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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Wednesday, September 20, 2000

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

Prayers.

THE SENATE

THE LATE HONOURABLE E.W. BAROOTES

TRIBUTES

Hon. Lowell Murray: Honourable senators, it is with great sadness that I rise to record the death on July 30 in Regina of our former colleague the Honourable E.W. "Staff" Barootes.

On December 21, 1984, Prime Minister Mulroney made his first three Senate appointments. Dr. Barootes was one of them, together with Senator Brenda Robertson of New Brunswick, and our former colleague Finlay MacDonald of Nova Scotia.

No one who was in this place during the nine years of Staff Barootes' service will ever forget him. He was as combative in the chamber as he was considerate and charming outside it. He was a superb parliamentarian, formidably well informed and well prepared on the issues he cared about. There were many such issues. He came here a nationally respected surgeon and professor. It might have been expected he would be heard on questions relating to his profession, and he was. However, his contribution to our debates covered a wide range of public policy: taxation, investment, resource policy, agriculture, forestry, justice and social issues. Always he had something substantive to say, interesting and often provocative.

Some of his more provocative interventions were spontaneous and on the spur of the moment. I well recall the frequent occasions when, standing in my place as government leader, trying to answer calmly an opposition question, I found myself sidelined, a mere spectator to a lively, unscheduled exchange between Senator Barootes and Senator Davey Stewart, another Saskatchewan politician notorious for his quick wit and boisterous partisanship.

Senators who attended a testimonial dinner in Regina several years ago in honour of Senator Barootes will recall the eloquent tributes of friends and admirers. Over the years his convictions had engaged him in confrontation and controversy, yet respect and warm affection had endured. During the Second World War he had served as the Regimental Medical Officer with the Toronto Scottish Regiment in Europe, tending to wounded soldiers on the front lines. He came back and devoted himself to his patients, and earned high honours from his professional colleagues and admiration for his leadership in civic, educational and charitable causes in Saskatchewan.

Let me emphasize his integrity and dedication. Staff Barootes was 66 years of age when he came to the Senate, and he left us shortly before his 75th birthday. During his nine years here, he committed himself to the Senate and to the service of Canada as fully as anyone I have ever seen. He gave himself, heart and soul, to Parliament and the country. We in the Progressive Conservative Party are proud that our party was the instrument for his service. We share the pride of his wife, Betty, and their family in his life and great work, and we extend our sympathy as we acknowledge our gratitude.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, it is a privilege for me to rise today to join with Senator Murray and others to pay tribute to our former colleague Senator Staff Barootes.

I knew him very well. We were always adversaries, but I was on no better terms with anyone that I knew than I was with Senator Barootes. At various times, we held the positions of Chairman and Deputy Chairman of the Standing Senate Committee on Agriculture and Forestry. For most of his time here, I believe we served together on the Standing Senate Committee on Energy, the Environment and Natural Resources. We seldom agreed, but he was very fair. We had a great deal of respect for one another; I certainly for him.

• (1340)

I also had the privilege of visiting him in Regina from time to time, and I can think of no person who was more interwoven or intertwined on a social and political level with the people of his community, and beyond that, Saskatchewan, than Senator Barootes. During his time here, he did a great service to the country as a whole.

We all know of his remarkable contribution to the Canadian Medical Association before his political life here. He chaired the Saskatchewan Mining Development Project. He did a great deal for his community. Not many Canadians have an opportunity to serve here, and we who receive the opportunity have all done things that have helped to bring us here. I am not sure what brought Staff Barootes to the attention of Prime Minister Brian Mulroney, but it was probably his profile in the community and his enormous contribution to the public good. He is one of some 830 people who have served in this place in the past 133 years. That in itself is a remarkable achievement, but he had many others.

He was a man with a great sense of humour. I know that he and Senator Spivak got along very well, but I was always intrigued by how they as Conservatives dealt with their differences. They always did and that impressed me, but that was Staff Barootes.

Accordingly, I am pleased to pay tribute to my former colleague and, I am proud to say, my friend Senator Staff Barootes. I also had an opportunity to attend his funeral with other senators, and to speak with his family. Again, I extend my condolences to them on our great loss.

Hon. A. Raynell Andreychuk: Honourable senators, I am pleased that Senator Murray has outlined the life and dedication of Senator Barootes. Coming from Regina, I wanted to add some local flavour to the passing of Senator Barootes.

He was very much woven into the fabric of Saskatchewan, and he was very much the type of person that Saskatchewan produces. Attending his memorial service might have given you a flavour of what he was like. Humour and wit were important. He judged people on their sense of humour. He would test you. He would say the most outrageous things to see if you understood that he really did not mean them. He wanted to know whether you lacked the kind of balance that was necessary in any good debate.

The eulogy at the memorial service was given by his son-in-law, Bob Hughes. I think it is said that one of the things that Staff lived by was, "Leave them laughing when you exit the stage," and Bob certainly left us laughing in the memorial service. His son-in-law began by saying that he had heard about this legend by the name of Staff Barootes when he started to date Staff's oldest daughter. In those days, as he said, the thing to do was to ask the father for the daughter's hand in marriage. The day arrived when he and Barb were to go and meet the famous Dr. Barootes. Bob said, "The first thing that happened as I was going up the sidewalk was that I ran into Brenda, the second daughter. She rushed over and hugged and kissed me, not in a friendly charming way but in a way that perhaps she thought she would never see me again. Just at that moment, as I was going to go up the stairs, out came Dr. Barootes, and he said, 'Thank God someone finally answered the ad.'" Can you image attending a memorial service with that opener? That is the way that the senator wanted it.

Staff Barootes took his issues seriously, but he never thought that any issue was so great that you could not inject a little levity and common sense.

Senator Barootes came to Saskatchewan with his family and settled in Saskatoon, having been born in Manitoba. His family immigrated here from Greece. He was extremely proud of how they came to be part of the fabric of Canada and of how he, coming from an immigrant family, had been able to succeed, and he took full advantage of his opportunities to give back to Canada. He never tired of telling stories of how it happened that he emigrated from Greece. In fact, at the memorial service, we learned that the name had changed, as so many immigrants have changed their names. The name "Barootes" really does not have a common Greek heritage because it had been changed along the way. I will not tell the whole story, but if anyone is interested, I will do so later. "Barootes" really stands for something akin to a powder keg, and I can think of no better name for Dr. Barootes.

His family settled in Saskatoon, and I grew up knowing the Barootes family, which was very much a part of the Greek enclave. If you wanted a good meal, to be assured of good service, or have a function in a good place, well, then the Barootes restaurants or the establishments of the other Greek families were the places to go.

I cannot remember when I first met Dr. Barootes, but I can remember what he said. He walked up to me, came very close and said, "Barootes, urologist." As he could see in my eyes that I was trying to figure out which one of the "ologists" it was, he said, "Plumber." I believe that was his opener with many people.

We say in Regina that he was in fact one of our best doctors. Not only was he involved in his own specialty, he was involved in the management of hospitals, the profession, and every aspect of the medical community. In fact, he was known as one of the best surgeons. He was also known as the "terror of the Grey Nuns Hospital" because of the expletives he would use. We used to say that the Grey Nuns was not a calling or an order, but indicative of how the nuns felt after a session with Dr. Barootes.

If the term "politically incorrect" was used, it was probably coined for Dr. Barootes. He had a knack of saying the outrageous. It was not that he necessarily believed what he had said, but he wanted to watch your reaction, because underneath he wanted to test the limits of your sympathy and your sense of justice. He wanted to know your landscape, because within that man who made many outrageous statements was an extreme sense of social justice.

He had a great pride in Regina and Saskatchewan. Those of us who remember the introduction of medicare remember two things that Tommy Douglas wanted to bring to the service. They were quantity, in other words, universality, and quality, and Dr. Barootes made it his job to ensure that quality was there in equal measure with quantity. He certainly was wrapped up in the doctors' strike. It is rather ironic that, in the middle of the current debate on health care, we are talking about the same things that concerned him in 1962 — that we have a system for everyone that provides a basic measure and a quality of care. Perhaps we should have listened to him more in those days and taken the care to broaden the basis upon which we embarked on this grand experiment.

Dr. Barootes took great pride in his Greek heritage, and he continued to work with the Greek community. While he had not married into the Greek community, Betty could produce some of the best Greek food, and Betty and Staff could be seen at many Greek functions. In fact, his source of pride stemmed from his community, his work, his commitment to his party and, above all, his commitment to his family.

• (1350)

He is known to have said things in the middle of a meeting such as, "Let's wrap this up because I have to attend one of Betty's intimate dinners for 600 of her close friends." That was the way in which he signaled to us what was important to him.

Senator Barootes single-handedly brought a community together. He knew how to span different races and different political parties. He knew how to fight, but he also knew how to compromise.

Staff Barootes was one of a few Saskatchewanians of all professions and all political stripes who came together at a local hotel and had heated debates, much laughter, and much discussion about what our country needed. He may be the only man I know who has a table in a hotel dedicated to him. That table was moved to the Hotel Saskatchewan, and Senator Barootes was often seen holding court there.

Not everyone was invited to that table. There were “regulars.” I am pleased to say that I became a regular at that table. I learned a great deal there about the issues of Saskatchewan and how to work together on them. Senator Barootes was, of course, the leader and master at that table.

At the reception following his memorial, a table was set up in his honour and remains there to this day. There were many prominent Saskatchewan Liberals at that table, some NDP members, some professional people, and some ordinary workers who do not have titles before their names. They all came together; they all respected his opinion; and today they all miss his presence, even though every lunch begins with, “Staff would have said...”

“Integrity” is a word that Senator Barootes did not use lightly. It is a word that he lived every day. His fiercest adversaries would say that honesty and integrity were his hallmarks. He was committed to Saskatchewan, committed to his party, and committed to every Canadian and every part of Canada.

When the Beaudoin-Dobbie commission travelled across Canada, members were pleasantly surprised, having only heard Senator Barootes in debates here, at how thoughtful he was about bringing Canadians together and how concerned he was that there be a place for them all. While Senator Barootes did not speak both official languages, he had an understanding of bilingualism and believed that it was the most preferable option for this country.

Senator Barootes leaves a legacy from which we can all profit, a legacy of how to conduct one’s life fiercely, energetically and with a sense of humility. When things were going very wrong, Senator Barootes would often say, “I don’t have the answer, but I have an opinion.” He would then listen to the opinion of the other side. He would rarely say that he understood or accepted your opinion, but you would find some measure of what you said incorporated in his further action.

I was pleased to see both sides of Dr. Barootes, and I will miss him as a friend and as a contributor to Regina. I wish Betty continued good health to enable her to continue the work that she did as an equal partner to her husband.

I extend my condolences to the entire family. I hope “the table” continues to remember Staff Barootes and that we in

[Senator Andreychuk]

this chamber remember him with pride in what he did for his country.

Hon. Joyce Fairbairn: Honourable senators, on this occasion we remember a very fine man, Staff Barootes, with pride and great affection. Senator Barootes was all that everyone has said. He was a brilliant doctor. He had a wonderful record of saving lives and comforting those wounded in the war. He was a tremendous spokesperson for his province of Saskatchewan and his hometown. He was a character and he made an indelible impression on my life.

In the truest sense of the term, Senator Barootes was a very fine gentleman. However, I believe that he was somewhat slightly unnerved and taken aback when, having worked with a true expert on the Agriculture Committee of the Senate, Senator Hays, things suddenly changed and Staff became the chair and I became the deputy chair of the committee. As I said, he was always a gentleman, but I did believe that he was unsure as to whether that was a good idea.

In addition to being a very active and fine senator, Staff was also a very determined and steadfast member of the Progressive Conservative Party and adhered very strongly to its beliefs, attitudes and history. At one point, that may have caused him some doubts about me. When we conduct studies in the Agriculture Committee, we always have a wide array of witnesses representing every facet of the industry across the nation. Staff was very inclusive in some of our hearings. However, although I would not say that he took a dim view of the National Farmers’ Union, that organization did unsettle him. I knew that. At that time, the president of the National Farmers’ Union was a gentleman by the name of Wayne Easter, who is now a very effective Liberal member of Parliament from Prince Edward Island.

Every time the steering committee met to decide who the witnesses before the committee would be, inevitably the National Farmers’ Union was not on the list. On every such occasion, with a twinkle in my eye, I made a very serious pitch that theirs was an important voice for the West which should be included. Of course, Mr. Easter would attend and raise havoc in our committee hearings. The only time I ever saw Staff Barootes “lose it” was when he and Mr. Easter got into a spirited discussion in our committee.

Staff was a very fair person. I may have made him a little nervous, but I think our colleague Senator Spivak might have made him even more so because she was supposed to be cut of the same cloth.

• (1400)

I am sure that Senator Spivak will remember with me one occasion, soon after environmental and forestry issues started playing a lively part in the discussions of our committee, as they should have, when we made a foray to Washington to check out the agriculture scene there.

One evening when we were on our own, Senator Spivak and I discovered what we thought was a very promising and entertaining play showing in a theatre in Washington. When we saw our colleague Senator Barootes on his own, we encouraged him to come with us to this performance. I will not name the play, but Senator Spivak and I became increasingly aware as the play went along that this was not his kind of theatre, to the point that he finally said he could not take it any longer and abruptly got up and left. He was quite shocked with Senator Spivak and myself for having suggested this play, but he did not hold it against us.

The era when Senator Barootes was a senator was in the days when there was an awful lot of fire and brimstone erupting from this chamber. To sit here, particularly as a relative newcomer, and watch the exchanges between the likes of Senator Staff Barootes, Senator Davey Stuart and Senator Sid Buckwold was to be treated to perhaps the most brilliant and tremendously clever theatre I have ever witnessed. It was also good for the soul because, however angry and full of brimstone they all became, at the end there was laughter and friendship on both sides. I learned from him that while you can be spirited and heated and aggressive in what you believe, it does not in any way mean that it does not permit lasting friendship with, and affection for, people of different points of view.

Senator Barootes was a treasure in this chamber. He was a fiercely patriotic Canadian and loved this country with all the opportunities it offered. It was a sad day when he left. I was reading just today his statement when he surprised us all by saying he was leaving early. He ended it by saying:

...I also regret that I will not be around to stimulate and to bait my colleagues opposite into ever higher heights of political rhetoric and wit.

Honourable senators, Senator Barootes was a man to be cherished. He was my friend, and I am very sad he is no longer making this world a more exciting place. I send my deepest sympathy to Betty and to his family, but I also know that they will be a family that has absolutely outstanding and joyous memories to last them a lifetime.

Hon. David Tkachuk: This past August, honourable senators, at the funeral of Dr. Staff Barootes, we saw assembled the largest collection of Progressive Conservatives in some time in our province. It seems that in death as in his life, he is forever entwined with our party.

Each of us gets to know a person by some form that his life takes. Everyone has a particular role to play — sometimes five or six or seven roles in a community — as did Senator Barootes. Because he was so busy, none of us really got to know all of him. I got to know Staff — and knew him for 25 years — through politics. We met in the 1970s when we were organizing the provincial party. One cannot say that Staff and I were opportunists at the time, but I am hoping that there are people like that now in our province, 25 years younger than I am, who see the same opportunity for our federal party.

The first time I met Staff Barootes, I could not believe him. There was this little guy sitting at a table at the Regina Inn

talking to our leader like he was some child and pointing his finger right down the chest of a guy twice his size, with absolutely no fear whatsoever. He was recruited to work for the provincial party at about the same time I was recruited. He was asked to fundraise and I was asked to be executive director of the party and to help organize it. There was tension immediately: I spent the money he so diligently raised. It was forever thus in politics between the two of us. Many times we would go through days when we would not have a civil word to say to each other, but at the same time, he was doing his job and I was doing mine. At the end of it all, we celebrated together after each election in which we were involved. In 1993, when he resigned his seat early so that Mr. Mulroney could appoint a new senator, I am sure he was quite surprised that I was the one taking his place.

Those he cared for as a doctor, those he cared for as a family man, and those he cared for in the Greek community and in his church did not really touch me personally, but all those he cared for in our party and in our province touched me. All I know is that if he gave to all of them what he gave to us politically, then we can appreciate how great his contribution was to our province and to our country. I grieve for all of them, too. To his wife, Betty, his children and his family, I extend my heartfelt sympathy and condolences on behalf of all senators here.

To Staff, may God bless you.

Hon. Jack Wiebe: Honourable senators, I wish to add a few comments to those made by my much younger colleagues from Saskatchewan.

I first got to know Staff Barootes in the late 1950s and early 1960s during the medicare fight. Over the last 40 years, a tremendous friendship developed between the two of us. Many times during those 40 years, we were both supporters of each other and opponents of each other — sometimes at the same time. When I became Lieutenant-Governor of the Province of Saskatchewan, it was a wonderful experience for me to have Staff Barootes as my neighbour just across the alley.

I could tell honourable senators stories about Staff that would fill the rest of the afternoon, but I will stop at one. I admired very much the tenacity of the individual. Some of you may recall that Staff was very much an opponent of our new flag, the Maple Leaf, and a strong supporter of the Canadian version of the Red Ensign. When, of course, the Maple Leaf was designated as our new flag, Staff made a point of buying up every Red Ensign that was available in the province of Saskatchewan. Staff had a flagpole in his backyard and every day that Red Ensign flew on that flagpole — with the exception of one day. On July 1 of every year, the Maple Leaf flew on that flagpole. That anecdote will give honourable senators an example not only of his tenacity but of his great pride at being Canadian and having the opportunity to exercise that option.

That is the kind of man Staff Barootes was, honourable senators, and I have many memories of this wonderful friend. I join with all of you in wishing Betty and his wonderful family all the best. I missed him as a neighbour when I moved out of Regina. I will really miss him now because when I go to Regina, he will not be there. He was a terrific friend.

• (1410)

Hon. Mira Spivak: Honourable senators, it was my pleasure and my privilege to serve on the Agriculture Committee when Staff Barootes was its chairman. I have absolutely forgotten my chagrin at the way in which he quietly and efficiently prevented me from turning that committee into an environmental think-tank. He could never understand my sympathies for the National Farmers' Union, which is rather left of centre but which he thought was a communist organization.

There is one story I would like to pass along. When I first came to the Senate, I was listening to the radio and heard one of the members of the House of Commons describing senators as a pack of thieves and rascals and complete reprobates. I came into the caucus meeting that morning and described what I had heard. When I asked what we could do about this, Senator Barootes was quick to say, "Oh, well, just a lucky guess!"

Honourable senators, Senator Barootes was a man who followed Gloria Steinem's dictum to do something outrageous every day. He was *sui generis*. I, for one, shall miss him. I know that most senators will miss him as representative of a kind of stubborn, principled individual who expressed his opinions forthrightly and who did not practise the politics of manipulation and deceit. It is that kind of sterling representation, which is profoundly Canadian, that he has left as an indelible stamp on the Senate.

SENATORS' STATEMENTS

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I proceed to call for Senators' Statements, I wish to introduce to you a group in the gallery who are just leaving, unfortunately. They are students from Morewood Public School in Morewood, Ontario.

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

THE PROGRESSIVE CONSERVATIVE PARTY

Hon. Marjory LeBreton: Honourable senators, no one needs to be told — least of all my colleagues on this side of the chamber — that this was not a very pleasant summer for our great party, the Progressive Conservative Party of Canada. We have had to face many challenges, both externally and internally. With regard to the latter, I am reminded of the words of our first leader and our country's first Prime Minister, Sir John A. Macdonald, who lamented about his dilemma in filling Senate vacancies. He once said:

I have one Senate vacancy to fill and there are 10 people who want it. At the end of day, I will have nine enemies and one ingrate.

Among his many attributes, Sir John A. Macdonald can now be considered a great prophet.

THE LATE CLAUDE BISSELL THE LATE MURRAY ROSS

TRIBUTE

Hon. Jeremiah S. Grafstein: Honourable senators, I rise today to make a brief tribute to the late Claude Bissell and the late Murray Ross. As we embark on this joyous season of pre-election festivities in Parliament, we are agitated by all our political leaders who admonish that the contest for the hearts and minds of Canadians will be about values. It seems the common currency of values resonates here and reverberates more poignantly in the electoral wars now being waged to the south. What are we told about the nature or, indeed, the centrality of these values? What exactly do these leaders have in mind? Who are they trying to convince and about what? Before we seek to differentiate ourselves politically, must we not first attempt to better understand what we are seeking to differentiate ourselves about? Or is an electoral debate on values in reality a detour, a deception, a delusion, an allusion, or worse, a snare and a trap?

From our fragile perch here in the Senate, do we perceive an opening or a closing of the Canadian mind? Will the partisan political debate ruminate around higher expectations of pseudo family values, or will the political debate tend to "dumbing down," blurring values to the lowest consensual denomination? Will fact or fiction, reality or virtual reality be deployed in the ever elusive hunt for values to start this new millennium?

This pugnacious thought occurred to me, honourable senators, as I listened earlier this summer to the first political volleys over values and learned at the same time of the passing, first, of Claude Bissell, followed a month later by the death of Murray Ross.

Honourable senators might recall that Claude Bissell was first the youthful president of Carleton University in Ottawa and then the youngest university president, at 40, of the University of Toronto. Murray Ross, then vice-president at the University of Toronto, became the first and founding president of York University.

These men led three of Canada's greatest academic treasures through an era of radical change. How they both would have lamented any "dumbing down" of political discourse about values! For them, the nature of a liberal education would have been the starting point, the crucial launching pad for any discourse on values. These academics were consumed by the defence of a liberal education — an elusive goal still under attack. Both emphasized the importance of a literary, aesthetic sensibility that lies at the core of the liberal idea. Both were excellent scholars and prolific authors, who in their own right set high standards of literary excellence in all their works. Both would have agreed with the late Harold Bloom, of Yale University, who wrote that most imaginative work, *The Western Canon*, on the importance of the study of literature at the core of education. Let me quote one small passage from Bloom's mesmerizing critique.

The West's greatest writers are subversive of all values, both ours and their own. Scholars who urge us to find the source of our morality and our politics in Plato, or in Isaiah, are out of touch with the social reality in which we live. If we read *The Western Canon* in order to form our social, political, or —

The Hon. the Speaker: I am sorry, Honourable Senator Grafstein, but I must interrupt. Your three-minute time period has expired.

Senator Grafstein: May I have leave to continue, honourable senators?

The Hon. the Speaker: No. I regret to say that the Rules Committee and the Senate have passed a rule that no leave can be accepted.

Senator Grafstein: I will continue tomorrow, then.

[Translation]

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

RULING DENYING TVONTARIO REQUEST TO DISTRIBUTE TÉLÉVISION FRANÇAISE DE L'ONTARIO IN QUEBEC

Hon. Jean-Robert Gauthier: Honourable senators, yesterday I told you how the CRTC had turned down a request by TFO, the French-language educational television programming service in Ontario, that cable companies in Quebec be required to distribute its signal on an optional basis in Quebec.

It is true that TFO is available in Quebec, if you have a satellite dish and subscribe to a wireless television system. It should be noted that 80 per cent of Quebec viewers are served by two large companies, Vidéotron and Cogeco. Negotiations between these two large companies and TFO — which were never able to reach an agreement — never culminated in an agreement on a reasonable price.

These two companies and other large concerns objected to having TFO imposed on them by the CRTC. Public notice 2000-72 issued in March by the CRTC gives eight reasons, which boil down to three. First is the existence of an educational television service in Quebec; this is true. Second is the fact that TFO is already eligible for optional satellite and cable distribution in Quebec; that too is true. Third is the exceptional circumstances under which TVO-TFO was authorized to distribute the TFO signal in New Brunswick; that is true.

I would remind honourable senators that 90 per cent of TFO's programming is different from that of Télé-Québec. Its broadcasts contain no advertising, violence or sexism. The duplication argument is therefore invalid. It is different. I also wish to point out that TFO had promised the CRTC that it would reinvest the profits — if any — made in Quebec in new programming in Quebec for Quebecers.

As for the licence granted by the CRTC to TFO to distribute its signal in New Brunswick, that was because there was no provincial educational television in New Brunswick. This came about as a result of the request by the Société des Acadiens et Acadiennes du Nouveau-Brunswick and the Fundy association, both of which wanted a greater choice of French-language television services than the CRTC had approved.

As you can see, in ruling against TFO, the CRTC gave priority to the interests of the market instead of the interests of Canada's linguistic minorities. The commission did not make effective use of the tools at its disposal to ensure that the interests of Canada's linguistic minorities are well represented in the area of radio and television broadcasting.

In the CRTC's ruling, counsel Stuart Langford clearly pointed that out in a minority opinion when he said:

I disagree with the majority decision in this issue. Denying the request does not serve the public interest and it does not respect the obvious spirit and letter of the long established Canadian broadcasting policy.

I told you yesterday that the court of appeal had rejected my appeal for an oral hearing. I am very disappointed by that ruling. I instructed my lawyers to go to the Supreme Court and to ask for leave to be heard.

The Hon. the Speaker: Honourable Senator Gauthier, I am sorry to interrupt you, but your three minutes have expired.

[English]

INTERNATIONAL LITERACY DAY

Hon. Joyce Fairbairn: Honourable senators, although our chamber was not sitting on Friday, September 8, I wish to draw the attention of honourable senators to the annual celebration of International Literacy Day which took place in communities large and small across this country as people of all ages, from the tiniest child, to people in the workplace, to seniors were sharing their enthusiasm and caring for this issue, which is one that challenges 40 per cent of our adult Canadian population every day of their lives. They experience difficulty in trying to cope with routine reading, writing and numeracy tasks, something which everyone in this chamber takes for granted.

The good news, honourable senators, is that, over the years, tremendous strides have been made on this very difficult and intractable issue. Technology has helped tremendously. Innovations across the land are bringing literacy to families and to children at the earliest possible ages like never before. At the same time, however, our technological revolution raises the literacy bar. Thus our difficulty in Canada is something that is with us daily. This chamber contains many senators who have been extraordinarily helpful in combating this issue. I thank them very much. We as an institution have a great example to set in helping with literacy in Canada.

ROUTINE PROCEEDINGS

TOBACCO YOUTH PROTECTION BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, September 20, 2000

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-20, An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada, has, in obedience to the Order of Reference of Tuesday, May 9, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MIRA SPIVAK
Chair

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

On motion of Senator Kenny, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE SENATE

PROPOSED CHANGE TO RULES REGARDING
COMMITTEE MEMBERSHIP—NOTICE OF MOTION

Hon. Douglas Roche: Honourable senators, I give notice that in two days hence I will move:

That rule 85 of the *Rules of the Senate* be amended:

(a) by adding immediately after subsection 85(1) the following:

“(2) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee.

(3) Senators may apply to sit on a standing committee either by application to their respective whip or directly to the Committee of Selection.”; and

(b) by renumbering subsections 85(2) to (5) as subsections 85(4) to (7) and all cross-references thereto accordingly.

SALTSPRING ISLAND

MICROWAVE CELLULAR PHONE ANTENNAE—PETITION

Hon. Mira Spivak: Honourable senators, I have the honour to present a petition signed by a large number of citizens on Saltspring Island, which states that the petitioners are opposed to having microwave cellular phone antennae anywhere on Saltspring Island. They ask that Telus representatives attend a public meeting on the island and consult with local residents before taking steps that could affect the health of islanders.

QUESTION PERIOD

NATIONAL DEFENCE

EVICTION OF MILITARY FAMILIES FROM MILITARY HOUSING
TO SHELTER HOMELESS

Hon. J. Michael Forrestall: Honourable senators, back in June, just before we adjourned for the summer break, I asked the Leader of the Government in the Senate if he could give me some information with regard to what amounts to the “kicking out” of military families from the PMQs at the Rockcliffe and Uplands bases to house the homeless from this area. I have no objection to that. Something must be done. However, we have some concerns about the people who are being unceremoniously bumped out of their accommodation in what is clearly a sellers’ market and not a buyers’ market.

In answering my question the minister indicated that he would be happy to get the information on that specific question. In fact, he said:

I shall attempt to have an answer for him before the end of the week.

The summer has gone by. I wonder if, today, the minister can give us an indication of whether that is in fact the case: that a memorandum of understanding has been signed, that military families are being evicted in order to house the homeless and that this will take place in major bases across the country that have been affected by cutbacks or closures.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, my recollection was that, in fact, I did make those inquiries on behalf of the senator and that I received a reply.

• (1430)

I believe the honourable senator is telling me that he did not receive that reply. I must check with staff at my office, but my recollection is that I did see a written response to that question. If the senator is able to refresh my memory, I would appreciate it.

Senator Forrestall: I did get a response on September 7. It was the very nature of the response that had me concerned. The answer is on paper headed Defence Access Requests and is dated September 7, 2000. It responds to my request for all details on plans to house the homeless on Canadian military bases and for a copy of the memorandum of understanding with regard to housing the homeless at the PMQs at Rockcliffe here in Ottawa. The response indicates that the documents necessary to respond to my request are still in draft form and are undergoing review and discussion. As those documents have not yet been created in their final form and a premature release has the potential to affect ongoing federal-provincial-municipal negotiations, they are being severed in their entirety. This means that you cannot have them, you cannot see them, we are not going to let you in on the big secret, confirming, I suspect, what I had asked the minister in late June.

From this response, there is no question that negotiations are ongoing, that indeed it is a plan, probably not a bad one in what it intends, but very callous and cold, if members of the Canadian Armed Forces are to be given a period of time in which to find accommodation in the general market in what has to be one of the highest priced regions in the country. I wonder if the minister can confirm what I just suggested and believe to be the case. Can he give us some indication as to what plans the Canadian Armed Forces have to house families within the forces who otherwise might find it difficult to find housing within close commuting distance of their work? They may be able to go 40 or 50 miles out into the country to find equivalent dollar accommodation. What plans does the government have in this respect?

Senator Boudreau: I thank the honourable senator for sharing that response because it does bring back my recollection of it. At that time, as the minister indicated in his response, he was unable to provide a final draft of any arrangement or agreement. Perhaps it is appropriate now for me to return to the minister and ask him for an update and whether or not he can provide us with the details that were in draft form at that point.

Senator Forrestall: I thank the minister very much for that and I understand his position. I trust that he will be aware of the anxiety of the families on bases from Shearwater to Vancouver Island.

Senator Boudreau: I will attempt to get that to the honourable senator at the first opportunity.

THE SENATE

MOTION TO ESTABLISH OFFICE OF CHILDREN'S ENVIRONMENTAL HEALTH—RESPONSE OF GOVERNMENT

Hon. Mira Spivak: Honourable senators, on November 17 last, this chamber unanimously passed a motion urging the government to establish an Office of Children's Environmental Health to promote the protection of children from environmental hazards.

The motion was a response to concerns raised by the Canadian Institute of Child Health during last year's committee hearings on Bill C-32, to amend the Canadian Environmental Protection Act.

I asked the question later, in February of this year, about the government's response. A few weeks later, the Deputy Leader of the Government in the Senate replied that a workshop was slated for May 2000, at which time a concrete plan for addressing children's environmental health issues would be discussed, but that no decision had been taken up to that point.

Last month the Child Health Institute again raised the warning that Canadian children, like baby belugas, are exposed daily to a toxic soup of chemicals in their water, air and food. It released a 325-page report detailing what is known about the increasing rate of childhood cancers, childhood asthma and other health problems linked to environmental contaminants. It called for a major government investment in research to investigate the cumulative long-term effects of this chemical soup on children.

My question is again to the government leader in the Senate: What specifically has the government done in response to the Senate's motion? What more does it plan to do, specifically in the area of research, following the May workshop and the release of the more recent report?

Hon. J. Bernard Boudreau (Leader of the Government): The honourable senator obviously wants a very specific and detailed answer to that question. I will not go into the various health research initiatives that have been undertaken by the government in various areas, but I will simply relay her question to the Minister of the Environment and ask for a response from him, which I will provide to the senator.

The responsibility for environmental protection, research and other related matters is a shared jurisdiction, and the initiatives in health research that have been undertaken by this government in the last several years have been quite substantial, as I am sure she is aware.

Senator Spivak: Honourable senators, I applaud those initiatives, but the Senate's motion constitutes a more specific request. It calls for a specific response.

Again, I draw to the minister's attention the fact that this chamber passed a unanimous resolution urging the government to establish the Office of Children's Environmental Health. Have the minister's colleagues in cabinet put sufficient weight on the unanimous resolution of the Senate, and has he received any communication indicating a will to act on this particular Senate resolution?

Senator Boudreau: Honourable senators, I am certain that the ministers involved would take very seriously any resolution passed by the Senate or, indeed, by the House of Commons. Whether every resolution can be acted on in specific detail is another question, but I am sure the minister is aware of the resolution and views it seriously.

As to the specific information that the honourable senator may wish, I will request that of the minister and ask if he can reply in more specific terms than I can.

FOREIGN AFFAIRS

PROPOSAL TO ESTABLISH DIPLOMATIC RELATIONS WITH NORTH KOREA—INVOLVEMENT OF CANADIAN SECURITY INTELLIGENCE SERVICE

Hon. Marcel Prud'homme: Honourable senators may recall that sometime before we left for the summer I asked the Leader of the Government in the Senate whether the time had come for Canada to recognize North Korea, adding, and I will put the record straight, that I have had a relationship with this issue for 19 years. Of course, it did bother the Canadian Security Intelligence Service, but I never hesitated because I always did everything in the open.

To my surprise and happiness, I have never had such an answer so fast. A few days later the Leader of the Government in the Senate answered me, saying that we had established contact over the last five years through certain gestures and that, indeed, were on our way to recognizing North Korea. During the summer it was announced that Canada would establish a diplomatic relationship with North Korea. My only reason for supporting that approach is that I believe that with hot issues one should never hesitate to engage. This does not mean that one necessarily agrees.

• (1440)

I read more and more that CSIS has done everything possible, or so says their spokesperson. It annoys me very much to see that such an institution, whose efficiency should be equalled by discretion, so often experiences leaked information.

I thought the Canadian political master was the Government of Canada, and I bow to the government. The government should decide the direction of the institutions. They may take counsel, but once the government decides what to do, the institutions should bow to the wishes of the government.

In the last few days, CSIS has been saying that they have done everything right. They say the current approach is wrong. I disagree with them. They may be right, but the Government of Canada has thankfully decided to engage with representatives of North Korea in order to get closer to peace and understanding. It is important to remember that it is sometimes better to have people under your eyes than to have them far away. That way, you will always know what they are doing.

Could the minister convey a message of strong disagreement to the government minister responsible for CSIS to the effect that at least one senator objects very strongly to these leaks we read about all the time from what is at times a disinformation office?

Hon. J. Bernard Boudreau (Leader of the Government): In response to the honourable senator, I will say that governments always have problems with leaks. It is very difficult and challenging to do anything about leaks in most instances.

[Senator Boudreau]

I would agree and support the policy of engagement that Senator Prud'homme has eloquently described. I do not know if all senators would agree, but I agree that isolation seldom achieves any worthwhile objectives in the long run.

Let me assure the honourable senator that, to the best of my knowledge, the initiative is proceeding. I am not aware of any interventions by CSIS or any other body. I understand Senator Wilson is leading a mission to North Korea as we speak. That mission will be charged with finding ways to build bridges and to build substantive connections in areas of cooperation.

I might also inform my honourable friend that Canadian officials, led by DFAIT's Assistant Deputy Minister for Asia-Pacific and Africa, will meet in Beijing with officials from North Korea in the last days of September to begin discussions on diplomatic relations. To the best of my knowledge, that initiative is proceeding.

CAPE BRETON DEVELOPMENT CORPORATION

DIVESTITURE PROCESS—REQUEST FOR UPDATE

Hon. Lowell Murray: Honourable senators, I wish to ask the Leader of the Government a question about the Cape Breton Development Corporation file on which I have no doubt that he is fully conversant and informed.

We passed a bill in June to facilitate the privatization of that Crown corporation. It appears that on July 6, a letter of intent was signed by Devco with Oxbow Carbon & Minerals Inc. of the United States for the sale of Devco. Nothing seems to have happened since that time.

One understands that the three conditions attached to a successful completion of the transaction are: first, that the sale of coal contract be negotiated with Nova Scotia Power; second, that the collective agreement be signed with the United Mine Workers, District 26; and, third, that the purchase price be acceptable.

What is taking so long? What is the status of this transaction?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I do not know what I can add by way of detail except to say that the process is ongoing, as I understand it. Obviously, it has not been concluded or there would have been some announcement to that effect. I am assuming that discussions are taking place, but I have not followed the matter in detail. Perhaps I can attempt to obtain an update from the minister responsible. To this point, I am not aware that any conclusion to that process has been reached.

Senator Murray: I understand that there is no deadline, publicly at any rate, for a conclusion of the transaction.

Would the minister ascertain whether, for planning purposes, the Department of Finance has set a date by which it expects to be clear of the Cape Breton Development Corporation?

Senator Boudreau: Perhaps I can make some inquiries as to whether they have set a date or what impact that would have on negotiations. I certainly can make the inquiries.

Senator Murray: Not to put too fine a point on it, but is it fair to expect that the corporation will continue as a Crown corporation with its mining and other activities until such time as it is disposed of?

Senator Boudreau: That would be my expectation. One would hope that negotiations would be completed and the transfer would take place, but in the meantime my expectations are that the corporation will continue to operate.

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

NOTICE OF MOTION TO ALLOCATE TIME—POINT OF ORDER— SPEAKER'S RULING

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise at this time to make an observation or statement that will introduce a notice of motion pursuant to rule 39.

The observation I make is that my counterpart, the Deputy Leader of the Opposition, and I have been in discussion pursuant to my attempt to reach an agreement on the time to be given for third reading consideration of Bill C-37. We have been unable to reach such an agreement, but we will continue our discussions.

I now exercise my discretion to give notice that tomorrow, Thursday, September 21, 2000, I will move:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act;

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said Bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of Rule 39(4).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is incumbent upon me to rise on a point of order. It will be very important for us, as we proceed, to have much more clarity on the use of the guillotine by the majority in this place.

Rule 39, to which the Deputy Leader of the Government has just referred, is very specific in terms of the conditions that must prevail before a notice of time allocation can be given, and then the steps flow therefrom once the motion for time allocation is put forward.

• (1450)

The government may be of that view because of convenience of scheduling or timeline, but that really does not speak to the urgency of a piece of legislation. I am not sure that is why the time allocation rule was adopted by this house. I think it speaks to this rule on time allocation, which, honourable senators will remember, limits not only the time for opposition members to debate a government matter but also the time for government members to debate the matter being brought forward.

If our right to speak in Parliament is being limited, we must from time to time look closely at the nature of that limitation. Today we have not even reached the point of calling the item. We are still at third reading debate on Bill C-37. The honourable Leader of the Opposition has not even had the opportunity to rise to express the view of the opposition on the legislation. Having heard a few lines from the Deputy Leader of the Government, who is the proponent of the motion at third reading, lo and behold, he then gives notice that they think time allocation may be needed. That notice is given even though discussions are ongoing.

Honourable senators, this is a point of order. The rule envisages some serious discussions to decide on the timeline for proceeding with a piece of government legislation.

On an almost prima facie basis, if we are at third reading and the adjournment of the debate that began yesterday was taken by the Leader of the Opposition — and we have not even heard from the Leader of the Opposition yet — that constitutes a complete abuse of this rule. That use was not envisaged by the Senate when it adopted the rule.

Senator Hays: Honourable senators, my first point is: When should a point of order be raised in this matter? Should a point of order be raised when the notice is given about the motion, as I have just done, or when the motion itself is made? To my recollection, past requests for Speaker's rulings on points of order were made when the motion was moved and not when notice was given. I make that observation, Your Honour.

With that reservation, I will still respond to Senator Kinsella's comments. Rule 39 is fairly straightforward. We may not like this rule and we may feel we would be better off without it, but we do have it. There are no conditions on using the rule other than the limits within the rule itself. Senator Kinsella did not quote an authority. Rules limiting time are common, but perhaps rules in this form are not common in parliamentary procedure; I do not know.

Honourable senators, rule 39 is straightforward. I have proceeded in a way that is envisaged under the rules.

We differ legitimately on when to dispose of Bill C-37. We have discussed that. I do not think it is appropriate to get into the details of the discussion. Perhaps I should not have mentioned it, but the discussions are ongoing. Pursuant to the necessary discussions with my caucus colleagues, we have reached a conclusion, as I described in my preamble to giving the notice of motion.

I timed that notice of motion to alert all senators that we on this side wish to proceed with Bill C-37. I did not wait until the matter was called to give us time for debate. I assume there will be speakers on this matter today, and they can comment on my notice of motion in the context of their speeches on the main motion.

I could also have given notice when the Speaker called for Government Notices of Motion, but I thought it most appropriate to give notice before the order was called.

Taking a long time to meet the request for a ruling would be totally inconsistent with the spirit of rule 39. The very purpose of giving such notice is to get on with the matter of third reading debate and with disposing of the third reading stage. I acknowledge that rule 39 provides for a deferral of any vote at the end of debate. That could take us into a Friday sitting to dispose of the bill consecutively, unless we adjourn to a later date.

Those are my comments in response to Senator Kinsella's point of order.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it is quite appropriate to raise the point of order at the time notice is given because, under rule 39, notice cannot be given unless the parties have failed to allocate.

According to the deputy leader, they have failed to allocate as of this moment, but they are still discussing and hoping to come to an agreement. In effect, if the discussions are ongoing, how can one suppose the final result and introduce a notice of motion? The final result may not necessitate closure. It is quite appropriate that while discussions are ongoing, giving of notice at this time is completely out of order.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, are we debating the point of order raised by Senator Kinsella?

The Hon. the Speaker: Yes.

Senator Nolin: If so, it means that His Honour accepts the point of order. I think that he should first make that decision. Otherwise, we will have a debate on the admissibility of the point of order. I need clarification on this.

The Hon. the Speaker: Senator Kinsella raised a point of order. I will listen to all the honourable senators who want to discuss it, and when I feel that I have heard enough, I will say

[Senator Hays]

that the debate is over. I will then take time to ponder the issue, or I will rule immediately on the point of order.

Senator Nolin: Honourable senators, a condition is indeed set out in rule 39(1). In the argument put to us in support of the motion by Senator Hays, I heard no mention that this condition had been met, that there had been a discussion of the specific number of days or hours for consideration of Bill C-37. I think it is important, before His Honour rules on Senator Kinsella's point of order, that a specified number of hours be submitted to the Deputy Leader of the Opposition by the Deputy Leader of the Government in the Senate, before we admit to being unable to reach an agreement.

[English]

- (1500)

Senator Hays: Honourable senators, further to Senator Lynch-Staunton's point about ongoing negotiations, I submit that it is open for parties who are responsible for the business of the chamber to talk at any time or not talk, as they wish. I must say that I have never found it a problem to talk to my counterpart, and I feel that the honest thing is to acknowledge that we will continue to talk even though I am giving notice of this motion under rule 39.

To interpret rule 39 as one that is only applicable when the relationship on a particular item of discussion is totally intractable would not be consistent with the spirit of the rules, or rule 39, or the spirit of doing business in this chamber.

As to the point of how detailed the discussion was, I repeat that I do not think it is appropriate to go into the discussion that has taken place to this point because it then becomes an issue of the two sides standing up and saying, "I said this," or "You said that." I am trying to avoid that situation.

Honourable senators, I simply say that discussions have taken place and they have not produced a conclusion on this side. In representing the government side, I feel that is adequate. Accordingly, I am taking a step under the rules to have a decision by this chamber come to a head more quickly than I am able to through agreement. The rules allow me to do so, and it is no more complicated than that.

[Translation]

Senator Nolin: Honourable senators, the rule provides:

...that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration...

Am I to understand from what Senator Hays has said that a specific request was made and this request was not honoured by Senator Kinsella? I would like to hear Senator Kinsella tell us that indeed we were asked for a specific number of days or hours and that we did not agree to it. That is not so difficult.

[English]

Senator Hays: Honourable senators, from my point of view on this side, I suppose it is the sort of question I would answer with a “yes.”

Hon. Douglas Roche: Honourable senators, I do not wish to get in between the distinguished leadership on this question. I only want to ask the deputy leader that if time allocation is indeed introduced on Bill C-37, when will the third reading vote be on the bill?

Senator Forrestall: Next Christmas.

Hon. Nicholas W. Taylor: Honourable senators, seeing a good brawl and being partly Irish, I feel that I must jump in.

In speaking to the matter of closure, which is what time allocation is, I draw your attention to the sixth edition of Beauchesne's, as edited by Fraser, Dawson, Holtby, paragraph 519. I refer to the fact that the Leader of the Opposition and the Deputy Leader of the Opposition are complaining that we are talking about closure or time allocation when very little debate has taken place and that they have not made their speeches. Subparagraph 519(7) states:

“Consideration” of a clause —

— which means closure —

— or other item may be achieved by as little as one speech...

In other words, the idea that before closure can be brought forward there must be a great amount of debate is untenable. One speech is sufficient. Therefore, I believe our deputy leader is quite within his rights if he wishes to bring it up now.

Hon. Marcel Prud'homme: Honourable senators, perhaps we could suspend what Senator Hays has just proposed. Upon adjourning, the deputy leader could then start negotiating with the official opposition as to the hours of debate. The two sides will most likely not come to an agreement. I can see that developing. Tomorrow, with consultation having taken place, perhaps the Leader of the Government in the Senate could come back and say that they have negotiated according to the rules, come to no conclusion, and he is therefore advising that we will have, for example, six hours of debate. That will take us into next week.

Honourable senators, I am afraid the vote could be taken Friday or, if the wish of the opposition is manifested, it may be taken next week. If everything is to happen next week, perhaps my suggestion could be helpful to the debate, or it may complicate it. I do not know the reason for this urgency. I know that some people of the other place are paying attention to the Senate for the first time. Therefore, we may have the pleasure of having them pay more attention for a little longer.

Senator Hays: Honourable senators, in answer to Senator Roche, if the motion is moved tomorrow, the vote could be tomorrow. It could also be Friday or at a later date, if the Senate adjourns to a later date. Most likely it would be Thursday or Friday if the motion is moved.

In regard to Senator Prud'homme's comments, as far as I am concerned, the lines of communication continue to be open. I believe I acknowledged that throughout my interventions on this matter.

Senator Prud'homme: We admit that we do not know what is going on.

The Hon. the Speaker: I thank all honourable senators who participated in the debate. If no other honourable senator wishes to speak, I will rule now.

First, honourable senators, let me point out that the motion before us is identical to previous motions of the same type that have been moved. There are no changes in the wording.

I refer all honourable senators to rule 39(1), which can be found on page 41 of the red book. It sets out the procedure exactly. Perhaps I will read the motion proposed by Honourable Senator Hays.

Senator Lynch-Staunton: We are not challenging the motion, but the notice.

The Hon. the Speaker: Honourable senators, that rule will answer the questions raised by Honourable Senator Nolin and Honourable Senator Roche.

The proposed notice of motion by Honourable Senator Hays is as follows:

I give notice that tomorrow, Thursday, September 21, 2000, I will move:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act;

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of Rule 39(4).

Honourable senators, it is clear that the proposed motion sets out the day, the hour and the terms concerned and that the third reading will take place at the end of that debate.

Insofar as the point raised by the Honourable Senator Kinsella is concerned, I refer specifically to rule 39(1), which simply states that if “the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours,” that allows the deputy leader to give notice.

Honourable senators, the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out. Therefore, I rule that the point of order is not valid.

• (1510)

We will now resume debate.

BILL TO AMEND—THIRD READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fairbairn, P.C., for the third reading of Bill C-37, to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this will probably be the last day of debate and we only have four minutes remaining to do so. Government policy is working well: Ram the bill through the House of Commons with no debate at all, two days of sham, and do the same thing here!

The bill was passed at second reading here and suddenly, without warning, the Banking Committee called a meeting for Thursday morning, June 29. It had only the minister, the sponsor of the bill and his officials as witnesses. The committee then proceeded with clause-by-clause consideration of the bill over our objections and tried to get leave to have the bill pass third reading here, which we refused.

Again today, we are being asked to follow the same pattern of discrediting legislation by ramming it through without proper study. It has already started. Why? In June it was feared that an election might be called in the fall and if this bill were not passed, certain members of Parliament, depending on election results, would be penalized. I sympathize with that, but there is no fear of an election being called between now and the end of October — that is, unless the Leader of the Government in the Senate would like to deny that.

Senator Meighen: He does not know. Obviously, he does not go to cabinet!

Senator Lynch-Staunton: He has not chosen his riding yet. We must give him more time so that he may decide upon one.

[The Hon. the Speaker]

My suggestion will be, through a motion, to return the bill to the Banking Committee, call in the witnesses who indicated in June that they wanted to appear, have them hold hearings next week, and report the bill to the Senate when we return in early October. We would agree to have the vote on the bill before the end of the week in which we return. There will only be a two-week delay. Surely the government can allow that to take place.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, with those remarks, and under the threat of the vote being called in a few minutes, I move, seconded by Senator Tkachuk:

That Bill C-37 be not now read a third time, but that it be referred back to Standing Senate Committee on Banking, Trade and Commerce so that the committee may hear further witnesses on this Bill; and that the Committee report back to the Senate no later than October 2, 2000.

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

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I was about to rise to speak to the motion, but in light of the fact there is only one minute left —

The Hon. the Speaker: It is now 3:15 p.m. Under the order of the house passed yesterday, I must now call for the bells to be rung for 15 minutes prior to a vote at 3:30 p.m.

Senator Hays: In the minute that is on the clock, I shall adjourn the debate. I would like to speak on the motion — probably not surprisingly, against it. There has been a proposal and I would like to respond to it. Accordingly, I wish to move the adjournment of the debate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of adopting the motion please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it. Therefore, debate will continue after the division.

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE TO EXAMINE CONDUCT OF PERSONNEL IN RELATION TO THE SOMALIA DEPLOYMENT AND THE DESTRUCTION OF MEDICAL RECORDS OF PERSONNEL SERVING IN CROATIA DEFEATED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That a Special Committee of the Senate be appointed to examine and report on two significant matters which involve the conduct of chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters and its response to operational, decision making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia and allegations that Canadian soldiers were exposed to toxic substances in Croatia between 1993 and 1995, and the alleged destruction of medical records of personnel serving in Croatia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. The present Minister of Defence in relation to both matters;
2. Former Ministers of National Defence in relation to both matters;
3. The then Deputy Minister of National Defence in relation to both matters;
4. The then Acting Chief of Staff of the Minister of National Defence in relation to the Somalia occurrence;
5. The then special advisor to the Minister of National Defence (M. Campbell) in relation to the Somalia occurrence;
6. The then special advisor to the Minister of National Defence (J. Dixon) in relation to the Somalia occurrence;
7. The persons occupying the position of Judge Advocate General during the relevant period in relation to the Somalia occurrence;

8. The then Deputy Judge Advocate General (litigation) in relation to the Somalia occurrence; and

9. The then Chief of Defence Staff and Deputy Chief of Defence Staff in relation to both occurrences.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate.

The Hon. the Speaker: Call in the senators.

• (1530)

The Hon. the Speaker *pro tempore*: The question now before the Senate is the motion by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That a Special Committee of the Senate —

An Hon. Senator: Dispense!

Motion negatived on the following division:

ABSTENTION

YEAS

THE HONOURABLE SENATOR

THE HONOURABLE SENATORS

Prud'homme—1

| | |
|------------|----------------|
| Andreychuk | LeBreton |
| Atkins | Lynch-Staunton |
| Beaudoin | Meighen |
| Bolduc | Murray |
| Buchanan | Nolin |
| Carney | Oliver |
| Cochrane | Robertson |
| Cohen | Roche |
| Comeau | Rossiter |
| DeWare | Simard |
| Forrestall | Spivak |
| Gustafson | St. Germain |
| Keon | Stratton |
| Kinsella | Tkachuk—28 |

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn and that all orders not completed stand in their place.

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

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

NAYS

THE HONOURABLE SENATORS

| | |
|------------------|--------------------------------|
| Adams | Kennedy |
| Austin | Kenny |
| Bacon | Kirby |
| Banks | Kolber |
| Boudreau | Kroft |
| Bryden | Lawson |
| Callbeck | Maheu |
| Carstairs | Mahovlich |
| Chalifoux | Mercier |
| Christensen | Moore |
| Cools | Pearson |
| Corbin | Pépin |
| Cordy | Perrault |
| Fairbairn | Poulin |
| Ferretti Barth | Robichaud |
| Finestone | (<i>L'Acadie-Acadia</i>) |
| Finnerty | Robichaud |
| Furey | (<i>Saint-Louis-de-Kent</i>) |
| Gauthier | Setlakwe |
| Grafstein | Sibbeston |
| Graham | Squires |
| Hays | Taylor |
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