



# Debates of the Senate

---

2nd SESSION

•

36th PARLIAMENT

•

VOLUME 138

•

NUMBER 82

---

OFFICIAL REPORT  
(HANSARD)

**Wednesday, October 18, 2000**

—

THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

## CONTENTS

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

---

*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate

Available from Canada Communication Group — Publishing,  
Public Works and Government Services Canada, Ottawa K1A 0S9,

**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Wednesday, October 18, 2000

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

Prayers.

Later today I will ask the minister to comment on this matter and to elaborate on his answers to the questions I put to him yesterday.

### SENATORS' STATEMENTS

#### THE SENATE

HONOURABLE GERRY ST. GERMAIN—  
ANNOUNCEMENT OF CHANGE IN POLITICAL AFFILIATION

**Hon. Gerry St. Germain:** Honourable senators, I wish to advise you that, as of this date, I will be sitting as a Canadian Alliance senator in order, I hope, to better represent my region in British Columbia. I thank honourable senators for the cooperation that I anticipate I will get as we go forward to build a better country.

#### NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—  
CHANGES TO STATEMENT OF REQUIREMENTS

**Hon. J. Michael Forrestall:** Honourable senators, yesterday the Leader of the Government in the Senate suggested that my questions about shipborne replacement helicopters were not well-founded.

I want to speak to you about one of my concerns regarding this matter. As many honourable senators know, the original statement of requirement was changed three times and is no longer of any relevance. We are now dealing with the MHP requirement.

Honourable senators, I will give you some examples to illustrate my concern. There has been a 35 per cent reduction in the original requirement for radius of action. There has been a 25 per cent reduction in the requirement for endurance, a 40 per cent reduction in the vertical ROC requirement, and a significant reduction in the requirement for flight in icing conditions. "Significant reduction" is a very strong term when used in the military context. There has been a 33 per cent reduction in the requirement for weapon stations, a potential 100 per cent reduction in the requirement for MAD, and reduced capability in the requirement for data recording. The requirements for EMP/TREE have been eliminated. The aircraft self protection suit has been eliminated, as has the requirement for Sonoboy Relay.

Probably 250 items have been significantly changed since the first SOR was brought forth by the military.

### THE SENATE

REAPPOINTMENT OF SENATORS

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, yesterday in Question Period there was some reference to the reappointment of senators. I had my staff do some research and they informed me that in the past some senators who had resigned from this honourable institution were reappointed. However, the last time that happened was in 1896.

Three senators have been reappointed. They are: Senator George William Howlan, Senator Louis F.R. Masson, and Senator Sir John Carling, the last of whom was reappointed in 1896.

### FAMOUS FIVE

UNVEILING OF STATUES ON PARLIAMENT HILL

**Hon. Joyce Fairbairn:** Honourable senators, just a few minutes ago Nellie McClung, Emily Murphy, Irene Parlby, Louise McKinney and Henrietta Muir Edwards finally found a home on Parliament Hill — those famous five crusaders from Alberta who took the cause of women to the highest court of appeal at Westminster in 1929. They caused our Constitution to be changed so that women would be considered persons capable, by right, of being appointed to this chamber. The Famous Five are now forever ensconced to the left of Centre Block on Parliament Hill, a right for which they fought on our behalf.

Honourable senators, nearly everyone in this chamber has been tremendously supportive of the effort to bring the Famous Five to our precincts. On behalf of all the women in this chamber, I thank you. This is a piece of Canadian history too long unknown and too long forgotten.

As a senator from Alberta, I have no doubt why I am here. I am here because those five women had the courage, determination and spunk, 71 years ago, to go to the very top and succeed in changing our history.

Honourable senators, I believe that women in this chamber are among the most devoted members of the Senate. They come from every part of Canada and they have a sense of the worth of our country and of the people who give it its strength and character. We are proud to work here together on both sides of this chamber and we are proud to work with our male colleagues. The differences between our genders in no way change the contributions of either men or women, they just make them better, as in any creative partnership.

It is a privilege for me to stand here today. I thank all of my colleagues and I thank those five who changed the history of the Senate, and certainly changed my life.

[*Translation*]

## OFFICIAL LANGUAGES

STATUS AS OUTLINED IN REPORT OF COMMISSIONER

**Hon. Rose-Marie Losier-Cool:** Honourable senators, this past October 5, Commissioner of Official Languages Dyane Adam tabled in Parliament the first annual report of her mandate. This report painted a fairly dismal picture. Over the past 15 months, the office of the commissioner received 1,800 complaints, and the commissioner's comment was:

It is unacceptable, after three decades and despite numerous interventions by successive Commissioners, that, year after year, we have to call attention to so many recurring deficiencies in federal offices designated to provide service in both official languages and have to decry the persistent inertia of federal institutions.

Honourable senators, as co-chair of the Standing Joint Committee on Official Languages, I support what the commissioner has said about linguistic duality needing to be the focal point of federal government priorities. I would add that everything must begin with the concrete assumption of political and administrative responsibility at all government levels, senior executives, the elected representatives in the other place and ourselves, honourable senators. I invite each and every one of you to make official languages a fundamental value of your message, your vision and your practices.

Honourable senators, I am as convinced as the commissioner that the challenges being faced by Canada's francophone minorities can be met if all partners cooperate with the federal government in a lead role. As the commissioner says:

By working together we will find the most long-lasting solutions and the most effective means to ensure the vitality of the minority communities and to strengthen linguistic duality in Canada.

## PARLIAMENTARY PRECINCT

LOCATION OF STATUES OF PRIME MINISTERS

**Hon. Marcel Prud'homme:** Honourable senators, I would like to add my voice to the chorus of congratulations for the magnificent unveiling ceremony we attended today.

[*English*]

I should like to use this opportunity to speak of two of my deepest wishes. One is to bring Mr. Louis St. Laurent, former

[ Senator Fairbairn ]

prime minister of Canada, back to the Hill. I have always thought that the Hill should be for prime ministers.

I took part in a discussion yesterday about where we should place a statue of Mr. Trudeau. Someone is bound to propose that one day, and some may believe that the statue should be placed with that of Mr. St. Laurent, in front of the Supreme Court. However, some people are of the view that the statue of Mr. St. Laurent should be brought to the Hill and that statues of prime ministers who will be honoured in the future should be on the Hill as well.

I have lost my argument on this subject with the Department of Public Works three times. However, I am hopeful that the Liberal government will be sensitive to my suggestion.

• (1350)

I can no longer stand seeing the great Prime Minister — the longest-serving Prime Minister in the Commonwealth — looking down like he is being eternally punished, in a hole between the East Block and Centre Block. I made representations to Public Works about this when they dug the tunnel. They said, "Yes, we will put it in a better location," but they did not do it. They made a mistake in digging the tunnel. They redug and then they still did it.

I know Senator Carstairs is in charge of representing the Senate with respect to the future of the Hill, and the first thing that I think should be done is that Louis St. Laurent should be brought back to the Hill. The second thing is that all prime ministers of Canada should be honoured, and of course that includes Mr. Pearson and Mr. Diefenbaker. I would hope they would be on the Hill. If anything can be done, I am ready — because I am a great fan of Mr. King — to put my money where my mouth is and put up some money, if that is what is needed, so that he can be honoured in a much better way than he is at the moment.

## FAMOUS FIVE

UNVEILING OF STATUES ON PARLIAMENT HILL

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, as a senator from Alberta, I wish to join with Senator Fairbairn and others in extending congratulations to those responsible for the remarkable event we witnessed today. It is the recognition on Parliament Hill of the Famous Five and, in particular, their importance to our country. They are to be commended and congratulated. They are deserving of our admiration. I should like to single out one person for special mention, Ms Frances Wright. From the initial idea of recognizing the Famous Five to the culmination today of the unveiling of a set of statues here on Parliament Hill, she has worked tirelessly and successfully, and I offer special congratulations to her.

## ROUTINE PROCEEDINGS

### CLERK OF THE SENATE

#### ANNUAL ACCOUNTS TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that, pursuant to rule 133 of the *Rules of the Senate*, the Clerk of the Senate has laid on the Table a detailed statement of his receipts and disbursements for the fiscal year ended March 31, 2000.

### MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

#### REPORT OF COMMITTEE

**Hon. Thelma J. Chalifoux**, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Wednesday, October 18, 2000

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

#### SIXTH REPORT

Your Committee, to which was referred Bill C-14, An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, has, in obedience to the Order of Reference of October 16, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

THELMA CHALIFOUX  
*Chair*

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

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

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### MOTION TO REFER ANNUAL ACCOUNTS OF CLERK OF THE SENATE TO COMMITTEE ADOPTED

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move that the Clerk's accounts be referred to the Standing Committee on Internal Economy, Budgets and Administration.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## QUESTION PERIOD

### HUMAN RESOURCES DEVELOPMENT

#### AUDITOR GENERAL'S REPORT—MISMANAGEMENT OF JOB CREATION PROGRAMS

**Hon. W. David Angus:** Honourable senators, yesterday, when I asked the Leader of the Government in the Senate and the new Minister of State for the Atlantic Canada Opportunities Agency a pointed question arising from the Auditor General's report into the scandal at HRDC in connection with various job programs, the minister said:

Honourable senators, I look forward to having the opportunity to read the report and respond in detail.

Surely, the minister is now aware of the contents of this report and has seen the outcry on the front pages of virtually every major national newspaper in this country. Surely, he has received a briefing from his political masters in the PMO and is now in a position to answer my question of yesterday. Is the minister now prepared to acknowledge that there was a terrible mismanagement of public funds? Is he prepared, on behalf of the government, to apologize at this time to the Canadian people for the Liberal government's appalling failure to come clean with the people of Canada and to account to them for the abuse of their rightful funds?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, first, I can indicate that I have received today a copy of the Auditor General's report. I must say I turned my attention first to the area which most directly concerns me with my ministerial responsibility, so I have not had an opportunity to read all of it in great detail.

With reference to HRDC, yes, the Auditor General in his report does draw attention to deficiencies, which were quite similar to the deficiencies raised in the internal audit commissioned by the minister herself. The Auditor General confirmed that these deficiencies did indeed exist. I might say that in the process as I understand it now, not having read the complete text in detail at this point, the Auditor General also indicated there was no suggestion of any criminal malfeasance or anything of that nature on the part of HRDC. That should give the public of Canada some confidence. He also said that the steps being proposed and undertaken by the minister in response to her own internal audit were an acceptable approach and would sufficiently address the problem. I think that the honourable senator and the people of the country should take comfort in that.

## AUDITOR GENERAL'S REPORT

### MISMANAGEMENT OF PROGRAMS IN GOVERNMENT AGENCIES

**Hon. W. David Angus:** Honourable senators, that answer speaks for itself, but the government leader mentioned the plan HRDC has put in place as proof that the government has taken steps to correct this appalling mismanagement, this so-called administrative problem. Is the Leader of the Government in the Senate aware that Minister Stewart's remedial plan only applied to grants and contributions delivered through HRDC, like the TJF and the CJF? What about the mismanagement and terribly improper practices, bordering on the corrupt, in the Atlantic Canada Opportunities Agency, for which the honourable leader is now responsible? What about the improper practices at CDIC? What about the police investigations into fraudulent activity, of which the honourable senator just said there was no evidence? I would ask the honourable leader to come clean with us and tell us what the terms of apology should be.

• (1400)

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** I think the honourable senator should be careful with his comments here. I know that he does not intend to do so, but he might create the wrong impression. I said there was no evidence of any criminal malfeasance on the part of the HRDC officials. If the honourable senator wants to include ACOA, then I would say the same thing.

From time to time, criminal investigations do take place on files related to government activity. There were tens of thousands of files dealt with by HRDC and huge numbers dealt with by ACOA. From time to time, a criminal investigation will be undertaken with respect to some of these files. In fact, there are some currently underway. I do not think that is unusual. I cannot comment on any file specifically with respect to any investigation. That is as it should be and I do not find that to be terribly surprising.

## HUMAN RESOURCES DEVELOPMENT

### AUDITOR GENERAL'S REPORT—MISMANAGEMENT OF JOB CREATION PROGRAMS—PROCEDURE FOR RECEIVING GRANTS

**Hon. David Tkachuk:** Honourable senators, I can understand why the minister does not find it surprising.

There was a Mr. Gauthier who donated \$10,000 to Mr. Chrétien's campaign and then bought land from a company that he had an interest in for \$525,000. That is pretty good. Surprisingly, he is then awarded a contract from HRDC which is now being investigated by the RCMP. Mr. Gauthier received some \$1 million in job creation grants. Then, surprisingly again, we find out from the Auditor General that this same Mr. Gauthier had another company which got a contract for \$6.3 million — this is hard to believe — to build telephone lines in Mali, Africa. The Auditor General makes it very clear that this company

should not have been on the list because it was not qualified to do the work in Mali, but, somehow, it was put back on the list to receive the contract. This is the same company that had given money to the Prime Minister.

Honourable senators, I am sure we would all like to have job creation grants in our provinces. What is the procedure of the Liberal government for doing so? Must you give money to the Prime Minister to get contracts, or can you just give it to a Liberal MP to get contracts? Perhaps the reason we do not have any contracts in Saskatchewan is because we only have one Liberal MP. I want to know whether or not that is the procedure. Do you give money to the MP or to the Prime Minister?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, I wish to tell the honourable senator that the suggestions he makes are simply unsupportable. There are practices that the Auditor General has identified and that we should all take seriously. The Auditor General has indicated that, in particular, with relation to HRDC, the minister is acting appropriately to deal with situations and practices that have existed for quite some time and not only with this minister or with this government.

Honourable senators, if there are instances of anything improper or illegal being done in connection with any file, then the police will deal with it, as they should. We will stand and receive their result after they complete their investigation. I do not know that it helps to make statements which, at this stage, are completely unsupportable.

**Senator Tkachuk:** Honourable senators, it seems that they are supportable in one case because the RCMP is already investigating them. Perhaps we should ask the RCMP to investigate the second case. I would like to know because the Rodd Hotel and Resorts Chain received \$500,000 in low-interest loans to upgrade their resort in Prince Edward Island; the Clovelly Golf Club in St. John's got \$569,000 in 1998 and, in 1999, \$400,000. I would like to know whether this corporation or any of its officers gave a donation to the Prime Minister, to the Liberal Party, or to the Liberal member from the province in which they reside?

**Senator Boudreau:** Honourable senators, if any donations were made, the law requires disclosure of those donations. The honourable senator should do his homework and check to see if there were any such donations.

Honourable senators, investigations occur on a regular basis whenever you deal with large volumes of commercial transactions. From time to time there will be investigations. Most of them are terminated without any action being taken. I do not have the exact statistics handy, but I could probably get it for the honourable senator if he so wishes. Simply because, at someone's insistence, a file is being reviewed by the RCMP, it should not lead us to make any sweeping conclusions or statements.

## NATIONAL DEFENCE

### REPLACEMENT OF SEA KING HELICOPTERS— CHANGES TO STATEMENT OF REQUIREMENTS

**Hon. J. Michael Forrestall:** Honourable senators, I am pleased that the Leader of the Government in the Senate is in the chamber today after his new appointment as Minister of State for ACOA because I want to ask him if he or anyone on his staff has bothered to ask why certain things are happening. The letter of intent for the MHP is slanted toward Eurocopter. There can be no doubt about that whatsoever. E.H. Industries has taken the government to the Canadian International Trade Tribunal; Sikorsky has threatened action if the government does not take a look at changing the certification date; and the statement of requirement has been significantly reduced for the maritime project. These are not Cold War requirements; they are modern littoral warfare requirements. I will now expand upon one or two of them.

First, there is the issue of de-icing. The honourable senator will be perfectly aware of the significance of de-icing in the North Atlantic. This capability is needed in the Atlantic in cold weather. It is a weather requirement, but it has dropped significantly in the new SOR. For what it is worth, the term is “significant reduction.” That is critical. That is a very important word in military usage.

Honourable senators, my question for the minister is: Why have there been such dramatic changes in the statement of requirements? Surely, the government is aware that icing conditions did not change with the Cold War. Surely, pilots being blinded require laser protection detectors. Surely, an infrared detector is required to detect pending attack. Why have these requirements been dropped or totally eliminated in the SOR for the maritime helicopter project? Is it solely so that the Eurocopter can compete? Until these reductions were made, and on the grounds of the last go around, the Eurocopter certainly did not qualify. Now it does, but at what expense? The de-icing capability is one of them.

• (1410)

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, I will address the two issues in order. The honourable senator, in his comments and statements, advances the proposition that a number of competitors are being unfairly treated and that the competition is not an open and free competition. He had advanced that position over the past number of days and weeks, and, I guess, from the first moment that the competition was set in place.

The honourable senator is aware of the multi-stage nature of the competition and he believes that the situation is as he sets it out. At least one of the competitors agrees with him. EH Industries, manufacturer of the Cormorant, believe that their particular model is being disadvantaged. They have filed a complaint with the Canadian International Trade Tribunal, as they have every right to do. I assume they will argue their case.

If, as the honourable senator maintains, everyone knows the process is skewed to disadvantage this particular competitor, then I presume the tribunal will find that result and issue corrective action.

The government takes the position that the competition is fair and that all competitors who so wish may compete to meet the statement of requirements as detailed. The real issue of this competition is getting the right piece of equipment for the task that the military has decided is needed. It is not the Senate, nor the Leader of the Government in the Senate, not even the Minister of National Defence, but it is the military who decided what needs must be fulfilled.

The second point raised by the honourable senator is that the new statement of requirements is different from the previous one. As a matter of fact, it is different. We want the right piece of equipment for the task at hand. We do not want the biggest, nor the most powerful, nor the one with the most number of windows or winches. We want the right piece of equipment for the task as defined by the military.

The statement of requirements, I am informed, has been developed by the military. Presumably we can rely on their judgment in telling us what task must be fulfilled.

**Senator Forrestall:** Honourable senators, I have a supplementary question. I cannot let what the minister said go by without rejecting it completely out of hand. It is nonsense and he knows it. I want to tell senators what the professional military said. If I must do it again, I will.

Radius of action is 125 nautical miles and sub service is 100 nautical miles. That was changed by a 35 per cent reduction from the professional statement of requirements to today’s “lowest dollar” — not “best dollar,” “lowest dollar.”

Endurance was set at 4 hours and 30 minutes. Now it shows a 25 per cent reduction more fitting to the Eurocopter.

Full de-icing was there. Now we are down to some significant reduction like 40 per cent.

MAD, the magnetic anomaly detection system, has been eliminated, just taken out altogether. Why?

When he gives me an answer as to why these things happened, I may listen to what the honourable leader is trying to say. He is trying to tell the Canadian people that the government has set up a fair competition process. Yet the government has changed from the professional military’s requirement to suit a fourth helicopter whose bid to provide equipment to four Norse nations has just been rejected, as I indicated yesterday. Why? These are my neighbours and they are the people the Leader of the Government wishes to represent. He should tell them why.

**Senator Boudreau:** I think the honourable senator missed the point of what I said initially. I said as clearly as I could that the statement of requirements was not prepared in any political context. It was prepared by the professional military.

The statement of requirements with the necessary capabilities was prepared based on an extensive review by the department, by the military and by the professionals, not by me.

Why was this statement changed, if it was changed, and I do believe it was changed? Perhaps it was because the role of the military and the role of the equipment itself may have changed in the last five, six or seven years. Presumably it would be wrong for Canadian taxpayers to acquire a marine helicopter that did not fit the role that the military wanted.

That does not deny the fact that a bigger, faster, heavier helicopter may exist out there, but that misses the entire point. The point is that the military has designed a statement of requirements based on what it felt should be the role of the equipment. That statement comes forward and the various competitors are free to respond to it.

**Senator Forrestall:** This is my last word for a while, honourable senators. Can the honourable leader give this chamber an unequivocal answer to this question: Did any member of the government direct the military to change the SOR?

**Senator Boudreau:** Honourable senators, the decision on the SOR, with respect to all the information I have, was made based on information and advice.

The honourable senator asked me if anyone in government directed this change. I have no idea whether a civil servant told them to put the SOR on blue paper instead of white. The information that I have to share with the honourable senator is that the role as defined by the military led to the creation of a certain statement of requirements which was then presented for the competition. That competition is now underway. There will be one winner and a bunch of disappointed companies, and that is how it goes.

Honourable senators, I will say that the competition will be fair, open and transparent.

**Hon. Terry Stratton:** Honourable senators, is that fair and above-board like the contracts that were let in the Prime Minister's riding? I do not think so. That is not what I have heard. I do not think heads can be held high on that one.

---

## VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I am sorry to interrupt, but I should like to recognize in our gallery a delegation from the United Kingdom branch of the Commonwealth Parliamentary Association led by Mrs. Alice Mahon, Member of Parliament.

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

---

[ Senator Boudreau ]

## HEALTH

### PROFESSIONAL DEVELOPMENT EXERCISE ABOARD CRUISE SHIP IN CARIBBEAN

**Hon. Terry Stratton:** Honourable senators, I was wondering if you had received any phone calls lately from a cruise ship in the Caribbean. I am serious.

• (1420)

Has the government received a phone call from a senior bureaucrat on a cruise ship in the Caribbean?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** I have had no phone calls from anyone on a cruise ship anywhere.

**Senator Stratton:** Honourable senators, I wish to know if the government has had a phone call from a Mr. Paul Cochrane, Assistant Deputy Minister for Health Canada, currently on a cruise in the Caribbean.

**Senator Boudreau:** Honourable senators, let me try to answer the question that I think the honourable senator is moving towards; otherwise, we will bantering back and forth for the next five minutes or so.

The honourable senator is referring to a situation where a senior government official in Health Canada was on a cruise with some other officials, and, in fact, that matter came to the attention of the government and the minister. The minister has indicated publicly, and I have the information, that the situation is being investigated. The official involved is no longer in that position, but the minister is investigating the matter and regards it as a serious issue.

**Senator Stratton:** Honourable senators, I am bothered fundamentally. Have you ever been to a reserve in northern Manitoba and seen the conditions of the housing there and the health care standards? How does one morally comprehend how a group can spend money taking a cruise in the Caribbean given the tragedies that are evident in that area of our province? It boggles the mind. It is another classic example of what I call "the moral values that are obviously resounding through the Liberal family." You are having a great deal of trouble at HRDC, and now we have this issue on cruise ships. How would you like it if you were a single parent on a reserve in Manitoba, broke, without even the money to see you to the end of the month, only to discover that there is a group on a cruise paid for by the federal government? Tell me where this has a moral ring to it.

**Senator Boudreau:** Honourable senators, I think, if we want to look at the issue seriously, it illustrates a challenge for government programs of this type. That particular funding was provided by Health Canada to the First Nation to fund a treatment centre, the Virginia Fontaine Memorial Treatment Centre, which was located on the reserve. That reserve embarked on a professional development exercise which, whether in proper judgment or otherwise, was taken aboard a cruise ship.



In fact, we have here a balance of control issue involving Health Canada as against the proper devolution of spending authority to First Nations to deal with their own health circumstances and situations. I think it is particularly regrettable in this instance that the Assistant Deputy Minister for Health Canada was along on the trip. It was not authorized travel by Health Canada, but he did attend. He was, I think, at the time the Assistant Deputy Minister for First Nations and Inuit Health. He is no longer in that position. The Minister of Health takes the situation very seriously and is investigating to ensure that this sort of thing, if at all possible, does not reoccur.

When you are not in a total-control situation with expenditure of money and when you devolve authority, as we should, you must strike a balance, and sometimes you do not always strike the appropriate balance.

**Senator Stratton:** Honourable senators, the program involves the treatment of 6,000 patients per year on a \$1.6-million budget, and they take the money out of that budget to go on a cruise. I look at this action as absolutely reprehensible. Then you hear about the problems in HRDC. Then you hear about problems in Transport Canada. Tell me, where will this end? Are you going to continue this charade of being the all-knowing government when you have such dirty laundry being hung out to dry in front of the electorate? We will have a lot of fun with this issue during the campaign.

**Senator Boudreau:** Honourable senators, the electorate will decide. I think the fiscal record of the government will stand very well in comparison to the fiscal record of previous governments.

Honourable senators, there are challenges, pressures and dynamics that occur when you devolve control and authority. If you want to maintain all of the control and all of the authority and allow no decision-making in First Nations communities, then perhaps you can institute a fiscal control mechanism or regime in which this type of thing would never happen. In fact, is that what the opposition is suggesting?

**Some Hon. Senators:** Apologize!

[Translation]

**The Hon. the Speaker pro tempore:** Honourable senators, I regret to inform you that the time allocated for Question Period is over.

[English]

**Hon. Roch Bolduc:** Honourable senators, may we have another five minutes?

**Hon. Dan Hays (Deputy Leader of the Government):** Normally we would not entertain a request for leave. This is perhaps a special situation in that we may not be here next week. If that is the case, we want to take full advantage of the presence of the Leader of the Government in the Senate to answer questions. I would propose that we give leave to extend Question Period for five minutes.

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

**Hon. Senators:** Agreed.

[Translation]

## CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

### AUDITOR GENERAL'S REPORT— MISMANAGEMENT OF PROGRAMS

**Hon. Roch Bolduc:** Honourable senators, I would first like to congratulate and thank the Deputy Leader of the Government in the Senate for his delicacy. However, I have a question for the Leader of the Government.

I am very interested in the Auditor General's report, because I was in the profession for a long time. I can tell you, however, that I am seeing distressing things this year. This is particularly so because I have discovered not just facts, but patterns, things that move about.

The Auditor General has said that money cannot be thrown about like that without problems of mismanagement arising at some point. I note, however, that at CIDA, a seemingly independent body without a real minister and headed by public officials, it would seem that in the granting of contribution agreements, the Auditor General did not look at the thousands of contracts, but only at 30 of them, a sampling. He noted that, in 52 per cent of the cases — that is, 16 of the 30 — CIDA's rules were not followed at all. We are not talking about a little dipping here and there. We are talking about a pattern here. You understand that we are talking about 16 cases out of 30 or 52 per cent, which amounts to the majority.

• (1430)

In other words, in the majority of the cases reviewed by the Auditor General, the rules were not complied with. I would ask the Leader of the Government to explain this situation, because it is disturbing.

I will put my second question immediately. We discovered another serious pattern. Not only does the government award contracts without bidding, it also awards contracts to public servants who retire and then return through the back door the next day. And the government claims to have saved money. This is unbelievable. I would like to get an explanation. How can the government save money and, at the same time, award a contract to the same person?

[English]

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, the Auditor General's comments with respect to CIDA are being taken very seriously by the minister. Any Auditor General's report should be taken seriously. Any specific cases that are raised will have the immediate attention of the minister and the department.

I am just checking the departmental response. In fact, the department will be initiating a process to improve the guidelines and strengthen the review process, particularly in circumstances where non-competitive contracts are awarded.

Honourable senators, as I indicated at the start of Question Period today, I just received the full text of the Auditor General's report late this morning and I certainly intend to review it so we may be able to discuss the cases in more detail.

**Some Hon. Senators:** Next week.

**Senator Boudreau:** We will be returning later this week and perhaps next week.

Without having looked at the specific cases in detail, it is my impression that the discrepancies that have been highlighted by the Auditor General are, in some cases, not of a major character but are sufficiently serious for the minister's attention.

## AGRICULTURE

### PRIORITY OF RELATED PROBLEMS ON GOVERNMENT AGENDA

**Hon. Leonard J. Gustafson:** Honourable senators, my question is to the Leader of the Government in the Senate. More questions have probably been asked in the Senate regarding agriculture than any other area, and probably nothing is more important than the national interests of agriculture in Canada today.

I can tell honourable senators that I have been getting phone call after phone call. We in the Prairies have just found out that our durum wheat is worth \$1.37. I phoned the Grain Commission today in Winnipeg and they confirm this figure. I will be talking to the Wheat Board later.

Our farmers are in big trouble. I am not referring to marginal farmers or farmers who do not operate properly, or those who have overspent or moved in other directions.

We have been asking questions in this regard in the Senate. I fault the Alliance Party, which has done a terrible job in opposition on this issue, as much as I fault the government. They have come forward with the Agricultural Income Disaster Assistance program that has not worked. It has worked for bureaucracy. My neighbours tell me they have spent money for accountants but have received nothing.

There is a good chance my Liberal colleagues might be the government for another four years. I am realistic. Therefore, I ask the government today and whoever will form the government in the future: Will agricultural issues be a top priority? They must be, for the national interests of this country.

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** As the honourable senator knows, when I came to this place I did not have an extensive knowledge of agriculture or the challenges facing farmers in Western Canada. I have appreciated his efforts

[ Senator Boudreau ]

over the past year or so to assist me in becoming more familiar with the challenges facing our farmers in the western part of this country. I have been helped as well by my colleague the Deputy Leader. I certainly appreciate the opportunity to have learned so much more than I had previously known.

Having said that, the honourable senator raises an important question. Where will the various parties stand in terms of the future of agriculture in Western Canada? If we are correct in assuming that there may be an election shortly, then each party in this country will have an opportunity to present its vision for agriculture in this country. It will be an ideal forum because it will allow other parties — the Alliance, the Conservatives and the NDP — to present their vision for agriculture along with that of the government. It will give the public an opportunity to judge. I am confident that the larger, broader issues that the honourable senator raises here will be addressed in the platform of the Liberal Party when that platform goes to the public of Canada in the next general election.

**The Hon. the Speaker *pro tempore*:** I am sorry, honourable senator, the five minutes are up.

[*Translation*]

## ORDERS OF THE DAY

### DEFENCE PRODUCTION ACT

#### BILL TO AMEND—MESSAGE FROM COMMONS

**The Hon. the Speaker *pro tempore*** informed the Senate that a message had been received from the House of Commons returning Bill S-25, to amend the Defence Production Act, and acquainting the Senate that they had passed the bill without amendment.

[*English*]

### CANADA NATIONAL PARKS BILL

#### THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Chalifoux, for the third reading of Bill C-27, respecting the national parks of Canada,

And on the motion in amendment of the Honourable Senator Rossiter, seconded by the Honourable Senator Tkachuk, that the Bill, in Clause 34, be amended by deleting lines 7 to 10, sub-section 3 inclusive, on page 24 and that the further sub-sections of Clause 34 be re-numbered accordingly.

**Hon. Tommy Banks:** Honourable senators, with respect to the motion in amendment that was made yesterday by Honourable Senator Rossiter, I wish to acknowledge the concerns she expressed about the limitations on debate that are imposed in clause 34(3) of Bill C-27. First, I must point out what I would characterize as a slight exaggeration by the Honourable Senator Kinsella when he spoke in support of the motion. In his speech he used the word “mistake,” referring to the work of the House of Commons committee that examined this bill. I am informed that the retention of the restriction to which Honourable Senator Rossiter has referred in clause 34(3) was not, in fact, an oversight by the committee but a decision reached after examination of the implications of that clause.

• (1440)

I do not think that there is any imperative that requires that clauses 7 and 34 necessarily be identical. Clause 7 deals with the creation of a new park, which has always been the business of Parliament. Clause 34 deals with a review of community plans in which either House of Parliament has the right, the authority and power to reject those community plans.

Notwithstanding that, if we are to address the concerns raised in the amendment, I wish to remind all senators of the means of addressing those concerns other than by way of amendment, as mentioned by Senator Hays yesterday. We must do so, being mindful of the fact that the change we are making is not correcting a mistake but, rather, changing something which was consciously extant in the bill when it was received by the Senate.

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** It may be useful to honourable senators generally if I convey the contents of a letter that I have received from the minister with respect to this legislation. Then, with leave of the Senate, I would table the letter, which is an original addressed to me. It states:

Dear Senator Boudreau:

I am writing to you regarding Bill C-27, *An Act respecting the national parks of Canada*.

When I appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources on June 28, 2000, an issue was raised regarding the Order in Council process laid out in the Bill for entrenching key elements of park community plans in Schedule 4 of the Act. More specifically, there is a provision in the Bill, subsection 34(3), which places a time limit on debate on motions to reject the key elements of those community plans. I understand that some senators have expressed concern about this limit on debate.

In response to the concerns that have been raised by those senators, I am prepared to recommend to our Cabinet colleagues that when the national parks legislation is next amended, this provision should be deleted.

I trust this information is helpful, and I look forward to your support for Bill C-27.

Yours sincerely,  
Sheila Copps

With leave, I should like to table the letter.

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

**Hon. John Lynch-Staunton (Leader of the Opposition):** No.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the letter addressed to the Leader of the Government in the Senate is a letter from Minister Copps, the Minister of Canadian Heritage, whose ministry is responsible for the official languages program of Canada. I take it that the honourable senator is tabling in both official languages that letter from the minister responsible for official languages.

**Senator Boudreau:** Honourable senators, the letter was addressed to me. The minister wrote it in only one official language. If the honourable senator wishes, I can have it translated and table it in both official languages at a later date.

**Senator Kinsella:** Not only is it preferable but it is an expectation that any minister who writes a document to be tabled in this house does so in both official languages. Surely to heavens, if any minister should be sensitive to our two official languages, it is the Minister of Canadian Heritage. I am shocked that the Leader of the Government has been placed by the Minister of Canadian Heritage in the position where he cannot table the letter in the house because he does not have it in both official languages. It is shameful.

**The Hon. the Speaker pro tempore:** Honourable senators, am I right in assuming that leave is not granted to table the document, which is in only one official language?

**Hon. Senators:** Agreed.

**Hon. Eileen Rossiter:** Honourable senators, I find this letter unacceptable. It states that this clause will still be in the bill until such time as the bill is amended in the future. When will that be? In five years? Can the Leader of the Government answer my question?

**Senator Boudreau:** Honourable senators, I can only indicate what the letter states on its face, as I have read it into the record. However, I can tell the honourable senator that earlier in this session my only other experience in this regard would have been with respect to the money laundering bill. When the Senate made its comments on Bill C-22, the Senate indicated some concern and there was an undertaking that changes would be made. In fact, those amendments were contained in Bill S-30.

I can only assume that the minister will do that at the first opportunity. I can only give honourable senators the comments I have read from the letter.

**Senator Rossiter:** Honourable senators, it remains that a subclause in the bill is contrary to the rules of not only this chamber but the other chamber. That is not acceptable.

**Hon. David Tkachuk:** Honourable senators, I do not know if it is just me, but I thought Senator Banks said it was the intention of the government not to change the bill but that this provision was intentional. I then heard the Leader of the Government read a letter from the minister saying, "We will change it sometime." Perhaps the two senators opposite could clarify exactly the intentions of the government.

**Senator Banks:** Honourable senators, what I said was that the government sent the bill here and consciously included clause 34(3) as it stands before us today. That clause was examined by the House of Commons committee. The minister's letter states that, in response to the concerns expressed by senators in respect of that clause, she is prepared to change what the Commons intended. There is no conflict between the two.

**Senator Tkachuk:** My honourable friend is very quick on his feet.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I have a few comments to make on Bill C-27 and the proposed amendment. I wish to sum up what I think is the position of the government side in this chamber.

We have before us an important piece of legislation and we should deal with it in a timely way. An amendment was moved by Senator Rossiter. The government has put the bill forward at a time in the parliamentary schedule when it may be that we will not be sitting much longer — and I emphasize the word "may." I put it to honourable senators that the importance of dealing with the legislation is significant enough that we should dispose of it today by vote, I assume.

In terms of the concern expressed about when the minister's undertaking will be made good, I wish to emphasize that we have a recent precedent of a very quick turnaround within the same parliamentary session. In the interests of getting the legislation in place, that bill was passed with the minister's undertaking.

Having said that, honourable senators, I ask that the question be put.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, the question is on the amendment of the Honourable Senator Rossiter.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen.*

• (1450)

**The Hon. the Speaker:** Is there agreement as to the time of the vote?

**Hon. Mabel M. DeWare:** Honourable senators, I move that we have the vote later today at 5:30. I believe the deputy leader has a house order from yesterday that any votes would be taken today at 5:30.

**The Hon. the Speaker:** Honourable senators, insofar as the Speaker is concerned, the Speaker must follow the rules. The rules state that if a whip requests an adjournment, the vote is indeed adjourned to 5:30 the next day. Can I ask if there is agreement between the parties?

**Senator Lynch-Staunton:** Honourable senators, there was a house order following a motion of the Deputy Leader of the Government yesterday that, in case there was a vote today, it would automatically take place at 5:30. Because there is a special event occurring on the Hill at 5:30, we are willing to rescind that motion and agree to have the vote at 3:45 with a bell beginning at 3:30 today.

**Senator Hays:** Honourable senators, I appreciate the suggestion from the Leader of the Opposition. If there is unanimous consent to hold the vote prior to 5:30 this afternoon, then I suggest a 10-minute bell and a vote at 3:30 on the amendment to Bill C-27.

**Senator Lynch-Staunton:** The bells must ring for 15 minutes.

**Senator Hays:** Then let the bells ring at 3:15 for a vote at 3:30.

**Senator Kinsella:** Honourable senators, I concur with the suggestion by Senator Hays.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we will rescind the order of yesterday to defer votes to 5:30 today and hold the vote at 3:30 with the bells to ring for 15 minutes beginning at 3:15?

**Hon. Anne C. Cools:** Honourable senators, I would like to ask a question. I have just walked into the chamber. Not wishing to ask anyone to repeat what has been going on for the last half hour, I thought I heard someone say that we were rescinding a motion of yesterday by unanimous consent. My understanding is that it takes a lot more than unanimous consent to rescind motions. Perhaps we can have clarification.

**The Hon. the Speaker:** With unanimous consent, honourable senators, we can do whatever we wish. The motion of yesterday does not hold if there is unanimous consent to rescind it. The recommendation has been made that the vote be held at 3:30 and that the bell begin to ring at 3:15.

**Senator Cools:** Honourable senators, it seems to me that if we want to rescind a motion, we would need a motion to rescind it. Then we would vote on that motion. We do not rescind motions simply by unanimous consent. It would take a motion saying that we are rescinding that motion. Then we would vote on that particular motion.

**Senator Tkachuk:** I agree.

**Senator Cools:** Absolutely. You must think I was born yesterday.

**The Hon. the Speaker:** Honourable senators, provided there is unanimous consent, the vote will take place at 3:30 with the bells ringing at 3:15. Is it agreed?

**Senator Cools:** His Honour cannot simply presume unanimous consent like that. It seems to me we can proceed in a very proper way. If a decision is to be taken to overturn a decision that was taken yesterday, the leader can simply put forth a motion and we could vote on that.

**The Hon. the Speaker:** Honourable senators, I have only one choice which is to ask one more time. Is there unanimous consent to —

**Senator Cools:** No.

**Senator Tkachuk:** Done deal.

**The Hon. the Speaker:** If there is not unanimous consent, then the vote will take place at 5:30. I must warn the Senate, however, about the implication of voting at 5:30, in that it will have an effect on a major event that is to take place this afternoon for the women of Canada. What is the wish of the Senate?

**Senator Lynch-Staunton:** That is not the wish of the Senate.

**Senator Hays:** Honourable senators, if I could have leave, I will make further comment. Senator Cools has objected to us proceeding with unanimous consent to vary the order of yesterday that any decisions to take a vote during our session between 1:30 and 3:30 today would be deferred to 5:30. That time coincides with an important event dealing with the Famous Five, as we heard earlier today.

Senator Cools, I believe, is referring to our rules requiring certain procedure for certain kinds of motions. I agree with His Honour that the Senate, with unanimous consent, can do what it wants. I would ask Senator Cools to reconsider whether she wishes me to request leave to abridge the time to give notice of a motion, and then to deal with a motion.

I am prepared to do that with unanimous consent, but it seems to me that the more efficient way to achieve our objective would

be by unanimous consent of this chamber to vote at the time we all wish.

**Senator Kinsella:** Honourable senators, I have a suggestion. We have a house order to adjourn at 3:30 so that committees can sit. I therefore ask the consent of the house to encroach upon committee time so that, at 3:30, at which time we were to rise anyway, the bells will ring and that we vote at 3:45.

**Senator Hays:** I would agree.

**The Hon. the Speaker:** Is there unanimous consent, honourable senators, to have the bells ring at 3:30 with the vote at 3:45?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** There is unanimous consent.

## DIVORCE ACT

### BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

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

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I rise at this time because I have been requested to ensure that this matter is available on the Order Paper to be spoken to later this week. This is a motion by a senator to have a private, public bill passed.

• (1500)

While it has been on our Order Paper for some time, moved and spoken to, there may be senators who wish to speak to it later this week or next week or subsequently. The purpose of my speech today, which I am now concluding, is to extend the time for senators to address this order.

Order stands.

## CONSTITUTIONAL ROLE OF SENATE

### MOTION TO INFORM HOUSE OF COMMONS OF INTENTIONS TO PROTECT STATUS—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Watt:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation which ignores the constitutional role of the Senate, the rights of our aboriginal peoples and official minority language groups;

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to recognize the constitutional roles enjoyed by both Houses of Parliament; and

That a Message be sent to the House of Commons to acquaint that House accordingly.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, we have had this motion before us sufficient time to study it. To make a long story short, I think it is a good motion. It is part of the mopping-up operation from our experience with Bill C-20. I think it would be to the benefit of the Senate if we endorsed this motion.

**Hon. John Lynch-Staunton (Leader of the Opposition):** I would support this motion also, honourable senators, except I am wondering if we know exactly what we are getting into. While it is not procedurally correct to question the sponsor of the motion, perhaps with leave I would be allowed to ask a question that I think is essential to the understanding of it.

**The Hon. the Speaker:** Is leave granted, honourable senators, for a question to Honourable Senator Taylor?

**Hon. Senators:** Agreed.

**Senator Lynch-Staunton:** Honourable senators, I read the second paragraph of the motion to mean that we are binding the Senate on certain occasions to introduce into bills the necessary corrections, without argument, where we feel the Senate is being neglected from a constitutional point of view. We are being asked to vote that the Senate will continue to maintain its legitimate constitutional status by amending “any bill that fails to recognize,” et cetera. If we are to vote in that way, we are actually, to my mind, binding the Senate to take a particular position, not only in debate, but by introducing an amendment to a bill where it feels it is being constitutionally neglected. I am quite satisfied that we should do that, but I wonder if the implications of such an interpretation have been recognized and understood.

**Hon. Nicholas W. Taylor:** Actually, I think the honourable senator is ahead of me. The drafting of the motion was to slap the wrist of the House of Commons in that particular time sequence in debate. I guess the old joke is to say, “That is once.” In other words, we are flashing a warning to the House of Commons that we will not stand idly by to be ignored in future motions and future bills.

**Hon. Jeremiah S. Grafstein:** Could I ask the honourable senator a question?

**The Hon. the Speaker:** Honourable senators, I think we are getting into dangerous territory here. Senator Taylor has the right to close the debate. It is up to the Senate. If honourable senators wish to ask Senator Taylor a series of questions at this point, that can be done with leave of the Senate. However, it is not the regular practice. What is the wish of honourable senators?

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, Senator Lynch-Staunton asked for leave to ask a question of Senator Taylor, the sponsor of the bill. I would ask that leave be granted for other senators to ask questions as well.

**The Hon. the Speaker:** Is leave granted, honourable senators, for other senators to ask questions of Honourable Senator Taylor and, of course, for Honourable Senator Taylor to respond?

**Hon. Senators:** Agreed.

**Senator Lynch-Staunton:** I am not sure whether I understood Senator Taylor. I know he is sending a warning to the House, and that is fine, but with that warning I believe we will be sending to the House the message that we are directing ourselves and our successors to take certain actions on certain bills if we feel that the Senate is being constitutionally neglected. We are binding the Senate. I wonder whether the government is aware of this proposed course of action and its implications. I am all for it, but perhaps we would need a legal opinion. Is this binding on the Senate, or is it just wishful thinking? Are we merely sending a notice to the House about the clarity bill and the 46 other acts Senator Grafstein told us about this morning where the Senate is not part of the legislation? Are we merely telling the House that we are frustrated by its treatment of us as second-class citizens, or are we telling them that from now on, if it continues to neglect us, we will ensure that the neglect is erased by introducing ourselves as a body in legislation where we are ignored? Are we telling it that in a sense of frustration, or as a firm decision of this body, which, once passed as a motion here, is binding until it is rescinded or amended?

**Senator Taylor:** Honourable senators, I can go further. Senator Lynch-Staunton takes an interpretation stronger than I intended in the motion, but one of which I approve. My intention in using the words “the Senate will continue to maintain” is not quite as strong as the words “the Senate will exercise its legitimate constitutional status.” It will continue to maintain its legitimate constitutional status. Perhaps I am splitting English, but to me that means buyer beware, or *caveat emptor*, and we will maintain our right to amend any bill. That does not mean that we will amend every bill that comes to us. There is a slight difference. I am quite happy if everyone interprets the motion the way Senator Lynch-Staunton does, but that was not my intention. I just thought that the words “maintain its legitimate constitutional status” were a little softer than the words “will continue its constitutional status.” In other words, “to maintain” softens the concept a bit.

**Senator Lynch-Staunton:** In reading the French version, I find that my interpretation may be a little stronger than that. The French version says, “en amendant tout projet de loi,” which is the same in English as saying “every bill,” not “on occasion” or “sometimes,” but that we will maintain our status by amending “every bill.” I find that more of a directive than a pious wish. I do not want to delay a vote on this motion, but perhaps to be on safe ground we could, by tomorrow, get a legal opinion. If that cannot be done, I am just as happy to let it go, but there might be problems with interpretation which may not even coincide with either Senator Taylor’s or mine.

**Senator Grafstein:** Honourable senators, I agree with the sentiments in this resolution, but it strikes me that there is another way of dealing with the motion that is consistent with the constitutional role of the Senate. The constitutional role of the Senate is to amend any bill that comes to it by exercising its full legislative authority, subject to the caveat concerning money matters.

However, honourable senators, rather than sending a warning or an admonition, would not the better approach be to exercise the statutory, legislative and constitutional powers that we have to correct the errors, either by omission or commission, in legislation where the Senate is absent contrary to the Constitution? We know of at least 46 measures where that is the case. Would it not be preferable, as opposed to sending an empty warning to a chamber that does not seem to listen to empty warnings, to support our sentiments with legislative action and present bills that would, in fact, correct the mishaps of the past?

As opposed to getting into a legal matter as to whether we should be dealing with the other chamber, perhaps we should take a look at ourselves, exercise our own powers, clean up our own house, and then send them a message in legislative form that will determine how they respond.

I am not disagreeing with the honourable senator. The sentiments here have been expressed on both sides. However, the question is how to accomplish the objective — by sentiment or by legislative action? I prefer legislative action.

That is the question.

**Senator Taylor:** I do not see why one precludes the other. I would think that we could pass this motion and still proceed, as the honourable senator suggests, with a bill next year. This effort will hit the mule between the ears with a club. We could follow up with a bigger club.

We also have on the Order Paper a motion by the Honourable Senator Kinsella. There are a number of people who are trying to crowd through the same door, but this one is fairly general and I do not think it precludes any action related to the other two.

**Hon. Anne C. Cools:** Honourable senators, some of the questions that Senator Lynch-Staunton has raised are interesting. On looking at the motion, it seems to me that there are a few problems. The issue should be well debated and well canvassed. I am prepared to take the adjournment of the debate, if necessary, to do a bit more work before I take the opportunity to speak to it.

One has to try to confront the goal and intended consequences of this motion. From what I can see, the motion is attempting to send an opinion of strong disapproval from the Senate to the House of Commons. That seems to be the intended objective of the motion. That is strongly spelled out and suggested in the latter part of the motion with the words:

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to

recognize the constitutional roles enjoyed by both Houses of Parliament.

Without any doubt, that part of the motion states very clearly that the House of Commons is not prepared to maintain the legitimate constitutional status of the Senate's role. Therefore, it seems to me that the second part of the motion contains a very interesting, definitive and conclusive judgment in respect of the legitimate constitutional status of this chamber.

This motion makes a serious statement and we should understand that it is very serious. Whether or not the House of Commons will take it seriously is another question. However, they often do not take us very seriously, but it seems to me that that is a different question.

If we were to look at the first part of the motion, and there are some problems in the drafting of it, it suggests that the House of Commons is debating and passing legislation. When Senator Taylor said "pass legislation," he meant the word "bills," because legislation is not legislation until it has passed three readings in this as well as the other chamber. In the interests of industry and clarity — and we know a lot about clarity — perhaps Senator Taylor may want to replace the word "legislation" with the word "bills."

Very clearly, honourable senators, we should ponder this motion a bit. We should debate it. We should bring forth a few more arguments and try to discern what we are really trying to say. If the real intention is to pass judgment on the ministry for bringing bills for vote in the House of Commons without including the Senate, then the motion should say so. If the motion is intended as some sort of a statement of condemnation, non-confidence in or censure of the ministry, of the cabinet, it should say so. What we have right now is a motion that has a degree of confusion in respect of the judgment it is asking the Senate to make. Before this motion is put to a vote, honourable senators should be crystal clear on the judgment that they are being asked to make.

At the end of this little interlude, I would be quite happy to move the adjournment, as this particular motion, were it to carry, would be a little novel in the history of relations between the two chambers. There are many concerns here that should be weighed very carefully.

Senator Lynch-Staunton said that we need a legal opinion. The truth is that we do not need a legal opinion. What is required is a parliamentary opinion and also a political opinion on this particular Parliament and what is the proper relationship between the House of Commons and the Senate and, in particular, the proper relationship between the Government of Canada these days in relation to the Senate.

As I said before, this motion on the surface seems pretty clear-cut, but a little bit of scrutiny sees that it brings a host of problems. Perhaps we should slow it down and move on it with a bit more certainty and look for a lot more clarification.

**Senator Hays:** Honourable senators, I would like to speak to this motion. I understand that after we have heard from everyone the debate will be adjourned by Senator Cools. I have no problem with that.

In attempting to follow what Senator Cools has said, there seems to be a certain ambiguity about what the motion means, and that has been drawn to our attention by Senator Lynch-Staunton's question to Senator Taylor. Senator Lynch-Staunton read it in the French version, "en amendant tout projet de loi," compared to "by amending any bill." The French is stronger in that it refers to "all bills," whereas the English version refers to "any bills."

Senators Taylor and Lynch-Staunton disagree on what Senator Taylor's motion is intended to do. Is it permissive or is it mandatory? One says permissive, but he does not mind it being mandatory; the other says it is mandatory.

The Senate has plenty of power, and Senator Grafstein is always seeking to do a good job in correcting legislation. We do not always agree but in the end we vote on it and pass or not pass a particular bill, motion or whatever.

I believe Senator Cools is right. If the desire is to make it mandatory, I do not think the wording is good enough the way it is, and it would fall into the kind of initiative that is reflected in Senator Kinsella's change to the rules.

- (1520)

In other words, if certain events occur with respect to a province seeking to go to its people for advice in a referendum on secession, then certain things will happen here. That clearly is a way for the Senate to affect the way it uses its power.

Honourable senators, the Senate cannot give itself any more power. It can restrict its use of power or it can determine the way in which its power is used. I believe that Senator Kinsella's motion to change the rules is a proper way to set out how the Senate would react in the circumstances he described, and that matter was referred to the Rules Committee for study.

It is probably not a good idea, as Senator Cools points out, to try in a general sense to do something on a parallel basis like that — not just with respect to a matter of import such as the clarity bill but on all bills. The interpretation might follow that virtually every time a bill comes to us, the Senate is obliged to look at its constitutional role and make amendments in accordance with something that is not clear here.

I will await, with interest, further remarks on this issue. When we do come to a vote, we may agree — and I do not think that this is the case, that it is a mandatory direction to the Senate — to adjoin Senator Kinsella's motion on the change to the rules in terms of the Rules Committee looking at the matter.

**Hon. Herbert O. Sparrow:** Honourable senators, I should like to ask the sponsor a further question.

It seems to me that this is a directive to the Senate itself, that we have not been doing our duty in the past and we are now endeavouring to make a change so we can play our proper role. The last paragraph of the motion indicates that a message be sent to the House of Commons to acquaint that House accordingly. However, it seems to me that we are masters in our own house. We are only directing and reinforcing the position we should be taking, and we are doing it in the form of a motion that would remind us of the decision we are making today. This motion is really none of the business of the House of Commons.

Is that correct? That is the question.

**Senator Taylor:** Honourable senators, one parliamentary rule is that one should never pour turpentine on one's seatmates, so I will be careful about the intervention on the legislation. I use the word "legislation" rather than "bill" advisedly because motions and other things come forward as well.

Senator Sparrow hit the nail on the head. I believe that 16 bills, as Minister Dion pointed out, have gone through the House and ignored the constitutional role of the Senate. These bills may be used as examples of precedents and as a new order now.

Honourable senators, we will look at every bill. We are not necessarily asleep at the switch, but how do members of the House of Commons know that we care?

Senator Sparrow is quite correct. The purpose of this motion is to tell ourselves that if we are worried about the Senate being included in the study of all bills, as all sides agreed to in Bill C-20, we should tell that to the other place so that they do not come back to us and say, "Well, everything was fine last year and the year before, so what is different now?" In other words, this is a message to the other House that from now on we will look at having the Senate represented in a true bicameral system. This is notice to ourselves to wake up and smell the coffee, and, at the same time, let the other House know that we will be smelling the coffee.

**Senator Hays:** Honourable senators, perhaps Senator Taylor could weigh what I am about to say.

This motion will send a message to the House of Commons asking it to stop doing something, but the debate has changed. Senator Sparrow's question has highlighted that by saying that it does not matter; do not even bother sending the message over there. The message is most important to us. Could the senator weigh what he had in mind? Did the honourable senator want to have the House of Commons change its ways or the Senate to change its ways?

**Senator Taylor:** I will give the deputy leader a classic Liberal answer: 50-50.

**Senator Lynch-Staunton:** If this motion passes, will Senator Taylor be willing to make it retroactive to Bill C-20 and propose the appropriate amendment?

**Senator Taylor:** Yes.



**Hon. Serge Joyal:** Honourable senators, this motion is very important because it raises the issue of our constitutional duties. I am of the opinion that the Senate has no choice but to exercise its duties. We cannot decide to exercise our duties on one bill and not on another. We are commanded by the Constitution to advise Her Majesty and provide our consent and support to legislation. Any legislation that removes us from consent and support, in my opinion, is not serving the constitutional duty that we have, according to section 18 of the Constitution Act.

The first thing we must do, honourable senators, is to put our house in order. The preliminary study that I have gone through shows that 43 bills have been adopted in the last 100 years without the Senate's status being properly recognized. The honourable senator has said that there were 16 bills, which is a very preliminary count. The preoccupation we have is that it seems there has been an acceleration of bills in this Parliament, which is supposed to be close to an end. This Parliament has seen a proliferation of such bills with clauses that omitted the full recognition of the status of the Senate. There is Bill C-16, which we will deal with at the Standing Senate Committee on Legal and Constitutional Affairs this afternoon. Bill C-16 contains clause 24, which does not include the Senate on an equal par with the other place.

Honourable senators, the electoral bill, which we adopted before the summer adjournment, did not recognize the status of the Senate. We passed it on because we had a formal commitment of the minister responsible, the Honourable Government House Leader, to come back with an amendment.

We passed Bill C-23, dealing with the environment, which omitted the Senate's status, and it is through the representations of this house that it was amended before it came here.

Another bill in the other place, Bill C-38, the financial services bill, omitted the status of the Standing Senate Committee on Banking, Trade and Commerce on any study of merger. I could recite a whole list of these omissions.

Honourable senators, I should like the thoughts of my colleague on my understanding that when we are of the opinion that a bill has omitted our status, we must act according to our responsibility, which is to amend the bill. I have been in the Senate for almost three years. I have shared with my fellow senators that commitment to introduce amendments, or to vote for amendments or to seek amendments or a commitment later on, because I think it is a bad habit that there are numerous bills

that do not deal properly with our status.

Honourable senators, I believe that the first step is not to send a notice to the other place. We are a mature house of legislation and we must assume our total responsibility. Therefore, is the honourable senator not of the opinion that the first thing to do is to amend the bill?

**The Hon. the Speaker *pro tempore*:** Honourable senators, pursuant to the order adopted earlier today, I must interrupt the proceedings to order the bells to ring for 15 minutes for the purpose of taking the standing vote concerning the amendment of Bill C-27.

Debate suspended.

• (1540)

## CANADA NATIONAL PARKS BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Chalifoux, for the third reading of Bill C-27, respecting the national parks of Canada,

And on the motion in amendment of the Honourable Senator Rossiter, seconded by the Honourable Senator Tkachuk, that the Bill, in Clause 34, be amended by deleting lines 7 to 10, sub-section 3 inclusive, on page 24 and that the further sub-sections of Clause 34 be re-numbered accordingly.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the question is on the motion in amendment of the Honourable Senator Rossiter.

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

ABSTENTIONS

YEAS

THE HONOURABLE SENATORS

Andreychuk	Kinsella
Beaudoin	LeBreton
Buchanan	Lynch-Staunton
Cochrane	Meighen
Cohen	Nolin
Comeau	Rossiter
DeWare	Stratton
Forrestall	Tkachuk—17
Gustafson	

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Bacon	Kolber
Banks	Kroft
Boudreau	Lawson
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Cools	Pépin
Corbin	Poy
De Bané	Robichaud
Fairbairn	( <i>L'Acadie-Acadia</i> )
Ferretti Barth	Robichaud
Finnerty	( <i>Saint-Louis-de-Kent</i> )
Fitzpatrick	Rompkey
Gauthier	Setlakwe
Gill	Sibbeston
Grafstein	Sparrow
Graham	Spivak
Hays	Squires
Hervieux-Payette	Taylor
Johnson	Watt
Joyal	Wiebe
Kennedy	Wilson—51
Kenny	

Prud'homme—1

**The Hon. the Speaker *pro tempore*:** Honourable senators, is the house ready for the question on the main motion for the third reading of Bill C-27?

**Hon. Senators:** Agreed.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** On division.

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

#### CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION  
IN EUROPE—NINTH ANNUAL MEETING OF PARLIAMENTARY  
ASSEMBLY—REPORT OF CANADIAN DELEGATION TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have the honour to table the report of the Canadian delegation of the Canada-Europe Parliamentary Association, OSCE, to the Organization for Security and Co-operation in Europe Parliamentary Assembly, ninth annual session, that took place in Bucharest, Romania, from July 6 to 10, 2000.

#### BUSINESS OF THE SENATE

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I request that all items on the Order Paper and Notice Paper that have not been reached 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.

## CONTENTS

**Wednesday, October 18, 2000**

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		Senator Boudreau .....	2102
<b>The Senate</b>			
Honourable Gerry St. Germain—Announcement of Change in Political Affiliation. Senator St. Germain .....	2099	<b>National Defence</b>	
<b>National Defence</b>		Replacement of Sea King Helicopters—Changes to Statement of Requirements. Senator Forrestall .....	2103
Replacement of Sea King Helicopters—Changes to Statement of Requirements. Senator Forrestall .....	2099	Senator Boudreau .....	2103
<b>The Senate</b>		Senator Stratton .....	2104
Reappointment of Senators. Senator Boudreau .....	2099	<hr/>	
<b>Famous Five</b>			
Unveiling of Statues on Parliament Hill. Senator Fairbairn .....	2099	<b>Visitors in the Gallery</b>	
<b>Official Languages</b>		The Hon. the Speaker <i>pro tempore</i> .....	2104
Status as Outlined in Report of Commissioner. Senator Losier-Cool .....	2100	<hr/>	
<b>Parliamentary Precinct</b>		<b>Health</b>	
Location of Statues of Prime Ministers. Senator Prud'homme ...	2100	Professional Development Exercise Aboard Cruise Ship in Caribbean. Senator Stratton .....	2104
<b>Famous Five</b>		Senator Boudreau .....	2104
Unveiling of Statues on Parliament Hill. Senator Hays .....	2100	Senator Bolduc .....	2105
<hr/>		Senator Hays .....	2105
<b>ROUTINE PROCEEDINGS</b>		<b>Canadian International Development Agency</b>	
<b>Clerk of the Senate</b>		Auditor General's Report—Mismanagement of Programs. Senator Bolduc .....	2105
Annual Accounts Tabled. ....	2101	Senator Boudreau .....	2105
<b>Manitoba Claim Settlements Implementation Bill (Bill C-14)</b>		<b>Agriculture</b>	
Report of Committee. Senator Chalifoux .....	2101	Priority of Related Problems on Government Agenda. Senator Gustafson .....	2106
<b>Internal Economy, Budgets and Administration</b>		Senator Boudreau .....	2106
Motion to Refer Annual Accounts of Clerk of the Senate to Committee Adopted. Senator Hays .....	2101	<hr/>	
<hr/>		<b>ORDERS OF THE DAY</b>	
<b>QUESTION PERIOD</b>		<b>Defence Production Act (Bill S-25)</b>	
<b>Human Resources Development</b>		Bill to Amend—Message from Commons. ....	2106
Auditor General's Report—Mismanagement of Job Creation Programs. Senator Angus .....	2101	<b>Canada National Parks Bill (Bill C-27)</b>	
Senator Boudreau .....	2101	Third Reading—Motion in Amendment—Debate Continued. Senator Banks .....	2107
<b>Auditor General's Report</b>		Senator Boudreau .....	2107
Mismanagement of Programs in Government Agencies. Senator Angus .....	2102	Senator Lynch-Staunton .....	2107
Senator Boudreau .....	2102	Senator Kinsella .....	2107
<b>Human Resources Development</b>		Senator Rossiter .....	2107
Auditor General's Report—Mismanagement of Job Creation Programs—Procedure for Receiving Grants. Senator Tkachuk .....	2102	Senator Tkachuk .....	2108
<hr/>		Senator Hays .....	2108
		Senator DeWare .....	2108
		Senator Cools .....	2108
		<b>Divorce Act (Bill S-12)</b>	
		Bill to Amend—Second Reading—Order Stands. Senator Hays .....	2109

**Constitutional Role of Senate**

Motion to Inform House of Commons of Intentions to Protect Status—Debate Suspended. Senator Kinsella .....	2110
Senator Lynch-Staunton .....	2110
Senator Taylor .....	2110
Senator Grafstein .....	2110
Senator Hays .....	2110
Senator Cools .....	2111
Senator Sparrow .....	2112
Senator Joyal .....	2113

**Canada National Parks Bill (Bill C-27)**

Third Reading. ....	2113
---------------------	------

**Canada-Europe Parliamentary Association**

Organization for Security and Co-operation in Europe— Ninth Annual Meeting of Parliamentary Assembly— Report of Canadian Delegation Tabled. Senator Grafstein ....	2114
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Business of the Senate**

Senator Hays .....	2114
--------------------	------





*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada —  
Publishing  
45 Sacré-Coeur Boulevard,  
Hull, Québec, Canada K1A 0S9