall arrived in Pembina, just south of Winnipeg, he was given a note which read:

> The National Committee of the Métis of Red River instruct Mr. McDougall not to enter the North-West Territory without special permission from this Committee.

• (1430)

I should like to quote Donald Swainson's book on Sir John A. Macdonald to explain what was behind the defiance of the Metis of Red River:

> The Métis people of Red River...resented the idea that they could be sold to Canada like a herd of cattle. Confederation might be a fine idea, but westerners wanted to join only after Ottawa negotiated acceptable terms of entry with them...The Métis had to be protected...Their plan was simple: to resist annexation until Canada and the people of Red River had negotiated terms acceptable to both groups...Delegates were sent to Ottawa to conduct the negotiations. The federal government was unusually co-operative because it feared American intervention. By May 1870 an agreement had been hammered out and the terms written into the Manitoba Act, which established the Province of Manitoba as Canada's fifth province.

Surely, the possibility of First Nations being threatened with again being treated "like a herd of cattle" requires that there be equal members in any negotiations, and Senator Watt's amendment will allow just that.

Adoption of Senator Watt's amendment will confirm, whatever the contradictory interpretations of section 35, particularly that of the government, that First Nations, in keeping with the protection guaranteed them by the Crown, will be active negotiators in any discussions regarding their future, either in or out of Canada.

Let us put some measure of certainty into the role that Canada's aboriginal peoples would play in the negotiating of the secession of a province from Canada. Let us support Senator Watt's amendment. It could be, one never knows, that the inability to accommodate the aboriginal peoples in secession negotiations will become the glue that will keep Canada together.

Senator Gauthier's amendment, to which I now turn, would require consultation with official language minorities in determining the clarity of the question and the clarity of the majority, and it certainly deserves our support. This issue has been raised as well by Senator Finestone, who is a much admired and respected defender of a community with which I am not totally unfamiliar.

The minister was particularly unhelpful in this matter in his response to questions posed by both Senators Gauthier and Finestone.

In response to Senator Gauthier he said:

[*Translation*]

> When the time comes to determine the question, if the question is clear, or the majority is clear, being francophone or being anglophone is not particularly relevant. That ought not to affect our judgment.

[*English*]

It does not matter, just look at the numbers.

At his second appearance before the Special Senate Committee he stated in response to Senator Finestone that the government would do as the Supreme Court had told them, "we should need to negotiate and take into account minority rights."

This is cold comfort to all who work so hard in the area of minority language rights. It is also important to note that sections 16 to 23 of the Constitution Act, 1982 are specifically designed to protect minority language rights and that one of Canada's provinces, New Brunswick, has a special obligation to protect the equality of the two linguistic communities.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: It is for all these reasons that I believe consultation with Canada's official language minorities is essential in determining the clarity of both the questions and the majority and this process should be contained in Bill C-20.

With regard to the amendment proposed by Senator Banks yesterday, I first want to congratulate him. In his modest way, he said he had only been here for two and a half months, but he certainly has made a tremendous impression in the chamber, as he did in committee. I commend him for the work he did there.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: I have reviewed the amendment that he has proposed in detail and I believe it deserves our support. While I was not a fan of Bill C-110 because I do not believe you can limit the operation of a constitutionally entrenched amending formula by a simple statute, I think that Senator Banks has found a good use for the principles contained in Bill C-110.

The federal principle in Canada is demonstrated by the division of powers between the central government and the provinces, and the involvement of the provinces as a possible brake prior to the commencement of negotiations has great merit. I commend him again for having brought this to our attention.

Much is being made of the need for a clear question and a clear a majority. Who can object? However, nothing is clear about the bill. Senator Finestone pointed this out in her questioning of Minister Dion in his last appearance before the special committee when she said to him:

> I want this bill with clarity, not unclarity, inclarity, no clarity or confused or clouded clarity. I want to know how many I need to make and what my goal is when I go to the polls...I want to know the rules of the road before it starts.

The bill does not deliver on any of these counts.

On the other hand, ask anyone who has been actually active in Quebec referendums — and there are a number in this very chamber, some of whom have already spoken. They will tell you that after an intense, 30-day campaign, whatever the convoluted nature of the question, neither in 1980 nor in 1995, did any but a small fraction of those voting have anything but a clear understanding of the meaning of their Yes or No vote. The questions may have been meant to confuse but the answer to them certainly did not confuse anyone.

These questions are not foreign to referendums. In Canada in 1942, the question regarding conscription did not even have the word "conscription" in it. In 1968, in France, the referendum result which lead to Charles de Gaulle resigning the presidency was on a question relating to the powers of the Senate. What could be more vague than the question on the Charlottetown Agreement in 1992? I shall quote it:

> Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?

That was all. Vague questions but clear answers each time.

Even the Minister of Intergovernmental Affairs has agreed that a vague question can lead to a straight answer, when he said during second reading:

> Quebecers have already said No twice to secession even when they were asked questions designed to artificially boost support for the Yes side.

With this remark, the minister gives support to those who find Bill C-20 unnecessary and downright embarrassing, not only domestically, but internationally.

Thanks to the Parliamentary Research Branch of the Library of Parliament, 89 Constitutions were compared and 82 of them do not permit the secession of part of a state. Even more revealing, no country can be found which has legislation providing general rules of session.

Senator Kinsella: Hear, hear! That tells it all.

Senator Lynch-Staunton: By so doing, Canada will have the dubious distinction of being the only country having on its statute books a provision for its dissolution as approved by the national Parliament whose duty is to keep the country together.

As if this, by itself, were not bizarre enough, supporters of Bill C-20 expect that once confirmation of a clear answer has been given, the seceding province will sit down with those it wishes to break away from and calmly and patiently spend months, if not years, in negotiating the terms of secession. How naive. How out of touch from reality can one get? Just the fact that the main federal negotiator has accepted the verdict will give secession a stamp of approval which can only lead to an immediate declaration of independence and a search for international recognition. The chaos and bedlam that will ensue will cause havoc across the country which will be nothing less than catastrophic.

How will those at the UN responsible for such things as ranking Canada as the best country in the world to live in, react should Parliament echo Lucien Bouchard's infamous statement to the effect that Canada is not a real country? No real country has a Bill C-20 on its books. No real country has even considered one.

No real country devises legislation which divides those who believe in it while uniting those who want to break it up.

Senator Kinsella: What a legacy!

• (1440)

Senator Lynch-Staunton: Bill C-20 has already done that. Ask Claude Ryan and Jean Charest, both key figures in the two referendum successes, both adamantly opposed to Bill C-20. Is the Senate's recognition of their extraordinary efforts, added to those of the thousands who joined with them, to be in the form of forcing on them a bill that will impede rather than help the No side in any future referendum?

The Senate is being asked to choose between confirming a dubious legacy that has done nothing so far but cause serious divisions in all federalist political parties in and outside of Quebec and refusing to be a party to any legislation that, by whatever mechanism, will identify it as giving legal sanction to the breakup of Canada.

There is no imminent threat of a referendum in Quebec — far from it. This government would be best advised to withdraw the bill, take into consideration the objections that have come even from those who support its principles, and decide then whether to introduce a new bill or, even better, to drop the matter altogether.

For now, the Senate's support of the amendments before it will identify it as the one house of Parliament that refuses, as Jean Charest, the person given credit for making all the difference in the 1995 referendum campaign, would say, to take this country down a black hole. Only the Senate can prevent this possibility from becoming reality, and I urge all honourable senators to vote accordingly.

Some Hon. Senators: Hear, hear!

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I rise and am pleased this afternoon to conclude the third reading debate on Bill C-20.

Senator Prud'homme: Shame!

Senator Boudreau: I wish to begin by thanking and congratulating everyone who has taken part in this debate and, in particular, the members of the special Senate committee for the important work they have accomplished.

It is important, I believe, to acknowledge that senators have held differing opinions in the course of this debate on various elements, and these opinions have been sincerely held and have been very articulately advanced. It is also important to note in this chamber that no one viewpoint enjoys the moral high ground or a uniquely principled status as opposed to all of the other viewpoints that have been advanced. The exchanges we have had and the testimony of numerous witnesses who shared their views with us during the committee stage have given us much food for thought and have shown the high level of discourse that this chamber can bring to important national issues.

I do not wish at this stage to delve into all of the details of the bill. That has been done at great length and with great ability and articulation. However, I believe it is appropriate to emphasize once again, as I begin my remarks this afternoon, the impetus for the legislation.

The current Quebec government refuses to remove from our political landscape the latent threat of a third referendum on secession or even of a unilateral declaration of independence. Bill C-20 is a response to that threat. If that threat will not be removed, then it must be managed within a clear framework of predictable rules. That is the purpose of Bill C-20 — to bring clear rules and clarity to an inherently difficult and complex process which will occur inevitably under extremely volatile conditions in this country.

It should not surprise anyone that legislation that deals with the core issue of our very existence as a nation should receive very close scrutiny and give rise to serious concerns. In my remarks today, I shall attempt to deal with some of those concerns.

Let me begin with the issue of the role that the aboriginal peoples of Canada will play. The aboriginal peoples occupy a unique place in our federation, and that fact is recognized in Bill C-20. Amendments that were made in subclauses 1(5) and 2(3) of the bill in the other place take these legitimate concerns into consideration.

The National Chief of the Assembly of First Nations, Chief Phil Fontaine, stated during his testimony that:

> ...we are satisfied that the constitutional record requiring our participation is clear so that we will not be the cause of the failure of Bill C-20.

Honourable senators, I would suggest that the Supreme Court opinion neither added to nor subtracted from the constitutional rights of the aboriginal peoples of Canada. Bill C-20 neither adds to nor subtracts from the constitutional position of the aboriginal peoples. It cannot do so, and an amendment to Bill C-20 on this point cannot do so, in my view. Why? Because Bill C-20 is not a bill that impacts constitutional relationships.

As Senator Banks described Bill C-20, it is duck like other ducks. It is a bill like all the other bills we deal with here. It does not impact constitutional relationships. We may disagree on how big a duck it is, as Senator Banks points out, but it is not an instrument to change constitutional relationships. That is impossible. If it attempted to do that, it would be *ultra vires*.

An Hon. Senator: It is.

Senator Boudreau: If it were constitutionally changing relationships for aboriginal peoples, another process would be required, one designed to change those constitutional rights.

However, Bill C-20 does add one new element for aboriginal peoples, as it does for the Senate, in the decision of whether to negotiate, which, by the way, is the only thing with which this bill deals. It does not deal with how to negotiate, not who will negotiate, not what the negotiating positions will be, not who will be involved in formulating that position, and not who will be at the table. It is none of those things, but simply whether such discussions should commence. That is what this bill is about.

The views of the aboriginal peoples must now be taken into account if we pass this bill. Yesterday, there was no requirement to do so in the issue of whether the discussions should proceed.

Senator Murray, in his comments, found great difficulty in reconciling Grand Chief Fontaine's position as he supported the bill in its present form with comments written by the Chief in previous correspondence. Senator Murray quoted a letter from Grand Chief Fontaine:

> ...the first peoples of Canada must be full participants with the federal government and the provinces and territories in any negotiations which might take place after an acceptable referendum process.

That was his position.

• (1450)

I think that position is not at all inconsistent with his position to support this bill. That deals with what happens if, in fact, negotiations commence — and I quote from Chief Fontaine again — "...which might take place after an acceptable referendum process." I would suggest that it appears that Chief Fontaine recognizes that this particular bill deals only with the commencement of negotiations, not the negotiation process itself.

The rights of Canadian aboriginal peoples in the negotiating process are addressed and protected in this second phase by section 35.1 of the Constitution.

Senator Nolin: What about clause 3 of the bill?

Senator Boudreau: A serious concern has been raised by senators in this place, and I it agree that it should be taken seriously. If this existing protection is judged to be unsatisfactory or incomplete, or in some fashion not giving sufficient force constitutionally to the right of aboriginals to participate, that incompleteness surely must be remedied by an amendment to the clause that deals with constitutional relationships in the negotiating process. That, however, would go far beyond what Bill C-20 was ever designed to do. It was not designed to change, in any way, existing constitutional relationships and obligations to the aboriginal community in Canada. Indeed, I suggest to you, it would be incapable of doing that.

With regard to the francophone and anglophone minorities, their situation is recognized in Bill C-20, and their rights will be protected. The preamble to the clarity bill reiterates that any negotiations would be governed by the principle of protection of minorities. That preamble states:

> ...negotiations in relation to secession involving at the least the governments of all of the provinces and the Government of Canada, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

Furthermore, under subclause 3(2) of the bill, it is stated that protection of minority rights would need to be addressed during negotiations.

Speaking about negotiations at the committee hearings, Professor Hogg stated, that as a practical matter:

> It seems to me unlikely that through that process there would be a temptation to ignore the interests of official language minorities.

Bill C-20, far from ignoring minorities in its intention and direction, explicitly takes their concerns into consideration.

Honourable senators, when we first received this bill, the possibility of its unconstitutionality was raised on numerous occasions. It was suggested by some — I believe Senator Kinsella was one, for example — that it was *ultra vires* to Parliament. There are those who honestly hold that view. Obviously, it is not a view I share. I genuinely believe, in view of the testimony presented to our committee, that those concerns have been put to rest by an overwhelming bulk of evidence. Leading constitutional scholars of this country who appeared before our committee — such as Mr. Peter Hogg, Dean of Osgoode Hall Law School; Professor Joseph Magnet of the Faculty of Law at the University of Ottawa; Mr. John McEvoy, Professor of Law at the University of New Brunswick; and Mr. Patrick Monahan, professor of law at Osgoode Hall Law School — all stated clearly, unequivocally and without hesitation that Bill C-20 was constitutional and within the competence of Parliament to enact.

Honourable senators, I could quote extensively from their testimony, but that ground has been thoroughly ploughed by many of the earlier participants in this third reading debate. I shall limit myself to repeating what Professor Patrick J, Monahan said. He testified that:

> In my view, however, the arguments that have been raised to the effect that Bill C-20 is constitutionally invalid are unfounded.

Notwithstanding the weight of evidence concerning the constitutionality of Bill C-20, it has been suggested that the bill ought not be enacted until a court ruling has been obtained. Such a process, I again respectfully suggest, is contrary to the normal and historical practice of our parliamentary system. Our Parliament comprises the Senate, the House of Commons and the Crown, represented by the Governor General. Parliament does not include the judiciary. It is not part of the legislative process. The Supreme Court of Canada does not constitute a fourth element of Canada's Parliament whose prior consent msut be obtained before we can legislate.

We have had a recent example of this in the Nisga'a bill. Some were concerned that some parts of the Nisga'a bill were unconstitutional. There were those honourable senators who rose in this chamber and said that we should not pass the Nisga'a bill until it had been tested by the Supreme Court of Canada. The vast majority of the members of this chamber disagreed with that approach and followed the normal practice — the one that I believe should be followed in this case.

In exceptional circumstances the government can ask for a court ruling on a given issue before enacting a law, and that is exactly what was done here with the Quebec Secession Reference. An opinion was requested, obtained, and then a bill was drafted to reflect the major elements of that opinion. There is no precedent for the proposition that the government should now go back to the court for a second time, to ask their opinion, on whether or not Bill C-20 conforms to their first opinion.

Honourable senators, this bill is, in my view, lawful, constitutional, and within the power of Parliament to enact. It is, again, in the words of Senator Banks, "a duck." It is a bill like other bills that we pass procedurally. At one point during the course of the debate there was some indication that the opposition believed, were they to become the Government of Canada at some stage, it is a bill that, if it became law, they would be quick to repeal. If that was their view, and they were in that position, they could do that. They could not do it if it was constitutional, but they could do it if it was not.

Honourable senators, those who believe that somehow this bill will have a constitutional impact have a right to challenge it once the bill is proclaimed. No doubt, someone will. That is what occurred, for example, with the government's gun control bill, where similar arguments with respect to constitutionality were raised prior to its passage but were then unanimously rejected by the court in a recent decision. As parliamentarians, we must discharge our legislative responsibilities as these responsibilities come before us.

Honourable senators, turning to the issue of indivisibility, I should begin by saying that this is a difficult matter because it is so fraught with emotion. Nothing would give me greater pleasure than to be able to state, here, standing in this chamber today, unequivocally, as perhaps some senators in the debate may have said, that Canada, by operation of constitutional law, must always remain united. Honourable senators, politics is not theology. The landscape of history is littered with the ruins of great nations and empires that declared themselves before man and God to be indivisible.

• (1500)

The 20th century has been witness to extraordinary upheavals as nations were built and then destroyed.

Senator Lynch-Staunton: Is that our fate?

Senator Boudreau: The cost in human suffering, in many instances, would be simply unimaginable to us here in Canada, where tolerance, respect and a desire to pursue a common vision is what brought us together in the first place and it is what will keep us united.

In his second reading speech, found at page 1312 of the *Debates of the Senate*, Senator Joyal referred to our founding document, the British North America Act of 1867. He said:

> Second, the principle of indivisibility was enshrined in our Constitution in 1867....Likewise, it was sufficient for the Fathers of Confederation to guarantee the indivisibility of the union by defining the new country as "One Dominion under the Crown...with a Constitution similar in principle to that of the United Kingdom."

If we are to read into this, as perhaps may have been intended by Senator Joyal, that Canada was, from its inception, indivisible based on its Constitution — that is, "...with a Constitution similar in principle to that of the United Kingdom," — then the United Kingdom was also seemingly indivisible. However, we know that in December of 1922, five-sixths of Ireland, containing two-thirds of the population, separated from the United Kingdom to form an independent country now known as the Republic of Ireland. This was accomplished with the passage in the British Parliament of the Irish Free State Constitution Act. No referendum was held in Ireland, let alone in England, Scotland or Wales prior to the passage of the bill. When Ireland achieved its independence, what was described by Senator Joyal as "the inseparable bond between the state and its citizens" was in fact severed without, again in Senator Joyal's words, "the authorization of the whole of the country."

This is not an example we want to follow here in Canada. Looking at this example, I cannot help but ask: Why is it that the United Kingdom could accommodate lawful secession under its Constitution, while, according to some in this chamber, Canada cannot, particularly when our founding constitutional document declares in its preamble that we have a Constitution similar in principle to that of the United Kingdom? Surely, as an independent country, we would have the same legal and constitutional rights and abilities as the United Kingdom to determine our own destiny.

I would suggest, with the greatest of respect, that whatever we may wish for our country — and all of us, I believe, share the same strong wish and belief — the question of the divisibility of Canada was settled as a legal matter by the Supreme Court of Canada in 1998, when it stated:

> It lies within the power of the people of Canada, acting through their various governments duly elected and recognized under the Constitution, to effect whatever constitutional arrangements are desired within Canadian territory, including, should it be so desired, the secession of Quebec from Canada.

Honourable senators, that is not my view. Certainly, that not my wish, nor it is as I would have it, but that is how the highest court of our country determined on that question.

I want to read that quote again, from paragraph 85 of the Supreme Court decision, which states:

> It lies within the power of the people of Canada, acting through their various governments duly elected and recognized under the Constitution, to effect whatever constitutional arrangements are desired within Canadian territory, including, should it be so desired, the secession of Quebec from Canada.

How could it be otherwise? How, as a nation, could we lack that ability?

To those who advocate Canada's indivisibility, pure and simple, one might be tempted to ask the following questions. Just how far would we be prepared to go to defend that indivisibility? What means are we prepared to use to maintain that indivisibility if there is a clear expression of intent from the inhabitants of one of our provinces to form their own separate country? Do those who believe in the indivisibility of Canada's territories have a peaceful solution that would respect the law if such circumstances ever arose?

Senator Lynch-Staunton: How defeatist can one get?

Senator Boudreau: This country will stay together because the people of this country, including the people of Quebec, want it to stay together. That is how it will happen.

An Hon. Senator: What if they don't?

Senator Boudreau: For its contribution, the Government of Canada does have such a solution. It is Bill C-20, which respects the Constitution and complies with the Supreme Court's opinion of August 20, 1998.

If there ever comes a time — and all of us, I repeat again, sincerely hope and believe that such a time will never come — when, unfortunately, we have to accept that our country will be divided, the process leading to secession must be clear and must respect the law, for any attempt to move us in that direction must be clear and must respect the law.

Professor Monahan could not have explained more eloquently why, even though it is difficult to contemplate, we must admit that our country is not indivisible. He said:

> Even it were the case that the Supreme Court of Canada had not already settled that point, even if there were some doubt as to whether or not Canada is divisible, in my submission, senators, that is the best and wisest course for Canada; not because we seek division but because we seek to avoid it. We say that in this country...one is kept here not by force; one is not kept here because one cannot leave. One chooses to be here. One chooses to be a Canadian, unlike, perhaps, certain other countries. That is the tradition of our country. It is the tradition that this Parliament, therefore, ought to uphold by enacting Bill C-20.

As I have said, as a legal matter, I believe the Supreme Court of Canada has ruled that Canada may be divisible under certain circumstances, but as a political matter, we came face to face with that most uncomfortable reality more than 20 years ago, in 1980, with the first Quebec referendum. All of us faced it then and again in 1995. Who will forget watching the results that night seesaw back and forth, the red column and the blue column, wondering about the impact and what the result would be, wondering what one could do personally should the wrong column finish ahead at the end of the night.

The federal government, in both of those cases in 1980 and in 1995, acted as if the Quebec referendum had consequences. We participated; we joined the debate; we engaged the battle. Many people in this chamber played very large roles in one or the other and some in both referenda. We did not respond to the separatist threat by ignoring it or by minimizing its potential consequences. We did not turn our backs to what was going on in Quebec with the assertion that since Canada was indivisible the referendum would have no consequence. We knew that the referendum, potentially, had meaning, and through our vigorous participation we acknowledged that the stakes for the country were very high indeed.

• (1510)

The Supreme Court of Canada's opinion only mirrored what we have known and acknowledged politically through our actions and words for many years, namely, that Canada is all too divisible. That is why Bill C-20 is so necessary. We know it here and the people in the country know it, judging by their reaction to this piece of legislation.

Another question that came up frequently in our deliberations was the role given to our house in assessing clarity. Some feel that the role is was insufficient, and that it reduces the importance of the Senate, perhaps even verging on unconstitutionality. Here again, the witnesses who appeared before the committee had their own opinions on this matter. For example, Professor Monahan stated:

> I submit to you that there is no legal reason why Parliament could not provide a determining role for the House of Commons alone without also conferring the same role on the Senate or a similar role on the Senate, because we already know, under the Constitution Act of 1982, that there are different roles for the Senate and the House of Commons in the constitutional amendment process. Therefore, there is no principle that says that the Senate and the House of Commons must always play an identical role.

As a body, we can understand that the roles will not always be identical. We can accept that without also believing that somehow it makes this chamber and the work that we do here without value. I do not accept that. I have been here certainly less time than the vast majority, but I would not accept the conclusion to the principle that perhaps this house and the other place enjoy different roles.

The different roles mentioned by Professor Monahan came about with the Constitution Act of 1982. The objective was not to fundamentally alter the bicameral nature of our Parliament, but rather to recognize that the provinces, not the Senate, would now take the primary responsibility for defending the interests of the regions in any future constitutional negotiations. That does not mean that the Senate does not bring to legislation that comes before this chamber a regional perspective, simply because of the arrangement for the appointments of senators, our individual backgrounds and our views.

As Professor Monahan described, Bill C-20 faithfully reflects those different roles of the Senate and the House of Commons in the constitutional amending process.

For those who object that Bill C-20 does not respect the bicameral nature of Canada's Parliament, their complaint may not be directly with Bill C-20, but with what this chamber agreed to almost 20 years ago. This legislation, in assigning different roles to the two chambers in the event of constitutional negotiations on secession, merely reflects the different roles with respect to the amending formula that the Senate adopted in December of 1981.

Another criticism of the legislation often raised is that it somehow diminishes the power of the Senate, that we are losing something. I feel compelled to add at this point, and I advanced this position at second reading debate, that the House of Commons will be getting a role that heretofore was in the exclusive domain of the executive, and that is the decision as to whether certain discussions will commence.

I remind honourable senators that Bill C-20 deals with commencement, not the conduct but the commencement of the negotiations.

Simply because the House of Commons may be getting a role that heretofore was in the exclusive domain of the executive, does not mean that we in the Senate are losing a role that we previously enjoyed. In my view, nothing whatsoever is being taken away from the Senate. Simply put, we cannot lose what we never had. Since this is not a confidence chamber, we do not and have never had the power to prevent constitutional negotiations from taking place by defeating the government on a vote of confidence. Only the House of Commons can do that.

For those who object to the characterization of the Senate put forward by academics and others who do not have a firm grasp of our Parliamentary system of government, let me quote from an article written by our colleague Senator Beaudoin in June of 1992:

> In Canada we have a responsible government, i.e., the executive **must command the confidence of the House of Commons** in order to remain in power. Should the ministers lose this confidence, they must either resign or ask the Crown for a dissolution of the legislature.
>
> The Senate, in principle, has the same powers as the House of Commons, subject to three exceptions: money bills must originate in the lower house (although the Senate must also vote on them), **the government is not responsible to the Senate**, and, on matters of constitutional amendment, the Senate has had only a 180-day suspensive veto since 1982.

Some Hon. Senators: Oh, oh!

Senator Kinsella: What is your point?

Senator Lynch-Staunton: Very revealing.

Senator Kinsella: Be instructive now. Here is the Senate leader.

Senator Boudreau: Although we operate in a bicameral Parliament, we are not the same as the House of Commons and they are not the same as us. We are not identical with one another.

Senator Lynch-Staunton: Thank goodness!

Senator Boudreau: As Senator Beaudoin has written, the government is responsible to and must continue to command the confidence of the House of Commons, not the Senate.

As Senator Kroft explained in his remarks, and I want to support his comments:

> Acknowledgement of the right of the Government of Canada to enter into negotiations possibly leading to a constitutional amendment and subject only to maintaining the confidence the House of Commons, is essential to the acceptance of Bill C-20.

Bill C-20 reflects the new constitutional order that was formally put in place in 1982 and in no way, shape or manner does it take anything away from Senate. It does not change the Senate's role. It does not minimize the Senate. It has not the capability of minimizing the Senate. To do so is a matter of changing a constitutional relationship. If it even purports to do that, then those people who suggest it is *ultra vires* and unconstitutional will be proven successful in some subsequent court challenge because a bill does not have the authority, the power or the capacity to change the constitutional role of this body.

Senator Kinsella: What a legacy!

Senator Boudreau: Professor Joseph Magnet noted in reference to the Bill C-20. "The constitutional powers of the Senate remain undiminished." He went on to say that the bill "does not change its constitutional role."

• (1520)

I repeat: If Professor Joseph Magnet is wrong, if the views that some senators have advanced supporting the position of Professor Joseph Magnet are wrong, and this bill does purport to change the constitutional relationship, it is completely incapable of doing so. It is a duck. Ducks cannot change constitutional relationships.

Senator Lynch-Staunton: What is "duck" in French? A canard!

An Hon. Senator: Shoot the duck!

An Hon. Senator: Quack, quack, quack!

Senator Boudreau: In his testimony before our committee, Professor Monahan expressed the view that Bill C-20:

> ...does not infringe on the historic prerogatives, privileges or powers of this institution of which honourable senators are a part. Thus, you do not bring any dishonour to the institution and to the traditions of the body of the Senate by agreeing to Bill C-20.

As I indicated at the beginning of my remarks, we have had a very thorough, articulate and principled debate here on many, many issues surrounding Bill C-20.

Senator Kinsella: The bill is in a shambles.

Senator Boudreau: Honourable senators, much has been said about Bill C-20 and much more, undoubtedly, will be said in the months ahead.

Senator Lynch-Staunton: In front of the court.

Senator Boudreau: Here in the Senate, we have examined the legislation from every possible perspective and in great detail. We have raised issues which were not even alluded to in the House of Commons.

I do not think anyone who has been involved in the process, or anyone who paid attention to what has gone on here, in this chamber and in the work of the committee, can criticize our body for not dealing with this bill in a very thorough and detailed manner.

As I have said, it is a complex bill, one which deals with circumstances which will occur in a very emotional and volatile situation, if it ever, of necessity, has to be utilized.

As I conclude my remarks —

An Hon. Senator: That would be nice.

Senator Boudreau: — I want to step away from the details in order to focus on the broader political problem.

All of us have lived through and experienced the uncertainty and the turmoil that surrounded the referenda of 1980 and 1995. At that time I was Minister of Finance for the Province of Nova Scotia. Unfortunately, we had unbelievable exposure in the foreign exchange markets because all of our borrowings were in foreign currencies and were unhedged. Even a penny change in the Canadian dollar would have been incredibly difficult for the Province of Nova Scotia.

We watched the results that night, recognizing all of the potential consequences that could fall as the results came in, little by little, and the issue was not concluded until late in the evening. All of us sitting around that room in Halifax on that night — I cannot speak for others; I can only speak for those in that room in Halifax that night — without exception, would have appreciated having Bill C-20 as the law of the land in Canada.

Some Hon. Senators: Hear, hear!

Some Hon. Senators: Oh, oh!

Senator Boudreau: We all recall how Mr. Parizeau said on that night that he had been fully prepared to make a unilateral declaration of independence if the vote had gone the other way.

We all know that there will very likely be a third referendum.

Senator Lynch-Staunton: When? How do you know?

Senator Kinsella: What is the shelf life of the question?

Senator Boudreau: In the final analysis, this bill is not about the Constitution. It is not about the Senate. It is about the future of our country. It is about the practical management of an extraordinarily delicate situation, an extraordinarily critical situation which will occur only in the most extreme conditions and circumstances.

It is about a national government, elected by all Canadians, trying to deal with a particular provincial government or a particular political movement that would intend to dismember our country. It is about the people of Canada, acting through those who represent them, through those whom they elect, having a voice about whether their government should enter into negotiations on secession.

Many legitimate concerns were raised as we discussed this bill. I do not minimize any of them. I do not disparage any of them. I recognize that all were made with a sincere reflection, with thoughtfulness and, indeed, with conviction.

I shall urge colleagues in the Senate today not to put this bill at risk by the passage of any amendments to fight battles or to establish positions which can be fought or established on other fields, on other days.

I have had an opportunity, perhaps uniquely in my situation, to speak to many Canadians. I firmly believe that the people of Canada want this bill. I urge all honourable senators to give it to them, today.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: Honourable senators, any one of us can rely on any academic or professor who comes before the committee to support whatever view we have. However, I should ask the minister why he has not commented on the fact that this bill has divided the federalist forces in Quebec. Mr. Claude Ryan came to the committee and said: "Had a bill like this one been suggested at the time in 1980, I should have gone to Mr. Trudeau and said, 'I do not need it'."

Why has he not commented on the fact that Mr. Charest, who saved the referendum in 1995, has told us he does not need this bill as the leader of the "No" forces in the referendum? Why is the government persisting in pushing to law a bill which has only divided the federalist forces and unified the separatists?

Have you read the polls? The Bloc is ahead of the Liberals in Quebec, right now.

Senator Boudreau: My answer, and I believe the answer of the Government of Canada, is that the people of Canada want this bill. Some people of the honourable senator's own party voted in favour of this bill because they realized, as we do, that the people of this country want this bill passed and they want it passed today.

Senator Lynch-Staunton: Some members of the honourable senator's party are against the bill. That is how divisive it is. Why does this bill give comfort to the separatists and divide the federalist forces? Do not tell me that the people of Canada want it. I understand that the people of Quebec do not want it.

The Hon. the Speaker: Honourable senators, it is 3:30 p.m. Pursuant to the Order of the House, the bells will ring for one-half hour.

Please call in the senators.

• (1600)

The Hon. the Speaker: Honourable senators, the question before the Senate is the third reading of Bill C-20. It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Graham, that this bill be read the third time now. There were then a series of amendments moved.

I shall go directly to the last amendment that was moved, amendment No. 5, which will be the immediate question on which we shall vote. It is the motion in amendment by the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal:

That Bill C-20 be not now read a third time, but that it be amended

(*a*) in clause 1,

(i) on page 2,

(A) by replacing line 34 with the following:

"**1.** (1) The Senate and the House of Commons shall, within", and

(B) by replacing lines 40 and 41 with the following:

"Canada, consider the question and, by joint resolution, set out their determination on whether the",

(ii) on page 3,

(A) by replacing line 7 with the following:

"dum question, the Senate and the House of Commons shall",

(B) by replacing line 32 with the following:

"dum question, the Senate and the House of Commons shall",

(C) by replacing lines 40 and 41 with the following:

"resolutions by the representatives of", and

(D) by replacing line 45 with the following:

"any other views they consider to be relevant", and

(iii) on page 4, by replacing line 4 with the following:

"the Senate and the House of Commons determine, pursuant"; and

(*b*) in clause 2,

(i) on page 4,

(A) by replacing lines 15 to 18 with the following:

"Canada, the Senate and the House of Commons shall, except where they have determined pursuant to section 1 that a referendum question is not clear, consider and, by joint resolution, set out their deter-",

(B) by replacing line 27 with the following:

"province cease to be part of Canada, the Senate and the House",

(C) by replacing lines 33 and 34 with the following:

"(*c*) any other matters or circumstances they consider to be relevant.", and

(D) by replacing line 38 with the following:

"province cease to be part of Canada, the Senate and the House", and

(ii) on page 5,

(A) by replacing lines 1 and 2 with the following:

"formal statements or resolutions by",

(B) by replacing line 6 with the following:

"on secession, and any other views they consider", and

(C) by replacing line 11 with the following:

"unless the Senate and the House of Commons determine,".

Will those honourable senators who are in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are 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: Please call in the senators.

The understanding that I believe the house has made is that the bell will ring for five minutes; or do honourable senators wish to proceed now?

Some Hon. Senators: Now.

Motion in amendment by Senator Grafstein negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kelleher
Andreychuk	Kelly
Angus	Keon
Atkins	Kinsella
Beaudoin	Lavoie-Roux
Berntson	LeBreton
Bolduc	Lynch-Staunton
Buchanan	Meighen
Cochrane	Murray
Cogger	Nolin
Cohen	Oliver
Comeau	Pitfield
Cools	Prud'homme
DeWare	Rivest
Di Nino	Roberge
Doody	Robertson
Eyton	Rossiter
Forrestall	Simard
Gauthier	Spivak
Grafstein	St. Germain
Gustafson	Stratton
Johnson	Tkachuk
Joyal	Watt—46

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud
Fitzpatrick	(*L'Acadie-Acadia*)
Fraser	Robichaud
Furey	(*Saint-Louis-de-Kent*)
Gill	Roche
Graham	Rompkey
Hays	Setlakwe
Hervieux-Payette	Sibbeston
Kennedy	Squires
Kenny	Stollery
Kirby	Wiebe
Kolber	Wilson—50

ABSTENTIONS

THE HONOURABLE SENATORS

Banks
Finestone
Taylor—3

• (1610)

The Hon. the Speaker: Honourable senators, the next amendment is No. 4. It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended in clause 2, on page 5, by adding after line 15 the following:

(5) The Government of Canada shall not enter into negotiations on the terms on which a province might cease to be part of Canada if, within 30 days of the House of Commons making a determination that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada pursuant to subsection (1), such negotiations are objected to by at least three of the following:

(*a*) Ontario;

(*b*) Quebec;

(*c*) British Columbia;

(*d*) two or more of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces; and

(*e*) two or more of the Prairie provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Prairie provinces.

(6) The following definitions apply in this section.

"Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

"Prairie provinces" means the provinces of Manitoba, Saskatchewan and Alberta.".

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: The order as passed by this house is that there will be a five-minute bell. Call in the senators.

• (1620)

Motion in amendment by Senator Banks negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Adams
Andreychuk
Angus
Atkins
Banks
Beaudoin
Berntson
Bolduc
Buchanan
Cochrane
Cogger
Cohen
Comeau
Cools
DeWare
Di Nino
Doody
Eyton
Forrestall
Johnson
Kelleher
Kelly
Keon
Kinsella
Lavoie-Roux
LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Pitfield
Prud'homme
Robertson
Rossiter
Simard
Stratton
Tkachuk
Watt—39

NAYS

THE HONOURABLE SENATORS

Austin
Bacon
Boudreau
Bryden
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Corbin
Cordy
De Bané
Fairbairn
Ferretti Barth
Finestone
Finnerty
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Graham
Hays
Hervieux-Payette
Kennedy
Kenny
Kirby
Kolber
Kroft
Lawson
Losier-Cool
Maheu
Mahovlich
Mercier
Milne
Moore
Pearson
Pépin
Perrault
Perry Poirier
Poulin
Poy
Robichaud (*L'Acadie-Acadia*)
Robichaud (*Saint-Louis-de-Kent*)
Roche
Rompkey
Setlakwe
Sibbeston
Squires
Stollery
Wiebe
Wilson—52

ABSTENTIONS

THE HONOURABLE SENATORS

Grafstein
Joyal
Rivest
Roberge
Taylor—5

The Hon. the Speaker: Honourable senators, the question before us now is motion in amendment No. 3. It was moved by the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, that Bill C-20 be not now read a third time but that it be amended:

(*a*) on page 2, by adding the following after line 33:

"**1.** Subject to this Act, the Government of Canada must act at all times in accordance with the principle that Canada is one and indivisible.";

(*b*) in clause 3, on page 5, by adding the following after line 24:

"(2) Where it has been determined, pursuant to section 3, that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada,

(*a*) the Government of Canada shall consult the population of Canada, by national referendum, about the proposed secession; and

(*b*) after the national referendum, the Senate and the House of Commons may, by joint resolution, authorize the Government of Canada to enter into negotiations to effect the secession of the province from Canada, subject to the terms and conditions set out in the resolution."; and

(*c*) by renumbering clauses 1 to 3 as clauses 2 to 4 and subclause 3(2) as (3), and any cross-references thereto accordingly.

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 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: The order as passed by this house is that there will be a five-minute bell. Call in the senators.

• (16.30)

Motion in amendment by Senator Joyal negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Adams
Andreychuk
Angus
Atkins
Beaudoin
Berntson
Bolduc
Buchanan
Cochrane
Cogger
Cohen
Comeau
Cools
DeWare
Di Nino
Doody
Eyton
Forrestall
Gauthier
Grafstein
Joyal
Kelleher
Kelly
Keon
Kinsella
Lavoie-Roux
LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Pitfield
Prud'homme
Roberge
Robertson
Rossiter
Simard
Stratton
Tkachuk
Watt—41

NAYS

THE HONOURABLE SENATORS

Austin
Bacon
Boudreau
Bryden
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Corbin
Cordy
De Bané
Fairbairn
Ferretti Barth
Finestone
Finnerty
Fitzpatrick
Fraser
Furey
Gill
Graham
Hays
Hervieux-Payette
Kennedy
Kenny
Kirby
Kolber
Kroft
Lawson
Losier-Cool
Maheu
Mahovlich
Mercier
Milne
Moore
Pearson
Pépin
Perrault
Perry Poirier
Poulin
Poy
Robichaud (*L'Acadie-Acadia*)
Robichaud (*Saint-Louis-de-Kent*)
Roche
Rompkey
Setlakwe
Sibbeston
Squires
Stollery
Wiebe
Wilson—51

ABSTENTIONS

THE HONOURABLE SENATORS

Banks
Johnson
Rivest
Taylor—4

The Hon. the Speaker: The next motion, honourable senators, is the motion in amendment by the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended

(a) in clause 1 on page 3 by replacing line 40 with the following:

"resolutions by the Senate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government is proposing the referendum on secession, any formal state."; and

(b) in clause 2, on page 5, by replacing line 2 with the following:

"ate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government proposed the referendum on secession, any formal statements or resolutions by".

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: Please call in the senators.

• (1640)

Motion in amendment by Senator Gauthier negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Adams
Andreychuk
Angus
Atkins
Beaudoin
Berntson
Bolduc
Buchanan
Cochrane
Cogger
Cohen
Comeau
Cools
DeWare
Di Nino
Doody
Eyton
Finestone
Forrestall
Gauthier
Grafstein
Johnson
Joyal
Kelleher
Kelly
Keon
Kinsella
Lavoie-Roux
LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Pitfield
Prud'homme
Rivest
Roberge
Robertson
Rossiter
Simard
Stratton
Tkachuk
Watt—44

NAYS

THE HONOURABLE SENATORS

Austin
Bacon
Boudreau
Bryden
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Corbin
Cordy
De Bané
Fairbairn
Ferretti Barth
Finnerty
Fitzpatrick
Fraser
Fury
Gill
Graham
Hays
Hervieux-Payette
Kennedy
Kenny
Kirby
Kolber
Kroft
Lawson
Losier-Cool
Maheu
Mahovlich
Mercier
Milne
Moore
Pearson
Pépin
Perrault
Perry Poirier
Poulin
Poy
Robichaud (*L'Acadie-Acadia*)
Robichaud (*Saint-Louis-de-Kent*)
Roche
Rompkey
Setlakwe
Sibbeston
Squires
Stollery
Weibe
Wilson—50

ABSTENTIONS

THE HONOURABLE SENATORS

Banks
Taylor—2

• (1650)

The Hon. the Speaker: Honourable senators, we are now at the first motion in amendment.

It was moved by the Honourable Senator Watt, seconded by Honourable Senator Adams:

That Bill C-20 be amended in paragraph six of the Preamble to read as follows:

WHEREAS the Supreme Court of Canada has confirmed that, in Canada, the secession of a province, to be lawful, would require an amendment to the Constitution of Canada, that such an amendment would perforce require negotiations in relation to secession involving at least the governments of all of the provinces and the Government of Canada, **as well as representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

and in subclause 3(1) to read as follows:

It is recognized that there is no right under the Constitution of Canada to effect the secession of a province from Canada unilaterally and that, therefore, an amendment to the Constitution of Canada would be required for any province to secede from Canada, which in turn would require negotiations involving at least the governments of all of the provinces and the Government of Canada, **and the representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**.

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: Call in the senators. We shall have a five-minute bell.

Motion in amendment by Senator Watt negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Adams
Andreychuk
Angus
Atkins
Beaudoin
Berntson
Bolduc
Buchanan
Cochrane
Cogger
Cohen
Comeau
Cools
DeWare
Di Nino
Doody
Eyton
Finestone
Forrestall
Gauthier
Grafstein
Johnson
Joyal
Kelleher
Kelly
Keon
Kinsella
Lavoie-Roux
LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Pitfield
Prud'homme
Rivest
Roberge
Robertson
Rossiter
Simard
Taylor
Tkachuk
Watt—44

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud
Fitzpatrick	(*L'Acadie-Acadia*)
Fraser	Robichaud
Furey	(*Saint-Louis-de-Kent*)
Gill	Roche
Graham	Rompkey
Hays	Setlakwe
Hervieux-Payette	Sibbeston
Kennedy	Squires
Kenny	Stollery
Kirby	Wiebe
Kolber	Wilson—50

ABSTENTIONS

THE HONOURABLE SENATOR

Banks—1

• (1700)

The Hon. the Speaker: Honourable senators, we are now at the main motion.

It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C., that Bill C-20 be read the third time now.

Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are against the motion please say "nay"?

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators. We shall have a five-minute bell.

• (1710)

Motion for third reading by Senator Hays agreed to on the following division:

YEAS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Banks	Losier-Cool
Boudreau	Maheu
Bryden	Mahovlich
Callbeck	Mercier
Carstairs	Milne
Chalifoux	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finestone	Robichaud
Finnerty	(*L'Acadie-Acadia*)
Fitzpatrick	Robichaud
Fraser	(*Saint-Louis-de-Kent*)
Furey	Roche
Gill	Rompkey
Graham	Setlakwe
Hays	Sibbeston
Hervieux-Payette	Squires
Kennedy	Stollery
Kenny	Taylor
Kirby	Wiebe
Kolber	Wilson—52

NAYS

THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	Kinsella
Atkins	Lavoie-Roux
Beaudoin	LeBreton
Berntson	Lynch-Staunton
Bolduc	Meighen
Buchanan	Murray
Cochrane	Nolin
Cogger	Oliver
Cohen	Pitfield
Comeau	Prud'homme
Cools	Rivest
DeWare	Roberge
Di Nino	Robertson
Doody	Rossiter
Forrestall	Simard
Kelleher	Tkachuk—34

ABSTENTIONS

THE HONOURABLE SENATORS

Adams	Johnson
Christensen	Joyal
Eyton	Kelly
Gauthier	Watt—9
Grafstein	

[*Translation*]

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

June 29, 2000

Sir,

I have the honour to inform you that the Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 29th day of June, 2000, at 6 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

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I wish to raise a point of order.

Earlier this afternoon, I received a response which reads as follows in English:

[*English*]

It says in English that it is a response to a question raised, et cetera, regarding "diplomatic relations with North Korea."

[*Translation*]

However, in French, under the heading Delayed Answers to Oral Questions, I read:

> ...concernant l'éventualité de relations diplomatiques avec la Corée du Sud.

The correction has been made, the word Sud (South) replaced with the word Nord (North), except that I wish to have this text sent to Korea and it is not the official version.

[*English*]

That is my first point.

The second point is that I hope people will see another slight against the Senate in the report that I received where there is mention only of the House of Commons as a democratic institution. I consider that to be a slight since Senator Finestone and I were there in 1991, long before anyone went to North Korea. I can tell honourable senators that they know more about the Senate there than they know about the House of Commons.

[*Translation*]

The Hon. the Speaker: Honourable Senator Prud'homme, you have certainly raised some important points, and I thank you, but you may not raise a point of order because the *Rules of the Senate of Canada* do not cover the points you have raised.

[*English*]

SIR WILFRID LAURIER DAY BILL

REFERRED TO COMMITTEE

On the Order:

Third reading of Bill S-23, respecting Sir Wilfrid Laurier Day.—(*Honourable Senator Hays*).

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that Bill S-23 be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the scroll that I have states that the bill is at "third reading."

Senator Hays: Honourable senators, I have on my scroll, Item No. 1, "Third reading of Bill S-23." If I am correct, this bill has not been considered in committee.

Hon. John Lynch-Staunton (Leader of the Opposition): It does not have to be referred to committee.

Senator Hays: I know that no bill must be referred to committee.

Honourable senators, since the order stands in my name, I should like to speak to this bill. That may be helpful.

• (1720)

Honourable senators, I have had conversations with Senator Grafstein, who has been our critic or our spokesperson on this bill as well as another bill that is actually the next item on the Order Paper. We have come to the third reading stage. In other words, second reading has been given to Bill S-23. My understanding is that this bill, because there is another bill similar to it, has taken the interest of a number of senators, in particular Senator Grafstein.

We thank the Leader of the Opposition for bringing these bills forward. However, I point out that Senator Grafstein had the very good idea of rather than dealing with a series of bills, one recognizing a day for Sir Wilfrid Laurier and one recognizing a day for Sir John A. Macdonald, and presumably a series of other bills that would lead to a large number of days dedicated to individual prime ministers, that there be one bill to recognize Prime Ministers Day.

Accordingly, when this matter arose yesterday after second reading, it occurred to me at third reading stage that I should give some thought to the matter of whether this bill should be referred to a committee. I have had conversations with Senator Grafstein. He has indicated that he has a draft bill that would encompass Sir Wilfrid Laurier, Sir John A. MacDonald and all other prime ministers as being Canadians that we should recognize with a special day. The chamber was very kind and considerate to me and allowed this matter to be stood over at third reading stage to today. It is now at third reading.

I do not claim to be any expert on the rules, but in respect of all other bills, when the Speaker has risen to say, "When shall this bill be read the third time," it is not uncommon that a motion is made that it be referred to committee. Normally, Senator Lynch-Staunton would refer it, as the mover of the bill, but in this particular case, based on what I have just said, I wish to move that this bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Kinsella: Honourable senators, in rising to participate in the debate at third reading, I would draw the attention of honourable senators to page 1876 of the *Debates of the Senate* of yesterday, June 28, 2000. On that page, we read that on a motion of Senator Hays, the bill was placed on the Orders of the Day for third reading at the next sitting of the Senate. We are now at the next sitting of the Senate. We are in debate at third reading. Senator Hays has spoken to that debate, and I am now speaking at third reading.

In my comments, I also wish to remind honourable senators that the proponent of the bill argued at second reading that the bill should be adopted for the reasons that were given, and then the responder for the government side, Senator Grafstein, spoke. His remarks are contained on pages 1875 of the *Debates* of yesterday. I should like to quote from Senator Grafstein because I agree with him. He said, with reference to the Sir Wilfrid Laurier Bill, "I have no objection to this bill." Then on page 1876, Senator Grafstein, speaking to the Sir John A. Macdonald Bill, stated, "...I certainly support this bill..."

Therefore, honourable senators, I wish to place on the record my support at third reading for the passage of the bill.

Senator Hays: Honourable senators, I have spoken to the bill, and I move that it be referred to the Standing Senate Committee on Social Affairs, Science and Technology. I believe that I have already said that, but Senator Kinsella wished to speak. I took my seat; he spoke. His Honour did not put the question, and that was fine with me because Senator Kinsella wanted to speak. I think His Honour used discretion in not putting the question so that my honourable friend could speak.

The Hon. the Speaker *pro tempore***:** Honourable senators, it was moved the Honourable Senator Hays, seconded by the Honourable Senator Robichaud (*Saint-Louis-de-Kent*), that Bill S-23 be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Kinsella: On a point of order, it is not possible, according to our rules, to move a bill to committee at third reading stage. The *Debates of the Senate* clearly reflect that this bill was placed on the Orders of the Day for third reading today. We are at third reading. The bill is at third reading; it is not at second reading.

Senator Hays: Honourable senators, I think Senator Kinsella is raising a point of order, if I am not mistaken, to which I wish to speak. Without the rules in front of me, I submit to Your Honour that the Senate has the power to refer a bill to committee at any stage. Again, it is only my recollection and I cannot point to the specific rule or the references to the texts on parliamentary procedure, but I would submit that this procedure is in order and that the house has the power to refer a bill to committee at any stage. I am quite prepared to be found wrong on that point, but that is the submission I make. I would ask for a ruling.

[*Translation*]

POINT OF ORDER

Hon. Fernand Robichaud: Honourable senators, yesterday, when the question "When shall this bill be read the third time?" was asked, there were discussions. I thought I understood that this matter would be dealt with today. The question was not whether Bill S-23 was being referred to a committee or whether it was going to be read the third time immediately.

That is essentially the reason I seconded Senator Hays' motion to refer Bill S-23 to the Standing Committee on Social Affairs, Science and Technology.

[*English*]

The Hon. the Speaker *pro tempore***:** Honourable senators, page 214, paragraph 731 of Beauchesne's Sixth Edition reads as follows:

> When an Order of the Day for the third reading of a bill is called, the same type of amendments which are permissible at the second reading stage are permissible at the third reading stage with the restriction that they cannot deal with any matter which is not contained in the bill.

These amendments include the referral of the subject matter to a committee, according to paragraph 666. Therefore, the bill can be sent to committee.

Are honourable senators ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Are we at third reading stage or not?

Hon. Dan Hays (Deputy Leader of the Government): We are dealing with the motion that Bill S-23 be sent to the committee.

Senator Kinsella: Could Your Honour tell us at what stage we are at with respect to the bill? Are we at second reading or are we at third reading?

The Hon. the Speaker *pro tempore***:** We are at third reading, according to the Order Paper.

Senator Kinsella: Your Honour is telling us that it is fine for Senator Hays to move the bill to committee even though it is at third reading. Thank you.

Hon. John Lynch-Staunton (Leader of the Opposition): It might be appropriate to do so, but I find this a very shabby treatment of a private bill, not because it is mine but because Senator Grafstein, whom Senator Hays has mentioned, said yesterday he was in favour of the bill. He was in favour of both of them, as a matter of fact, the one we are discussing and the one that will follow. They go to third reading. Now we are told that Senator Grafstein may have another bill that would envelop these ideas.

That is not how we should treat private bills. We should not stop toward the end of a procedure just because someone has a bright idea. They are not even here to defend it. I shall not object to this bill moving to committee, but I shall object to the shabby treatment that this bill is being given.

• (1730)

Senator Hays: Honourable senators, I have a comment to make regarding the accusation of shabby treatment. I have never seen a hesitation in this chamber to refer a bill to committee. What is wrong with committee work?

Senator Lynch-Staunton: Why did you not do it at second reading?

Senator Hays: I was talking to someone, and I missed the opportunity to rise at an earlier point.

Senator Lynch-Staunton: Do not blame me for that. It has been on the Order Paper for two weeks.

Senator Hays: It is now in order to deal with it as we are dealing with it. I resent being accused of treating you shabbily.

Senator Lynch-Staunton: Not me, the legislation.

Senator Hays: We usually refer bills to committee. Our best work is done in committee. I believe that this bill will benefit from an opportunity to be looked at by the Standing Committee on Social Affairs, Science and Technology. That is why I have moved it.

If the honourable senator disagrees, put the question. We shall have a vote on it. I am not trying to treat anyone shabbily. I am trying to serve the best interests of this place and those who serve in it by offering an opportunity for this bill to go to committee. I think that if that opportunity is given, and that will be up to the people in the chamber, we shall find that we have a good result.

Senator Lynch-Staunton: It is shabby treatment of the bills that I am referring to, not me. I do not take it personally. It is the way in which the honourable senator is treating legislation.

The Hon. the Speaker *pro tempore***:** It was moved by Senator Hays, seconded by Senator Robichaud, that this bill be sent to the Standing Senate Committee on Social Affairs, Science and Technology. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Lynch-Staunton: On division.

Motion agreed to, on division.

SIR JOHN A. MACDONALD DAY BILL

REFERRED TO COMMITTEE

On the Order:

Third reading of Bill S-16, respecting Sir John A. Macdonald Day.—(*Honourable Senator Hays)*.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, this is a similar bill. In similar fashion, I move that the bill be referred to the Standing Committee on Social Affairs, Science and Technology.

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

Some Hon. Senators: Agreed.

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

Motion agreed to, on division.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Perrault, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill S-11, to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable.—(*Honourable Senator Hays*).

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I would yield to Senator Perrault, if he wishes to make a motion with respect to his bill.

Hon. Raymond J. Perrault: I understand that there will be a speaker from Her Majesty's Loyal Opposition on Bill S-11. If I rise in my place, it will end the debate and we shall be in the position to refer this bill to the appropriate committee.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill S-24, to amend the Broadcasting Act.

She said: Honourable senators, the purpose of this bill is to amend the Broadcasting Act such that the CRTC has the discretionary power to award costs when warranted by clear CRTC criteria to groups, organizations or individuals who appear before the commission for proceedings involving broadcasting or cable television matters.

This amendment brings the Broadcasting Act into concordance with the Telecommunications Act, where the same rights for cost recovery have existed for years. The wording for the amendment is exactly the same as those sections of the Telecommunications Act, section 56 and section 57, that give the CRTC the authority to establish criteria for the awarding of awards costs and assess to whom and by whom the costs are to be paid. It is important that the wording be identical between the acts in order that concordance of powers and authority for the CRTC exists between the acts and in their application in proceedings. I refer honourable senators to the summary of the proposed enactment found in Bill S-24.

As a point of information, I should like to comments on and clarify for honourable senators the use of the word "taxation" in the wording of the amendment. This is exactly the same wording that is used in the Telecommunications Act. I want to make sure that we avoid any confusion that the use of the word taxation would make this a government money bill. It does not, and it is not.

The use of the word taxation is the proper use in the context of the amendment. The word in the amendment does not have anything to do with the fiscal or money-raising powers and authority of the government. As unfortunate a choice of word as this may be by lawyers, taxation is the normal and proper legal term used by the courts in four or five regulatory agencies, such as the CRTC.

The term refers to the matter of the assessment and payment of costs and charges by parties by a regulatory agency. The same term has been used by the CRTC for telecommunications proceedings for years and is written into the Telecommunications Act, using the exact same wording as you find in this proposed amendment.

This amendment is necessary and will be extremely beneficial to the Canadian public. The ability to recover significant costs that are expended as part of participation in a CRTC proceeding, when warranted, permits consumer and public interest groups, as well as individual consumers, to develop credible and substantive research and evidence that will allow them to represent more effectively the interests of citizens in broadcasting and cable television policy and regulatory proceedings. For example, such proceedings could involve national issues, such as television policy or cable television distribution regulations, or more specific issues, such as the rates consumers pay for cable television services — something we all know about around here. This level of participation in broadcasting matters, comparable to their historic level in participation in telecommunications proceedings, is something that these groups and individuals have not been able to afford to do.

With convergence and the information highway, there has been an increasing blur between telecommunications and broadcasting services used by the public, such as new media and the Internet. Obviously, this blurring has also spilled over into CRTC proceedings involving either the Telecommunications Act or the Broadcasting Act, and at times proceedings in which both acts are involved.

To this point in time, consumers and consumer groups are only able to apply to have their costs recovered under matters that are clearly telecommunications-related and that fall under the jurisdiction of the Telecommunications Act, regardless of how much a service in question straddles both acts. This amendment brings into symmetry and balance both acts, so that consumers will be fairly and equally treated in all matters in proceedings before the commission, whether conducted under the Broadcasting Act or the Telecommunications Act.

Consumer groups across the country strongly support this initiative and the importance of cost awards. There is a list of consumers involved.

In exercising its responsibility under the Broadcasting Act, the CRTC is given decision-making powers that are important for, and have a great impact on, Canadians associated with the promotion of Canadian culture, the setting of rates, the introduction of competition and the resolution of stakeholders disputes. Section 3(*d*)(i) of the Broadcasting Act says that the commission is instructed

> ...to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.

The increasing complexity of the decisions that the CRTC has been called upon to make in pursuit of these objectives requires that it have informed participation in its proceedings.

The ability to receive a cost award when this is appropriate and warranted is very important to ensure effective citizen participation in the regulatory and policy processes. Under current CRTC procedures, anyone can make a submission to the CRTC in a proceeding. However, without adequate funding for consumers and their representative groups, there has always been an imbalance and inequality in the scope and substantiveness of the submissions made by consumer organizations, in comparison with those of media companies.

Individual Canadians and interested organizations have always been able to send letters and other information to the CRTC as part of broadcasting and cable proceedings. This has been important to allow Canadians to express their views on important regulatory, policy, pricing and other service matters. This amendment will not change this. Individual Canadians or interested organizations will still have the opportunity to make these types of submissions. However, the increasing complexity of the competitive broadcasting and telecommunications markets, and the converging policy frameworks, require that, in addition to submissions from individuals and organizations that express general views, substantive and effective participation by consumer organizations representing the interests of citizens require detailed research studies and expert assistance. It is very complex, as honourable senators know.

• (1740)

No non-commercial organization outside of government has the resources to intervene on a consistent basis without financial assistance. It is vital that the process of decision making is conducted in a demonstrably fair fashion. This amendment speaks to the importance of openness, transparency and fairness for users of these services.

There are many examples of how consumers have been disadvantaged in the Broadcasting Act proceedings because cost awards were not available. Moreover, this has also become a disincentive for participation by many groups. For example, in 1997, the Public Interest Law Centre in Winnipeg represented cable subscribers in rate increase proceedings. The consumers required the expertise of the law centre to effectively argue their case. In the final decision, the CRTC ruled against a rate increase. This saved consumers millions of dollars, but the law centre was unable to recover thousands of dollars spent on expert assistance.

In another example, last year the Public Interest Advocacy Centre and the Action Réseau Consommateur participated in a joint Broadcasting Act and Telecommunications Act proceeding on new media. Together the organizations incurred several thousand dollars in expenses. This was an important proceeding that dealt with the convergence of telecommunication and broadcasting services, and the impact this would have for all citizens. Because the CRTC is not permitted to award costs under the Broadcasting Act, the groups were only able to recover costs relevant to telecommunications matters in the amount of 25 per cent, and only for matters relating to telecommunications. That is the Cost Order CRTC 2000-2. The inability to recover costs not only penalizes consumers groups and their representatives financially, but it is also a barrier and a disincentive to their right to fair participation and representation. The CRTC decision, Cost Order 2000-2, stated:

> By contrast, one of the questions involved in the new media proceeding was which Act to apply to this issues, and how. In this context, the Commission considers that it is very difficult to extricate and to itemize the issues raised by PIAC/ARC to be determined pursuant to the Telecommunications Act.

Who will be funded? Not everyone who appears before the CRTC in a proceeding will automatically qualify for a cost award. With the passage of this amendment, the CRTC will draw up rules of procedure that will be used to determine the criteria for awarding costs. It is expected that these will be comparable to the criteria that already exist in telecommunications. Under the telecommunications rule of procedure for costs, applicants must demonstrate to the commission that they are representative of a group of citizens or subscribers; that they have participated in the proceeding in a responsible way; and that they have contributed in a substantive way to a better understanding of the issues by the commission.

The current criteria developed for the Telecommunications Act requires a level of expertise and a substantial amount of work by applicants, and have been sufficient to prevent any abuse of the cost awards process. In addition to the above criteria, the regulated company or companies have an opportunity to respond to any requests for costs by individual consumers or consumer organizations.

Honourable senators, in broadcasting in 1997 and 1998, the CRTC processed 1,379 applications relating to television, radio, broadcasting distribution undertakings — as we have tabled — pay and specialty television undertakings. These included requests for new licences, licence amendments and renewals, applications to transfer ownership control, and cable rate filings. The commission also issued 658 broadcasting decisions and 143 public notices. Cost awards were not available for any of these.

Cost awards in broadcasting will not be a financial burden on media companies. Companies and industry associations spend from hundreds of thousands to millions of dollars on regulatory proceedings to represent their own interests. A relatively small number of public interest, consumer groups and organizations have demonstrated expertise in this area. Other groups or associations are likely to intervene on an occasional basis; that is the multicultural groups. Any of us who have worked in this field know how complex these hearings are.

Who pays for the cost of the awards? They are paid for by companies under the commission's jurisdiction and who participated in, and have an interest in the outcome of, the proceeding. Cost awards recognize that it is important for an adjudicative tribunal to have all the relevant facts and opinions before it when it makes a decision. Without a cost award policy, only the costs of the delegation representing the interests of the shareholders of the regulated company are paid for through rates charged by the regulated company. In order for the tribunal to have before it the appropriate information that presents a fair and balanced set of arguments, independent representation of the consuming stakeholders are required. That is you and I and everyone else we know. The funding of cost awards is thus looked upon as a cost of doing business for industry players. Like the cost of the company's representations, the funds come from the cost of service for the individual industry stakeholders. This is the practice used for telecommunications.

A principle of cost awards is to compensate a deserving intervener for the work associated with an intervention on the basis of the fair market value of the work done. The CRTC has always followed this practice in telecommunications, which was confirmed as appropriate by the Supreme Court of Canada in 1986. Many tribunals that regulate public utilities or important public services award costs of public interest interveners to reimburse them for their intervention. In addition to the CRTC, funding is available for consumer groups participating in hearings on electrical and natural gas proceedings in many provinces in Canada, such as British Columbia, Alberta, Manitoba, Ontario and Quebec. At the federal level, the Canadian Transportation Agency is another example of a tribunal with the power to award costs.

In summation, honourable senators, this process is not new or untried. The CRTC has demonstrated that it used prudence in the exercise of its discretionary powers with cost awards in telecommunications, and the same can be expected for broadcasting matters. Applications for costs face a rigorous and fair review process. They are not automatic. There is a real need for this amendment. It will bring the Broadcasting Act into concordance with the Telecommunications Act, which is critical with the convergence of our communication policies and the communication industry.

Canadians should not be denied fair and equitable participation and representation in regulatory proceedings involving the broadcasting and cable television industry. This amendment provides the means to create this balance and fairness, and let me say to honourable senators that the following are the consumer groups across this country who support the initiative: the British Columbia Public Interest Centre, the Public Interest Law Centre, the National Anti-Poverty Organization, Canadian Labour Congress, Action Réseau Consommateur, Canadian Library Association, the Manitoba branch of the Consumers Association of Canada, the Communications Workers Union, Rural Dignity of Canada, l'Association coopérative d'économie familiale, and the Public Interest Advocacy Centre.

On motion of Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have had an opportunity to consult briefly with the Deputy Leader of the Opposition and I know senators present will rise and speak if my request is, in any way, inappropriate. I would request the consent of the chamber to leave the remaining items on the Order Paper and Notice Paper in their place and proceed now to Government Notices of Motions for the purposes of dealing with the adjournment motion.

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

Hon. Senators: Agreed.

ADJOURNMENT

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

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, September 19, 2000, at 2:00 p.m.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that we suspend the sitting awaiting the arrival of Her Excellency the Governor General's representative, who will be present for purposes of Royal Assent which will be at six o'clock.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

[*Translation*]

ROYAL ASSENT

The Honourable Louis LeBel, 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 Speaker, the Hon. the Speaker *pro tempore* 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 Louis LeBel, 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 National Defence Act, the DNA Identification Act and the Criminal Code *(Bill S-10, Chapter 10, 2000)*.

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 *(Bill S-3, Chapter 11, 2000)*.

An Act to modernize the Statutes of Canada in relation to benefits and obligations *(Bill C-23, Chapter 12, 2000)*

An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities) *(Bill S-18, Chapter 13, 2000)*

An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000 *(Bill C-32, Chapter 14, 2000)*

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 *(Bill C-26, Chapter 15, 2000)*

An Act to amend the Canada Transportation Act *(Bill C-34, Chapter 16, 2000)*

An Act to facilitate combating 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 *(Bill C-22, Chapter 17, 2000)*

An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999 *(Bill C-25, Chapter 19, 2000)*

An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts *(Bill C-12, Chapter 20, 2000)*

An Act to change the name of the electoral district of Rimouski—Mitis *(Bill C-445, Chapter 21, 2000)*

An Act to change the names of certain electoral districts *(Bill C-473, Chapter 22, 2000)*

An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts *(Bill C-11, Chapter 23, 2000)*

An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts *(Bill C-19, Chapter 24, 2000)*

An Act to amend the Criminal Code (impaired driving causing death and other matters) *(Bill C-18, Chapter 25, 2000)*

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 *(Bill C-20, Chapter 26, 2000)*

The Honourable Gilbert Parent, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour:

The House of Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the Government of Canada for the financial year ending March 31, 2001 (*Bill C-42, Chapter 18, 2000*)

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Hon. the Speaker *pro tempore***:** Honourable senators, I have the pleasure of inviting you to the Speaker's chambers, for some compensation for all our hard work of the past months. I also invite all of the staff and the pages — I am told there will be Coke for the pages. Have a good holiday, everyone. Thank you very much. Let the party begin!

[*English*]

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn. In so doing, I wish all honourable senators and others present a good summer. We shall see you in the fall!

The Senate adjourned until Tuesday, September 19, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)

Thursday, June 29, 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	00/06/29	11/00
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	00/06/29	10/00
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	00/06/29	13/00
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					
S-25	An Act to amend the Defence Production Act	00/06/14							
S-26	An Act to repeal An Act to incorporate the Western Canada Telephone Company	00/06/15	00/06/28	Transport and Communications					

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	00/05/31	00/05/31	9/00

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-5	An Act to establish the Canadian Tourism Commission	00/06/14	00/06/28	Social Affairs, Science and Technology					
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	00/05/31	8/00
C-11	An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts	00/06/08	00/06/15	Energy, the Environment and Natural Resources	00/06/22	0	00/06/27	00/06/29	23/00
C-12	An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts	00/06/01 (withdrawn 00/06/13) 00/06/13 (reintro-duced)	00/06/15	Social Affairs, Science and Technology	00/06/22	0	00/06/22	00/06/29	20/00
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-16	An Act respecting Canadian citizenship	00/05/31	00/06/27	Legal and Constitutional Affairs					
C-18	An Act to amend the Criminal Code (impaired driving causing death and other matters)	00/06/19	00/06/22	Legal and Constitutional Affairs	00/06/28	0	00/06/29	00/06/29	25/00
C-19	An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts	00/06/14	00/06/22	Foreign Affairs	00/06/27	0	00/06/28	00/06/29	24/00
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	00/06/19	0	00/06/29	00/06/29	26/00

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 (reintro-duced)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18) Banking, Trade and Commerce (00/05/18)	00/06/15	0	00/06/22	00/06/29	17/00
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	00/06/08	0	00/06/14	00/06/29	12/00
C-24	An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act	00/06/14	00/06/28	Banking, Trade and Commerce					
C-25	An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999	00/06/08	00/06/14	Banking, Trade and Commerce	00/06/22	0	00/06/22	00/06/29	19/00
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	00/05/30	Transport and Communications	00/06/15	0	00/06/20	00/06/29	15/00
C-27	An Act respecting the national parks of Canada	00/06/14	00/06/28	Energy, the Environment and Natural Resources					
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
C-32	An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000	00/06/07	00/06/13	National Finance	00/06/15	0	00/06/19	00/06/29	14/00
C-34	An Act to amend the Canada Transportation Act	00/06/15	00/06/19	Agriculture and Forestry	00/06/21	0	00/06/22	00/06/29	16/00
C-37	An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act	00/06/15	00/06/28	Banking, Trade and Commerce	00/06/29	0			
C-42	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	00/06/19	00/06/22	–	–	–	00/06/22	00/06/29	18/00

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 (negative option marketing)	00/05/18	00/06/15	Banking, Trade and Commerce					
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	21/00
C-473	An Act to change the names of certain electoral districts	00/04/10	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	22/00

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	00/06/22	0	00/06/28		
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	00/06/28	Social Affairs, Science and Technology 00/06/29
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	00/06/01	Fisheries
S-23	An Act respecting Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	00/06/06	00/06/28	Social Affairs, Science and Technology 00/06/29
S-24	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	00/06/13		
S-27	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	00/06/15	00/06/27	Social Affairs, Science and Technology
S-29	An Act to provide for the recognition of the *Canadien* Horse as the national horse of Canada (Sen. Murray, P.C.)	00/06/27		

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	
S-28	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Carstairs)	00/06/22							

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Thursday, June 29, 2000

ORDERS OF THE DAY

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