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**Thursday, October 19, 2000**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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## THE SENATE

Thursday, October 19, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[*Translation*]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to some distinguished visitors in our gallery. I am referring to a group of four chiefs from the Lower North Shore and Schefferville, Chiefs Pietacho, Bellefleur, Lalo and Gauthier. They are accompanied by their delegation, and they come from Senator Gill's region.

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

**Hon. Senators:** Hear, hear!

[*English*]

- (1410)

### THE HONOURABLE LOUIS J. ROBICHAUD, P.C., Q.C., C.C.

#### TRIBUTES ON RETIREMENT

**Hon. John G. Bryden:** Honourable senators, six years ago next month, I was honoured to be asked by the Prime Minister of Canada to become a member of the Senate. I know some think the time has gone quickly. I was equally honoured at that time when Senator Louis Robichaud called and offered to be my sponsor in the Senate.

I have known Senator Robichaud for a considerable period of time. However, unlike what most people would think, we have not been long-term friends, acquaintances or, indeed, even political allies, for I was in Philadelphia attending university during most of the time that Senator Robichaud was premier of the Province of New Brunswick from 1960 to 1970. I remember that I voted for the former premier Robichaud on two occasions. The first time was in 1963, when I happened to be home on holiday. Before I cast my ballot at the polling booth in the little community of Bayfield, I asked my mother for whom I should vote. She advised me that I should vote for the ticket. We had a ticket at that time with several names on it. I voted the ticket and Louis Robichaud was returned as premier of the Province of New Brunswick.

I first met Louis Robichaud on a personal basis when someone spread the rumour around the Centennial Building that I was being considered for the position of deputy minister of justice. Senator Kinsella is smiling because it was Robert Pichette who said, "I heard that." Louis will also remember this. Pichette said, "If you are interested, you should go tell the boss that you are interested." I made an appointment and I went in.

I was an advisor to the cabinet, which was chaired by the premier. However, I had never had a direct personal conversation with the premier of my province until that time, which was about 1969. I told him that I was young and bright and had a lot of potential. I told him not to pay any attention to those old codgers who wanted to retire. As he tended to do, he accepted good advice, and a few weeks later I became deputy minister of justice.

The second time I had a personal conversation with Louis Robichaud was in 1970, after Richard Hatfield won the election and it was clear that Louis Robichaud would not continue as leader of the Liberal Party after his 10 years as premier. Because of things that I will talk about later on, it was clear to me as well that I would not continue as deputy minister of justice. I resigned, which is another story.

There was a method in my madness, and it was, as I think of it now, very much madness. I decided that Johnny, who was 30-some years old and who had never run for political office — in fact, I had never been involved in politics and did not even carry any sort of card — should run for the leadership of the Liberal Party once the premier resigned. Therefore, I made another appointment to see Premier Robichaud. I did what we Liberals usually do, namely, paid homage and said, "As long as you want to remain as leader you have my total support. I just wanted you to be the first one to know that if and when you are ready to resign as leader, I will be seeking to succeed you." Premier Robichaud was sitting in a chair at the side of his work table with his head bowed. He looked up and said, "Young man, you have no constituency," to which I replied, "No." He said, "You do not have a snowball's chance in hell; but you are bright and energetic, and I will do nothing to stop you." He was right about the "no snowball's chance in hell" part of his statement, although, as those senators who are from New Brunswick know, it was a good run.

The reason I say that is that some of what I will talk about occurred with me as, hopefully, an interested observer of the scene in New Brunswick and not at that stage a political partisan taking partisan positions. That is not to say that I am not partisan now.

Some honourable senators who sit opposite, as well as those who sit on this side of the chamber, I think will agree that when the history of New Brunswick is written, it will record that no premier in the province's history had a bigger impact on the lives or citizens of New Brunswick than did Louis J. Robichaud. Let me attempt to explain why.

Honourable senators, Senator Robichaud was premier of the Province of New Brunswick from 1960 to 1970. He defeated Hugh John Flemming in 1960 and was defeated by Premier Richard Hatfield in 1970. In order to appreciate the impact that he made, we must understand the situation that existed in New Brunswick, probably in other provinces as well, in the late 1950s. At that time, the services that were provided to the people were local; that is to say, the province was organized on a county, municipal, village and town basis. Health, education, social services and justice were all administered at the local level. Funds were raised on that level to provide the services and they were dispensed from that level. The result was that certain areas of New Brunswick had administrations of health, education, social services equal to anything in the nation. I am looking at Senator Cohen when I say that. If one lived in Rothesay, the schools were good, as were the health services. If one lived in Fredericton, the same thing was true. However, the services in places like Napadogan or Lamèque were not so good because taxes were raised on the local tax base. In some of these communities, there was no tax base. If there was a tax base, there was no income with which to pay the taxes. I used this example in talking to someone the other day. I referred to a widow or a single mother of three with no means of support. Her option was to go from Botsford in Westmorland County, which is where I live, up to the county seat in Dorchester to apply for assistance. In some instances, there was very little assistance available because the tax revenue was not there. Her only option would be to throw herself on the charity of some church or something of that nature. There was no such thing as a food bank.

• (1420)

The disparity within our province was absolutely dramatic. Service levels went all the way from some of the best services in the nation to conditions in much of the province comparable to those found in many Third World countries today.

Around 1965 or so — with some licence because I have not researched the date carefully — the government of Louis Robichaud introduced a program called the Program of Equal Opportunity, or PEO. If I were to use those terms in New Brunswick even today, everyone would know what I was talking about, even those who were not there then.

The policy was simple. The government said it would remove the responsibility to provide these services from the local communities that could not afford the support. Instead, service delivery for the areas of health, education, social services and the administration of justice would become a provincial responsibility. There was nothing wrong with that. It made pretty good sense.

[ Senator Bryden ]

The second part of the policy was to raise taxes on a provincial basis so that everyone would be entitled to health services, education services, social services and for the equal administration of justice.

If Louis Robichaud had fired a gun, he could not have started a more significant revolution. The elite — the establishment — were benefiting greatly from the fact that those who lived in certain places could afford the very best for their kids; it was great. I can remember these phrases being used: “Who does he think he is? Robin Hood? He will rob from us, take money from Saint John, from Fredericton, from Moncton, and give it to people on the North Shore.” Besides the fact that they were poor and that they lived away up there, they were French.

It was a very difficult time, honourable senators. The person who ended up being vilified, being the personified target of their great emotion — almost hatred — was Premier Robichaud.

As I indicated, I had been away for most of that period. When I returned in 1966, I had two children. My wife was working to help pay bills and I was going to law school. I needed a job. One of the people I called was a guy by the name of Michael Wardell. He is a Brit who was the owner and publisher of the *Daily Gleaner* and *The Atlantic Advocate*. He gave me a job as assistant editor to *The Atlantic Advocate*.

At this time, remember, I had no political persuasion one way or the other, but I was an interested observer and my office as assistant editor was next door to Michael Wardell's office. There, in the old McNeil Building, the walls were paper-thin, so I could hear everything that went on. If honourable senators had heard the conversations and the names that were used to describe the first officer in the legislature of our province, it would have made your hair stand on end. Day after day after day, as some of us remember, the newspapers simply vilified Senator Robichaud.

The cartoonist had a direction from the publisher to draw a cartoon every day portraying Louis Robichaud as a dictator. Every cartoon portrayed Louis Robichaud with a little moustache. “Little Hitler” was written across the top. Swastikas were drawn on his arm. “The dictator is dictating to us all the things we should do after we have worked so hard for our money.”

I later found out that an unbelievable amount of pressure had been brought to bear on then premier Robichaud to withdraw the program, pressure from his own people. He stood almost alone. I say “almost” because I want to mention a couple of names, the first of which honourable senators will recognize, namely, Senator Charles McElman, who was executive assistant to the premier. Some senators from New Brunswick will also recognize the second name, that of André Richard, who was the minister of public works.

Primarily, though, Louis Robichaud stood alone. He was able to hold his caucus together and drive that program through. Looking at it today, one would say it was just equity and fairness, but that was not how it was seen at that time.

The program was introduced, even though there was some thought that the public service could not be trusted to implement it. This was before my time, but people whose names some of us will recognize were engaged by the government to implement the program. Dr. Alan Sinclair, who is now deceased, drafted the program. Fred Drummie and Nick Mulder, who had retired from Ottawa as deputy ministers, were the leads in the offices of the Program of Equal Opportunity.

Once the program was driven through and put in place, the emphasis switched to finding someone who could defeat that man and his government who had done this to those whose interests were offended. They changed the world, basically, and they found Charlie Van Horne in Texas. Charlie Van Horne is famous in New Brunswick for having won an election to become a member of Parliament on the basis that he would build a new bridge between Campbellton and Quebec if he won and then he would quit. By golly, he did just that. He won the election, built the bridge and quit. That is pretty good for a politician; he kept his word and then wandered off.

Michael Wardell was part of Van Horne's recruitment. Now, Michael Wardell wore a patch on his eye. I asked him one day what had happened. He lost his eye riding to the hounds with Edward; that is, Edward of Wallis Simpson fame. As they were riding to the hounds, Edward's horse jumped over a hedge; Wardell's horse stopped and Wardell went through the hedge. A thorn from a hawthorn bush went through his eye, so he wore this impressive eye patch, which probably affected his whole nature.

*Maclean's* magazine published a photo at about that time. It was taken on Queen Street in Fredericton. Charlie Van Horne was sitting in his white Cadillac convertible, with his white Stetson, being interviewed by a journalist from *Maclean's*. Lying in the glove compartment of the white Cadillac was a pearl-handled revolver. This was the person who had been brought to defeat Louis.

• (1430)

To make a long story short — you will probably say it is already too long — the election was held in 1967. Premier Robichaud, Senator Robichaud, recruited a local lawyer in Campbellton to run against Charlie Van Horn. His name was Wilfred Senechell. Wilfred Senechell was not everyone's cup of tea, but he was one fighter of a politician. He kept Mr. Van Horne at home, and he defeated him. As a result of that, Premier Robichaud was able to continue for another three years and finally get in place the reforms that were required.

At the end of that term in 1970, Richard Hatfield defeated the Robichaud government. Just to show how things had changed in a relatively short period of time, to Richard Hatfield's everlasting credit, he refused to tear down the new system and in fact went a long way toward making final improvements — in particular, in relation to the integration and the closeness of the two linguistic groups.

It is probably the case that without that particular effort made by the man to whom we are paying tribute today and who is retiring from public life, the province of New Brunswick would be a dramatically different place than it is now.

Honourable senators, I claim no right to represent the tens of thousands of New Brunswick citizens whose lives were dramatically improved and whose province is a far better place because of the vision of Louis Robichaud, and because of his stamina, which some would describe as a basic stubbornness and a desire to never give up. However, I am here, and I have the opportunity to say, "Thank you for what you did for our province." Using the levers of party dynamics, he brought about a revolution, peacefully and democratically, that transformed and enriched our province forever. New Brunswick today is a microcosm of our nation. With our aboriginal nations, our Acadian and Loyalist heritage, our tolerant bilingual and multicultural society, we enter the 21st century and the new millennium with confidence, optimism and pride.

You, Senator Robichaud, Mr. Premier, are one of the principal architects, and we thank you for that. To you and Jacqueline, have a long and wonderful retirement.

**Hon. Brenda M. Robertson:** Honourable senators, today marks one of those all-too-rare occasions when we set aside our partisan differences to honour a special member of this chamber. After nearly half a century of service to the people of Canada, the Honourable Louis Joseph Robichaud is officially retiring from public life. Hopefully, his wise counsel will continue to be offered when he senses a need for intervention in the issues of the day.

Honourable senators, as a Progressive Conservative who emphasizes the term "progressive," I have come to be an unabashed admirer of the man known by many in my province as "Little Louis." He is purely and simply a great New Brunswicker and a great Canadian.

How quickly time passes. It is difficult to accept, Senator Robichaud, that it was 48 years ago, in 1952, when the Hugh John Flemming government was elected in New Brunswick and that you, a young lawyer, were chosen by the voters of Kent County to serve as a member of the Liberal opposition. Your English back then was rudimentary, your political experience limited, and your seat in the legislature, it was felt by some, to be owed more to the traditional voting habit of Kent County than any abilities you might have. How wrong that observation was.

Perhaps unwittingly, the electors of Kent County had sent to the legislature a man who, in his early thirties, would become Premier of New Brunswick and undertake necessary reforms, the effects of which are as real today as they were more than four decades ago.

Through the first six years of Conservative government, Louis Robichaud mastered English to become a fearsome debater in both languages. His abilities lead to his being named opposition financial critic and, in 1958, he won a hard-fought battle to become leader of his party.

The traditionalists in the Conservative Party shrugged you off, Louis. You were an upstart, a young lawyer from Kent County with no experience, and, good Lord, besides, you were an Acadian. Premier Hugh John Flemming had nothing to worry about. To say the least, the PC Party of the day was somewhat smug and condescending. About two years later, in a province where language was often an underlying issue in political battles, Louis Robichaud broke through the linguistic barriers to become the first Acadian premier of our province.

I say to you, Premier Robichaud, that in that particular election, I could not vote for you, and I could not vote against you. Like Senator Bryden, I was out of the province, but Bill and I had only left to go to Peterborough for a short period to establish an office there for Bill's company. I never thought about the election, so sure that Hugh John was safe and sound. I was driving home one evening, a beautiful summer evening, from downtown Peterborough, and there was a news bulletin that said Louis Robichaud was the new premier of New Brunswick.

**Senator DeWare:** You drove off the road!

**Senator Robertson:** I drove into the ditch! And I had to get a tow truck to get us out.

**Senator Robichaud (*L'Acadie-Acadia*):** You came out of it, though!

**Senator Robertson:** As true as I am standing here, my husband never let me forget it. He was not quite as partisan as I.

It was a stunning upset and a signal of things to come in the ten years between 1960 and 1970. So certain had other provincial Conservative leaders down east been of victory in New Brunswick in 1960 that Premier Robert Stanfield even delayed his election call in neighbouring Nova Scotia. He was planning to capitalize on the re-election of the Flemming government in New Brunswick. There were a few words said about that.

Honourable senators, Premier Robichaud spent little time enjoying his unique success. Virtually from day one of his election, he set a course of changing long-established policies and traditions which for generations had dominated New Brunswick politics. For Louis Robichaud, the words "status quo" did not exist.

• (1440)

As the good senator who spoke before me mentioned, in 1960 several county governments in New Brunswick were in very bad financial circumstances. Their ability to pay for essential services was dependent on their tax base, which was often practically zero. This created wide disparities in the quality of public service. Premier Robichaud appointed a commission to recommend changes to correct the situation, which commission bore the rather uninspiring title of The Commission on Finance and Municipal Taxation.

[ Senator Robertson ]

From its report, Premier Robichaud created a set of policies that constituted what even its most hardened opponents have now come to accept as a program for equal opportunity. County governments were abolished. The uniform property assessment system was introduced. The province assumed full financial responsibility for health, education, social assistance, and the administration of justice. It was revolutionary, in the best sense of the word. Louis Robichaud was a true revolutionary.

The Liberal government's legislative initiative, consisting of 133 bills, ignited a storm of opposition, the likes of which had never been seen in our province. Through it all, Premier Robichaud remained unshakable in his conviction that the course he had set was the right one for all of New Brunswick. He remained immovable in the face of vitriolic attacks by the New Brunswick media and other voices of the provincial establishment, threats against his life, and continuing onslaughts in the legislature. In retrospect, there were similarities to the great GST debate then yet to come.

The program for equal opportunity became a reality in our centennial year, 1967. In that year, Louis Robichaud won his third mandate to govern New Brunswick. In 1967, I was first elected to the provincial legislature. As the only female in the house, I appreciated the kindness and generosity that Premier Robichaud extended to me.

Honourable senators, one had to be a resident of New Brunswick to understand the extent of the changes that program made in our basic institutions and the steadfastness and courage that was required to enact them. I am sure that a lesser person might well have retreated. However, Premier Robichaud refused to be intimidated and today New Brunswick is better for his persistence.

There was a transformation in the attitude of Progressive Conservatives between 1967 and 1970. In 1970, we formed the government under the leadership of the late Richard Hatfield. I was privileged to serve in that administration and am proud to have played a part in building on the policy foundations laid by Premier Robichaud.

Never did Premier Hatfield give thought to turning back the clock by repealing the Robichaud legislation. In fact, he embraced it, and during his 17 years in office, in addition to his own unique political reforms, Premier Hatfield refined and polished the reforms of his predecessor.

Honourable senators, these and other initiatives of Premier Robichaud brought at last to the public life of New Brunswick a deep and lasting French-speaking influence in the affairs of the province. Acadians were finally accorded prominent places at the cabinet table. The days were over when French-speaking ministers were almost hidden from the English-speaking voters. The University of Moncton and the francophone community colleges offered francophones educational and cultural opportunities they had never had before.

Honourable senators, I entered the legislature in 1967 as an opposition MLA. In the three years leading to the formation of a Conservative government I observed an almost mystical bond growing between Premier Robichaud and Richard Hatfield. Their philosophies of governing were similar. They shared an understanding of the complexities of politics in New Brunswick. When the two men exchanged offices, I believe that Louis J. Robichaud was comfortable in the belief that the reforms he initiated would be respected by his successor, and indeed they were.

In 1969, the year before my party formed the government of New Brunswick, the legislature unanimously approved passage of the Official Languages Act, making New Brunswick Canada's first and, to this day, only officially bilingual province. Operative sections of the legislation were proclaimed in 1969 by Senator Robichaud's government and the remainder was proclaimed by the Hatfield government.

Senator Robichaud's sense of linguistic fairness was further embraced by Premier Richard Hatfield's government, resulting in New Brunswick's Official Languages Act being enshrined in the Constitution and the New Brunswick legislature later approving legislation respecting the equality of New Brunswick's two linguistic communities.

Honourable senators, following his departure from provincial politics, Louis Robichaud served Canada ably as co-chairman of the International Joint Commission. He became a valuable member of the Senate and continued to be the voice of moderation when language issues posed the slightest threat to the unity of New Brunswickers.

I am proud to have shared two legislative chambers with Senator Robichaud. Little Louis is a giant among New Brunswick's political leaders.

I must tell you, honourable senators, of a special event that occurred this past summer. In August, Louis and I were invited to a cocktail party at the house of a mutual friend at the beach. The guests were all good Progressive Conservative people, and all English speaking, except for Louis and Madame Robichaud, the only two Acadians at the party. Louis and I even had our picture taken together. The special aspect was that Louis was there because he was a friend of these people who, in 1960, would not have spoken to him. His policies worked.

Louis, I wish you well in retirement. May you have many more years of health and happiness, knowing that your place is secure in our history. Thank you.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, saying goodbye to the Honourable Louis J. Robichaud as he is leaving the Senate is not an easy task. He is a friend. He has always embodied, at least for me, all the good that a politician can

accomplish when he is determined to change an obsolete and unfair system.

I do not intend to recite his accomplishments during his long career as Premier of New Brunswick. Some excellent biographies and post-graduate papers, both published and yet to be published, cover them. I recommend these documents to you.

Today, I want to be more personal. I entered politics in 1968 because I had been inspired by two people: Louis J. Robichaud and Pierre Elliott Trudeau. Equal opportunities and a just society — one completed the other as to the kind of province and country in which I wanted to live, a place free of self-serving nationalism.

One must have lived in New Brunswick in the fifties and sixties to appreciate the work of Louis J. Robichaud as premier of that province. One must have seen what was — or was not — there before he took office, what happened during his mandate and what has happened since.

- (1450)

I knew and experienced this intense and dramatic period. I am even tempted, with a grain of salt of course, to tell my good friends from Quebec who are now listening that your so-called "quiet revolution" was small beer compared to what Louis J. Robichaud and his team had to come up with in New Brunswick with the fundamental reforms of his revolutionary — in the true sense — equal opportunity program.

Consider this, for example, on a more personal note, and these are just small incidents among perhaps hundreds and hundreds. The setting was Fredericton. A deputy minister told a French-speaking public servant: "From now on, you will no longer correspond in French, but in English only, with your French-speaking employees."

Or this, from an assistant deputy minister to a young public servant who was requesting maternity leave: "You will automatically lose your job as a result of this leave and we intend to replace you."

In the first case, I was the one who received the directive. The second case involved my wife. Obviously, this no longer goes on today, certainly not in New Brunswick. If things have changed, we owe a great debt of gratitude to Louis J. Robichaud who, with determination and patience, took action to revolutionize the social and administrative foundations of New Brunswick.

Louis J. Robichaud always acted responsibly. He also had to contend with criticism from his own compatriots, who said he was not doing enough fast enough and wanted him to close the gap, whatever it took. I was sometimes among those critics. *Mea culpa*. He always took great pains not to create divisions among New Brunswickers, and if divisions sometimes arose, he and his ministers were in no way responsible.

His greatest concern was to draw attention to inequities at all levels, in all areas, to inform, to explain, to attract good will on both sides of the debate, and then to enshrine the reforms in numerous well-drafted statutes that have lasted to this day. He trusted his colleagues and successors at the head of the Government of New Brunswick to have the abilities and the open-mindedness to continue and build upon what he had begun. He himself paid a heavy price for his courage. It was not easy for him and his family. A person has to have had experience in elected politics to have any appreciation whatsoever of the crushing political responsibility he had at that time. Louis Robichaud was faithful to the ideals he had held since college days, from the very first to the very last day of his turbulent career in New Brunswick. Someone like him crops up about once in a hundred years. I consider it a privilege to have been a witness and a participant in this period and to have served with him in the Senate.

Ti-Louis, on behalf of my entire generation and my province, I wish to thank you from the bottom of my heart and to wish you and your wife a wonderful, and much deserved, retirement.

**Hon. Léonce Mercier:** Honourable senators, I totally subscribe to my colleagues' praises of Senator Louis Robichaud. I would like to share with you some anecdotes that will show you an interesting aspect of the man.

One of them took place in 1980 at the Liberal Party of Canada convention in Winnipeg. At that time I was the executive director of the party for Quebec. Senator Robichaud and I were staying at the same hotel and there was a hotel fire. Everyone from the ninth floor up was asked to go up to the roof level. So there we were, the senator and I and 28 other hotel guests, up on the roof, blinded by smoke. We sat back to back and one very nervous young man counted us. In his agitation, he kept having to start over and he always started with Senator Robichaud. "OK, Senator Robichaud, that's one." Then he would begin again: "One: Senator Robichaud." And so on. He never could get the count completed. After several attempts, Senator Robichaud stood up and said: "Well now, if I am one person too many, I can just go back downstairs." That shows you the man's sense of humour.

The second anecdote dates back to the Parliamentary Conference of the Americas, which was held in Quebec City in September 1997 and chaired by the Speaker of the Senate, the Honourable Gildas Molgat, in collaboration with the Clerk of the Senate, Paul Bélisle.

At the opening of the conference, we were to attend various workshops: foreign affairs, languages, environment and education. Senators Hervieux-Payette, Pépin, Robichaud, Beaudoin, Bolduc, Murray, Kinsella and myself were present. As no one wanted to take part in the workshop on education, Senator Robichaud and I were assigned to it. We went to the workshop, which was run entirely by women: the Chair, the secretary, the resource person and the translator were all women. As all of the participants in the workshop were between 35 and 40, we impressed many of them by our appearance — not to mention our age! The day went well, and as education means school, the

Chair and the secretary kept us after class. Not as punishment, but as a reward for our fine interventions during the workshop. The next morning, we told our colleagues at breakfast about our day, and the senators who had refused to go to the workshop on education wished they had been in our place!

One final anecdote. At the end of the conference, we were invited to dinner by the officials. It was at this point that Senator Robichaud introduced his charming companion, Jacqueline Clément. Seated at the dinner table as well were Senator Beaudoin and his wife, Senator Kinsella and his wife, Senator Murray, Senator Pépin, my wife and myself.

I had the pleasure of sitting beside Madame Clément. We chatted together, and I was very happy to meet such a charming, cultivated and intelligent woman. I took the liberty of saying to her: "Madam, you have met quite an extraordinary man — a generous man, a hard worker, an exceptional speaker and a politician the likes of which we see no more." I continued praising Senator Robichaud in various ways and even said to her: "Marry this man with no hesitation!" She then told me that this was what she had in mind.

During dinner, as we were a group of intellectuals and Senator Beaudoin finished telling us about Napoleon, we got into a discussion on religion. Everyone naturally had an opinion. One said, for example: "Heaven is just for women; it is not for men." Someone else said: "Commit a mortal sin and you do not go to heaven." We talked a lot about heaven. However, Senator Robichaud and his companion seemed to be ignoring us completely. They were in another world, and no one thought they could hear what we were saying. All of a sudden, Senator Robichaud banged the table. He said: "Hey, you intellectuals. Do you know where heaven is?" We all laughed, and everyone had a good time.

I am saying this to tell you that, when these two people come to mind, all we can do is wish them the kind of happiness we read about in love stories. We wish them happiness and health, surrounded by family and close friends.

• (1500)

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I, too, wish to pay tribute to a very special person, Senator Robichaud. Senator Robichaud is an Acadian and he is one of the great pioneers of New Brunswick. He is a pioneer whom Acadians in my province are extremely proud of and to whom they are very grateful for the many things he did for them. Senator Robichaud sowed the seeds of hope for generations of francophones who believed in him, a hope that their future and that of their children and grandchildren would be a better one.

Thanks to the perseverance and tenacity of Ti-Louis Robichaud, francophones from New Brunswick can now get health and education services in French; they can live in French from Grand-Sault, known as Grand Falls in English, to Moncton. I believe that one of Senator Robichaud's greatest achievements was the establishment of a separate education system in French.



The French education system in New Brunswick has allowed the Acadian people to map out its future. It was critical to our survival and development. As Premier of New Brunswick, Louis Robichaud gave francophones access to an education in French, from the elementary to the post-secondary levels. His most important achievement was the establishment of the Université de Moncton, which welcomes francophones from New Brunswick and Canada. This young and thriving institution is an indispensable tool for the community, cultural and economic development of New Brunswick and of our country.

My grandchildren attend a French school in Fredericton, the capital, where Acadians are increasingly welcome. Progress is also being made in Saint John, New Brunswick. Senator Robichaud's greatest legacy is two linguistic groups living together and recognizing the richness of their linguistic duality.

Thank you, Senator Robichaud, for your advice and your friendship when I first came here. Thank you for your perseverance, your dedication, your vision of a New Brunswick offering equal opportunities to all. I wish you and your wife, Jacqueline, many years of good health and happiness, and a well-deserved rest.

**Hon. Jean-Maurice Simard:** Honourable senators, like a number of my colleagues here in the Senate, I am pleased to pay tribute to one of our own, who is taking well-deserved retirement after devoting his entire life to the betterment of his compatriots. Senator Louis Robichaud has been active on the political scene in New Brunswick and in Canada since 1952. This political longevity speaks volumes of the quality of his commitment and his faithfulness.

Although most of us have had the pleasure of knowing him here on Parliament Hill, where we have appreciated his positive qualities and his intelligence, we must keep in mind that it is mainly on the provincial scene in New Brunswick that Senator Robichaud's major achievements took place. Like the alchemists of old, who sought to turn base metals into gold, he set out to transform New Brunswick.

As soon as he was elected head of the provincial government in 1960, he set in place a whole body of measures that were to bring our province fully into the modern age. The first Acadian to be elected to head the province, he moved heaven and earth to ensure that the Acadians, until then left out of the province's political and economic life, could also become full-fledged citizens.

In the 10 years he headed the Government of New Brunswick he was a true leader, a man of vision, a visionary who did not hesitate to launch innovative initiatives which forever changed the face of our province.

Among his historic initiatives, I must draw particular attention to his famous Equal Opportunity Program. In a spirit of justice and fairness, the purpose of this program was to provide all of the people of New Brunswick, whether francophone or anglophone, with equal access to all available opportunities for advancement. This program is one of the reasons so many Acadian men and women have finally been able to attain senior

public service positions, enhancing the public service while providing it with an improved bilingual capability and thus a more accurate reflection of the sociolinguistic reality of the province.

In the aftermath of the Equal Opportunity Program, Louis Robichaud also introduced the New Brunswick Official Languages Act. This mirrored the Canadian official language legislation and responded to the expectations of the province's francophones and Acadians. The institutional bilingualism it called for, as it still does 30 years down the road, was intended to adapt governmental machinery to the French fact, something previous governments had literally denied existed.

These measures were critical in the later history of New Brunswick. They restored to Acadians the dignity they had been denied. They also gave Acadians the tools with which to have their political, economic, cultural and educational, to name the most obvious, rights recognized.

Senator Robichaud's time with the Government of Brunswick marked a turn for the better in New Brunswickers' quality of life. It was no mean feat to bring about such a transformation in New Brunswick and Acadia. It took nerves of steel, boundless determination, tremendous confidence in the future and, above all, an unwavering devotion to his fellow citizens, the kind of devotion that comes from the gut.

Although our political paths were somewhat different, mainly because we were in different political parties, I have always recognized and appreciated the senator's major contribution to the advancement and development of his community and his province.

When former Progressive Conservative premier Richard Hatfield succeeded Louis Robichaud, he insisted on following the same direction with respect to the linguistic rights of the province's anglophones and francophones and that is why he had certain major provisions of New Brunswick's official languages legislation, which was passed under Louis Robichaud, included in the 1982 Charter of Rights.

It was with the unequivocal support of Richard Hatfield and in this same spirit of openness that I myself worked tirelessly for the passage of the legislation recognizing the equality of the two official language communities in New Brunswick. This equality law, as it is now referred to, flows directly from the spirit of reform and openness which drove the political activities of Senator Robichaud.

On the eve of his much-deserved retirement, as we pay tribute to him for the tremendous contribution he made to politics, a contribution which has continued since his arrival in the Senate, where he sat on a number of committees, I would like to tell him that the greatest tribute we could pay him is to carry on the work he began by encouraging the new generation of political leaders in Canada, as well as in New Brunswick and Acadia, to draw their inspiration from his generous vision, his tenacity, and his faith in the ability of his fellow citizens to take their place in the world.

In the history of Acadia and New Brunswick, Senator Robichaud will have a special place. However, before history is written, I wish him the very best, a happy retirement and long life.

**The Hon. the Speaker:** Honourable senators, for the purposes of the *Debates of the Senate*, is leave granted for this speech to stand in the name of the Honourable Senator Simard as given by the Honourable Senator Lynch-Staunton?

**Hon. Senators:** Agreed.

• (1510)

**Hon. Serge Joyal:** Honourable senators, it is an honour to speak after Senator Simard, whose remarks I would echo, adding only this: Senator Robichaud is one of the country's founders, one of those who have established institutions that have carried on vigorously after them and shaped the freedom and dignity Canadians enjoy across our land.

Senator Corbin was saying that Senator Robichaud had had to meet the challenge of a much greater quiet revolution than the one in Quebec. I remember that, in 1963, a delegation of students for the Collège de Moncton, headed by Mr. Bastarache, today sitting elsewhere, came to meet us at the University of Montreal to ask us to set up exchanges with them so they might use the experience, opening and opportunities to decompartmentalize the New Brunswick system of education.

Senator Simard, through Senator Lynch-Staunton, expressed how indebted we are to Senator Robichaud, who put his trust in the majority of New Brunswickers — because this is what it is all about. When we talk about minority rights, we always call upon the generosity of the majority, and Senator Robichaud's vision was to trust the spirit of fairness and justice of the majority of New Brunswickers, and to trust that the Acadian minority would be able to fully assume its role without taking anything away from the other official language group. This is, in my opinion, a great lesson of social harmony in Canada.

When the Canadian majority trusts its sense of generosity and respects the dignity of individuals, everyone can develop in peace, in harmony and with all the potential of this country's resources.

I live in a province where there is fear-mongering by a certain group. The lesson to be learned from Senator Robichaud as he is leaving this place is that we should trust the sense of fairness and justice that, deep down inside, we know to be the true measure of individual rights and freedoms.

Senator Robichaud, your successor, Senator Hatfield, who also sat in this chamber and with whom I had the opportunity to work to consolidate the foundations of the Université de Moncton, Senator Robertson and myself, all received an honorary doctorate on the same day, in 1984, from that university and we were able to appreciate how the confidence that you instilled in New Brunswickers allowed them not only to assert their identity,

[ Senator Simard ]

but to fully assume, on a national level, their role as prophets of Canada's future.

You rank among the founders of our country and, thanks to your vision, Canada remains a haven of humanism and human dignity. Thank you, Senator Robichaud. We wish you and the members of your family a long life.

[English]

**Hon. Lowell Murray:** Honourable senators, as you may know, for many years I was associated with the Conservative Party in New Brunswick and, therefore, with the political life of that province; sometimes on its periphery, sometimes closer to its centre. For a much longer time and for most of my adult life, I have been a student and an observer of political leadership.

I trust honourable senators will allow me a word of tribute to our departing friend. There are not many political leaders to whom I would apply the word "heroic," but Louis Robichaud is one of them — heroic for what he achieved and heroic for what he endured in the process. Senator Robertson alluded to this earlier.

For a while during former premier Robichaud's second term in office, I went occasionally to Fredericton to give some support to the Tory caucus, which was then under the leadership of our late senatorial colleague Cyril Sherwood. It was the duty of Her Majesty's Loyal Opposition to try to show how things should be done differently or better. Faced with a legislative program of daunting complexity and a policy of radical change, I thought they did their job honourably and well.

Somewhat outside the political process, however, another phenomenon manifested itself; that of an oligarchy bent on stopping change at all costs and by any means. At the end of the day, it was not just a transformation of provincial and municipal government that came into being. It is no exaggeration to say — as the journalist Michel Cormier has said — that those 10 years changed the social contract in New Brunswick, and even the notion of political power. Mr. Cormier was too young to have remembered it, but he says that for his parents' generation it was as if the Berlin Wall had come down.

Honourable senators, New Brunswick today is a much different place. No doubt there are still political controversies and there are economic, social and cultural differences, as in any province. What is gone is the sense of frustration, of defeatism, even of submissiveness, among a good many New Brunswickers. Gone is the corrosive sense of permanent grievance and alienation, and gone is the palpable estrangement within that province.

The reforms of the 1960s are usually credited with having played an important part in the modern renaissance of the Acadian people. This is true. Still, it needs to be said that the policy essentially sought to extend high-quality education, health, and social welfare, as well as other government services, beyond the urban centres to the province at large. Its beneficiaries were English-speaking and French-speaking New Brunswickers in the disadvantaged regions.

New Brunswick is more secure today, more confident and proudly conscious of its uniqueness and of what makes it unique. There is a sense of community and of solidarity among all New Brunswickers that was not there before. Politics has changed. The Liberal and Tory parties choose leaders who happen to be anglophone or francophone, as the case may be. They do not necessarily alternate between French-speaking and English-speaking leaders. They do what seems expedient and appropriate in the circumstances. The Liberal and Tory parties are competitive in all parts of the province, and they are judged on their policies and their leadership.

Honourable senators, it is in this sense that I like to think Louis Robichaud helped make it possible for a Tory government, under Richard Hatfield, to win four successive majorities and to hold office for 17 years; for Bernard Lord to have carried the province so impressively, and to have begun a premiership that holds promise of perhaps equal longevity.

[Translation]

• (1520)

Well before the Robichaud era in New Brunswick, many courageous people — teachers, clerics, artists — helped ensure that the Acadian epic would go on. That having been said, the modern Acadian renaissance would never have taken place without visionary and courageous leadership. It was Louis Robichaud who provided that leadership.

[English]

His public life is a meditation on the humane and constructive ends to which democratic politics can be directed.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I should like to join with those paying tribute to a man on whose left I have sat for the last year. That has been a great honour for me. He has been an adviser to me in times of need. I am the second generation of my family to befriend him. I simply want to join with honourable senators who are paying tribute to this remarkable man today.

Enjoy your retirement, Louis. We will look forward to seeing you a lot around here, I hope.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wish to associate myself with everything that has been said about Senator Robichaud, whom I have known for many decades.

I was the beneficiary of one of his dispensations, having been asked by him to serve as the chief human rights commissioner in New Brunswick in 1967. The Human Rights Act, which was one of the early ones in Canada, was part and parcel of that whole social revolution of which he was the inventor, the pioneer, and the deliverer.

Our province is a modern and dynamic province today, in the family of Canadian communities, to a very real extent, as other

honourable senators have mentioned, because of the program of equal opportunity, which is the mark of the Robichaud heirs.

To Louis and to Jacqueline, meilleurs vœux.

[Translation]

**Hon. Pierre De Bané:** Honourable senators, on June 27, 1960, a 34-year-old Acadian became premier of his province. It was barely one week after the election of Jean Lesage as Premier of Quebec. This year, we are celebrating the 40th anniversary of that election just as our colleague is approaching his fiftieth year in politics.

I would like to tell him, as Senator Robertson did, that it is unusual for a politician to write history. Senator Robichaud has written history. If we look at all the qualities a politician should have, they are many.

However, there is one for which, in my view, no amount of wisdom and experience on the part of advisers can be substituted, one which no one can really give us, but which must be part of our own personal values, and that is courage.

The fact that Senator Robichaud dared to undertake in his province a major project to give everyone equality of opportunity in basic sectors was a monumental revolution. I need not remind you that he had to contend with some of the biggest companies in the world when he undertook these changes.

Personally, if there is one thing I have become aware of since entering politics, it is precisely that courage is the rarest of commodities in politics, and one that all the advisers in the world cannot make up for if the politician lacks it.

I would like to tell Mr. Robichaud that his actions to further justice and equity in his province have been an inspiration to all Canadians. I will quote, if I may, the 1987 Canadian Encyclopedia:

...He introduced far-reaching social reforms through the centralizing Programme of Equal Opportunity. His Liberal government modernized liquor laws, abolished the Hospital Premium Tax, passed an Official Languages Act, established U de Moncton, increased Acadian administrative influence, and encouraged the mining and forest industries.

Acadians owe him a great deal. It was during his administration that the Université de Moncton was created in 1963, Canada's only Acadian university. It was under his administration as well that New Brunswick became officially bilingual in 1969 — the one and only such province to this day — and that Acadians began to truly have access to education and services in French, as well as to better jobs.

During the francophone summit, held in Moncton, Maurice Basque of *Le Devoir* wrote as follows:

It is in Acadie, in New Brunswick, that the Acadian population has made the most legal, political and socio-economic progress. From 1960 to 1970, the government of Premier Louis J. Robichaud encouraged a veritable quiet Acadian revolution in New Brunswick...That same government imposed a series of major socio-economic reforms that greatly contributed to the development of the Acadian regions of the province.

It was under the Robichaud administration that the Program of Equal Opportunity was created, aimed at greater equality, that is a fairer distribution of opportunity and wealth between the north of the province, a poorer area with a very strong francophone — Acadian — majority, and the more industrialized south, which was better off and with a very strong anglophone majority, as well as between rural and urban regions.

Arthur T. Doyle, the well-known New Brunswick political pundit, said the following last fall:

More than any other premier, Louis J. Robichaud brought about significant change to the role of the provincial government through his Programme of Equal Opportunity. He also launched the centralization of hospital administration, health care, education, income supplementation and the administration of justice. These were the most radical changes ever carried out in Canada and inspired other provinces and some other U.S. states to follow suit.

[English]

I am sure, Jacqueline, that all honourable senators in this house join with me to express our admiration to you and to our friend and esteemed colleague Louis Robichaud. To you, our best wishes. You are a marvellous spouse to your husband, and we know how much he cherishes and loves you.

On behalf of everyone here, I extend the highest regard that we have to Senator Robichaud.

**Hon. B. Alasdair Graham:** Honourable senators, there were two great political events in this country in 1958. One was the federal election in which John George Diefenbaker was swept to power —

**Senator Kinsella:** Four more years!

**Senator Graham:** — with, up to that time, the largest majority in the history of the country.

**Senator Kinsella:** November 27!

• (1530)

**Senator Graham:** I hear the cheers in the opposition benches for that brief reference to Tory glory. It was a time when I thought that my political career had ended almost as quickly as it had begun. As a matter of fact, our former colleague Senator Finlay MacDonald greeted me in Halifax three days after my defeat — I was the federal candidate in

Antigonish-Guysborough — and he said, “Well, there he is: the youngest political has-been in Canadian history.”

Then there was another great event. Louis Robichaud was elected leader of the Liberal Party in New Brunswick. Shortly after his victory, he came to Antigonish and to St. Francis Xavier University and he restored hope to this young Liberal who had given up almost all hope of any future in the political arena. I have rarely, if ever, heard a more inspirational speaker than the Honourable Louis Robichaud.

His Program for Equal Opportunity in New Brunswick will go down in the annals of Canadian political history as one of the greatest achievements of any provincial or federal politician. I agree with everything that has been said about our dear friend. He has been my neighbour in the East Block for several years; for many years he has been my very close friend, ally and supporter.

Someone once said that you can give no greater tribute to a person than to say that his or her word, given publicly or privately, can be relied upon absolutely. We can say that about the Honourable Louis J. Robichaud. He has been eloquent; he has been outstanding; he has been a leader of great renown. I say today that it has been a wonderful privilege to have been associated with him and to call him my friend.

[Translation]

**Hon. Gérard-A. Beaudoin:** Honourable senators, I would like to say a few words to pay tribute to Senator Louis Robichaud.

Senator Robichaud had a most successful career. He was elected for the first time as an MLA in 1952, at age 27. He was re-elected in 1956, 1960, 1963, 1967 and 1970. He became the leader of the Liberal Party of New Brunswick in 1958, thus becoming Leader of the Opposition, and then Premier of the province from 1960 to 1970. He was appointed to the Senate on December 21, 1973.

I particularly wish to stress the contribution of Louis Robichaud to the promotion of the official languages in New Brunswick. It is under his government that, in 1969, the Official Languages Act of New Brunswick came into effect. This legislation was, of course, amended later on, but it was never set aside by the governments that came after Louis J. Robichaud's government. This is all to the credit of our colleague and friend.

Later on, in 1982, other constitutional measures were enshrined under sections 16 to 22 of the Canadian Charter of Rights and Freedoms. Then, in 1993, the equal rights of New Brunswick's two linguistic communities were included in the Constitution, under section 16.1 of the same charter. In 1982, the change occurred under a Conservative government in New Brunswick, a government that included our colleagues and friends Jean-Maurice Simard and Brenda Robertson. In 1993, it was under a Liberal provincial government that the changes were made. This shows that the ideas put forth by Senator Robichaud in that area transcend party lines. They will endure for a long time to come. Thank you, Senator Robichaud. I wish you, your wife and your loved ones a long life.

[ Senator De Bané ]

[English]

**Hon. Peter A. Stollery:** Honourable senators, one of the more pleasant aspects of coming to Parliament is meeting and getting to know great Canadians, famous Canadians that one has only read about in the newspapers. When I came to Parliament quite a few years ago, my neighbours and my friends were impressed when I would tell them about people that most of us only read about in newspapers. My neighbours on Rusholme Road in Toronto know very well the achievements of Louis Robichaud.

Honourable senators, I will not take a lot of time this afternoon, because so much has been said. However, I would like to add that not only was Louis Robichaud a very famous man in Atlantic Canada, he was also a very famous man in the Toronto of my younger years, as he still is today. It has been a great pleasure and an honour for me to have served in the Senate with him. I wish him well in his retirement. I hope that we will be seeing him frequently.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I have fond memories of the year 1960. I was, then, the official Liberal candidate in the riding of Montréal—Laurier, until Jean Lesage asked me to give my seat up to René Lévesque, a Liberal candidate. Obviously, I became quite unfettered and, like all young eager French Canadian nationalists in Quebec, I joined in the assault against the enemy. We were enthusiastic about two great individuals: Jean Lesage and Louis Robichaud.

I do not know of one young Liberal in Quebec who, in one way or another, without Senator Robichaud knowing them, did not willingly offer to help him within the organization. There was this whole contingent of eager young French Canadian nationalists in Quebec. A number have changed since, but I have not. I know that is upsetting, but I do not think we can change what we were; we can only be it a little more.

I would be upset with myself if I did not join in the songs of praise we have heard. In addition to my past in connection with Louis Robichaud, I would like to pay indirect tribute to my predecessor, who was probably one of Senator Robichaud's closest friends. I am thinking of Azellus Denis. The history buffs should know that Mr. Denis held the record for longevity in Parliament: 54 years in the two Houses, and he was from Saint-Denis.

• (1540)

I beat his record in the House of Commons. Unfortunately, because of the new rule, I will not beat his record in the Senate. I want him to know, up there in heaven, that his successor, Marcel Prud'homme, paid tribute to Senator Robichaud, who I hope will come back to visit.

[English]

Since I believe in bilingualism, I wish to take this opportunity and to follow my friend Senator De Bané in asking you to join

with me in saluting Madam Robichaud. Although I have not had the pleasure of knowing Madam Robichaud, I wish her and you, sir, the best. Merci, bravo, Senator Robichaud.

**Hon. Colin Kenny:** Honourable senators, everything has been said that can be said. I rise today simply to say that I am proud to tell people that I know you and that you are my friend, Louis. Thank you very much for all your support and your encouragement. Louis, I will miss you, and so will we all.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I just want to add a brief word of tribute to Louis Robichaud and focus on only one point. Many other references to his illustrious career have been made, and made better than I could have. The one point that I want to draw to the attention of senators is one that others have talked about: Louis Robichaud's great and magical skill. To be able to speak without notes, without a text, for hours on end in a mesmerizing manner made Louis Robichaud one of Canada's greatest stump speakers.

There are few men or women in Canada who have this God-given talent. Louis could lift a listless audience of voters into a magical moment of unity. He could do it in either French or English. He could do it in such a way that when you left the room you had huge and repeated visions of his excellence and his scintillation. This magical quality is so rare that when we lose it in this chamber and we lose it in Canada, I think it appropriate that we should mark its loss.

I will remember the great moments and the great inspiration that Louis gave us all as young Liberals, this uncanny and magical ability to convince people that the country in which we live is a great one, and that one Canada, one Canada indivisible, is the highlight and the vision for all of us. Louis, I thank you for your vision, your contribution and your comradeship.

[Translation]

**Hon. Jean-Robert Gauthier:** Honourable senators, I would not want to pass up the opportunity to add my words to those of my Senate colleagues. I knew Louis Robichaud well. I perhaps saw a different side of him than you did. I first met him in 1974, I think it was, when he came to the Liberal convention in my riding of Ottawa—Vanier to speak to my constituents.

I also got to know him in a different context, that of parliamentary delegations in Europe. It was there that I learned that Louis was a good cribbage player, because he always beat me. He had a little smile on his face when he managed to beat us at cribbage.

What I remember, and will continue to remember, is that Louis made a point of attending all meetings of the Official Languages Committee. He participated, and he had extensive experience to share. He knew the subject inside out. I must say that we in Ontario are still hoping to find our own version of Louis Robichaud so that we can obtain the same rights as the people of New Brunswick. Perhaps one day we will find such a person, God willing. Thank you, Louis.

**Hon. Fernand Robichaud:** Honourable senators, I was not aware that I had such an advantage, being a Robichaud from New Brunswick. People could speak for a long time about Louis Robichaud, and people will. I do not wish to repeat what has already been said or written, but I cannot let pass this opportunity to pay tribute to such a great man.

Louis Robichaud is a legend. So people have said. I well remember how the people of New Brunswick loved to listen to, and especially to watch, Louis Robichaud in action. Undoubtedly because he was such a gifted orator. People turned out to meetings to listen to him. He knew how to win over an entire audience with his boundless enthusiasm. He was like a brightly burning flame.

He knew how to talk to people. He could talk to them about their problems and he could also suggest solutions. He was convincing not just in what he said but especially in how he said it. He put his whole being into his delivery. He was even more convincing when it came time to take action, and did so without hesitation, despite the fierce opposition he sometimes met.

Ti-Louis saved the rural families of New Brunswick. The Program of Equal Opportunity was a turning point. At that time I was the secretary of a school board, at Saint-Louis-de-Kent. We had, of course, very limited means and could not offer the young people in our region services of the same quality as those available to young people in other regions of New Brunswick.

That situation changed, thanks to Louis J. Robichaud, and young New Brunswickers were then able to receive the same quality services anywhere in the province. My children were able to take advantage of these changes brought in by Louis, and now my grandchildren in turn are doing the same.

People still remember Ti-Louis very clearly, and when I am back down there, people often ask how he is doing, if I talk to him, how his health is. This goes for the people in both the anglophone and the francophone regions. The people remember Louis Robichaud well.

I wish to thank Louis for all the changes he wrought and all the changes that made it possible for us, the Acadian people in particular, to develop our full potential. I would also like to thank him for having been the inspiration to all the population of New Brunswick and particularly, honourable senators, the Acadian population.

Louis, thank you so much.

• (1550)

**Hon. Louis J. Robichaud:** Honourable senators, I do not know where to begin, but I will be brief. You can interpret that statement whichever way you like. My speech is no more than a single sheet of paper, even though I would like to say a lot more, because I heard so much.

About two years ago, I heard Senator Hébert say, following what I would call a premature homily: "This is all exaggerated,

only my father or my mother would believe it." I thank all those who expressed their feelings, who said things that, perhaps, pleased my wife and my children much more than me. After 27 years in the Senate, I would have liked to slip away unnoticed. I was not allowed to do that. You organized the ceremony that we just witnessed.

When I arrived in the Senate, I would not have thought that, some 27 years later, my departure would trigger a general election. Nor would I have thought that it would trigger an invasion by five great women of Alberta, who have come to settle permanently on Parliament Hill. It happened yesterday, honourable senators. So many events have taken place since I first came here. However, I must go. No one can stop the clock.

[*English*]

I have enjoyed the 27 years that I spent here in the Senate. Those years were both enjoyable and productive, and they were productive not for ourselves but for the country. For those who do not appreciate the services that the institution of the Senate is rendering to the country, they are really missing something. As Senator Joyal says so frequently, the Senate is playing an eminent role and it should remain as such.

I have heard, for the last 27 years, talk of reforming the Senate. Nothing has changed. I know nothing has changed — the carpets are exactly the same as they were 27 years ago. The elevator is the same; it is sick more often than the senators are. As an eminent former prime minister said, "The universe continues to unfurl," and the Senate continues to play its role. Without being an exhibitionist, without bragging, without boasting, the Senate continues to play its role.

[*Translation*]

I would like to say that those who support an elected Senate are, in my judgment, making a mistake, because if it were thus, senators would become even more keen politicians than they already are. Senators are balanced, because they are appointed without being elected, for a period of time. They are capable of reflection and are not afraid of expressing their opinions at any time. They are not blinded by purely political considerations; far less so than in the other place where there is constant warring and far less so than in the provincial legislatures, where battle is waged endlessly as well. Here, we are civilized.

When I looked back over my life, I was reminded of the four happiest days of my life. The first was the day of my first marriage in 1951. The second was the day the voters of New Brunswick did me the honour of electing me as their premier.

I will not go through the 10 years that followed, because so many things were said, indeed even exaggerated. It happens. For the past 27 years, I have seen people come and go. I have seen exaggeration, perhaps less than this afternoon, but still by the tonne or by the barrel!

The third memorable day, and some will be surprised at this perhaps, occurred not in New Brunswick or in Canada, but in Moscow, when the Canadian team won the World Hockey Championship. In the arena, we were 3,000 Canadians from the west, east, north and south — from everywhere in Canada — wearing a Canada pin. At the end of the eighth game, when Yvan Cournoyer from Montreal scored the tie goal with one minute 34 seconds remaining, we were wildly excited. Canada had tied Russia, but with 34 seconds to go in the game, Paul Henderson of Toronto scored the winning goal. We were not just excited any more, we were euphoric. The people wearing the Canadian pin, men and women from Abitibi, British Columbia, Moncton, Newfoundland, Winnipeg or elsewhere hugged and kissed.

• (1600)

We were so proud to be Canadians. English Canadians and French Canadians. It was a wonderful day in my life.

Another wonderful day in my life took place two years and some months ago, when I married for the second time. My new wife's name is Jacqueline. That is all I will say!

I wish to thank all the colleagues with whom I have worked over the past 27 years, especially those who are here today. Thank you all. And I would like to repeat what one of our former colleagues, William Kelly, wrote to me, and probably to everyone. I share the sentiments he expressed. This is what he wrote when he had to retire last year.

[English]

Dear colleague:

With my time ending in the Senate, I look back with a great deal of pleasure at a most interesting 18 years.

In my case, it has been 27.

It has been an honour for me to serve with people such as yourself, in a Chamber where so much excellent work has been produced in the interest of the Country.

I wish to thank you for our association.

Sincerely,  
Bill  
William M. Kelly

[Translation]

I share these sentiments and I echo his words. Thank you for your friendship over the years.

Someone mentioned that I had played some sort of role in the dialogue which exists among the various ethnic groups in the country. If I have done so, I am very pleased. I told you that I would be brief — and I will close here. I remember when I was very young reading the following gem from Sir Wilfrid Laurier,

one of my idols. I think it was something he said in London. It went as follows:

I love France, for it gave me my life. I love England, for it gave me my freedom. But I love Canada above all, for it is my home and native land.

These are my sentiments, and on that I will conclude.

**The Hon. the Speaker:** Honourable senators, I hope it would not be out of line for me to say that Senator Robichaud came to see me last June to advise me that he would be handing in his resignation before the Senate returned in September. He did not want to receive these tributes. I think you will all agree that it was a good thing that he changed his mind.

[English]

## SENATORS' STATEMENTS

### THE LATE MORRIS CHERNESKEY

#### TRIBUTE

**Hon. David Tkachuk:** Honourable senators, my friend, Saskatoon's friend, Saskatchewan's friend and Canada's friend, Morris Cherneskey, passed away on September 26, 2000, at the age of 74. He was an extraordinary man who behaved in very ordinary ways. Married for 44 years to Mary, the mother of their three daughters, Ann Marie, Paula and Christina, Morris went about the business of life in an exemplary fashion.

A first-generation Canadian whose parents came from Ukraine, he graduated in law from the University of Saskatchewan and began serving his family, his profession and his community.

A political community activist, he served on the executive of the Ukrainian Catholic Brotherhood of Canada, the new community credit union, the Ukrainian Branch of the Ukrainian Canadian Congress, and he was president of St. George's Ukrainian Catholic Church. He was a reserve naval officer who retired as a lieutenant-commander and was president of the Saskatoon Bar Association and of the Senate of the University of Saskatchewan.

Amongst all of this, he served as president of the Progressive Conservative Party in Saskatchewan in 1973 and 1974, and he ran as a candidate for us in the 1975 provincial election. A Conservative all his life, a supporter of John Diefenbaker, Joe Clark, Brian Mulroney and Robert Stanfield, he was instrumental in helping to build the Conservative Party in Saskatchewan and to lead it to victory in 1982.

As a politician, he fought for the twinning of the Yellowhead Highway in Saskatchewan. He fought hard for the preservation of the Crow Rate and the retention of VIA Rail services from Winnipeg to Vancouver via Saskatoon.

On behalf of all Saskatchewan citizens, the City of Saskatoon, and senators here, I wish to express my condolences to his wife, Mary, and to his family. We lost a man who served his country well. He will be dearly missed by his family, his friends, his fellow Conservatives and his community.

Fortune will smile on him and we will see him in this chamber, once again, in the New Year!

• (1610)

## PERSONS CASE

### TRIBUTE TO LEGAL COUNSEL TO PLAINTIFFS

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, one cannot but be impressed with the event yesterday that marked the seventy-first anniversary of the Privy Council decision on what is familiarly known as the Famous Five case. Far from detracting from these women's admirable tenacity which led to a historical legal breakthrough, I am sure that they would be the first to agree that they could not have accomplished what they did alone. Their lawyers before the Privy Council were John Lyndurn, Newton Wesley Rowell and Frank Gavan.

Mr. Lyndurn was attorney general of Alberta. Mr. Rowell had an active political career, which included being leader of the Liberal opposition in the Ontario legislature and a member of the Union government under Prime Minister Borden. He was considered an outstanding legal and constitutional authority. Unfortunately, I have been unable to find any information on Mr. Gavan.

The members of the Privy Council sitting on the Persons Case were Lord Sankey, the Lord Chancellor; Lord Darling; Lord Merrivale; Lord Tomlin; and Sir Lancelot Sanderson.

I make this statement for the record, as the Persons Case may well have turned out differently had it not been for the enlightened open-mindedness of these distinguished gentlemen.

## THE SENATE

### REAPPOINTMENT OF SENATORS

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, on another topic, I wish to pick up where the Leader of the Government left off yesterday. According to the *Canadian Directory of Parliament*, edited by J.K. Johnson, five senators who resigned from this place were later reappointed. The most interesting of the five is surely George William Howlan, from Prince Edward Island, who was summoned to the Senate in 1873, resigned in 1880, was reappointed in 1881, resigned in 1891 to run in the general election in P.E.I. in which he was defeated, and was reappointed the same year, only to resign in 1894 to be appointed Lieutenant-Governor of Prince Edward Island.

Only time will tell whether history will repeat itself in 2001. However, I wish to take this opportunity to tell Senator Boudreau that I hope he has found his too-short stay here as pleasant and enjoyable as we have on this side. While I admire his commitment to seek a seat in the other place, I trust that Dame

[ Senator Tkachuk ]

## YWCA WEEK WITHOUT VIOLENCE

**Hon. Marjory LeBreton:** Honourable senators, one day after we celebrated the unveiling of the Famous Five statues and honoured this year's recipients of the Persons Awards, I rise to commemorate the Fifth Annual YWCA Week Without Violence, being held at the present time from October 15 to 21. This is an international initiative organized in more than 50 countries worldwide. The Week Without Violence provides an opportunity for Canadians to unite against the violence that plagues communities from coast to coast in our country.

The YWCA Week Without Violence raises public awareness about different types of violence by devoting a different theme to each day of the week. The theme I wish to speak about this afternoon was actually yesterday's theme, namely, Confronting Violence Against Women.

Honourable senators, although we live in one of the most civilized countries in the world, our communities are continually confronted with the harsh realities of violent acts against women. The evidence is there; we see it on a daily basis when we open our morning newspapers. According to the YWCA, one-half of Canadian women — and I will repeat that statistic — 50 per cent of Canadian women have been subjected to at least one incident of sexual or physical violence. In Canada, four out of five people murdered by their spouses are women murdered by men. Moreover, in 1997-98, almost 91,000 women and children sought shelter from domestic turmoil.

Surely, honourable senators, this is not the type of society that we want our children to be brought up in, and surely such acts of violence are abhorrent to our way of life.

Violence against women takes on many forms — physical, verbal and financial are but three examples. Legislators, community leaders, teachers, law enforcement agencies and parents must work together to educate our young people that violence against women will not be tolerated. We must raise our voices in protest when we read comments such as those made by the present Leader of the Opposition in the House of Commons, as reported in *The Edmonton Journal* in April of this year. A feature story written by *Edmonton Journal* staff writer Graham Thompson states:

In 1987, he —

By "he" Mr. Thompson means Mr. Day. The article continues:

— raised the hackles of women's groups when he disputed a poll indicating one million women had been abused physically, emotionally, sexually or economically.

In this article, Mr. Day is quoted as saying the following:



I want to know how many women in Alberta are physically battered and not just insulted by their husbands, Day told reporters. If we talk insulted by their husbands, then I'm afraid that I'm guilty from time to time of abusing my wife.

*The Edmonton Journal* continued:

Day acknowledged verbal assault and insults can be a "heart-breaking and demoralizing thing," but operators of women's shelters slammed Day for being "way off base" and accused him of "burying his head in the sand."

Honourable senators, what an offensive remark: "... and not just insulted by their husbands." Women must be empowered to protect themselves against such acts. Only through cooperative measures will we find viable solutions to violence. Initiatives such as the YWCA Week Without Violence provide an excellent platform from which we can work together to eliminate all types of violence.

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

**Senator LeBreton:** I was on the last line anyway, honourable senators.

### THE HONOURABLE WILBERT J. KEON

CONGRATULATIONS ON WINNING  
THE ROBERT BEAMISH LEADERSHIP AWARD

**Hon. Terry Stratton:** Honourable senators, I wish the Leader of the Government in the Senate well. I also wish him a speedy return to this place.

I rise today to pay tribute to the recipient of an award given in Winnipeg on October 4. The event was the second annual awards day of the Institute of Cardiovascular Sciences of the St. Boniface Hospital Research Foundation at the University of Manitoba. The award is the Robert Beamish Leadership Award, presented for the promotion of cardiovascular science and education. It is named in honour of Dr. Beamish, who is truly the dean of Manitoba cardiologists and a great educator in the global profession. To Dr. Beamish: We are thinking of you here today.

This year's winner is our own Wilbert Keon. I know Dr. Keon may be uncomfortable for this acknowledgement, as can be seen by his empty chair, honourable senators. However, if he continues to win these awards — and he will — we have no other choice but to continue to pay tribute to him, even in his absence. We thank him for his contributions and for his excellent work in the field of cardiovascular research and education. We are truly humbled by his achievements.

The other award winners on that day were: Jacques de Champlain of Montreal, who won the Ken Bowman Research Award; Mitsuru Osada of Yamanashi, who won the Arnold Naimark Young Investigator Award; Brad Doble of Winnipeg, who won the Henry Friesen Young Scientist Award; Daniel

de Moissac of Winnipeg, who won the Sister Jacqueline St. Yves Publication Award; and Edward A. Kroeger of Winnipeg, who won the Jack Litvack Exemplary Service Award.

To those individuals, our congratulations and our thanks as well.

## PAGES OF THE SENATE

### EXPRESSION OF GRATITUDE

**Hon. Mabel M. DeWare:** Honourable senators, there seems to be a little apprehension in the wind these days that we may not be here next week — maybe not even tomorrow. Therefore, on this occasion, in case that should happen, I should like to take this opportunity to extend a hearty thanks to the new pages. I was here for their swearing in ceremony this morning and I wish to tell them how pleased we are to see them here today. Our pages in charge of this morning's activities did an exceptional job. They are certainly well trained under the Speaker's leadership.

On that note, I would also like to thank the pages for this year's dedication to us. I would also like to thank the Table officers, the translators, the Hansard reporters, the researchers and security. In case we are not here for the festive season, I wish them all well on behalf of all honourable senators and hope that we will see them all in the spring — early spring. It is our pleasure right now to say thank you for your dedication to the Senate. We really appreciate your efforts.

## ROUTINE PROCEEDINGS

### BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

#### REPORT OF COMMITTEE

**Hon. Michael Kirby,** Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, October 19, 2000

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### ELEVENTH REPORT

Your Committee, to which was referred Bill C-41, *An Act to amend the statute law in relation to veterans' benefits*, in obedience to the Order of Reference of Tuesday, October 17, 2000, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY  
*Chairman*

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

**Hon. Jack Wiebe:** With leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be placed on Orders of the Day for third reading later this day.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[Translation]

**CANADA HEALTH CARE,  
EARLY CHILDHOOD DEVELOPMENT  
AND OTHER SOCIAL SERVICES FUNDING BILL**

FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-45, respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Act.

Bill read first time.

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

**Hon. Catherine S. Callbeck:** With leave, later this day.

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

**Hon. Senators:** Agreed.

On motion of Senator Callbeck, bill placed on the Orders of the Day for second reading later this day.

[English]

• (1620)

**A BILL TO BETTER ASSIST THE SENATE TO SERVE  
CANADIANS BY RESTORING ITS RIGHTS,  
OPPORTUNITIES AND FUNCTIONS**

FIRST READING

**Hon. Serge Joyal** presented Bill S-31, to better assist the Senate to serve Canadians by restoring its rights, opportunities and functions.

Bill read first time.

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

On motion of Senator Joyal, bill placed on the Orders of the Day for second reading two days hence.

**CRIMINAL CODE**

BILL TO AMEND—FIRST READING

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition)** presented Bill S-32, to amend the Criminal Code to prohibit trafficking in persons.

Bill read first time.

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

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading Tuesday, October 24, 2000.

[Translation]

**PARLIAMENTARY DELEGATION TO PEOPLE'S  
DEMOCRATIC REPUBLIC OF ALGERIA  
AND KINGDOM OF MOROCCO**

REPORT TABLED

**Hon. Pierre De Bané:** Honourable senators, pursuant to rule 23(6), I have the honour to table in both official languages the report of the parliamentary delegation which travelled to Algiers, in the People's Democratic Republic of Algeria, at the invitation of the Conseil de la Nation, from November 19 to 25, 1999, and to Rabat, Kingdom of Morocco, from November 25 to 29, 1999, at the invitation of the Chambre des conseillers. This report covers the trip by a delegation from the Senate to these two countries of the Maghreb: Algeria and Morocco.

[English]

**ASSEMBLÉE PARLEMENTAIRE  
DE LA FRANCOPHONIE**

REPORTS OF CANADIAN DELEGATION TO MEETINGS  
HELD IN YAOUNDÉ, CAMEROON TABLED

**Hon. Pierre De Bané:** Honourable senators, I have the honour to present to the house, in both official languages, two reports of the Canadian Branch of the Assemblée Parlementaire de la Francophonie, as well as the financial reports relating to them.

The first report deals with the bureau meeting held on July 4, 2000, and the second one deals with the twenty-sixth ordinary session, which took place from July 6 to July 8, 2000. Both meetings were held in Yaoundé, Cameroon.

## THE CONSTITUTION

### NOTICE OF MOTION TO AMEND

**Hon. Serge Joyal:** Honourable senators, I give notice that on Monday next, October 23, 2000, I shall move that:

WHEREAS the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

NOW THEREFORE the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

### SCHEDULE

#### AMENDMENT TO THE CONSTITUTION OF CANADA

1. Section 33 of the *Constitution Act, 1982* is repealed.
2. The said Act is further amended by replacing section 61 with the following:
 

“ 61. A reference to the “*Constitution Acts, 1867 to 1982*” shall be deemed to include a reference to the “*Constitution Amendment Proclamation, 1983*” and to the “*Constitution Amendment Proclamation* year of proclamation”.

#### CITATION

3. This Proclamation may be cited as the “*Constitution Amendment Proclamation*, year of proclamation”.

## QUESTION PERIOD

### THE SENATE

#### REQUEST TO TABLE LETTER FROM THE MINISTER OF HERITAGE REGARDING CANADA NATIONAL PARKS BILL

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Could the leader advise whether or not he has received a copy, in both official languages, of the letter from Minister Copps relating to Bill C-27? If so, is it his intention to table the letter in this house in both official languages?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, the answer is yes. I received it late yesterday afternoon and placed it in the custody of the Deputy

Leader. If he still has both of those letters we can table them, with leave, at any time.

**Senator Kinsella:** I thank the minister for that.

### PRIME MINISTER'S OFFICE

#### TAPING OF TELEPHONE CONVERSATIONS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Does the minister have the practice in his office of tape recording telephone calls coming to him as a minister of the Crown?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** No, honourable senators, I do not have that practice, either in my office or with any other telephone that I might use.

**Senator Kinsella:** Honourable senators, could the minister advise whether or not there is any policy of his government relating to ministers tape recording calls coming to the offices of members of the Government of Canada?

**Senator Boudreau:** Honourable senators, I have never been advised of any such policy, and I am certainly unaware if there is one. I must conclude that there is not a formal policy.

**Senator Kinsella:** Honourable senators, the *Saint John Times Globe*, which is the evening newspaper generally distributed in the City of Saint John, and the *Montreal Gazette*, of today are carrying a Southam newspaper article which says:

...the Prime Minister's Office has telephone message recordings of Ms Wayne seeking a patronage post.

Could the minister advise as to whether or not there is any prohibition of the tape recording of telephone messages to members of the executive, whether it comes from a member of Parliament or whether it comes from an ordinary Canadian citizen?

• (1630)

**Senator Boudreau:** Honourable senators, as I say, I am not familiar with any such policy. I can only tell the honourable senator that I have never adopted the practice. Mind you, I have never been President of the United States or Prime Minister of Canada.

**Senator Prud'homme:** There is hope for you yet.

**Senator Boudreau:** One lives in hope. I am not aware of any such policy.

**Senator Kinsella:** I thank the minister for that answer. It is his position, I take it, that he would find that a distasteful practice, at least not a practice in which he would engage; is that correct?

**Senator Boudreau:** It is certainly not a practice that I have adopted in the past, and unless there were unusual circumstances, I would not plan to adopt it in the future.

## AGRICULTURE

### PLIGHT OF NATIONAL INDUSTRY IN THE INTERNATIONAL MARKET

**Hon. Leonard J. Gustafson:** Honourable senators, I rise to ask a question, recognizing that the mood of the house has been so cordial today. It will be no surprise to the leader that my question is on agriculture.

It is important that all honourable senators apprise themselves of the situation that exists in agriculture in Canada as it relates to the global situation. It is critical. I think that the Senate has grasped well and understands the problem that exists. It will not take the decision of one person but of many to deal with this situation. I can tell honourable senators that I talked personally to the Minister of Finance about this issue yesterday. I also talked to Minister Gray about it, and I will talk to anyone willing to listen. This is a serious situation.

I ask the leader if he will apprise himself — for our national good — of the global situation that is facing agriculture in Canada.

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, as I have said previously, I greatly appreciate the honourable senator's efforts to help me gain an understanding of the situation, particularly in the Western provinces, with respect to agriculture. I must say that I have had some assistance from honourable senators on this side of the chamber as well. When one does not come from an area that is involved, then one does not tend to turn one's attention to it to the same extent. While I do not claim to be the most knowledgeable person in the world on the subject, the honourable senator and others have created in me a sensitivity to the nature and the magnitude of the problem. It is not one that can be dealt with on a year-to-year basis. It is not one that we can forever attempt to cure with a patchwork, band-aid approach. We must deal with some fundamental, serious, long-term issues. Wherever I might be, I will certainly follow that debate, and if I have an opportunity, I will participate in it.

## FISHERIES AND OCEANS

### EFFORTS OF GOVERNMENT TO COMMUNICATE BROADER ISSUES TO NATIVE PEOPLE— PROGRESS OF NEGOTIATING PROCESS

**Hon. Brenda M. Robertson:** Honourable senators, my question is addressed to the Leader of the Government in the Senate.

The environment down East is quiet now between our native people and the fishers. I should like to know and our people should like to know what plans the government has, either in joint committees of DIAND and the Department of Fisheries or however, to communicate with our native people in order to have a better understanding of the larger issue, which is not merely a fisheries problem. What is the government doing in order that

our people will not have to go through the agony they have gone through this past season?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, the issue, as the honourable senator quite rightly points out, is much larger than the fishery. The issue is one of fundamentally accommodating a major transition for the First Nations people all across the country. It has been particularly acute in Atlantic Canada because it has focused around the fishery in a very particular way over the last year, following the *Marshall* decision and other decisions in the past, such as *Delgamuukw*.

As the honourable senator will know, the government was successful in negotiating with 32 of the 34 bands in Atlantic Canada to gain interim agreements to deal with that fishery. The operative word is "interim" because all those agreements will expire. In order to make substantial progress, future discussions must take place in a much larger context and must involve not only the two federal departments the honourable senator mentioned, but also provincial governments and, of course, the First Nations people and their representatives. I believe the government is moving forward with those discussions. I do not think they will be simple. I do not think they will be resolved quickly. However, so long as the parties are willing to move the process forward in good faith, then I think it is possible to deal with the interim situation until we achieve an overall solution.

**Senator Robertson:** Honourable senators, has the government formed its negotiating group so that work can be carried out all fall and through the winter? If the government has, could we be advised as to the makeup of that negotiating group? If it is still to be formed, could we please be advised as to when that will happen?

**Senator Boudreau:** Honourable senators, I will attempt to advise the honourable senator as to what progress has been made and at what stage that process now stands.

What we refer to as tripartite negotiations have gone on in various provinces. Those structures remain. The issue is whether people are in a position now to move on with the large issue. In that respect, I will try to obtain an up-to-date report.

## ENVIRONMENT

### COMMUNICATION TO MINISTER OF SENATE REPORT ON ENVIRONMENTAL ASSESSMENT OF PROPOSED LANDFILL AT ADAMS MINE, TIMISKAMING DISTRICT, ONTARIO

**Hon. Mira Spivak:** Honourable senators, the Senate passed a resolution on Tuesday asking the Minister of the Environment to intervene following the vote of Toronto city council to send all of that city's garbage to the Adams Mine. As honourable senators know, people around that area, although not necessarily those in the townships, are violently opposed to this plan. Not only that, the farming community further downstream has great fears. There are big problems with leakage through the fracturing rock.

Now that the Senate has approved this resolution asking the Minister of the Environment to ensure that there is a proper federal environmental assessment, can the leader please inform the Senate how he will convey this message to the Minister of the Environment? Will he phone him? Will he send him an e-mail? Will he fax him? Will he confront him by the lapels and shake him? Will he send him a letter? Could the leader tell us how he will do this?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, I can eliminate from the list shaking him by the lapels, but we would, of course, send him a copy of the resolution. My office perhaps has already done that. I will check after the session today to see that this has happened.

Ultimately, that decision is in the hands of the Minister of the Environment. However, I am sure the work done by the committee and the resolution passed here this week will be taken into account by the minister and will be helpful to him in making his decision.

• (1640)

**Senator Spivak:** I hope, honourable senators, this means that the leader will be a personal advocate and see to it that the minister reads the Senate resolution, absorbs it and looks favourably upon it.

**Senator Boudreau:** Yes.

## CHURCH COMMUNITY

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

**Hon. Douglas Roche:** Honourable senators, the Leader of the Government will recall that some time ago I raised with him the issue of the extreme financial hardship faced by many churches in Canada as a result of the excessive number of lawsuits emanating from the residential schools issue. Can the minister give me an update or some fresh information as to whether the government has resolved how much money it will pay out to alleviate the financial hardship on churches or in what manner the government will continue to address this issue?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, that issue is before the government. The Prime Minister has asked the Deputy Prime Minister, the Honourable Herb Gray, to take a leadership role in meeting with the various parties, including the churches, stakeholders and other groups, to form a recommendation on this matter and report to the Prime Minister personally. To the best of my knowledge, that process is still underway.

**Senator Roche:** Honourable senators, I suppose that is a step forward.

I have been away for a few days and I missed the announcement of the Leader of the Government's new portfolio, for which I congratulate him and wish him well; but will the minister be able to carry the ball forward on this issue? Will the minister be able to represent to Mr. Gray, who commands intense respect across this country, that the right action for the government — which is not exactly broke these days — is to address the issue of the churches for the well-being of Canada?

**Senator Boudreau:** Honourable senators, the Honourable Senator Roche makes his position very eloquently and forcefully. I can tell him that discussions have taken place where others have shared that view. These discussions have occurred both in the government caucus and at the cabinet table. They will occur on an ongoing basis.

However, the Prime Minister has indicated how seriously he regards this particular situation by delegating the task to the Honourable Herb Gray, who, as the honourable senator has pointed out, is a man eminently suited to canvass the parties, the stakeholders and the situation and bring back a recommendation to government and to the Prime Minister.

**Senator Roche:** Honourable senators, will the Leader of the Government in the Senate, in his capacity as an important figure in the cabinet in an economic portfolio, personally convey these sentiments to Mr. Gray? Will the minister do that personally?

**Senator Boudreau:** Yes, honourable senators, I will convey those sentiments to Mr. Gray at the first opportunity.

## FOREIGN AFFAIRS

SUMMIT OF THE AMERICAS CONFERENCE, 2000-2001—  
INVITATION OF PRESIDENT OF CUBA

**Hon. Marcel Prud'homme:** Honourable senators, I have one comment to make before I pose my question. I was in the Liberal caucus for 30 years. We used to say, "If you want to bury something, give it to Herb."

There is another saying. If you are in trouble, Mr. Tobin used to say, "Don't worry, Prime Minister, we will pass that on a Friday."

My question is this: Does the minister have any further developments to report with regard to when I can start campaigning to invite Fidel Castro to the Summit of the Americas in the spring, as we will not be sitting at that time? I will have a lot of time at my disposal to convey my thoughts to the people of Quebec — I do not like the word "Québécois," so I hope it is well translated. The summit is in Quebec City. I want Mr. Castro to be there one way or another. I want Canada to exercise some leadership. We are the summit hosts.

Does the minister have any late-breaking news, as this is the last opportunity we have before God knows when in February, and — who knows — maybe some of us will not be here then?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, when we last had this exchange on this topic, I cannot recall specifically who the minister was. The latest news may be that there is a new minister in that portfolio who, no doubt, is being challenged to get up to speed on all of the issues. This will be one of the issues for him. I have nothing further at this time to add to my answer in the past.

**Senator Prud'homme:** Honourable senators, the minister promised to raise the question directly with the leader pertaining to a very important point raised by Senator Roche. The summit is not for ministers of foreign affairs. It is a leaders' summit. It is the leader of the country who is the host and it is the leader who invites other leaders.

Would the minister convey strongly my views to the leader? At the last cabinet meeting before the campaign begins — and good luck, as I said yesterday; I am not hypocritical — will my honourable friend convey directly that the host country is Canada, that it is a summit of heads of state, and that the letter of invitation is signed by the host country's leader and not the Minister of Foreign Affairs? I may be wrong, but if I am, do not worry; I will be corrected rapidly by telephone by the Foreign Affairs officials. They always do correct me when I am wrong.

**Senator Boudreau:** I would be happy to convey the honourable senator's views. Just to be sure, I will convey them to both the Prime Minister and the new Minister of Foreign Affairs.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, could the Deputy Leader of the Government review for all honourable senators the expected flow of the business of the house for today, tomorrow and next week, if we are here, but at least over the next couple of days?

I do know that the other place has on its Order Paper Bill C-44, to amend the Employment Insurance Act. I would indicate that, as far as the official opposition in the Senate is concerned, we certainly will deal with that bill expeditiously should we receive it from the other place. I wanted to indicate that to the deputy leader such that he reflects and shares with us how he sees our business unfolding should the House of Commons send us Bill C-44.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I thank the Honourable Senator Kinsella for his question because it gives me an opportunity to outline, as best I can, how I see the next two days in terms of our work. I

make this comment in that it seems these may be the last two days before a possible dissolution.

We have some important government business before us, and we have potentially Bill C-44, to which Senator Kinsella referred. Let me review what I see as the work ahead of us, following which I would be more than happy to deal with his or other senators' questions or comments with respect to how we proceed today and tomorrow.

We already have on our Orders of the Day for today Bill C-14 and Bill S-30, and we now have Bill C-41.

• (1650)

Bill C-41 is the veterans' benefits bill. Senator Kirby has brought it here by reporting the bill on behalf of his committee, under the appropriate heading. Leave was given to address that report later this day, which is the equivalent of third reading. That would be under "Government Business," and that is what I am describing now.

To repeat then — because it is confusing — we have Bill C-14 as printed in the Orders of the Day. We have Bill S-30. We have Bill C-41, which we have just discussed. Now, under "Government Business," at second reading, we have Bill C-45, pursuant to the motion earlier this day.

Let me go through these C-bills then. It is our hope that Bill C-14 and Bill C-41 will be debated and voted on today. Bill C-45 presents us with a bit of a challenge, which we will discuss. It is unusual to contract the proceedings of this place in such a way that we could deal with a bill in one day, but my hope is that we would be prepared to do that. There will be speeches, which, if permitted to be given, will provide compelling reasons for us to deal with this bill, involving our role as representatives of the provinces and the importance of this particular bill.

How would we do that? We have a regular practice of not dealing with legislation unless it has been addressed by committee. I will make a proposal that we go into Committee of the Whole later this day. As Committee of the Whole, we would normally hear from the minister responsible and officials. I know from discussions with my counterpart, Senator Kinsella, that even though this bill is not the responsibility of the Minister of Health, it deals with health, and they would like to see the Minister of Health. I have made inquiries, but unfortunately the Minister of Health is not here.

The ministry responsible for this bill is the Ministry of Finance. The Minister of Finance usually has the Secretary of State for Finance appear with officials. That is what we will propose. I will come to the timing of that in a moment.

There has also been a recent practice to televise proceedings such as that. I have made inquiries and CPAC is not able to provide that service to us. When they did provide the service on the last occasion we had some problems.

I envisage that we will proceed with this legislation today. Bill C-45 is at second reading stage. Senator Callbeck is the sponsor of that bill. She has a short speech, and I expect there will be comments from other senators, in particular from members of the opposition. It is my hope that, following that, we can move to go into Committee of the Whole, hear from Mr. Peterson and officials, then report back and proceed to deal with the bill, if we wish, at that point.

The timing of all of that is something also deserving of comment and which perhaps will prompt questions. It is now 4:55 p.m. We have some business, which I assume will take at least half an hour to an hour. That means we could not go into Committee of the Whole until 5:30 or 6 p.m., which is the time of our break.

When I have concluded answering questions, I propose to move a motion, with leave, that would see us suspend rule 13(1). That is the rule that requires us to rise at 6 p.m. If we suspend the rule, we can sit right through.

A number of bills, honourable senators, have been dealt with by this chamber and by the other chamber, so the question arises about Royal Assent. We need to sit tomorrow for a number of reasons, and for one reason in particular. It might be possible to deal with Royal Assent when we conclude our work today, but I think it would be better for us to plan to sit tomorrow and to give Royal Assent to those bills. Also, if we are sitting tomorrow, we may receive Bill C-44. Senator Kinsella asked specifically about that bill. We do not have that bill here as yet. Bill C-44 deals with employment insurance and, in particular, with changes regarding the rules. If we get the bill tomorrow, then we would be here and able to deal with it.

How many of us will be here, I am not sure, but our job is to be here in sufficient numbers to deal with the work of this place.

Bill C-44 is a bill that could be dealt with in one day with leave. We cannot contract, as we are proposing to do with Bill C-44 and Bill C-45, without unanimous consent.

Honourable senators, that covers the government business and how we would dispose of it and how it would all end with a Royal Assent ceremony.

There is other business on our Order Paper. I recount Senator Austin's earlier statement regarding the desire to have the eighth and tenth reports of the Standing Committee on Privileges, Standing Rules and Orders brought forward and discussed and disposed of in this chamber. I know that is something that would have to be debated and determined by all of us here.

As to the remaining items, there are a few matters on the Notice Paper that senators wish to speak to. There are some reports and inquiries. I will not comment on them because I do not consider them to be particularly controversial.

When we come to "Other" and item 80, because of the way we left our work yesterday, we will find ourselves at the point where

Senator Joyal was asking a question of Senator Taylor. Senator Cools indicated that she was going to ask to adjourn this matter. It is a motion of Senator Taylor dealing with a message to the other place, or possibly to this place, based on the exchange; I am not sure which. It may be both. In any event, that will come up sometime. We may have to deal with it by referring it to the Standing Committee on Privileges, Standing Rules and Orders. Someone suggested that that would be a good idea.

Honourable senators, I will now deal with questions.

**Hon. Marcel Prud'homme:** Let me start by quoting something I saw in the office of His Honour the Speaker during the beautiful ceremony this morning when the new Pages were sworn in. It is written on the mural in the Speaker's chambers:

Nothing is well ordered that is hasty and precipitate.

Everything here is becoming hastily ordered and precipitated. I prefer the French translation: "Ordre exclut hâte et précipitation."

We are stampeding on Senator Murray's bill, on the official horse day or something. You want everything suddenly. I will help. You need five unanimous consents before the end of the day. Do not push your luck, but I will help. I am ready to speak to anything that is under my name. I am also ready not to speak, in order to be helpful on major pieces of legislation.

I know what is going on in the House of Commons at the moment. There are arguments between the Alliance Party and the Liberals, where they are saying, "It is your fault," and "No, it is your fault." We will not play that game. If the government wants a bill and we can precipitate it here, I would be happy to do so. In return, you will also have to give a few things. I negotiate publicly where I am better, as opposed to private.

• (1700)

Senator Gauthier is a pillar of the Francophonie outside Quebec, like Senator Robichaud, and others. He also wants a special committee for official languages that will be limited solely to senators. Thus, we would not need to sit all the time and wait for the House of Commons members.

Since there does not seem to be the will to give him his committee, why do we not agree that all these reports of committee be also left to tomorrow? That would mean modification to rule 86 and modification to rule 94.

I cannot speak for my colleague, but I would imagine that Senator Roche would also be willing to so sacrifice. However, I will let him speak. I would look to him and say that I will suggest that we would do that. If he does not wish to do that, it is fine with me, but he also wants to have rule 85 amended, but I am ready to let it go. I am ready to let go what is under my name. I am ready to speak on his behalf.

If you want to strike a new special committee, why not give one to Senator Gauthier? If you give one to Senator Gauthier, why not give one to Senator Roche? It is a give and take in this house to have some harmony. What you need the most is legislation so that the Official Opposition in the other place cannot blame us for pointing their finger at the Senate or the Liberals or the Conservatives.

That is my mood. I would like to find out how others feel. The Deputy Leader said we might come back tomorrow. We will see what we can do with all these reports of committees and amendments to the Rules of the Senate. I think the deputy leader will have difficulty getting to the main meal, and I am trying to be helpful.

**Senator Hays:** Honourable senators, I thank Senator Prud'homme for offering to be helpful. He has already been helpful in terms of agreeing to have us abridge certain times already this day. I am thankful to the honourable senator for that.

I listened carefully and many of us are familiar with the dynamic of debate involving the committees, whether we have two additional ones, whether independent senators sit on committees as voting members, and also Senator Gauthier's initiative concerning having a standing committee of the Senate on official languages, which means that we would not have a joint committee and give notice of our desire to not participate in a joint committee with the other place.

These things are up to the honourable senators. I can only speak as Deputy Leader of the Government with respect to management of our affairs. I cannot tell you what the result of votes would be. I see my job as getting the government's work done; but also as facilitating the rest of the Order Paper and Notice Paper in terms of allowing senators to debate and vote on matters.

I have not had a chance to caucus on these matters or discuss them with my counterpart. However, if I understood the honourable senator to suggest that Senator Gauthier's motion to strike an official languages committee of the Senate is the basis on which he would be agreeable to proceeding with debate and votes on other matters, then I accept that.

I know from discussions that I have had with my counterpart that resolving the issue of independent senators sitting on committees is not easily undertaken by me. In terms of doing house business, I am bound by negotiations that are obvious if you review the record. That is a difficult issue and not one that is dealt with by a motion, as is the case with the eighth and tenth reports or as is the case with Senator Gauthier's proposal. Senator Roche's motion was part of the eighth report and as a matter of order could not be left there and is now a separate matter.

I will not mislead the honourable senator. The fact of the matter is that I cannot give him an undertaking personally as the

house leader on this side. I do not know what other senators, in particular my counterpart, would think about that in any event. Based on what I know, I do not think that is a doable thing.

However, Senator Gauthier's motion is doable. I would be happy to accept the invitation of Senator Prud'homme to proceed to deal with that matter. The Senate will vote the way the Senate votes. I do not have any objection to the matter as a senator, but speaking as a house leader it is up to all senators to make that decision.

That is the best answer I can give. You may be able to help clarify the questions and answers with a further comment.

While I am on my feet, one of the other things I will do when this exchange is completed is table some copies of letters from Minister Copps regarding Bill C-27.

**Senator Prud'homme:** Honourable senators, I am not wheeling and dealing on behalf of Senator Gauthier. However, I am trying to be helpful to the government for the major piece of legislation that it wants to pass prior to the adjournment.

We do not play the games of the House of Commons. That is why I conduct these matters openly and in public. All the interested parties are here. We could do much. There may be a vote or anything you want. The honourable senator knows the rules and he knows I am getting to become like Senator Frith. My new Bible is the red book, not the political Red Book. We are trying to be helpful.

Some senators may suggest that I am only interested in my own interests. However, I would also ask about the item standing in the name of Senator Perrault. He will not be back before Parliament comes back. I know some senators would like to speak to the matter. I am one of them, but I am willing to not speak.

There are three items in Senator Gauthier's name, two of them stand in my name and one under the name of Senator Roche. People seem to be determined to get to reports of committees that are debatable and will be debated. Then we need unanimous consent for six o'clock. We look stupid by refusing, but some will say once in my life I will say "no." However, I want to listen to Senator Callbeck. That is a major piece of legislation. Unanimous consent will be needed for that and for third reading, too.

This is not a session of blackmail; I am not made like that. It is not my style. If I were to blackmail, I would do it privately, and I have never done it. However, there are things that are debatable and will be debated.

You want to get to the major pieces of legislation. I am now in the hands of Senator Kinsella who has many items standing in his name and to honourable senators who are determined to get their day. They may not get their day, because their day is debatable, amendable and votable.



**Senator Hays:** A brief comment, honourable senators. There are a number of items that the honourable senator has adjourned or that are standing in his name or in other senators' names to which the Honourable Senator Prud'homme would like to speak. That is a Herculean task to speak to them all today. I do not think that is what he wishes to do. I know he wishes to speak to some of them. I do not think that is the problem. We can do that and I am sure that we could accommodate a long morning tomorrow morning to deal with things, but voting on them is the real issue.

I will take my seat. I understand the senator to be saying that we should proceed and see what happens. I appreciate very much, as in the past, Senator Prud'homme's assistance with our business by allowing us to proceed with the contraction of the two-day or one-day notices that are required.

• (1710)

I recall what the honourable senator said, and he will recall what I said, about Senator Gauthier's motion regarding a committee on official languages.

**Senator Kinsella:** Honourable senators, Senator Prud'homme has drawn our attention to a passage that is inscribed on the walls of the Speaker's chamber concerning order. There is another quotation, which Senator Grafstein is well aware of, being a great student of St. Thomas Aquinas, and that is "*Sapientia est ordinare.*" Translated to English, it means "Order is the essence of wisdom." That is why this discussion is very important. As we are operating under extraordinary circumstances, in terms of the press from the other place, we need to know what our order will be over the next two days.

We, the Official Opposition, are committing ourselves to assist in the passage of government legislation, in particular Bill C-45. If we get Bill C-44, the Employment Insurance bill, we would undertake to expedite our consideration of it, going through all stages, with Committee of the Whole. That would happen tomorrow, if we get the bill.

Speaking of tomorrow, it is my understanding that the thinking of the other House is that there will be Royal Assent around noon tomorrow. If that is the case, we have to hear early in the day their disposition on Bill C-41, or Royal Assent will have to be later in the day.

We recognize the priority of government legislation and do not see the priority of other issues on the Order Paper. Therefore, today we will go through the entire scroll and will participate in debate on everything that is standing in our name. Nothing will be stood from our side on which we know that people want to participate in a wholesome debate.

However, with regard to tomorrow, we suggest, as I believe Senator Prud'homme is suggesting, that we recognize government legislation. We will do what we can to be helpful to deal with that legislation, but we do not see ourselves dealing

with items tomorrow other than items under Routine Proceedings and government bills.

**Senator Hays:** Honourable senators, if I understand correctly, Senator Kinsella is agreeing to sit tomorrow and to do what we can to deal with Bill C-44, and that of course we will have a Royal Assent, because there are a lot of bills that require Royal Assent, but that, apart from items under Routine Proceedings, we should not be voting on other matters.

We would normally adjourn until 9 a.m., and I think we will leave it at that, but perhaps we should reflect in a house order today what we will deal with tomorrow. As I understand it, we would go through the Order Paper and deal with proceedings on Bill C-44, and if we get it, have Royal Assent. We would not vote on anything else, or perhaps even leave matters standing on the Order Paper for next week, if we do sit next week. We could deal with that under a house order before we finish our business today. It is probably best done immediately prior to the adjournment.

**Senator Kinsella:** That is agreed.

**Hon. Douglas Roche:** Honourable senators, I wish the deputy leader to understand that I fully respect his need to secure the government legislation that he has named.

I seek clarification. My motion, No. 83, deals with a change to the rules of the Senate. This whole discussion is predicated on the assumption that there is no day after tomorrow, so everything must be done. If I allow my motion to stand in the interest of cooperating with the Deputy Leader of the Government to get the business done before tomorrow, can I be assured that no other vote would be held on anything now on the Order Paper that changes the rules of the Senate?

I want to be sure that my question is clear. If I allow my motion to stand, can I be assured that no change in the rules of the Senate will be made under the arrangement now being put forward?

**Senator Hays:** Honourable senators, that is not what I meant when I said there would be no votes on anything tomorrow. That is my understanding of how we will leave things at the end of the day today. We would deal with nothing other than Bill C-44, if we get it, and Royal Assent. I suspect that we will not get Bill C-44 in light of the fact that I have just heard that an attempt to get unanimous consent to deal with it today has not been successful, but you never know about tomorrow. We would not vote on anything else. We would have a day of limited business tomorrow, but today any item on the Order Paper could be dealt with and voted on or not.

I believe that Senator Roche has in mind the eighth report. There is still a desire by our side to attempt to deal with that now. It will be up to the Senate to decide whether to vote. It is to be hoped that there will be a compelling, clear, and concise argument that will make it easy for us to decide whether to pass the eighth report.

To be clear, I did not say that that would not come up today, only that it would not come up tomorrow, that nothing would come up tomorrow except Royal Assent and Bill C-44, if we get it.

MOTION TO SUSPEND RULE 13(1) ADOPTED

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

That with respect to today's proceedings the provisions of rule 13(1) be suspended.

**The Hon. the Speaker:** Is leave granted?

**Some Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** Honourable senators, when it is moved that we suspend a rule, I should like to be given a chance to read that rule.

[Translation]

**The Hon. the Speaker:** Honourable senators, I thought Senator Hays had explained that, if we are in session or in the Committee of the Whole, the Speaker or the Chairman will not be required to rise at 6 p.m., and that the sitting of the Senate or of the Committee of the Whole will continue regardless of the time.

[English]

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

**Hon. Senators:** Agreed.

Motion agreed to.

• (1720)

LETTER FROM MINISTER OF HERITAGE REGARDING  
CANADA NATIONAL PARKS BILL TABLED

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, there is one other housekeeping matter for which I need leave. I must request leave to table a document pursuant to rule 28(4), which states:

28(4) With leave of the Senate, at the time provided in rule 23(6) —

— and we are past that time —

— any Senator may lay upon the Table any paper relating to the business before the Senate.

The paper I wish to lay before the Senate at this time, with leave — because the time as set out in rule 23(6) has passed — is a copy of a letter, in both official languages, from the Minister of Canadian Heritage with respect to an undertaking to introduce

[ Senator Hays ]

an amendment to Bill C-27 at a future date, which letter was read into the record by the Leader of the Government yesterday.

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

**Hon. Senators:** Agreed.

## MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

THIRD READING

**Hon. Thelma J. Chalifoux** moved the third reading of Bill C-14, 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.

She said: Honourable senators, I rise to address the Senate on Bill C-14, the Manitoba Claim Settlements Implementation Act. This proposed legislation will help us fulfil our historical obligations to Manitoba First Nations and at the same time foster conditions conducive to the economic self-reliance of First Nations.

As my fellow senators will recall, this legislation has two parts. Together, these will facilitate the implementation of claim agreements with Manitoba First Nations. Part 1 of the bill concerns the Norway House Cree Nation Master Implementation Agreement. Part 2 deals with the establishment of reserves in Manitoba under claim settlements. Specifically, Part 2 will help First Nations to use lands in ways that actively stimulate economic development and assist in building the strong self-sufficient communities envisioned in "Gathering Strength — Canada's Aboriginal Action Plan."

This proposed legislation meets several of the commitments that the federal government set out in "Gathering Strength," Canada's response to the Royal Commission on Aboriginal Peoples. That action plan called for a stronger partnership with aboriginal people. A prerequisite for developing such a partnership is an honouring of our past commitments.

Bill C-14 addresses two kinds of outstanding obligations on the federal government's part. First, it helps bring final resolution to problems that arose with the implementation of the Northern Flood Agreement as it affected the Norway House Cree Nation. Second, it addresses the implementation of settlements relating to treaty land entitlements and specific claims for First Nations in Manitoba.

Of these two types of land settlements, treaty land entitlements involve the larger amount of land. As my fellow senators are no doubt aware, treaty land entitlements are claims that involve the creation of reserve lands promised under treaties signed by the Crown and First Nations. For various reasons, not all First Nations in Western Canada received the full amount of land promised to them when they signed the treaties.

The federal government is committed to fulfilling Canada's obligation to provide additional lands to First Nations with treaty land entitlements. As a treaty land entitlement First Nation, the Norway House Cree Nation will benefit from both parts of Bill C-14.

While on the subject of the Norway House Cree, I should like to take a minute or two to revisit the background of the Northern Flood Agreement of 1977. Norway House is one of five northern Manitoba First Nations that were affected in the early 1970s by flooding caused by hydro-related projects on the Nelson and Churchill Rivers and by the Lake Winnipeg Regulation Project. The others were the Split Lake Cree, Nelson House, York Factory and Cross Lake First Nations. As a result of a hydro-related project, almost 12,000 acres of reserve land and more than 525,000 acres of non-reserve lands were flooded.

Let me mention some of the negative economic and social consequences that resulted from the massive flooding of the five First Nations communities. There was destruction of homes and properties, contamination of drinking water supplies, and disruption of water transportation routes. In many areas, traditional livelihoods of hunting, fishing and trapping ceased to be an option for First Nations people. They were forced to rebuild their lives.

Honourable senators, I wish to add here that it took the Englishman almost 500 years to rebuild his life through the industrial revolution, but he expected the Norway House and the other Cree nations in northern Manitoba to do it overnight.

In September 1977, the Northern Flood Agreement was negotiated to address the problems caused by the floods and to compensate the five First Nations for their losses. Unfortunately, that agreement failed to live up to its promise. It is a sad fact that weaknesses in the scope and language of the agreement prolonged the hardships of the five affected Manitoba First Nations.

In 1990, all parties to the Northern Flood Agreement — that is, Canada, the Province of Manitoba, Manitoba Hydro and the Northern Flood Committee, acting on behalf of the five First Nations — came together in an attempt to resolve this issue definitely. Four agreements followed from these discussions.

Norway House was the fourth Manitoba First Nation to sign an implementation agreement to settle outstanding commitments under the Northern Flood Agreement. Each of the four implementation agreements has included a financial compensation package and a community infrastructure program, as well as provisions for far more extensive new reserve lands that were promised under the 1977 Northern Flood Agreement and for fee simple ownership of other lands.

Parliament has already passed legislation concerning the agreements with Split Lake Cree, Nelson House and York

Factory First Nations. Part 1 of Bill C-14 will do the same for the Norway House Cree Nation.

The resolution of Norway House's Northern Flood Agreement issues will bring the community several distinct benefits. These include direct control over their master implementation agreement funds and fee simple lands, which will in turn enhance their opportunities to achieve their economic development goals. The Norway House Cree will also benefit through a locally run, and therefore more responsive, arbitration process for claims under the master implementation agreement and the Northern Flood Agreement.

All citizens of Manitoba and, indeed, Canada will also benefit, honourable senators, as Norway House becomes more self-reliant through a stronger community-based economy, and Canada will have honourably settled a liability by resolving issues outstanding under the Northern Flood Agreement.

The first provision of Part 1 relates to fee simple lands. Bill C-14 will ensure that any lands provided to Norway House in fee simple title do not become special reserves under section 36 of the Indian Act. Instead, they will remain as fee simple lands, held by a corporation established by Norway House. This means that the Norway House Cree will be able to use and control these lands as they see fit, within the parameters of the provincial land regime. The First Nation will be in a position to use the lands to stimulate economic development. It will exercise all the rights and options available to private landowners, something that was simply impossible under the cumbersome restrictions of the Indian Act.

The second provision, relating to compensation monies, will also enable the First Nation to operate outside certain Indian Act regulations that have severely hampered economic development in the past. Monies owed to Norway House under its implementation agreement will not be administered as Indian monies under the Indian Act. Instead, the monies will be paid to and administered through a trust created by the Norway House Cree Nation for the benefit of the First Nation and its members. Norway House will use these funds for a wide range of purposes, all of which support its members' well-being. These include socio-economic development, resource harvesting and remedial work.

Honourable senators will be pleased to note that important safeguards are in place to ensure that decisions made by the First Nation regarding the fee simple lands and monies are transparent, communicated to its membership, and in the community's best interests.

• (1730)

The third provision of Part 1 will give the Master Implementation Agreement precedence over the Northern Flood Agreement when a claim arises that could be settled or adjudicated under either agreement. This will lead to a locally administered, more effective approach to claims resolution.

The fourth and final provision of Part 1 of Bill C-14 will ensure Canada's involvement in arbitration proceedings conducted under the Manitoba Arbitration Act to resolve disputes under the Master Implementation Agreement. This will allow the arbitration of any differences over the agreement's implementation.

To sum up, Part 1 of this bill enables an implementation process that will better achieve the intended results of the Northern Flood Agreement.

I reiterate that we are not creating new commitments with this legislation; rather, we are living up to commitments. This is an honourable undertaking, very much in the spirit of "Gathering Strength."

Honourable senators, I should now like to consider Part 2 of Bill C-14 and its potential benefits for creating healthy economies for Manitoba's First Nations. There are 27 First Nations in Manitoba who did not receive their full land entitlement under treaty. Under the 1997 Manitoba Treaty Land Entitlement Framework Agreement, affecting 20 Manitoba First Nations, up to 450,000 hectares are to be set apart as reserve lands. Seven other Manitoba First Nations have treaty land entitlement settlements predating the framework agreement that involve another 62,000 hectares of land.

Far from being limited to these treaty land entitlements, Part 2 will expedite the implementation of all claim agreements across the province, existing or future, that contain commitments to expand the First Nations reserve land base. For example, existing specific claim and northern flood settlements in Manitoba will also benefit from Part 2.

Exactly how will Part 2 assist in implementing these settlements? In essence, it will do two things. First, Part 2 empowers the Minister of Indian Affairs and Northern Development to set apart as reserves any of the lands selected by Manitoba First Nations under a claim settlement agreement. With this provision, there will be no need to ask the Governor in Council to establish these new reserves — a time-consuming, laboured process at best.

The second, and more important goal of Part 2 is to establish effective mechanisms for accommodating and protecting third-party interests that are identified during the process of creating new reserves. Let me briefly outline why this is the case. Under the current wording of the Indian Act, a First Nation can only consent to the creation of interests on land that is already part of a reserve, not on land that is simply being proposed for reserve status.

As it now stands, therefore, the limitations of the Indian Act currently leave First Nations with only two options. One option is for the First Nation to buy out and cancel the interest. This is, however, often to no one's advantage, least of all the First Nation's, as such purchases can be expensive and cancellation will deprive the First Nation of rents or royalties the interest would have garnered. Alternatively, the Indian Act limitations

effectively eliminate from consideration many parcels of land that have an existing third-party interest. This can be the case even if that third-party interest is something as basic as a right-of-way.

This unfortunate reality arises because the First Nation cannot deal with a third-party interest until the land is granted reserve status. Understandably, the holder of that interest is unlikely to agree to the transaction without the First Nation's binding commitment that the holder's rights will not be at risk from the simple transfer to reserve status and the change of jurisdiction from the provincial to the federal.

Honourable senators, because of these legal and administrative complications, First Nations have often been forced to pass up the opportunity to add valuable lands to their reserves — lands that could have made a real difference to their communities' economic prospects.

Honourable senators, I want to point out yet another way in which this bill will assist First Nations in advancing their goal of self-reliance. The provisions of Part 2 will also enable a First Nation to use the pre-reserve powers to negotiate new rights that will come into effect once the reserve is created. This addresses a situation different from the more usual accommodation of an existing interest, and it means that First Nations will be able to take advantage of potential development opportunities on selected lands even before reserve status is granted.

I would ask my fellow senators to keep in mind that these provisions do not apply solely to treaty land entitlement First Nations in Manitoba. These mechanisms will be available, should they be desired, to all Manitoba First Nations with claim settlements that involve additions to reserves, both today and in the future.

As honourable senators can see, Part 2 of Bill C-14 will result in a much broader range of land being available to Manitoba First Nations, particularly lands that have existing development interests or potential. The proposed legislation will also accelerate the process of adding lands to reserves, which can then begin to contribute immediately to a brighter economic future for First Nations members.

As I noted earlier, this legislation may be technical in nature but its scope is far-reaching and promising. In the absence of Bill C-14, Indian and Northern Affairs Canada will need to transfer any newly acquired Indian lands to reserve status through the existing process. That long, complex procedure, taking from 18 months to as much as five years, is obviously a terrible hindrance to First Nations' economic development and would be an administrative burden on the department.

Bill C-14 will open a realm of commercial and job-creation possibilities, with untold benefits for future generations. For the sake of the present and future generations of Manitoba First Nations communities, and in the spirit of the new relationship envisioned in "Gathering Strength," this is a bill that most definitely deserves our support.

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to thank Senator Chalifoux for her third reading speech. She most certainly has covered many of the points that appear to be in the bill. I use the word “appear” advisedly. The honourable senator has gone into the detail and given her opinion as to what this bill means, and that is why I think it is important that Senator Chalifoux put it on the record. It is in fact her opinion that I have more reliance on than anything that I have heard of about this bill to this point.

This bill died twice on the Order Paper before, despite people both on this side of the house and elsewhere asking that the bill that affected the Norway House Cree Nation flood situation be brought here. Twice, despite comments made on both sides of this chamber, nothing happened. The bill died on the Order Paper. In fact, elections were coming, which did not give the government the will to proceed. One wonders why, in what appears to be the dying days of this session, there is suddenly an impetus to bring this bill forward. It would be interesting to investigate, to discuss, and to find out what is the impetus that has brought this bill to fruition today.

Honourable senators, I do not dispute what is said by Senator Chalifoux. It is very hard to do so, because this bill was not on a fast track here. Consequently, with other workloads, one does not look to bills, one continues to work on those that we have.

I want to pick up the thread that has permeated this chamber throughout our session, and that is that the Senate is systematically put in a position where it cannot do its work properly. Senator Taylor has addressed this, Senator Joyal addressed this, and our leadership on this side of the chamber continues to address the situation. Why do we receive bills — and particularly bills to do with aboriginals — in the dying days of a session? Why are we asked to act expeditiously on those bills? Why are we put in the position? Do we carry out our Senate responsibilities appropriately, and perhaps prejudice and risk losing some rights that aboriginals have, or do we favour the aboriginals and risk fulfilling our fiduciary responsibility to aboriginals appropriately?

Honourable senators, I wonder whether 125 years ago, when treaties were signed, people thought that they were as good as this bill is thought to be by Senator Chalifoux? Will people, 100 years from now, the ancestors of the existing nation, say, “You hurried too much, you did not look into the details, and now the legislation is not quite as good as you said it would be”?

• (1740)

That is my concern, honourable senators. I wanted to at least meet a test that said I did my job well, that I went through first reading, second reading, committee, and third reading, as we normally should. We should not have to be squeezed by time and the impatience of senators as well as the government.

This bill did not have the courtesy of the minister. The minister did not appear before the committee. There was no explanation given, no substitute, no parliamentary secretary —

no one came to defend this bill. That is an injustice to the aboriginal people, and it seems to be a mismanagement — and I use that word advisedly — by the Government of Canada. This mismanagement is systemic, it would appear, not an aberration. This is not the first bill to be treated this way by this government.

The minister did not appear before the committee. Officials appeared, made some preliminary statements, and then we heard from groups or individuals who are minorities within that First Nation. I remind honourable senators that our responsibility is to minorities as well as to the national interest and others. While our responsibilities are to aboriginal peoples since they are a minority in this country, we also have a duty to minorities within minorities, and consequently a duty to anyone who disputes with the majority in any First Nation. We must listen to them, and we did hear some of these witnesses. However, we ran into technical problems with our video conference, which added to the difficulties, and the committee struggled.

I had particular questions, and I think they were shared by some senators on both sides, but there was no one to answer the questions. Thankfully our clerk, being very astute, realized that some of us take our responsibilities seriously and telephoned departmental officials asking them to come back to answer questions. They were not at their offices. They were not monitoring this bill. I have never before sat in a committee where there has not been some government official or other political official sitting in to monitor what senators are saying. We had to call them back. I do not believe they are anything less than fine professionals, but I wonder what kind of leadership they are receiving from their political masters. When they arrived, I was pleased that they were able to answer some of the questions that troubled me. I want to go to those two areas now, honourable senators.

First, because the Norway House Cree Nation negotiated with the federal government and others, before the contents of Bill C-14 could be dealt with, the master agreement had to be ratified. The federal government, exercising its fiduciary responsibility, negotiated with that Cree nation a process to have the people within the reserve and those off the reserve vote. They established a formula that one would hope would be just and fair. The interesting thing to note here is that those complaining about this bill are complaining that in the ratification process, the vote failed. It did not pass. What happened then?

The federal government, exercising its fiduciary responsibility — which I suggest is not only to the majority in the reserve, the band councillors and the chief, but to each and every aboriginal caught under that agreement — then renegotiated a formula that lowered the bar. In essence, this formula made it easier to get a vote, and, yes, the ratification passed.

It may be just and fair to have gone through a second negotiation, but the perception of justice is as important as justice itself. Those who felt they were wronged by the second vote continue to believe that they are wronged by the second vote. That is the dilemma in this bill.

Where was the minister to explain his fiduciary responsibility and to tell us that it was necessary, advisable and, in the proper context, the right formula to choose the second time? Is it appropriate for the federal Government of Canada to be setting a formula and then changing it in consultation with the leadership of the First Nation? Is that how the government exercises its fiduciary responsibility to the minority within the reserve? I have some question about that. There should have been a more appropriate dispute-resolution mechanism.

Thankfully, honourable senators, the department officials we requested to come back were at least able to explain that issue to me, and therefore I would not stop this bill on that point. The explanation is that after the second rules were put in place, the members who voted, and the way they voted, would also have resulted in a majority by the rules of the first vote. That gives me some confidence that there was some element of support for this proposal. However, it is certainly not the proper way to proceed. There are dissidents who feel aggrieved and who will continue to feel aggrieved. I do not believe this is the way we should handle these situations.

The second area with which I had a problem arises from a curious clause in the master agreement relating to treaty rights. One should know that under these agreements, no lessening of responsibility by the federal government under the Indian Act occurs. All of the obligations of the federal government under the Indian Act continue and the Charter protections continue. In the master agreement, section 13.13.3 states:

Treaty Rights. Nothing in this Agreement is intended to alter the aboriginal or treaty rights of Norway House Cree Nation or other aboriginal peoples recognized and affirmed under section 35 of the Constitution Act 1982.

What do the words “is intended” mean? Many, including lawyers, have argued that words must have some meaning in legislation. Many of the previous agreements have said something to the effect that “nothing in this agreement alters aboriginal or treaty rights.” This agreement uses the phrase “is intended to alter the aboriginal or treaty rights.” There is some discussion — and I have only been able to read very quickly and superficially the submissions that have been made — that this in fact gives a suspicion that there will be some tampering with the treaty rights of the Norway House Cree Nation.

Fortunately, again, the department was able to provide a limited judgment by Justice Muldoon. When this matter was taken to court, he indicated that he was satisfied that section 35 would not be breached in the circumstances of this case. The decision was not appealed. The decision does not give me full comfort, although it gives me at least something to hang my hat on to say that perhaps the rights of the Norway House Cree Nation will be fully protected under section 35 of the Constitution.

However, it would seem to me that the federal government is beginning to take for granted aboriginal negotiations. Aboriginal groups see other contracts and they see these contracts are

substantially the same and that words are slipping into them. The department officials say they now have a few other agreements that contain those words. I wonder why those words are being put into those agreements. Why do we not clearly state, particularly for minorities within the Norway House Cree Nation, that their rights are fully intact as individuals, as indeed section 35 contemplated?

• (1750)

The submission was troubling in that it referred throughout to the “Norway House Cree Nation bill.” In fact, Part 2 of the bill could trap as many as 30 other First Nations. It is not mandatory for other groups to negotiate pursuant to this bill. Consequently, I am less worried about it. However, it certainly sets out a structure that we have not studied and about which we have not heard from other groups. We were told simply that it was a housekeeping matter and that it was necessary for the Norway House Cree Nation. We have no idea whether the minister will negotiate using this formula or another with other nations. The department said that, of course, other negotiating techniques could be used, yet I did not hear the Government of Canada undertake that possibility.

In conclusion, honourable senators, yes, we are caught in the same dilemma. Do we continue year in and year out to prejudice aboriginal peoples, or will senators do their jobs well? I have cried wolf so many times about aboriginal and committee processes that I give the undertaking to aboriginals who have come before our committee and the Senate that at least from this side of the house we will not take aboriginal rights as lightly as they have been taken in the seven years that I have been here. This is no way for us to resolve our differences and our relationships with aboriginal people. What has taken place up to now has been ad hocery and, in my opinion, mismanagement of one of the fundamental issues facing Canadians today. This is not how aboriginal people should be treated. This should be our highest priority. It should not be something for which we wait at the pleasure of the government to slip in from time to time.

I commiserate with Senator Chalifoux. She is committed to furthering issues for aboriginal peoples, as am I. Perhaps we disagree on the way to get there, but not on the ultimate goal.

I am not asking that this bill be delayed in any way. I believe that we have aired the differences. I have put my opinion on the record. The aboriginal people who feel they have been prejudiced have recourse to the courts. That is not my best answer. It is not the best way of dealing with aboriginal people. I think I would be creating another problem if I were to delay it any further.

I cannot state that there is a commitment from the Government of Canada to “Gathering Strength.” There cannot be a commitment to “Gathering Strength” if no minister in five years cannot find the time to pilot this legislation through the process. I cannot think that any minister who has any commitment and any understanding of fiduciary relationships would take such a cavalier attitude to the fundamental rights of aboriginal peoples. I will continue to state that.

I am very pleased that I have the support of the Progressive Conservative members of caucus. I have heard Senator Taylor, and others, who have said, "We do not care what government is in place. We will do our job, and we will do it appropriately."

**Hon. Sharon Carstairs:** Honourable senators, I just want to say a very few words on this bill. I must say that I do not disagree with very much, if any, of what Senator Andreychuk has to say. What she has alluded to is that this bill has died on the Order Paper twice before. The one bit of information that I can give her is that perhaps the bill is at the point it is now because some of us said, "Enough is enough. Let us get this bill passed."

Honourable senators, it has been 23 years since the Manitoba Northern Flood Agreement was signed — 23 years. We flooded — and I say "we," Manitobans, through the Manitoba government — flooded 4,800 hectares. We would not have done that, I can assure honourable senators, if that land had been in southern Manitoba. We did it because it was in northern Manitoba. After all, most of the people living in northern Manitoba are aboriginal. Therefore, their needs on the spectrum of things are somehow or other not quite so important. Well, they are important!

This proposed legislation, and I am thankful for everyone who will vote for it tonight, including Senator Andreychuk, finally rights a wrong, a wrong that successive governments of the Province of Manitoba and of Canada have failed to address.

Finally, justice will be achieved for those who were flooded as a result of this agreement. Finally, they will have their day.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, we will proceed to the motion for third reading.

It was moved by the Honourable Senator Chalifoux, seconded by the Honourable Senator Watt, that the bill be read the third time now.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

### BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

#### THIRD READING

**Hon. Jack Wiebe** moved the third reading of Bill C-41, to amend the statute law in relation to veterans' benefits.

Motion agreed to and bill read third time and passed.

### CANADA HEALTH CARE, EARLY CHILDHOOD DEVELOPMENT AND OTHER SOCIAL SERVICES FUNDING BILL

#### SECOND READING

**Hon. Catherine S. Callbeck** moved the second reading of Bill C-45, respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Bill.

She said: Honourable senators, it is an honour to present for second reading Bill C-45, the Canada Health Care, Early Childhood Development and Other Social Services Funding Bill.

This legislation stems directly from the landmark agreements that were reached on September 11 of this year in Ottawa when the 14 first ministers gave their commitment to strengthen and renew health care services. The purpose of Bill C-45 is to implement \$22.6 billion in new federal investments, most of which will be added to the Canada Health and Social Transfer, or CHST.

The first measure in the bill will increase the CHST by an additional \$21.1 billion over five years. This will provide the provinces and territories with stable, predictable and growing funding for health, post-secondary education, early childhood development and other social programs.

The current CHST legislative framework will be extended to provide a five-year funding plan. To ensure further predictability, by the end of 2003-04, the federal government will establish the CHST cash transfer for years 2006-07 and 2007-08. This new funding commitment establishes unprecedented planning stability and certainty for the provinces, to allow them to go forth and to help renew our health care system.

This means that the provinces and territories can now give top priority to accelerating the changes needed to provide high-quality health care and supports for early childhood development, as well as strengthening other social programs.

Honourable senators, of this \$21.1 billion in new CHST funding, \$2.2 billion has been earmarked for a major early childhood development initiative. Throughout the first phase of its study into health care in Canada, the Standing Senate Committee on Social Affairs, Science and Technology heard much testimony on the importance of early childhood development and its effects on the later stages of life. Most of you will be familiar with the Early Years Study conducted by the Honourable Margaret McCain and Dr. Fraser Mustard. In this report it is stated that the early years are critical to a child's development. This study brought together powerful new evidence from neuroscience that the early years of development — that is, up to six years — set the base for competence and coping skills that will affect learning, behaviours and health throughout life. That is why the money provided for early

childhood in Bill C-45 is so important. The \$2.2 billion will ensure greater coordination and availability of existing services and supports for children in their formative years, and it will establish a foundation for healthier children. This new federal-provincial-territorial initiative will help provide Canadian children with a good start in life at a crucial stage of their development.

The third initiative covered in Bill C-45 provides for a \$1-billion federal investment in a Medical Equipment Fund so that the provinces and territories can acquire much-needed diagnostic and medical equipment over the next two years, such as MRIs and CAT scans. Provincial and territorial governments will determine their own medical equipment needs and can begin drawing down these funds as soon as this bill is passed.

Honourable senators, the fourth and final initiative I will talk about today is the \$500 million earmarked in Bill C-45 to strengthen Canada's national health infrastructure, which will improve the quality, access and the timeliness of health care. This money will be provided to an independent corporation that will be mandated to accelerate the development and adoption of modern information and communication technology systems, such as electronic patient records.

Funding for health information technology was raised time and time again during the recent hearings of the Social Affairs Committee. Members of the committee heard of the importance of providing funding, the likes of which we have under this legislation, for such things as electronic patient records, in order to enable health care providers to exchange information effectively and therefore to increase the overall efficiencies in the system.

Honourable senators, sharing information among health professionals and over distances will help to ensure that health professionals have access to the information they require to provide Canadians with the best possible care.

Before concluding, I wish to mention two amendments made to this legislation in the House of Commons. The first amendment added the following wording to clause 2: "taking into account the population of that province." Essentially, the purpose of this amendment is to clarify that the \$1 billion for medical equipment will be awarded to the provinces on a per capita basis.

The second amendment changed clause 3 by adding the words "common data standards to ensure compatibility of health information." This amendment narrows the wording of the bill by changing Canada-wide standards to common data standards. The purpose of this amendment is to ensure that the wording in the bill is the same as that found in the original first ministers meeting communiqué on health.

Honourable senators, the monies provided for in Bill C-45 will provide the provinces and territories with CHST funding that is

growing, stable and predictable so that they can plan for the future. Canadians can now be assured of the unwavering commitment of their governments to renewed health care, support for early childhood development and other social programs. This is a very important piece of legislation, and I urge all senators to pass this bill without delay.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am interested that Senator Callbeck said there were two amendments made to the bill. As far as I know, we do not have printed copies of those amendments. The only copy of the bill that I have is the one that was given first reading on October 4. I assume these amendments were passed today or yesterday, but I do not believe they have been printed for distribution in this chamber. It is essential we have them before we go into committee.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I agree. I, as deputy leader, will get copies of the amendments and have them distributed so they will be on senators' desks before we go into Committee of the Whole. I will try to attend to that during the course of the balance of debate.

**Hon. Brenda M. Robertson:** Honourable senators, I had many notes on this issue, but to save time, I will simply follow an executive summary I had prepared concerning the financing of health care. I will go into no other part of the legislation except that particular point. I shall try to sum up as ably as I can.

Honourable senators, in my humble opinion, there is a fiscal imbalance between the federal government and the provinces even after the federal transfer system is taken into account. The distribution of revenues has favoured the federal government since the Second World War, even though provinces provide highly valued health and social programs. Even without any transfer of spending responsibilities between governments, the existing fiscal imbalance is likely to widen.

Most observers agree that future cost pressures will fall disproportionately on provincial areas of responsibility, while at the same time the federal government is poised to collect a fiscal dividend from the fact that the built-in growth of its revenue sources is expected to outstrip its spending responsibilities.

Discussion of national fiscal priorities has long been confused by the federal government's claim that part of provincial income tax revenues constitutes a federal contribution to social programs. In essence, the federal government is trying to take credit for revenues derived from tax points that shifted to the provinces 23 years ago. This obscures Ottawa's shrinking cash commitment to social programs.

There is a lot support in the general community. In our committee we heard from people like Monique Bégin. We are suggesting that this federal government should abandon its misleading position.



On the issue of tax points, this notional link between the CHST and certain tax points, they were shifted by Ottawa to the provinces in the years leading up to and including the creation of the Established Programs Financing, or EPF, in 1977. Although the federal government has preserved this notional link, the tax points are own-source provincial revenues. They are not an ongoing federal transfer to provinces any more than the provincial tax room shifted under the wartime tax agreements constitutes an ongoing provincial transfer to the federal government. Those tax points were borrowed during that period of the Second World War. They were borrowed from the provinces as a contribution to the war effort, and they were never given back until 1977.

The provinces are continually waging that general disagreement and that argument with the federal government.

• (1810)

These tax points can create a misleading picture of the size of cuts to federal health and social transfers. It is unfortunate because it seems to be such a silly argument that the federal government puts forward from time to time when it is trying to justify the cuts in its transfers.

The right distribution of fiscal resources between the federal government and the provinces means dealing with both the existing imbalance and the need for new financial arrangements to reflect any coming rebalancing of federal-provincial roles. It is important that the provinces, which have the responsibility of delivering these services, are compensated by the federal government in the appropriate manner.

I am sure Senator Callbeck would have the same sort of reflection on the transfers, especially to the smaller provinces. After the last discussions and arguments, I believe we in New Brunswick received enough money to run the system for two weeks, which is not very much.

I foresee in the years ahead a lot more discussion on fiscal arrangements between the federal government and the provinces in the delivery of health care. There is no doubt that costs are escalating as our population grows older. There seems to be no end to the escalation.

I do agree with the federal government in one particular instance. We need to develop a different model of providing medical services. When we walk through our hospitals today, in any province, in any city, we find a lot of patients lying around who could be better treated in their own homes and communities.

The hospital of the future surely must accommodate those who are critically ill or who are having invasive procedures. With today's technology, I would argue that the rest can be cared for sufficiently and more adequately if those services are either given at home, in clinics attached to industry or, often, in the schools. More and more, we have to push the system that way and out from under the roof of the traditional hospital. Hotel-hospitals are very expensive.

A lot is said about the dreadful cost of drugs. I am sure you would agree that many of these drugs replace days and days, perhaps months, of very expensive hospital care. Because of modern technology and new-drug development, the provinces are saving a lot of money. If a prescription costs \$100 per day but it keeps the patient from being admitted to the hospital, as many of these new drugs do, that is cheaper than hospital care at \$800 or \$1,200 or \$1,500 per day. That argument is never properly put forward.

I look forward, as you all do, to hearing the minister. I trust we will have a good debate.

**Senator Hays:** If other honourable senators wish to speak, I do not want to interrupt, but we are awaiting copies of amendments that were referred to by Senator Callbeck. They should be here shortly. Honourable senators, I know of one item on the Notice Paper under the heading of "Other," specifically number 12, the debate on the inquiry of Senator Poulin calling attention of the Senate to the decision of the Ontario government not to adopt a recommendation to declare the proposed restructured City of Ottawa a bilingual region.

I know Senator Kinsella wishes to speak. Could we have leave to deal with that item now while we are awaiting copies of the amendments?

**The Hon. the Speaker:** Honourable senators, we have a motion before the Senate. We cannot have another motion until we dispose of this one. Would there be agreement to giving the bill second reading and referring it to committee? Then we can delay the committee portion until such time as the copies arrive. Is that a solution that would suit the Senate?

**Senator Hays:** His Honour has suggested, I guess, that we go into Committee of the Whole now — Senator Callbeck has made a motion to that effect — but that we not begin our proceedings in Committee of the Whole until such time as we have received and distributed to all senators present copies of the amendments that were made. I am told in discussion with the Table that it will probably be about five minutes.

**Senator Lynch-Staunton:** Can someone confirm that the message received from the House of Commons had in the bill the amendments that Senator Callbeck drew to our attention?

**Senator Hays:** I have asked the Table if the document we received contained the amendments. I have not seen it, but the information I have is that, yes, it does and that the bill is now being reproduced with the necessary changes from the bill that was distributed here earlier for first reading. We do have it, but we do not have copies of it for distribution yet.

Again, I would suggest, honourable senators, that we follow the Speaker's suggestion, go into Committee of the Whole and await the commencement of discussion under the Committee of the Whole until we have first distributed the amended bill or amendments to the bill.

**Hon. Betty Kennedy:** Honourable senators, I am very interested in the comments about home care because there are already moves along that direction. It is not unusual, in my own personal experience, to see a stroke patient who was sent home after a week. Then a physiotherapist, a speech therapist and occupational therapist attend that patient at home every week. That treatment could have been done in the hospital but was done at home under much more pleasant circumstances and certainly under less expensive circumstances. That kind of move is underway and is being done.

I am pleased that the bill includes funds for the technical side of gathering information which I think will be one of the most important aspects of our health care. If you can have your record readily available so that people do not always have to start from scratch, the benefits are very obvious.

I am delighted with this bill. I am delighted with the funds that are going forward and I am delighted with the direction in which those funds have been allocated.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, it was moved by the Honourable Senator Callbeck, seconded by Senator Kennedy, that this bill be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

CONSIDERED IN COMMITTEE OF THE WHOLE

**The Hon. the Speaker:** When shall this bill be read the third time?

**Hon. Catherine S. Callbeck:** Honourable senators, I move that the bill be referred to the Committee of the Whole as soon as we receive copies of the amendments.

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

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, how can we adopt and read the second time a bill which we do not have in front of us? Some may call it picky, but I call it improper procedure.

**The Hon. the Speaker:** Honourable Senator Lynch-Staunton, I asked if there were any other honourable senators who wished to speak, then I put the motion.

**Senator Lynch-Staunton:** I assumed, because the bill was not in front of us, that we would wait. Senator Hays told us he was waiting for a copy of the bill before he proceeded.

**The Hon. the Speaker:** That is before we proceed with any of the work in the committee.

**Senator Lynch-Staunton:** We just received it to vote second reading. My question is how can we vote on a bill at second

reading or even at first reading if we do not have the bill before us?

• (1820)

**Hon. Dan Hays (Deputy Leader of the Government):** We do have the bill. At least, we have the message on the Table; what we do not have is the bill in proper form distributed. The process of going into Committee of the Whole anticipates that we have given second reading to the bill. I suggested that we go into Committee of the Whole and await the bill before we begin our deliberations.

However, honourable senators, we now have the bill and it is being distributed. Perhaps we can now deal with Senator Callbeck's motion to go into Committee of the Whole.

**The Hon. the Speaker:** Honourable senators, the bill is now before you. It has been distributed.

**Senator Lynch-Staunton:** No, it has not.

**Hon. Mabel M. DeWare:** We do not have it yet.

**The Hon. the Speaker:** I believe that all honourable senators now have a copy of the bill.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, may I ask a question of the mover of the motion currently before us?

**The Hon. the Speaker:** The motion that we move to Committee of the Whole is debatable.

**Senator Kinsella:** Is the bill that is being referred to Committee of the Whole Bill C-45, which has four pages?

**Senator Hays:** It has three pages.

**The Hon. the Speaker:** The bill has three pages, plus the notice from the House of Commons.

**Hon. Sharon Carstairs:** Honourable senators, I have a copy of the bill in front of me. It does not appear, at first glance, that the amendments are in it. If we do not have the complete bill, with amendments, we should not proceed to Committee of the Whole, unless we have a supplemental copy of the amendments. I do not have those at my desk at this time.

**The Hon. the Speaker:** Honourable senators, I have here the amendments as originally passed. I have them only in French and you can verify them yourselves.

[Translation]

That Bill C-45 be amended:

At clause 2, by substituting the following at line 13, page 2:

“...establishing the trust, taking into account the population of that province.”

That Bill C-45 be amended:

At clause 3, by substituting the following at lines 19 to 23 on page 2:

“...Health for the purpose of defining standards governing shared data to ensure the compatibility of health information networks.”

[English]

I have been assured that what has been distributed is the bill with the amendments. Verification of the French text indicates that that is so.

**Senator Callbeck:** Honourable senators, the bill I have here does not contain the amendments.

**The Hon. the Speaker:** This is the final bill with the amendments included.

**Senator Callbeck:** This was just distributed and the amendments are not included.

**The Hon. the Speaker:** I do not have the English amendments at the moment. Perhaps someone can translate and verify that the English correctly reflects the French that I read.

Honourable senators, I have read the French amendments and have been assured that they are in the text. Someone who is comfortable with both languages assures me that it is also in the English text. Therefore, this is the final bill, as amended.

It was moved by Senator Callbeck, seconded by Senator Kennedy, that the bill be committed to the Committee of the Whole.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on the bill, the Honourable Rose-Marie Losier-Cool in the Chair.

**Senator Hays:** Honourable senators, I ask that we invite the Honourable Jim Peterson, Secretary of State (International Financial Institutions) to participate in the deliberations of the Committee of the Whole.

**Senator Lynch-Staunton:** Where is the Minister of Health?

**The Chairman:** Is it agreed, honourable senators, that we ask the Honourable Jim Peterson to participate in the deliberations of the Committee of the Whole?

**Hon. Senators:** Agreed.

**The Chairman:** Honourable senators, is it agreed that rule 83 be waived?

**Hon. Senators:** Agreed.

Pursuant to rule 21 of the *Rules of the Senate*, the Honourable Jim Peterson, Secretary of State (International Financial Institutions), was escorted to a seat in the Senate Chamber.

**The Chairman:** Welcome, Mr. Peterson. I believe you have an opening statement, after which we will proceed to questions.

**Hon. Jim Peterson (Secretary of State (International Financial Institutions)):** Honourable senators, the Honourable Paul Martin told me that he appeared before you a short time ago to deal with the Canada Pension Plan bill. He said to me, “Jim, I commend to you the experience of appearing in the other place.”

I am very honoured to be with you. This is a historic accord, an accord among 14 first ministers, an accord protecting and enshrining the values of the Canada Health Act and creating a new system of accountability, an accord to ensure that the provinces can go about the task of ensuring that Canadians have a first-rate medical care system.

• (1830)

**The Chairman:** We will begin with our questions for Mr. Peterson.

**Senator Robertson:** Thank you for coming here tonight, Mr. Minister. I am not sure who your officials are at the table. You might enlighten us, please, with their names and capacities.

**Mr. Dominique LaSalle, Chief, Strategic Planning, Federal-Provincial Relations, Department of Finance:** I am pleased to be here tonight.

**Mr. Glenn R. Campbell, Senior Policy Analyst, Federal-Provincial Relations, Department of Finance:** I am also happy to be here this evening.

**Senator Robertson:** I always knew that Finance controlled Health, but it is unfortunate that no one is here from the Department of Health.

I wish to restrict my questions to the health components. I am from the province of New Brunswick. As you know, there has not been much benefit to us and to some of the smaller provinces. Two weeks' relief is not a great amount. However, that is not the issue that I wish to talk about right now.

There is a national and a notional link between the CHST and certain exploits that were shifted by Ottawa to the provinces in the years leading up to and including the creation of the Established Programs Financing in 1977. Although the federal government has preserved this notional link, the tax points — that is, our own revenues — are not an ongoing transfer any more than the provincial tax shifted under the wartime tax agreement constitutes an ongoing provincial transfer to the federal government.

I should like some clarity from you gentlemen concerning why the federal government continues to insist that you must count tax points when you are looking at the accumulated money that is supposed to go to the provinces. I do not understand that. They were borrowed from the provinces at the time of the Second World War as part of the war effort and they were not given back to us until 1977. I think we should forget all about them. It is a silly argument, in my humble opinion.

**Mr. Peterson:** I thought I understood the concept of tax points very well until I tried to explain it to the ambassador from the United States. After my very lucid five-minutes on the subject, he said, “Jim, forget it. No one will ever understand tax points if you are the one who is trying to explain it.”

I have never heard the argument going back to the transfer from the provinces to the federal government.

**Senator Robertson:** That is the wartime tax rebate.

**Mr. Peterson:** It has never been part of anything that I have studied. That is an interesting revelation to me. I can assure you that it causes me incredible difficulty in trying to explain what tax points are and that they should count in the equation.

However, if one tries to judge this issue from an historical basis and what we previously had given before we had to go into the cutting mode in 1995 in terms of transfers to the provinces, then, yes, cash is much easier to look at. Under those programs, before we had given up the tax points in lieu of the cash, that was part of the equation. Some people wanted to talk about a 50-50 sharing or a certain percentage of the funding coming in this way, and I suppose that is why it is done.

**Senator Robertson:** That is part of the explanation we get on a continual basis. However, you cannot go back just to 1977. I think you have to go back to the initial transfer of tax points during the war effort. I hope that the government comes to its senses and says, “Forget about it. We are going to transfer your dollars, because those tax points belong to you in the first place, to help you not only with health but also with roads, education and everything else under provincial jurisdiction.”

I would hope you would take that message back to the government. The provinces do have a significant argument in this regard.

**Mr. Peterson:** It would sure be a lot easier to explain to the Americans.

[ Senator Robertson ]

**Senator Robertson:** That is one of my major annoyances in this continual argument. It is unfortunate that there were not sufficient funds. Some provinces are elated about the money they will receive from the recent negotiations as defined in this piece of legislation, but those of us who come from smaller provinces are having a difficult time with this.

You have heard the comments of my own Minister of Health and my own Minister of Finance from New Brunswick. You have also heard comments from the Premier of Nova Scotia. You see, the government does not seem to understand that although the smaller provinces receive the same treatment as the larger provinces, provinces with small populations require an increased amount of money to provide a base for the other services. However, they do not have the population to adequately fund that base as do the larger provinces. This difficulty is generic to all health systems. That is an area where the accounting does not work particularly well.

**Mr. Peterson:** Senator, I can assure you that the issue of the basic infrastructure has been brought to our attention in cabinet by Senator Boudreau on a number of occasions. He has spoken about needs not only in terms of health care but also in terms of education, research capacities, and so on, and achieving a critical mass in that respect. I appreciate very much the point you are making.

**Senator Robertson:** Just do something about it, then.

**Senator Lynch-Staunton:** Minister, I, too, am mystified as to why you are being asked to carry this bill and why we do not have someone from the Department of Health here to discuss the health care situation in Canada and its problems and to answer questions on the priorities that this five-year program will address. Perhaps you are equipped to do so. I admire you for that because you have enough on your plate as it is. Why is someone from the Health Department not here?

**Mr. Peterson:** I was going to say that I was fortunate and drew the short straw, but I am not really sure what the answer is to that question. The bill is in my name because it was deemed to be a Finance bill. Perhaps this is why I had carriage of it through the House of Commons, and perhaps that is the reason I am with you today.

**Senator Lynch-Staunton:** That means we can only talk about dollars and not about health care. I do not want to put you in the position of having to answer when someone else should be here giving the answers.

**Mr. Peterson:** I can only endeavour to respond to any concerns you have. If you do have some for which I am not capable to respond, I would be happy to take them back and try to get a response to you.

**Senator Lynch-Staunton:** Can you come back next week and give us further explanation?

**Mr. Peterson:** Will the Senate be sitting next week?

**Senator Lynch-Staunton:** It is quite prepared to do so.

I am interested in this payment of \$1 billion that the Minister of Finance may make in the current fiscal year to a trust. Clause 2(1) uses the phrase “in accordance with the terms of the trust indenture.” Can you elaborate on what the trust is all about and who elaborates a trust indenture? Does it exist at the moment? If not, what will be in it?

**Mr. Campbell:** I can give you a slight explanation.

• (1840)

**Senator Lynch-Staunton:** I do not want a slight explanation. I want a full explanation.

**Mr. Peterson:** I shall endeavour, senator, to tell you what I understand about it, and then I will ask Mr. Campbell to elaborate.

We have done a great deal of front-end loading to make sure that we have a budget expenditure in the current year, even though the funds may be disbursed at a later moment. We have used this in a number of areas, such as the Canadian Foundation for Innovation. However, I will turn this over to Mr. Campbell, who has better knowledge of it than I, sir.

**Senator Maheu:** I have a point of order, Madam Chair. Mr. Minister, is it normal for civil servants to respond to members in Committee of the Whole?

**Mr. Peterson:** Honourable senator, in the other place, they assist, particularly when you have a minister who is not totally competent. We have found them very useful in that place. However, we will certainly respect any practices of this place.

**Senator Corbin:** On that point of order, I believe the practice in this chamber has been that officials utter, in a low voice, advice to the minister, who is charged with the responsibility of answering questions. That has been, as far as I know — and I have been here 16 years — the tradition of the Senate.

**Mr. Peterson:** Apart from allowing us to book it this year, when we do have the funds on hand, senator, it allows the provinces the flexibility of drawing on it when they want it. They do not have to take it immediately.

**Senator Lynch-Staunton:** There is \$1 billion, which may be set aside. It is optional. It is not compulsory.

**Mr. Peterson:** That money is there. It is not conditional.

**Senator Lynch-Staunton:** It says, “The Minister of Finance may make a direct payment of \$1 billion.” That does not sound compulsory to me. It does not say “will make;” it says “may make.”

**Mr. Peterson:** This is part of a deal that the Prime Minister has made with 13 other first ministers. It is a deal that will be honoured.

**Senator Lynch-Staunton:** Minister, the deal may be a fine deal, but the deal will be executed or confirmed through legislation that is before us. All I am doing is reading out loud that there is \$1 billion that is to be provided for the funding of various modern medical diagnostic and treatment equipment, and so on, and that that payment “may be made by the Minister of Finance.” I am wondering why it is “may” instead of “will.”

**Mr. Peterson:** I am informed that the word “may” is used because we are establishing a trust, and until that trust is established we could not have used any more direct word. However, this is, quite frankly, a legal question that is beyond my competence, senator.

**Senator Lynch-Staunton:** Can we try something else? Let us look at the trust indenture. Why is a trust indenture required, and who participates in the elaboration of the trust indenture?

**Mr. Peterson:** This will be worked out by Finance officials with Justice, but with a view to meeting the requirements of the Auditor General, so that the funds are definitely taken from any surplus we might have for the current fiscal year. Certainly, the provinces are beneficiaries of it, and we are the settlor of that trust.

**Senator Lynch-Staunton:** You are the what of the fund?

**Mr. Peterson:** We are the settlor of that trust, as the federal government.

**Senator Kinsella:** Does that mean trustee?

**Mr. Peterson:** No. The trustee will hold the funds for the beneficiaries, which are the other levels of government.

**Senator Lynch-Staunton:** Clause 3 reads as follows:

The Minister of Finance may make a direct payment of \$500 million for the fiscal year...for the purpose of defining standards governing shared data to ensure the compatibility of health information networks.

Can you elaborate as to exactly what that means? I find this so vague that, quite frankly, I think I am wasting my time here.

**Mr. Peterson:** As I understand it, we have yet to set up the corporation that will facilitate this.

**Senator Lynch-Staunton:** Exactly. This legislation was passed in the House of Commons in haste, is drawn in very vague terms, and you unfortunately are put in the position where you are unable — and this is not a criticism; it is a fact — to answer certain questions regarding the health services that the provinces, the territories and the federal government together should and must provide to Canadians. I am sorry they put you in that position.

I would like to know the priorities of the Canadian government in the next five years. I would like to know which areas of Canada are deemed to be the ones that have the greatest priorities, and in what areas. I would like to know the thoughts of the Government of Canada on the reorganization of hospitals in Montreal into two mega-hospitals in which they have a very direct interest. I do not want to spend all night talking about local problems, but I would have liked to have had a general overview of the Canadian government's thoughts and priorities on the health system in Canada, particularly as it is committing itself, unfortunately for only five years.

I would like to know — and that may be one of my last questions — why we do not have long-term financing, assured financing, for health care in Canada rather than short-term financing. It takes five to ten years to train one doctor — at least five, if not ten, depending on the specialty — but after six years, as this five-year financing does not go into effect until 2001, you will be back to square one, with no guarantee in the third or fourth year that the level of financing, which appears to be increasing year by year, will continue to increase.

If you are unable, minister, to comment on the health aspect, which this bill touches on directly, I will try to limit myself to questions with which you are more comfortable. I think you should fault whoever sent you here for putting you in this position.

**Mr. Peterson:** If I could just respond to that, honourable senator, this historic accord outlines certain shared priorities of all of us. There is the CHST transfer, which, of course, does not have strings attached to it, but there is \$1 billion for new equipment, \$800 million consecrated to primary care, and \$500 million for the new technologies, bringing them into the issue of patients' records and things like that.

Perhaps the federal government should have endeavoured to be more direct, but we would have run the risk of interfering in an area of provincial jurisdiction as to the precise details. Therefore, we have chosen to leave a lot of those priorities up to the provinces themselves but with an accountability procedure under which their local constituents, the people living in the provinces and regions, will be able to see what the precise priorities of the provincial governments were.

**Senator Lynch-Staunton:** I will end here, then. Can you explain why the cash contribution of \$2.8 billion, escalating to \$5.5 billion in the fiscal year beginning April 1, 2005, does not start in the current year? Why do we have to wait another 18 months?

**Mr. Peterson:** This is why we are giving the medical equipment money, the \$1 billion, up front. This will ramp up. A lot of it is to do with the cash flow.

**Senator Lynch-Staunton:** After yesterday's so-called economic statement, that does not seem to be much of a problem.

**Mr. Peterson:** Well, thank you very much, I assume.

[ Senator Lynch-Staunton ]

**Senator Lynch-Staunton:** Thank the taxpayers. Do not thank me.

**Mr. Peterson:** At the time this accord was made, we probably did not have all the figures in, and the statement yesterday did set out long-term priorities in other areas in addition to the health accord.

**Senator Lynch-Staunton:** The health accord was made on September 11, and we are only five weeks later. However, I will pass to whoever else wants to ask a question.

**Senator Robertson:** May I ask a supplementary question? Minister, you mentioned to Senator Lynch-Staunton a sum of money that will be designated for primary care. Could you just repeat that, please?

• (1850)

**Mr. Peterson:** Under this accord, \$800 million is going to primary health care.

**Senator Robertson:** In that \$800 million, will you have funds set aside for model delivery systems? For instance, is there money there for exploratory and developmental processes to develop models?

**Mr. Peterson:** I do not think such conditions are being attached to it.

**Senator Robertson:** I do not know how they will develop their programs.

**Mr. Peterson:** Let me be more complete in this answer. Mr. Rock is still undergoing negotiations with the provinces as to how that \$800 million will be deployed, and it will be flowing through the Department of Health.

**Senator Robertson:** You do not know if they have part of that set up for models of excellence and delivery of primary care?

**Mr. Peterson:** As I understand it, there will be some modelling done with an endeavour to look at best practices and to share that among all the participants.

**Senator Lynch-Staunton:** I have a supplementary to the supplementary. Where in the bill, if anywhere, is the \$800 million?

**Mr. Peterson:** It is not in the bill. It will be brought in through the Main Estimates.

**Senator Lynch-Staunton:** Thank you.

**Senator Kinsella:** Minister, in the first preambular paragraph of the bill before us reference has been made to a meeting of the first ministers held here in Ottawa on September 11 at which time the accord was reached. Did you participate in that meeting?

**Mr. Peterson:** No, sir.

**Senator Kinsella:** Can you or the cabinet colleague who sits to your right, Senator Boudreau, tell us your understanding of what is in that accord and how it relates to this bill?

**Mr. Peterson:** I am not sure of the appropriate answer, senator. Would you allow me a second to consult with officials?

**Senator Kinsella:** I am just looking for general terms. My understanding, if it would be helpful, is that the first ministers all met and worked out a general framework agreement dealing with health care funds that would be transferred for health care. This bill will become the federal government's legal authority to deliver on that commitment. Is that a rough explanation?

**Mr. Peterson:** Yes, it is, senator.

**Senator Kinsella:** I asked the question because, as you know, under the Constitution we represent our provinces. Obviously, we want to be acting in sync with what our provinces have agreed. That agreement was unanimous. All 10 premiers agreed. Did the territorial ministers participate as well?

**Mr. Peterson:** Yes, they did.

**Senator Kinsella:** Let me turn, then, to clause 6(f) of the bill. I will phrase the question this way: What is the cash floor of the federal funding for health care? As I read clause 6(f), at the end of 2006, does it fall back to \$15.5 billion? Would you explain to honourable senators what the cash floor is?

**Mr. Peterson:** At the time that this was made, it was \$15.5 billion. This will be increased by the amount of this cash that goes through to the provinces. We have not legislated that this would be a cash floor for the future. We are just seeking to legislate that this amount of money will be paid out.

**Senator Kinsella:** What happens in the year 2006?

**Mr. Peterson:** It is \$21 billion in 2006.

**Senator Kinsella:** In terms of the government's current policy, with the principles underlying this particular provision, how far away are we from a sixth or additional principle to the Canada Health Act, namely, consistency for guarantee of cash flow for health care?

**Mr. Peterson:** We have not put that into the accord. That was not part of it. I can take you back historically to 1995 when it looked as if the cash floor of the entire system of transfers to the provinces would disappear. It was heading to zero. That was when we took steps to intervene. It was heading to \$11 billion. We legislated \$11.5 billion, and then I think it went up to \$12.5 billion. Now that we have an ongoing growth in these transfers, the cash portion of them, we are way beyond that floor.

If honourable senators are suggesting that in the future we should look at a cash floor for transfers to the provinces, that could certainly be considered.

**Senator Kinsella:** Under the provision of the bill that relates to the early childhood development fund, when will the provinces receive the first amounts of money over the next few months?

**Mr. Peterson:** April 1 of next year.

**Senator Kinsella:** April of 2001?

**Mr. Peterson:** Yes.

**Senator Kinsella:** Do you have an indication as to how many dollars that means for early childhood development in the province of Nova Scotia?

**Mr. Peterson:** I could get you those figures.

**Senator Kinsella:** Is there a formula?

**Mr. Peterson:** There will not be strings imposed upon it because the provinces will have flexibility as to how cash is spent. This is part of the CHST transfer where it has been designated that the \$2.2 billion should go to early childhood development.

**Senator Kinsella:** Thus, the province will be able to determine what early childhood development activity or program they wish to operate with these funds.

**Mr. Peterson:** Yes, sir.

**Senator Kinsella:** I would appreciate it if I could be advised as to what that dollar amount would be by province for all the provinces in Canada and, if there is a formula, what that formula would be.

**Mr. Peterson:** Yes. I do not have the figures as to how much of the \$2.2 billion would actually go to Nova Scotia. However, the total of the CHST component would be \$636.1 million.

**Senator Kinsella:** Is it not true that in 2001, \$300 million was to be directed nationally to early childhood development?

**Mr. Peterson:** I am informed, honourable senator, that it is pursuant to a complicated formula. We do not have those figures with us, but we could get them to you tomorrow.

• (1900)

**Senator Kinsella:** The provinces, however, will be able to make the decision as to which programs in the area of early childhood development they wish to develop in their provincial programs. Could we have across the country, then, a wide array of different early childhood development programs?

**Mr. Peterson:** We have a flexible framework in that respect. It is meant to respect local priorities, which are different in every part of the country.

**Senator Kinsella:** The reference to post-secondary education on page 3 of the bill caught my attention. Could you explain to me what is being referred to there? Could you give me an example of how this bill will impact in the area of post-secondary education in a province?

**Mr. Peterson:** Going back to its historic roots, the CHST covered transfers for health care, post-secondary education and social assistance. We have taken away any strings that were attached to the CHST, apart from certain conditions. How the provinces spend the money within those three areas of priority is certainly a question of local choice for any particular province.

**Senator Kinsella:** I wish to conclude with the issue of the trust fund referred to in clause 2 of the bill. Not being in the area of finance, could you describe for me how this will work? Will so much money be taken out of the Consolidated Revenue Fund and be placed in trust? Who are the trustees? What is the auditing mechanism? Will a body or a board of trustees be established? Who will have access to the monies that are in trust? Will there only be access to the interest that is earned on the trust fund, or will there only be access to the actual principal as well?

**Mr. Peterson:** The trustee will be Montreal Trust. The beneficiaries will be the provinces. They will be entitled not only to the capital but to any appreciating interest on that capital.

**Senator Kinsella:** How was Montreal Trust chosen?

**Mr. Peterson:** It presented the lowest bid.

**Senator Kinsella:** When were the tenders put out?

**Mr. Peterson:** The soliciting of proposals was done by phone in a very short time frame. It was done on that basis because the cost was under \$25,000.

**Senator Kinsella:** Did that go to Montreal Trust headquarters or did it go to a branch of Montreal Trust?

**Mr. Peterson:** To withdraw the funds, each province will deal with a branch in their particular province.

**Senator Kinsella:** Has a contract been signed between the Crown in the right of Canada and Montreal Trust?

**Mr. Peterson:** It cannot be signed until the legislation is passed because we do not have the authority. The intent is to sign it as soon as the legislation is passed.

**Senator Kinsella:** Is it with a branch of Montreal Trust; and, if so, which one?

**Mr. Peterson:** It will be signed with the head office of Montreal Trust, which will utilize branches in the territories and provinces for distribution.

**Senator Robertson:** I have a supplementary question to Senator Kinsella's intervention regarding early childhood development.

Minister, are the provinces required to put up funds in order to receive federal dollars from this early childhood development fund? If so, what is the formula?

**Mr. Peterson:** No, senator, there are no conditions placed on our transfers for early childhood development. The only condition we have relates to the reporting requirement which creates the accountability after the fact.

**Senator Robertson:** Is it correct that the provinces will not have to put up funds to access federal funds?

**Mr. Peterson:** That is correct. Of course, the hope is that the provinces will not only continue their levels of funding and increase those levels but that they will also use these new federal funds for additional services and incremental services. However, we will only know after the fact — that is, each year when the accountability is done. This is why the accountability provisions of the bill are very important to it.

**Senator Kinsella:** Could a provincial government take its allotment under the early childhood development fund, put that allotment into its own provincial childhood development trust fund, add to it out of its own consolidated sources or in partnership with foundations working in the area of childhood development, or invite the private sector to make charitable donations to it? If a province was of the view that this is a great idea but they want to guarantee continuing effect, and if they decide that one way of guaranteeing continuing effect is to take the annual allotment, place it in a trust fund, only allow a draw on the interest that is earned on that trust fund and add to it with their own provincial resources or the resources from charitable foundations or private solicitations, would that be possible?

**Mr. Peterson:** Yes, senator. I think you are referring to the concept of endowments that we are seeing in the area of education, which have led to some incredibly well-financed institutions, particularly in the United States. Many charities are attempting to create such endowments so as to live off the interest. It is certainly an interesting concept and it would be permitted.

They would, of course, have to account to their citizens. Would the citizens of a particular province say, "You have \$100 million. Do not just give us the interest now, our needs are too great. Give us the whole \$100 million or a portion of it"? The flexibility is there.

[Translation]

**Senator Nolin:** Mr. Minister, it is primarily the preamble to the bill that concerns me. With regard to the September 11 first ministers' meeting, do you have a signed written agreement with the provinces?

**Mr. Peterson:** Yes. Excuse me, I am mistaken. There was a statement. It was not signed, but it was agreed upon by the 14 governments present.



**Senator Nolin:** So you have a verbal agreement between 13 governments.

**Mr. Peterson:** Fourteen.

**Senator Nolin:** You feel obliged in your bill to introduce it to us by referring to 14 statements confirming or relating this agreement. Have I understood properly?

**Mr. Peterson:** There was one statement about the agreement. There was one about health care services reform and one for early childhood development. There were two.

**Senator Nolin:** So, in the first “whereas” clause, why do you not simply say that an agreement was reached by 14 federal, provincial and territorial governments? Why refer to a statement? I am almost tempted to ask you where the statement is. I would like to read it, because it seems to have huge probative force.

• (1910)

**Mr. Peterson:** Pardon me, but I was not there. I am not aware of all that went on. It was a decision by 14 first ministers, which may perhaps not seem completely usual, but in any event we have a historic agreement.

**Senator Nolin:** It is precisely because it is a historic agreement that I find it a bit strange that your historic bill refers only to a statement.

Why not say that you have a historic agreement between 14 Canadian governments and that you have finally reached an understanding? You tell us that no document was signed. You have an agreement in good faith. This agreement has been made public through a statement. You tell us that you are presenting your bill and requesting authority to spend X billions of dollars solely on the strength of a statement.

Do you not find it odd that a historic agreement, a historic bill, should be introduced through a statement? We either have a historic agreement or we do not. A statement will not confirm an agreement.

**Mr. Peterson:** I am a lawyer.

**Senator Nolin:** So am I.

**Mr. Peterson:** Had I been present in my capacity as a lawyer, perhaps there would not have been an agreement. I can accept the success of what we have accomplished. The most important thing for me is that we concluded an agreement concerning the future of health care in Canada.

**Senator Nolin:** I understand that you were not present. Is your understanding of the historic agreement to the effect that the provinces may receive, through a trust, \$1 billion for the funding of medical equipment, or that they will of necessity receive \$1 billion dollars?

**Mr. Peterson:** My understanding is to the effect that they will receive this amount.

**Senator Nolin:** Then why word clause 2 the way it has been worded?

**Mr. Peterson:** I was told that it was because the obligations are not binding until the bill is passed by the Parliament of Canada.

**Senator Nolin:** Based on your reply, what is the value of the word given on September 11?

**Mr. Peterson:** In a proven system, I can accept that agreements that have not been approved by lawyers can be concluded and respected. People act in good faith and they are accountable to voters, to Canadians.

**Senator Nolin:** I agree that the approval of the Government of Canada is subject to Parliament’s approval.

**Mr. Peterson:** Precisely. We cannot spend money without Parliament’s approval.

**Senator Nolin:** I agree, but when the bill becomes law, the word “may” in clause 2 will be part of the act, not the word “shall.”

**Mr. Peterson:** I am told that we must create the trust before we can do anything. According to the Department of Justice, we had to use the word “may” instead of the word “shall,” which implies greater certainty.

**Senator Nolin:** Let us talk about the trust, Mr. Minister. This trust will evidently — if I hear you right — be established by the Government of Canada?

**Mr. Peterson:** Yes.

**Senator Nolin:** There will be an agreement only between the Government of Canada and the trustee?

**Mr. Peterson:** We will give that money to the trust in accordance with the terms of the agreement, and the provinces will become the beneficiaries.

**Senator Nolin:** Have the provinces agreed to let the Government of Canada act alone regarding the setting up of the trust?

Since this is an agreement, the contributor puts \$1 billion in the hands of a trust to be set up and only the beneficiaries will have access to both the capital and the profits from it. Is that right?

**Mr. Peterson:** That is correct.

**Senator Nolin:** I just want to be sure that the money will always be available to the provinces.

**Mr. Peterson:** Precisely. It is not for us or for anyone else. It is for the provinces and territories.

**Senator Nolin:** I thank you.

[English]

**Senator Kennedy:** Mr. Minister, I wonder, since there is no reference in the bill to the agreement calling for the provinces who are the recipients of the money to give an accounting of it, can we assume that somewhere along the line within the trust fund that is set up the condition of the monies going out of the trust fund are also somehow written in as a clause or a requirement of receiving those funds?

I realize it is a very sensitive issue, but if you have an agreement, it is comforting to see somewhere, in something, some reference to that agreement, particularly where you are dealing with very large sums of money and very serious responsibilities towards the people of Canada.

**Mr. Peterson:** Senator, I agree with you. If we had had our way completely with this, there would have been a condition precedent before the money went. Unfortunately, that was not the deal that was negotiated. Perhaps we can criticize that deal in retrospect, but, as you know, it was a very hard-fought negotiation. It was one that threatened to fall through on many occasions.

Yes, I agree with you. Given our wishes, it might have read otherwise, but it does not.

**Senator Kennedy:** Is there any other way of getting some assurance?

**Mr. Peterson:** Senator Kennedy, I have great faith in the Canadian people. I have great faith in the political leaders, because I do not think they would betray the faith that they demonstrated and go back on their word in terms of not wishing to be fully accountable to their people.

I think we will see a whole new way of governments dealing with people in terms of public accountability. The information that will go forward in the future to individual Canadians will involve them much more in the actual decisions made at local levels throughout this country. Canadians will become much more aware of how their money is being spent and where the deficiencies in the delivery of health care are taking place. This will be good for governments and good for Canadians.

**Senator Kennedy:** I hope you are right, Mr. Minister. My unease is that things do not stay put. They do not stay nice and firmly in one place. Governments change. The cast of characters changes, and I am uncomfortable if there is not something somewhere that says, "This is what we agreed to."

Having said that, I applaud the fact that the Prime Minister was able to get a deal, period. I am not quibbling with that at all, but I am not very comfortable with agreements where you cannot say, "This is what it is."

**Mr. Peterson:** Senator Kennedy, I think that is a fair representation. When the provinces, territories and federal government sit down in three years' time to re-evaluate this in order to give it the type of continuity that Senator

Lynch-Staunton was calling for, this would be a good thing for them to look at.

By then we will have had a couple of years to see what the best practices are. I am sure that all provinces at that time will want accountability built in as a condition.

**Senator Kennedy:** I would hope so.

**Mr. Peterson:** I do, as well.

**Senator Rossiter:** Mr. Minister, I return to Senator Kinsella's question about a sort of trust fund or endowment fund for early childhood development. If that fund were set up, would the province be accountable for every dollar in that endowment fund or just responsible for its own equity in the fund?

**Mr. Peterson:** Senator Rossiter, the so-called money going for early childhood development is part of the CHST, so there is no particular fund. It is a notional fund as opposed to a real fund.

**Senator Rossiter:** In the use of any funding for post-secondary education, would the same thing apply?

**Mr. Peterson:** Yes. This is one of the great features as well as one of the frustrations of our great federation; only so many strings can be imposed without the consent of the provinces. That makes for a tremendous diversity and a tremendous richness of culture throughout our entire country. It is also very frustrating in terms of the overlap and lack of uniformity in other areas. Not being a unitary state has great benefits and added challenges.

**Senator Rossiter:** Can the post-secondary education portion also be used to assist people in the health care field to upgrade?

**Mr. Peterson:** Yes. That is subject to accountability, of course.

**Senator Rossiter:** It is subject to the accountability, yes.

**Mr. Peterson:** We do have pressing needs in terms of health care. I think Canadians will want their provinces and territories to dedicate this money in accordance with that agreement.

**Senator Rossiter:** Thank you.

**Senator Austin:** Minister, I extend also my welcome. At what stage of preparation is the trust indenture document?

**Mr. Peterson:** It is at translation, close to signing.

**Senator Austin:** Does it still need to be signed off by the 14 entities who are players?

**Mr. Peterson:** No, just by the Minister of Finance and the trustees, of course.

**Senator Austin:** However, the trustees, I would assume, as in most trusts, act in accordance with the instructions contained in the indenture and do not have discretion.

**Mr. Peterson:** That is right, senator.

**Senator Austin:** Could you explain why it is necessary for the Minister of Finance to establish a trust simply to —

**Mr. Peterson:** There are two aspects. The driving force in this was fiscal, that we wanted the funds to be charged against the current fiscal year. The second advantage, however, is that it does provide flexibility in terms of draw-down by the provinces.

**Senator Austin:** Why would they not want to front-end load the transfer as well and just take the money as soon as it is made available?

**Mr. Peterson:** I suspect that most will.

**Senator Austin:** Clause 2(2) refers to taking into account the population of a province. Could you give us more guidance as to whether this transfer entitlement is per capita, or is there some other formula?

**Mr. Peterson:** You are absolutely right; it is equal per capita.

**Senator Austin:** My next question relates to clause 5(2) at the top of page 3 of the bill, which defines social programs. How elastic is the definition of “social programs”? Might it include programs with respect to people who have problems with alcohol or drugs, or people with compulsive syndromes? Could the provinces choose those objectives for the spending?

**Mr. Peterson:** Yes, Senator Austin, they would have that flexibility.

**Senator Austin:** Would early childhood development include daycare programs in the provinces?

**Mr. Peterson:** Yes, it could.

**Senator Austin:** You say it could. It could if the provinces so wished.

**Mr. Peterson:** Yes, Senator Austin. The provinces decide how that money is spent according to their own priorities.

**Senator Austin:** Is any screening required by the federal government? If the provinces determine, for example, that automobile driver training is an important social program, would that be acceptable?

**Mr. Peterson:** The only lever we have is through the accountability provisions. This money is being transferred for certain purposes. The provinces will have to account to their people. If their people want this money to go into driver training, they can express that to their elected representatives, which would be quite acceptable.

**Senator Austin:** Finally, does the federal government have the right to withhold any funds under this legislation?

**Mr. Peterson:** It has no right whatsoever. It is in the trust; it is gone. That is in terms of the trust. In terms of the ongoing payments to the CHST, no, we are committed to that.

**Senator Moore:** Minister, I have a couple of questions.

You mentioned in your earlier remarks that a review would take place in three or four years. I do not see it here. What is that review provision and where is it provided?

**Mr. Peterson:** We have indicated, Senator Moore, that we will sit down with the provinces at the end of three years to negotiate the ongoing funding. As either Senator Kinsella or Lynch-Staunton said, we realize that the provinces need that ongoing, long-term funding. As one senator put it so forcefully, it takes many years to train a doctor, not just five.

It is only fair to the provinces that we be prepared to give them that type of certainty. Canadians deserve it as well.

**Senator Moore:** I do not question that; I think that is admirable. I was just wondering where it was provided. You say you have given the undertaking. Was this part of the statement?

**Mr. Peterson:** Yes, that was the public commitment of the Prime Minister. It was reiterated yesterday in the statement brought down by the Minister of Finance.

**Senator Moore:** After three years, we have a review. It is possible at that time that the \$1 billion in the trust would be drawn down?

**Mr. Peterson:** Yes.

**Senator Moore:** We have the ongoing payments as provided for in subclauses (f) and (g) and then you would have the review. It is possible that the payments could be increased in the annual periods provided for in subclause (g)?

**Mr. Peterson:** Yes.

**Senator Moore:** I think you said that commencing April 1, 2006, the annual provision of cash is \$21 billion.

• (1930)

**Mr. Peterson:** In 2005, there is \$21 billion more.

**Senator Moore:** It commences April 1, 2006, does it not? There is \$5.5 billion for the fiscal year beginning April 1, 2005, so that would take you through to March 31, 2006.

**Mr. Peterson:** Yes, that is correct, senator.

**Senator Moore:** So at April 1, 2006, we start with \$21 billion?

**Mr. Peterson:** That is one assumption.

**Senator Moore:** Is that to be negotiated in your three-year review?

**Mr. Peterson:** I would fully expect that that would be renegotiated a couple of years prior to that.

**Senator Moore:** So the \$21 billion is not set in stone?

**Mr. Peterson:** That is a firm minimum as far as the federal government is concerned, but we would hope that as fiscal circumstances change, and, one would hope, improve, we will be able to increase that amount.

**Senator Moore:** My last question deals with the accountability factor raised by Senator Kennedy. There is no condition of accountability for any of these monies, neither the \$1 billion in trust nor the other payments provided for in (f) and (g)?

**Mr. Peterson:** Certainly the funds in trust will be subject to the strictest legal conditions.

**Senator Moore:** I meant in terms of how provinces spend those monies.

**Mr. Peterson:** You are absolutely right. It will be only through the accountability process that the accountability takes place.

**Senator Moore:** Is this something for which we could be admonished in the future by the Auditor General?

**Mr. Peterson:** I do not believe so. We have followed this type of practice in setting up the trust, looking over our shoulder to exactly what the Auditor General would accept in terms of accounting practices. I certainly agree with you, Senator Moore and Senator Kennedy, that it does make sense at some point, if possible, for renegotiations to take place, to deal with this issue you have raised.

**Senator Moore:** Is that something that we can expect at the three-year review?

**Mr. Peterson:** That is a very good point. I will pass on your advice and suggestion to the appropriate ministers.

**Senator Lynch-Staunton:** Just to be clear on the impact of what we are being asked to do, and I am using the Minister of Finance's document of yesterday, the \$1 billion would be drawn down over a two-year period. It will not all be spent in one fiscal year, as I understand. The document to which I refer says that the \$1-billion fund will be drawn down over 2000-2001 and 2001-2002. There will not be much immediate impact. The \$800 million, which is not in the agreement and not in the bill, only begins in 2001-2002, and is spread out over four years. These are big figures, but when you see the time frame over which they are expended, they do not become that impressive.

**Mr. Peterson:** We have given the provinces flexibility. We are looking at over two years the \$1 billion. It could be drawn down immediately.

**Senator Lynch-Staunton:** I am just reading the minister's statement of yesterday where he says it will be done over two years. He does not say anywhere that if you want it all now, you can get it. He says the \$800 million will start in 2001-02 and will be invested over four years. Is that correct?

**Mr. Peterson:** That is correct.

**Senator Lynch-Staunton:** Overall, is it fair to say that the amount of new financing will only partially restore the cutbacks

of the last six or seven years and that they will not go very far, if at all, in correcting some of the major flaws in our health system, such as long waiting lines, shut down beds, cramped emergency wards, many medical graduates and medical personnel leaving the country, a shortage of radiologists, a shortage of orthopedic surgeons, and shortages of other specialists?

How will all of this correct the basic flaws of our national health care system, which we all support, to the extent that it will stop being eroded by the second tier system, which is more and more eating away at it? Whether we like it or not, it is there and it is growing.

**Mr. Peterson:** Maybe it is fruitless in light of previous comments on the issue of tax points to get into questions of whether there has been a restoration of the health care transfers to the provinces or not. For those who like to deal with tax points, when they were included before this accord was achieved on September 11, total transfers to the provinces for health care, including tax points and cash, were 30.8, an all-time historic high. This accord supplements that by \$23.4 billion over five years.

Whether it will be adequate to meet the health care needs that you have articulated, senator, I think every Canadian will be very eager to see if that is the case. If it is not, there will be incredible pressure on those in this Parliament and those in each territorial and provincial government to ensure that these increasing health needs of an aging population where new breakthroughs have added greatly to the costs will be met. I think there will be great pressure to increase the money that we spend on health care in our country because I do not believe there is much that is more important to Canadians. We do not want to see an erosion of the high standards that we want or expect.

**Senator Lynch-Staunton:** It is not very satisfying to be told that we do not know how this money will correct the basic flaws in the system and to be told that if it does not work we will pump more money into it.

There is more at fault in the system than lack of money. That is what I am trying to get you to say. That is what the Health Minister I hope would agree with, that money is only part of it. There is a lot of duplication and waste — and I can go on forever and cite examples, but I will not. We should be discussing today a wise business plan.

I thought the government was getting on the right track when it was asking for accountability from the provinces. I know this is a very delicate area, talking about jurisdiction, but when it comes to health, I do not think Canadians care whose jurisdiction is involved. They want proper health care. Accountability is a good thing. I wish to see it imposed so that we know and the provinces know what is going on in their hospitals, who is double-billing, who is taking advantage of the system, who is cheating the system. Accountability would go a long way toward putting an end to all those false medicare cards that should not be out there. Maybe then fewer people will have to go to the United States for cancer treatments and fewer people will have to spend \$800 for a private MRI.

There is more to the subject than this bill. I would have hoped that we could have had discussions along those lines tonight.

**Mr. Peterson:** I think you put it very well. Of course, there is much more involved than just money. Our Prime Minister, our health minister and many provincial health ministers, including the finance minister from Quebec, have said just that, that there are many other things we can do to improve the way in which we deliver health care with the money we are already spending. I welcome this line of approach.

Of course, I am not the person to deal with the details on it, but I can assure you that my colleagues in the other place will welcome suggestions coming from this body as to how some of these problems you have touched on can be dealt with. I know there is a record of distinguished research on very difficult and important topics coming from this place that could be very useful to all Canadians in the future. Therefore, we welcome your input.

**Senator Christensen:** Just a point of clarification, Mr. Minister. I want to be sure that I have the figures right. In the year 2000, this fiscal year, we are looking at \$6 billion, is that correct, \$1 billion plus the \$5 billion?

• (1940)

**Mr. Peterson:** I am sorry, senator. I must consult with my assistants.

**Senator Christensen:** In the year 2000 it is five plus one, and we get \$6 billion out of that?

**Mr. Peterson:** In this year it is \$1 billion for the medical equipment fund, plus the health information technology, yes.

**Senator Christensen:** In the year 2001 we get \$2.8 billion and in the year 2002 it is \$3.6 billion?

**Mr. Peterson:** Yes.

**Senator Christensen:** The next year it is \$4.3 billion?

**Mr. Peterson:** Yes.

**Senator Christensen:** Then in 2004, we jump up to \$20.4 billion?

**Mr. Peterson:** Yes.

**Senator Christensen:** In 2005, we get to 21 billion?

**Mr. Peterson:** Yes.

**Senator Robertson:** I have one more question. In the short title, I see "Other Social Services Funding Act." One of the larger problems that we have in our country — that is, after the immense problems with health care — is that many more children are living in poverty today than they were seven years ago. I should like to know if, in the other social services funding section, there is money or references included for funded programming that would give some encouragement to parents with children living in poverty.

**Mr. Peterson:** This would come under the one head to which the CHST is supposed to be directed — that is, the social assistance side of it probably. Again, it would be up to the provinces as to how much goes into that type of social assistance as opposed to other expenditures.

**Senator Robertson:** There are no specifically new directions that you have discussed with the provinces in this regard?

**Mr. Peterson:** There might have been discussions at the ministerial level as to what we might do in terms of this important issue, but not within the context of this particular accord.

**Senator Robertson:** It is a national disgrace. I suppose we will have to come back to it at another time.

**Senator Moore:** Under the clause that refers to "social programs," that heading sets out the areas where these monies in (f) and (g) are to be spent, is that correct?

**Mr. Peterson:** Yes.

**Senator Moore:** There is some built-in accountability, then. For example, a provincial government could not spend that money on highways?

**Mr. Peterson:** No, they could not direct it, period.

**Senator Moore:** The CHST areas?

**Mr. Peterson:** No.

**Senator Moore:** So there are some fences here?

**Mr. Peterson:** Yes. Thank you, senator. That is a good point.

**The Chairman:** Honourable senators, the Senate is now in Committee of the Whole on Bill C-45, the Canada Health Care, Early Childhood Development and Other Social Services Funding Bill. Will you stay until the end, please, Mr. Peterson?

**Mr. Peterson:** Yes.

**The Chairman:** Shall the title be postponed?

**Senator Carstairs:** I think it would be appropriate to let the minister go at this point, Madam Chair.

**Mr. Peterson:** Would it be appropriate for me to thank honourable senators very much for the incredible diligence and thoroughness which they brought to our discussion this evening? It was obvious by my answers that I found the questions to be very difficult. I will also tell my comrades in the other place that the Senate is still sitting at this late hour. Thank you very much.

**The Chairman:** Honourable senators, shall the title be postponed?

**Hon. Senators:** Agreed.

**The Chairman:** Shall the preamble be postponed?

**Hon. Senators:** Agreed.

**The Chairman:** Shall the short title be postponed?

**Hon. Senators:** Agreed.

**The Chairman:** Honourable senators, shall clause 2 carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall clause 3 carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall clause 4 carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall clause 5 carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall clause 6 carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall clause 1, the short title, carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall the title carry?

**Hon. Senators:** Agreed.

**The Chairman:** Shall I report the bill without amendment?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, the sitting is resumed.

#### REPORT OF COMMITTEE OF THE WHOLE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, the Committee of the Whole, to which was referred Bill C-45, respecting the provision of increased funding for health care, health care services, medical equipment, health information and communications technology, early childhood development and other social services, and to amend the Federal-Provincial Fiscal Arrangements Act, has examined the said bill and has directed me to report the same to the Senate without amendment.

#### THIRD READING

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

**Hon. Catherine S. Callbeck:** With leave of the Senate, I move the bill be read the third time now.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

#### BUSINESS OF THE SENATE

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, we are now beginning the part of our Order Paper under Inquiries. I have talked to a number of colleagues and they seem to think it would be a good idea if we could suspend the sitting until 8:05 p.m. to allow a 15-minute break since we have been sitting for six hours without one. With agreement, may we suspend for 15 minutes and then return to our work?

**The Hon. the Speaker:** Is it agreed by all honourable senators that we will suspend for 15 minutes?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, for those of us who do not have all the internal organs functioning as well as others, could we suspend until approximately 8:15 p.m.?

**Senator Hays:** I have no objection, but if some honourable senators object then we should hear from them. I believe it is agreed.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we will suspend until 8:15 p.m.?

**Hon. Senators:** Agreed.

The sitting of the Senate was suspended.

• (2015)

**The Hon. the Speaker:** Honourable senators, the sitting is resumed.

#### PRIVILEGES, STANDING RULES AND ORDERS

##### TENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Kenny, for the adoption of the tenth report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to Rule 94), presented in the Senate on October 16, 2000.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, this is the tenth report of the Standing Committee on Privileges, Standing Rules and Orders, relating to what might be described as the issue of disclosure in the interests of ensuring that there is greater transparency in the activities of our committees. The members of the Rules Committee studied the issue and we received the report on October 16. Some honourable senators have had a chance to participate in the debate. I believe my leader, Senator Lynch-Staunton, has spoken to it. I have read the report and also the debate to date, and I am satisfied that the report is supportable from where I sit. I will be supporting it.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I did not participate in the debate. I had an exchange with Senator Austin, which allows me, I think, to make a comment. I am not too impressed with this report, although I do not object to it. I simply do not think it will get us very far in the direction in which I think we should be going. I will use the Auditor General's report to tell honourable senators where I think we should be going regarding this conflict-of-interest business and disclosure. In chapter 12 of his report, he states:

The legislatures of all provinces and territories have adopted conflict-of-interest legislation or codes of conduct...

He is making the point that every legislature in this country has a conflict-of-interest code, as do national legislatures in the United States, the United Kingdom and Australia. We do not have one. Senator Austin used a baseball term the other day, saying that sometimes we go from base to base rather than try to hit the home run. I think we should try to hit the home run. We have all the studies needed for a code of conduct. We need only apply ourselves to it. If this is the first step, so be it, but let us not make it the only step.

**Some Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Kenny, that this report be adopted. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

EIGHTH REPORT OF COMMITTEE—MOTIONS IN AMENDMENT—  
POINTS OF ORDER—SPEAKER'S RULINGS—VOTE DEFFERED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Banks, for the adoption of the eighth report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to Rule 86), presented in the Senate on June 22, 2000.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have been holding the adjournment of the debate on our consideration of the eighth report. I regret if it has been holding proceedings up, but it is just that there is only so much one can do. I do wish to make a number of comments about the report.

I do so in light of the fact that there is another initiative, that of our colleague Senator Gauthier, reference to which had been made earlier today by Senator Prud'homme. Senator Gauthier envisages that we should have our own Senate committee on official languages. He has found there to be deficiencies in the parliamentary review of our official languages conducted by the Joint Committee on Official Languages, in which we participate with members of the other place. Having participated, as others have, in the Joint Committee on Official Languages, it certainly

was my experience, and perhaps that of my colleagues, that joint committees do not operate as efficiently or smoothly as our standing Senate committees. I think Senator Gauthier has hit on something there.

Therefore, while the eighth report only speaks to two new committees, in effect the Senate is seized somewhat of a proposition that there be three new committees: one on official languages, and in this report a Senate committee on defence and security and a Senate committee on human rights. Quite frankly, I am very sympathetic to the idea of a standing Senate committee on human rights.

As I reflected on the situation that we are in with three different committees being proposed, I realized that each of us may have a preference for one or another new committee. I wanted to analyze the principles on which one might choose them all or one of them. We can make a distinction between the proposed committees along three different lines.

First, there is a distinction between committees in the sense that a committee can be set up somewhat parallel to the ministries that are established under the Prime Minister's prerogative as he sets up the machinery of government. For example, we have a Department of National Defence, and one might argue that we should have a parallel or reflective committee in this chamber.

The second principle might be with reference to the policy objective of the government or indeed the policy objective as reflected through statutory law. We do have, in fact, the Official Languages Act of Canada and the Commissioner of Official Languages. The idea of having a standing Senate committee on official languages would be, in my analysis, related to that single policy objective or a statute that is part of the statutes of Canada.

That is how I see the proposed standing committee on defence and security and then the proposition of our colleague Senator Gauthier on official languages.

However, when it comes to human rights, there is no department of human rights. We recognize that the Department of Foreign Affairs and International Trade deals sometimes with international human rights issues. The Department of Canadian Heritage actually has a branch called the human rights branch that deals with two things: first, with the promotion of active citizenship in Canada through human rights organizations across the country; and, second, a program of giving assistance to citizens' organizations to promote human rights domestically. There are also a number other programs, such as the Court Challenges Program, that lend support to persons seeking to promote human rights as measured against the Charter. We also have, as everyone knows, the anti-discrimination statute or the equality rights instrument in the Canadian Human Rights Act, and we have a commission — the Canadian Human Rights Commission — which enforces that act. The Department of Justice also has a human rights unit that does a number of different things. It looks at legislation and gives advice to the ministry in terms of whether a proposed legislative initiative is consistent with the Canadian Bill of Rights, as that certificate is still part of the process as well as congruent with the provisions of the Canadian Charter of Rights and Freedoms.

The point I am trying to make is that where the issue of human rights is concerned, we cannot tie it to one piece of legislation as we can the official languages issue, nor can we tie it to one ministry as in a general sense we can tie defence to the Department of National Defence. In many ways, the human rights committee being proposed has a more overarching reach.

We might have wanted to look at this matter a little differently. We might have looked at the fact that civil and political rights and the issues relating to them are often addressed by our Legal and Constitutional Affairs Committee. The second generation of human rights, such as economic, social and cultural rights, really are not dealt with by that committee. They are programmatic rights by nature, such as the right to health. They are not self-explicatory as is the right to have security of person or the right to due process, which our Legal and Constitutional Affairs Committee, even as late as today, focused on very closely in its examination of Bill C-16. This whole area of economic, social and cultural rights, which are programmatic by nature, requires a social audit mechanism to ensure that the right to health means something. Governments must do something. They must be positive and have programs. However, in the civil and political rights area, we are almost saying that governments not interfere and not do anything and that people will enjoy those rights. Then there is the whole international sphere.

I, with a number of other senators, see goodness in it all. Good can be done with each of these proposed committees, but I wonder whether, from a manpower standpoint, we would be able to erect another three committees on top of our present structure of twelve.

• (2030)

I would be more inclined to accept this eighth report if it were speaking only to a committee on human rights, but a committee on human rights that would be more limited in its scope.

#### MOTION IN AMENDMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Therefore, honourable senators, I move, seconded by Senator Rossiter:

That the eighth report of the Standing Committee on Privileges, Standing Rules and Orders be amended by:

(1) deleting paragraph (r) relating to a Senate committee on defence and security; and by

(2) deleting the word “generally” in the last sentence of paragraph (s) and replacing it with:

“but with particular reference to economic, social and cultural rights”.

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

#### POINT OF ORDER

**Hon. Jack Austin:** Honourable senators, might I inquire of His Honour if this motion is in order? I was under the impression

[ Senator Kinsella ]

that reports of committees may be returned to committee for further study but that they cannot be amended.

**The Hon. the Speaker:** If no other honourable senator wishes to speak to the point of order, I would ask for five minutes to look at the authorities. However, I believe that we have in fact had such a practice. It may be a problem that conflicts with the authorities.

However, if honourable senators will give me five minutes, we will have a look at the authorities.

Shall we suspend this item and proceed to the next item of business?

**Hon. John Lynch-Staunton (Leader of the Opposition):** I would ask that His Honour look at the practice of this chamber and not just the authority. That is more important than the authority.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, I do not have the text before me, but I am curious to know how the text reads now as amended? Do you know? Because of these technicalities, of these amendments, I would like to have a legible text before me. Who could look after that for us?

[English]

Senator Kinsella, I have a little difficulty. I do not have the text of the report before me. Following on your amendment proposals, how would that paragraph now read?

**The Hon. the Speaker:** Honourable senators, there is a request for copies of the report of the committee and of the proposed amendment so that honourable senators can see exactly what it means. We will require a few minutes to make copies and to have everything ready for honourable senators.

**Hon. Dan Hays (Deputy Leader of the Government):** I draw the attention of honourable senators to Beauchesne's, 6th edition under the heading “Concurrence in the Report” at page 244. It states:

(4) A report from a committee may not be amended in a substantive manner by the House; it must be referred back to the committee....An exception to this general principle applies to the report stage on legislation.

I think this must be the authority that Senator Austin is recalling.

**The Hon. the Speaker:** Are there any other comments insofar as the point of order is concerned?

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, my comment will be very simple and very quick. Before continuing and considering the other points on the Order —



[English]

— I would like to hear the decision of His Honour, because it may change my speeches on the items that stand in my name on the Orders of the Day. If His Honour is ready with his decision now, I will abide by it. I do not want to do anything until I hear His Honour's decision.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, in effect my amendment has two parts. If it is helpful to His Honour, the first part in my judgment would be more substantive. Effectively, I am saying delete the reference to the defence committee. The second part of my amendment is not substantive in that way. If we are to have a human rights committee, then the last sentence would read "send for inquiries, papers and other matters relating to human rights, but with particular reference to economic, social and cultural rights." It is not to have a substantive committee but to have it focus on an area of human rights.

I make that distinction between the first part of my motion in amendment and the second part.

**The Hon. the Speaker:** If there are no other comments on the point of order, then, in answer to Senator Prud'homme, I am not prepared to rule at this time. I asked for five minutes, but other requests have been made for copies of the report of the committee itself. That will take a little more time. I will need more than five minutes.

I propose that we proceed with the items on the Order Paper.

**Senator Prud'homme:** Honourable senators, as I said before, and I think I will repeat it in as plain English as I can, before we continue with the Orders of the Day I would like to know what we will do with this item. What we do with this item has implications for me on other items on the Orders of the Day. If His Honour were to rule one way, I will therefore have an opinion concerning the rest. If His Honour is to rule in another way, then I will have a different opinion. Until I know how His Honour will rule, how can we be expected to continue with subjects that are almost the same as this one? I do not understand.

I have amendments concerning other items. I would be willing to withdraw them, if His Honour were to rule in a certain way. Perhaps I will put the amendment if His Honour is to rule the other way. I like to know what is going on.

I do not understand why at this time we are willing to help the government pass every piece of legislation that it has asked for, especially at this late hour in this Parliament. These are rules that will not affect anything, since, if we are to leave, then nothing can be done. Yet in a new Parliament we can revive everything, including the motions of Senators Gauthier and Roche.

Honourable senators will notice that I have no motions on these matters. The very able committee will again be

reconstituted. I do not know who will be chairman of the Rules Committee next time. Most likely it will be Senator Austin. I do not know what the Selection Committee will decide. There will be a new Parliament and a new atmosphere. Perhaps at that time we will have an idea of how to cope with such a matter. This does not need to be referred back to the committee but can be looked at by the Selection Committee, which will naturally appoint various members to various committees, which could look into the desire of Senators Roche, Gauthier, Rompkey, Wilson, and everyone else who has an opinion on these matters.

For me, it is very important to know how His Honour will rule.

• (2040)

**Hon. Sharon Carstairs:** Honourable senators, to speed things up, the issues that are of concern to Senator Prud'homme fall under Motions. Perhaps we could proceed with the remaining items on the Order Paper until we get to Motions, but not proceed on any of the items until after the Speaker has ruled on this particular report. Does that make it any easier and facilitate things?

**Hon. Peter A. Stollery:** Honourable senators, I should like to be clear when it is the Speaker may be giving his decision. I will certainly sit down if that event will be soon, but from what was said, it could be tomorrow or next week. I would like to have a better idea when this will take place, because the effect of it not being fairly soon would be to kill the whole business.

**Senator Hays:** Honourable senators, we are on the point of order. Perhaps we could get all the interventions in and then His Honour could respond.

I appreciate Senator Prud'homme's cooperation today. I hope this will not be taken as being less than grateful for that. However, what bothers me is that if this suggestion becomes a practice of this place, then on any point of order the remaining items on the Order Paper and all proceedings of the chamber must await that ruling on the chance that a following item may be relevant to the pending ruling.

I do not think Senator Prud'homme intends to speak to every remaining item on the Order Paper and Notice Paper. However, whether or not he does, if we establish a precedent in this place that when a point of order is raised nothing in the Senate can be done until that matter is resolved, it would be a dangerous and difficult precedent with which to live.

I would add that to the matters that His Honour might take under consideration.

**Senator Prud'homme:** We live in different circumstances at present. The honourable senator is absolutely right in that if it were to be establishing a precedent, I would not go along with it. Unless we are unaware of potential imminent events in Canada, this particular time may be our last chance.

It would be easy to wait for His Honour, and when we arrive at a certain motion not speak to it and await further notice from him. However, this is our last chance. This is not a precedent. Such an event arrives only once in a Parliament where we are stuck with having to decide if we wish to address everything or just part of the agenda. It is not the same circumstance as a regular session.

I would be more than willing to suspend. It would be easier for my health to sit down. However, if we suspend, that means “good-bye Charlie Brown,” and there will be no more chances.

If the Deputy Leader of the Government could use his extraordinary talents to convince colleagues to return the entire matter to the committee for future consideration in the next Parliament, he would make cooperative gains. He would terminate this session on a high tone and he would prepare the next session to begin on a high tone as well. Otherwise, it will not be the same tone.

**Hon. Colin Kenny:** Honourable senators, now that we have both the report and the amendment in our hand, perhaps we could revert to the original suggestion that we suspend for five-minutes to give His Honour time to consider this matter and then go from there.

**Senator Kinsella:** Honourable senators, I regret the way in which this entire process has unfolded. We are placing His Honour in a difficult situation. He has been impartial throughout our session and he has heard the arguments on the point of order that were raised by Senator Austin. His Honour is not ready to rule, and he is taking the matter under advisement.

I am uncomfortable with the pressure coming from the majority to push His Honour into not taking the time to consider this matter. We are being unfair to him. If His Honour comes back too soon, we may feel that he was not impartial, that he has not reflected on the arguments but has been influenced by the pressure in regard to how much time he has been able to take.

We are placing the Speaker in a most untenable position. He has heard the arguments on the point of order. He said he would take the matter under advisement, and we ought to stop there and effectively regard the matter as adjourned.

**Senator Hays:** Pressure depends on the perspective from where one sits. One might argue that the pressure is coming from the opposition or the people who are raising the points of order.

The Speaker’s job is a tough one and one that involves high stress and dealing with these kinds of situations. I appreciate the concern for His Honour; however, it is not our intention to pressure, it is our intention to obtain a good result.

The result that some on this side want to achieve is to bring this matter to a vote. In that way the will of this chamber can be tested and there ought not to be an undue delay in terms of dilatory or other motions that prevent that will from being expressed.

[ Senator Prud’homme ]

**The Hon. the Speaker:** Honourable senators, does any other honourable senator wish to speak to the point of order?

I assume, Senator Prud’homme, that not all of the matters on the Order Paper are affected by the ruling that I may make. If that assumption is correct, could we deal with those items that are not affected? In the meantime, I shall have a serious look at the matter.

My problem is, I realize what Beauchesne’s says, but I believe that we have precedents in this chamber where we have accepted amendments. Therefore, I cannot simply rule lightly without checking those precedents. Those precedents take a bit of time to research and I am not prepared to make a ruling at this time. It is not fair to either the table or myself if we do not have the time to give a proper ruling on the point of order that was raised.

Is it possible to proceed with the Order Paper on those matters not affected by whatever my ruling will be? I shall ask to be relieved and replaced in the Chair. I will be back as quickly as I can.

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is that a proper way to proceed?

**Hon. Senators:** Yes.

**The Hon. the Speaker:** Could we simply ask Senator Prud’homme to indicate the items on the Order Paper; or, as we go through it, he could indicate which ones could be suspended for the time being and I will be back as quickly as possible; is that agreeable?

**Senator Prud’homme:** Honourable senators, I usually bow to His Honour who is being put in a very uncomfortable situation this evening, and I know some are becoming impatient, and I am sorry. However, we are totally changing the atmosphere of this house by pressuring His Honour for an early ruling.

I thought that we were to give the government every piece of legislation necessary that comes from the House of Commons, as far as I am concerned, late in this Parliament. Everything else, including items standing in the names of Senators Gauthier, Roche and myself, seek that resolution. I will not bother honourable senators any more with the question of independents.

• (2050)

I will find other ways to let you know what I think about that. I have not raised this issue for quite a while. However, I do not know. It is attitudinal. I do not know what I want to debate tonight. I have a speech, which may not be L’Académie française, but long enough on the issues. The subject is interesting. People in the Liberal Party, who invited me to give speeches for many years, know that all one needs to do sometimes is give me a piece of paper with some words on it and ask me to speak on that issue. I used to be the expert in the House of Commons.

Honourable senators, I do not wish to be put into that situation here. I am offering to cooperate and I know some Liberal senators feel the same as I do. Why must they insist at this late hour to create committees that will be disbanded tomorrow? They know that it makes His Honour uncomfortable; it makes me uncomfortable. They make some of their own Liberal colleagues uncomfortable.

The opposition will cite the *Rules of the Senate*. We know the rules. Everyone will leave here on a sour note.

There is a choice. As once was said, "We have the option." What do honourable senators want? I do not know, but I am not ready and willing to say which items I want to speak on. I am a very disciplined man. I see the items that are called and I say what I have to say. If I have nothing to say, I pass. If I want to add a comment or two, I do. Even if I end up collapsing here, I will.

**Senator Austin:** Honourable senators, if I may, I will draw your attention to rule 18(3), under the title "Order and Decorum, Part III," which reads as follows:

When the Speaker has been asked to decide any question of privilege or point of order —

— and I have so done —

— he or she shall determine when sufficient argument has been adduced to decide the matter, whereupon the Speaker shall so indicate to the Senate, and continue with the item of business which had been interrupted or proceed to the next item of business, as the case may be.

Honourable senators, that is our rule, and I think we should apply that rule.

**Senator Prud'homme:** If our esteemed colleague wants to play with the rules, I will as well. When His Honour says he will take a matter under advisement, he does not say that he will leave, take advice and be replaced. His Honour usually rises and says, "This is a very technical matter, and if it is agreed, I will take it under advisement." We then continue with our business. However, His Honour stays in the chamber.

In this case, it is His Honour's desire to leave — and rightly so — to consult with his staff in order to render the best decision. That is not the same thing, however, and that is my interpretation of rule 18. We do not interpret the definition the same way.

**The Hon. the Speaker:** Honourable senators, I think we would be harming ourselves if we got into a needless debate at this time. From the information I have so far been able to obtain, I believe that I can settle the matter in approximately five minutes. Would it be agreeable to simply suspend for five minutes?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** I should be back in that time. I believe I have enough information. I have the Clerk now going through a final check. I will ask the Honourable Speaker *pro tempore* to take the Chair. I will return in five minutes.

**Senator Hays:** We agree to a five-minute suspension, or ten minutes, until His Honour returns.

**The Hon. the Speaker pro tempore:** Honourable senators, the sitting is suspended.

The sitting of the Senate was suspended.

• (2100)

The sitting of the Senate was resumed.

#### SPEAKER'S RULING

**The Hon. the Speaker:** As honourable senators know, the practices of our house determine what our orders are to be. It is true that we refer to the authorities when our practices are not clear, but essentially our practices supersede the authorities.

I might add that the authorities themselves are not always very clear. There is a reference made to Beauchesne, and it is true that Beauchesne says a report from a committee may not be amended in a substantive manner by the house. On the other hand, if one goes back one page, to paragraph 889(2), it states that "A report may be adopted in total or in part."

Obviously, if honourable senators are to adopt a report in part, then you must amend it to get to that part. Beauchesne, to say the least, takes a vague stance.

I refer back to our own references now. This is why I delayed my ruling. I wanted to be sure to check our own practices. I will read to honourable senators from the May 9, 1995, *Journals of the Senate*:

Resuming the debate on the motion of the Honourable Senator Hastings, seconded by the Honourable Senator Stanbury, for the adoption of the Twenty-second Report of the Standing Committee on Internal Economy, Budgets and Administration (reprint of Volume I of the Report of the Special Joint Committee Reviewing Canada's Foreign Policy), presented in the Senate on March 30, 1995.

After debate,

In amendment, the Honourable Senator Di Nino moved, seconded by the Honourable Senator Lynch-Staunton:

That the report be not now adopted but that it be amended by adding the following words at the end of the second paragraph, after the figure "\$7,500":

...provided that the costs of reprinting the report are shared on a 30-70 per cent basis with the House of Commons.

A point of order was raised as to the acceptability of the motion in amendment.

After debate,  
The Hon. the Speaker declared the motion in amendment in order.

That was accepted by the Senate.

Coming to somewhat more recent times, April 15, 1999:

Resuming debate on the motion of the Honourable Senator Kelly, seconded by the Honourable Senator Beaudoin, for the adoption of the Report of the Special Committee of the Senate on Security and Intelligence, deposited with the Clerk of the Senate on January 14, 1999,

And on the motion in amendment of the Honourable Senator Carstairs, seconded by the Honourable Senator Fairbairn, P.C., that the Report be not now adopted but it be amended by deleting recommendation No. 33; and

That recommendation No. 33 be referred to the Standing Committee on Privileges...

More recently still, from the *Journals of the Senate* on April 7, 2000:

Consideration of the Seventh Report of the Standing Committee on Internal Economy, Budgets and Administration...presented in the Senate on April 4, 2000.

The Honourable Senator Poulin moved, seconded by the Honourable Senator Mahovlich, that the Report be adopted.

After debate,  
In amendment, the Honourable Senator Hays moved, seconded by the Honourable Senator Fairbairn, P.C., that the Report be amended by deleting the amount of \$2,630 allocated to the Social Affairs Subcommittee to update "Of Life and Death" and substituting therefor the amount \$7,890.

After debate,  
The question being put on the motion in amendment, it was adopted.

Honourable senators, we have three clear precedents that we did indeed accept amendments to committee reports. Therefore, I must accept that the amendment is in order.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I understand the ruling. Some of my colleagues have suggested that perhaps the Speaker's ruling should be challenged. I want them to know that if they intend to do so, they will have to do it immediately. I personally do not have any relish for that.

**Hon. John Lynch-Staunton (Leader of the Opposition):** You cannot incite them to that. That is completely out of order.

[ The Hon. the Speaker ]

**The Hon. the Speaker:** Is the Senate ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the eighth report of the Standing Committee on Privileges, Standing Rules and Orders be amended by —

**Hon. Senators:** Dispense.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen.*

**The Hon. the Speaker:** Honourable senators, a standing vote has been requested. I would advise the Senate that I have been advised by the leadership of the Conservative Party that Senator Rossiter is properly the whip of the Conservative side at this time.

**Hon. Eileen Rossiter:** Honourable senators, further to rule 67(2), I request that the vote be deferred until 5:30 on the next sitting day.

**Some Hon. Senators:** No.

**Senator Lynch-Staunton:** There is no vote. It is in the rules.

• (2110)

**The Hon. the Speaker:** The rule states:

67. (1) After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

(2) Except as provided in section (3) or as otherwise provided in these rules, when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o'clock p.m. on the next day the Senate sits.

Again, I will have to check our precedents.

**Hon. Sharon Carstairs:** Honourable senator, is it not the custom of this chamber to have the vote, if it is deferred on Friday, one half hour before the adjournment on Friday, which would be equivalent to having it one half hour before the adjournment on a normal day, which means the vote would be at 3:30 p.m. and not at 5:00 or 5:30 p.m.?

**The Hon. the Speaker:** I am sorry, Senator Carstairs, I do not recall that rule. If you would give me the reference, I would be happy to review it.

Can I request again leave to check the precedents?

POINT OF ORDER

**Hon. John Lynch-Staunton (Leader of the Opposition):** Has a point of order been raised?

**Hon. Jack Austin:** I raise a point of order.

**Senator Lynch-Staunton:** I should like to hear what the point of order is.

**Senator Austin:** The proper interpretation of the rules is that the request may be made but it is not a right to govern the agenda of the Senate. The question of what the Senate does with its agenda is still in the hands of the Senate.

**Senator Kinsella:** That is not true.

**Hon. Marcel Prud'homme:** I beg to differ. "May" means the whip may request deferral. If he does not request that the vote be deferred, the vote takes place; but if he so wishes, he may. That is the way that has always been interpreted in the Senate. I bow again to His Honour to find in his precedents that that has never been the case. I have been here for seven years, but I have watched for many years. I would doubt that a precedent can be found where a whip has requested that the vote be postponed where the vote was not postponed.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** On the point of order, first, I think the plain words indicate that either whip — and I remind honourable senators that it is far more to the advantage of the government whip than to the opposition whip — may make the request. That request is totally at their discretion, and it means that the whip can determine that the vote will be deferred. It is not subject to a vote by the chamber. Discretion is given to either whip to defer.

I will suggest further that an examination of the Debates of this place since that rule has been in place will always indicate that that is the interpretation that has been acted upon and followed. I am shocked that that canard was raised.

**The Hon. the Speaker:** Are there any other senators who wish to speak to the point of order?

**Hon. William Rompkey:** On the point that Senator Prud'homme made earlier, this is not a normal time. This is the

end of a session. Let us assume, at least, that it is the end of a session. The effect of this is to kill the initiative entirely, in which case the minority in the chamber can thwart the will of the committee and perhaps of the majority of the Senate. It seems to me that that is not exactly a democratic principle to follow.

I am not fully conversant with the rules, but it seems to me that if this action is followed it will have the effect of killing the initiative entirely.

**Senator Prud'homme:** Honourable senators, that is a question of privilege because he referred to me directly. I have too much respect for the Senate —

**The Hon. the Speaker:** Order. I can only hear one person at a time.

**Hon. Peter A. Stollery:** Honourable senators, the point Senator Rompkey makes is reinforced by my understanding that this is a unanimous report from the committee. This is not a report that was controversial at the committee stage. This is a unanimous report that the party opposite agreed to in committee. This whole procedure is outrageous in a parliamentary sense.

**Senator Prud'homme:** Honourable senators, I attended some committee meetings where there was unanimous understanding that the views of Senator Roche would be taken up, and they were not. I have no lesson to give and I have no lesson to receive from anyone. I do not give lessons and I will not receive them.

I take strong objection to the comments of Senator Rompkey. He says that because of my argument at the last minute — well, it goes the other way. Is it because it is the last moment that you want to ram through things that are debated? It goes both ways.

**Senator Rompkey:** We have been debating for four years. How much time do you want?

**Senator Prud'homme:** No, I have been debating as an independent for seven years. I do not want to debate with you because the tone is becoming very sad. I will not get into this. I will address my remarks to His Honour.

I take objection to what Senator Rompkey has said, thinking that because it is the last moment we are trying to pull a quick one. In reverse, if I were not a gentleman I would say that that is exactly what he is trying to do. It goes both ways.

**Hon. A. Raynell Andreychuk:** Honourable senators, I want to respond to Senator Rompkey and also to this point of order.

Certainly the discretion lies with the whips. There is a rule that says that we vote in a certain way. Then there is the whips' discretion. One whip has exercised it and it is not something that can be overruled without going back and changing all of the rules, not just some vote tonight on rescinding it. I think also that Senator Cools has talked about how we rescind orders and what the process should be.

I take exception to the allusion that we know it is the last day. I have been told time and again that an election “may” be called. If the government would tell us that an election call is imminent, then perhaps we would understand the urgency. Thus, in a civil way, we say to Senator Hays that if he has some reason to wish to push the agenda, we accommodate; but equally, the rules are there for the full benefit of everyone. Consequently, there is no compelling urgency at all that can be stated. If the urgency were stated on the record, then from my side I would look at it entirely differently. Otherwise, I think the normal agenda and rules should apply.

**Senator Rompkey:** We can try to fool ourselves if we want.

**Hon. Sharon Carstairs:** Honourable senators, I simply want to point out that the rules do not make any sense in this particular case. They do not make sense, not for the reasons that have been said here, to this point. The rules say that a vote can be deferred to 5:30 on the next sitting day; but we are not allowed to sit at 5:30 on Fridays. The house must adjourn at 4:00 on Fridays. So this is just one more example, frankly, of the fact that these rules are frequently and totally inconsistent.

**Senator Rompkey:** Honourable senators, I have just two points in response. We can try to pretend that the sky is not blue, we can try to pretend all sorts of things; but if I were to ask for a show of hands in the chamber as to how many think an election will be called on the weekend, there would probably be a majority in favour.

Second, if the whip proceeds in this manner in this particular case, then he can do it for all government legislation. If the whip wants to kill all of the government legislation, the opposition whip can do that. Is that a reasonable way to proceed in this chamber in a democracy?

• (2120)

**The Hon. the Speaker:** Does any other honourable senator wish to speak to the point of order?

**Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):** Honourable senators, I cannot speak to precedent in this chamber because, obviously, I do not have long experience here. Reading the plain language of the rule gives me pause, though. The rule says that “either Whip may request that the standing vote be deferred...” It does not say “either Whip may defer the standing vote;” it says “either Whip may request...”

The question that occurs to me is the following: May request of whom? A request is something that is made of someone. There is only one possible answer. The whip does not request of the Speaker or of the government; the whip requests of the Senate.

**Senator Lynch-Staunton:** If we are going use precedent as His Honour did in the last ruling, it is even more clear in this case. Any time a request for a deferred vote has been made on either side, it has always been accorded automatically. Since this rule has been in effect, I cannot think of any one case — and I

stand to be challenged — where a request by either the government whip or the opposition whip for a deferred vote to the following day has been refused.

**Senator Austin:** That does not make a precedent.

**Senator Lynch-Staunton:** It makes about 75 precedents, if my memory is correct.

**Senator Kinsella:** It is clear that either whip can make the deferral. To the issue of Thursday and Friday, I would refer honourable senators to rule 67(3), which states:

67(3) When a standing vote has been deferred...on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

That has never been subject to a majority vote. Tomorrow, the government whip may decide that he does not want the vote and can defer it either until Monday or until the next day the Senate sits thereafter.

**Senator Stollery:** Honourable senators, on this issue I wish to remind honourable senators of the fact that deferred votes have a purpose. We all know what that purpose is, namely, when whips need a bit of time to get their members here for a controversial issue — essentially for a bill.

I want to remind honourable senators that what is at issue here, however, is not a bill. What is at issue here is a unanimously approved report from a committee that has been studying the subject for about four years. We have arrived at this point, and, as far as I am concerned, I will come here tomorrow at whatever time we agree upon. It does not matter to me.

However, anyone viewing this procedure from the outside would be taken aback, first, at the inconvenience and, second, at the fact that the process we are engaged in could actually kill a measure that has been unanimously agreed upon by the members of the committee.

I have been here since 1981. I am certain that His Honour could find that we have many precedents here. I understand that. However, I think I would be hard put to find a case where a unanimously approved report from the committee had to go through this kind of travail to be approved by the Senate.

I understand the opposition whip; I understand the position of whips. I have been around here for a long time. I do not know what we will be doing tomorrow. We talk about the public and expense. We could adjourn tonight. It costs money to keep this chamber going. To run the Senate until 4 p.m. or 5:30 p.m., or whatever the time ends up being, because of something uncontroversial and something that has been studied for years makes no sense whatsoever. I hope not too many people are watching.

**Senator Prud'homme:** Far from that, I hope many people are watching. If they are not watching, I hope many people will read what Senator Stollery has just said.

There were other reports that were unanimous and the government did not see fit to push them too much. The honourable senator's NATO report was a unanimous report. What have you done to pass it through the house? It is a very good report. You have not pushed it. I can name you many others.

I would ask the Honourable Senator Carstairs, and others who believe that, to read rule 14 of the *Rules of the Senate of Canada*. After having read it, honourable senators will have the answer. I do not need to read the rule for you.

**Senator Austin:** Honourable senators, I want to reinforce the argument made by the Leader of the Government in the Senate. In the plain reading of the rule, rule 67(1) uses the words "either Whip may request that the standing vote be deferred as provided below." The rule is now vacant as to what takes place as a result of the request. When you look at subclause 3, the Chief Government Whip may defer the vote. That is mandatory. There is no question that it is a right of the government whip under subclause 3.

As I heard the Leader of the Government say, the request, in its plain meaning, is a request to the Senate. If the Senate is not prepared to grant that request, then a vote is called under the *Rules of the Senate of Canada*.

**Senator Prud'homme:** Honourable senators, twice, already, I have wished good luck to the house leader for his pending election. If such is the case, I will also have to wish good luck to the one who will replace him because we are now seeding the poison for your next leader in the next session. I take for granted that the minister will be re-elected, but what is happening at the end of this session is pure poison. It will create a bad atmosphere, similar to the one that existed many years ago but which was beautifully changed, gradually by Senator Roméo LeBlanc and continued by Senator Molgat. At the end of the day, you are sowing the seeds of something that will not be accepted, I can assure you of that.

**Senator Hays:** Honourable senators, I rise, as did Senator Prud'homme when Senator Rompkey mentioned his name. He took offence to that, and I do as well. I do not know what the future holds. I am eager for us to proceed in this place with decorum, dignity and civility to one another.

**Senator Prud'homme:** I said "neighbour."

**Senator Hays:** I heard reference to me, next to the neighbour.

**Senator Prud'homme:** I interrupt —

**An Hon. Senator:** Order!

**Senator Hays:** I take the same position as the Honourable Senator Prud'homme when Senator Rompkey mentioned his name. I do not appreciate that.

**Senator Prud'homme:** Honourable senators, I did not have the honourable senator in mind; it was Senator Boudreau.

**The Hon. the Speaker:** Honourable senators, I believe that tempers are rising. No one will benefit.

To those who feel that I accept too many interventions, it is the Speaker's job, when a point of order is raised, to hear from all senators who wish to speak. It is also up to the Speaker to decide when the Speaker has heard enough. I have now heard enough.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** I am prepared to rule.

#### SPEAKER'S RULING

**The Hon. the Speaker:** The word "request" implies that something is being asked for; however, that something may not necessarily be received. Before I proceed along that line, I wish to say to honourable senators that the role of the Speaker is not to take into consideration whether there is a unanimous report, whether there are extraneous outside considerations, or whether there might be an election called on Sunday, or anything of that nature. The Speaker's role is to interpret the rules, not to take extraneous matters into consideration. It is incumbent upon the Speaker to ask: What do the rules say, and what do the precedents say?

Let us come back to the request. Honourable senators will find that the word "request" appears in other places in our rules. For example, rule 65(3) reads as follows:

65 (3) Upon the request of two Senators before the Senate takes up other business, the Speaker shall call for a standing vote...

• (2130)

That is a request by two senators. It is never challenged. I do not believe it could be challenged. If two senators rise, we call a standing vote. It is automatic.

We have searched the precedents. There is not a single instance where the request of a whip on either side has not been accepted. It has been accepted. The precedent in this place, frankly, is that this is the procedure. I am sorry, but I can only rule that a request is mandatory.

The question is on the deferred vote. It will be held at 5:30 p.m. on the next sitting day.

## CHANGING MANDATE OF THE NORTH ATLANTIC TREATY ORGANIZATION

REPORT OF FOREIGN AFFAIRS COMMITTEE  
ON STUDY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Bolduc, for the adoption of the seventh report of the Standing Senate Committee on Foreign Affairs entitled: "The New NATO and the Evolution of Peacekeeping: Implications for Canada", tabled in the Senate on April 5, 2000.—(*Honourable Senator Andreychuk*).

**Hon. Marcel Prud'homme:** Honourable senators, I should like to say a few words on this unanimous report of the Foreign Affairs Committee chaired by Senator Stollery. I repeat that it was a unanimous report about NATO and the future of NATO. I wish to put forward a few views on this report.

One view that you will find rather strange is that it was not NATO that changed the situation in Yugoslavia; it was the pure will of the people. It was not the bombs that changed the atmosphere; it was the will of the people who decided. They did not side with NATO; they were independent of NATO. They were nationalistic. They took their interests first and decided by their own will to change their government. It was not bombs that made them change their minds.

The second point I wish to raise is that I am one of those who is extremely concerned about this expansion of NATO to the point where we may be drawn into wars that we did not even expect to take place. Those of us who follows these things know that the debate on the other matter is finished. We know that anyone who attacks me attacks my colleagues from NATO. This is the beauty of this organization called NATO. An attack against one is an attack against everyone.

However, in all due respect to my colleagues, I think that we should reflect more and more when we see the immense desire of so many countries who want to expand NATO, because at the end of the day we may be drawn into a fight in which, in the beginning, we are not interested. We are ready to help them, but we should not be saying, "You are now my colleague, so anyone who touches you, touches me."

I read what our chairman, Senator Stollery, and the other members of the committee had to say. The issue was raised, and it is still a concern. We do not know the effect of NATO expansion on the rest of the NATO membership.

Honourable senators, we are about to accept or reject this report. I repeat that it is a unanimous report. I do not know how you want to dispose of it, but this issue should be taken into account; not only should it taken into account, but it should open doors of reflection for us. What is the real truth? I know that the

chairman will look into his report. What is the real, modern way of NATO?

Senator Rompkey is very active internationally in parliamentary associations. I know now there is an IPU meeting. I received my news from Indonesia where we have our colleagues, Senators Fraser, Oliver and Finestone. Some do not even want to debate the situation in the Middle East. Parliamentarians have a certain responsibility. They are in the minority, an immense minority, but they do not want to touch that issue. For many people, NATO is a Marshall Plan. They think the only way to get some economic benefit is to be part of a military establishment. This is a crazy world.

These were the views that I wanted to expand upon tonight. I will not abuse the time of the house, but I wanted to be on record as saying that we should reflect more. We have very able, non-partisan members on that committee in Senator Andreychuk, Senator Bolduc and Senator Rompkey. Some members are present all the time and some never show up. That is an issue with which each whip must deal. I admit that I attended many of these meetings, even though I am not a member. Attending these meetings opened many other avenues of reflection for me, and I have expressed some of them here tonight.

**Hon. Peter A. Stollery:** Honourable senators, I am sorry that Senator Prud'homme caught me on the other side of the chamber. I should like to move the adoption of the report of the Standing Senate Committee on Foreign Affairs.

I also wish to reply briefly to Senator Prud'homme.

**The Hon. the Speaker:** Honourable senators, I must advise the Honourable Senator Stollery that if he speaks now, his speech will have the effect of closing debate on the motion. Does any other honourable senator wish to speak?

**Hon. A. Raynell Andreychuk:** Honourable senators, we had not discussed moving the adoption of the report, and that had not been our practice. When Senator Prud'homme asked whether he could speak while the matter was standing in my name, I agreed, but I thought the order would remain standing in my name. I fully intend to explore some of these issues.

I am open to two things. One is that we could move the adoption of the report.

**The Hon. the Speaker:** Senator Andreychuk, the adoption of the report has been moved. Honourable Senator Stollery, seconded by Honourable Senator Bolduc, moved the adoption of the seventh report. We are debating now whether to adopt the report.

**Senator Andreychuk:** I apologize, honourable senators. If I wish to speak to the issues contained in the report, I can always start another reference. That may be the most appropriate way to proceed.

**Senator Stollery:** Then I should like to speak, with the agreement of Senator Andreychuk.



**The Hon. the Speaker:** Honourable senators, I must remind you again that if Senator Stollery speaks now, his speech will have the effect of closing the debate. If any other honourable senator wishes to speak, he or she should do so now.

**Senator Stollery:** As I said, honourable senators, I will take the lateness of the hour and people's patience into great consideration and answer the question that has been raised.

Our report addresses a great many of the concerns that Senator Prud'homme mentioned, including the question of NATO expansion. I do not think I want to take the time of honourable senators at this hour to go through again what has been a very well received report. However, I can inform honourable senators that we received a request a few weeks ago for another thousand copies of our report. We are very happy about that. It has been very well received in the academic community and the community that is interested in this subject.

• (2140)

With that, honourable senators, I will end my remarks.

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

## CONSTITUTIONAL ROLE OF SENATE

MOTION TO INFORM HOUSE OF COMMONS OF INTENTION  
TO PROTECT STATUS—DEBATE CONTINUED

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.

**Hon. Marcel Prud'homme:** Honourable senators, I cannot but smile when I read this motion. I was very active, as many senators on both sides were, during the debate on the clarity bill.

I should like to read from the motion, which states in part:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation —

[*Translation*]

**The Hon. the Speaker:** Senator Prud'homme, allow me to interrupt you. Honourable senators, it seems that, yesterday, the debate was simply suspended, because, during the same period, Senator Joyal was putting questions to Senator Taylor.

As Senator Taylor is absent, would you agree to allowing the debate to continue despite what was suspended? Is that agreed? Therefore, the debate continues on this motion.

[*English*]

**Senator Prud'homme:** Honourable senators, I will just continue.

I see that the great champion of some of the amendments is here. I refer to Senator Joyal who very competently put forward the strong views that I share.

We are being asked to send a message to the House of Commons. With all due respect, I would not like to be laughed at for sending them that kind of message. Immediately many of them will say, "Ladies and gentlemen of the Senate, you had the option. You rejected the amendments to the clauses that deny the role of the Senate in the clarity bill." Yet, here we are, not crying but saying:

— 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 —

In that regard we had an amendment by Senator Watt.

— and official minority language groups;

In that regard we had an amendment by Senator Gauthier. We had these amendments. We had the option to teach the House of Commons and send them a strong message by passing these amendments.

I am a democratic person. The Senate, in its majority, decided not to accept the amendments. I bow to the majority. Personally, I hope that if the debate is to continue — and who knows we may be sitting next week — we will be very careful not to send that kind of message to the House of Commons. If that were done, then I would have to put on my hat as a member of the House of Commons for 30 years. I would much prefer that we never send that message to the House of Commons. We had the option. We rejected the option. Let it stay there.

On motion of Senator Hays, debate adjourned.

## PARLIAMENTARY REFORM

### INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator St. Germain, P.C., calling the attention of the Senate to concerns expressed, by Canadians in the western and territorial region that I represent, with regard to the need for fundamental and far reaching reform of Canada's Parliamentary Institutions: the Senate of Canada and the House of Commons, namely that:

a diverse, federal country needs an effective, useful and viable Upper House to represent provincial and regional interests and as such, reform of the Senate needs to:

- (a) focus attention on defining the purpose of the Senate, consequently giving the Senate the legitimacy which it deserves to be an active participant in the legislative process;
- (b) define the role which a revised Senate might take at a national level and the powers which would be appropriate for it to exercise in harmony with the House of Commons;
- (c) give standing committees a more effective position of governing in the Senate, more particularly, in relation to the task of reviewing the nomination of federally appointed judges;
- (d) determine the length of term of office;
- (e) determine an alternate means by which to select members of the Senate;
- (f) determine the nature of its regional representation, particularly a desire to see each province finally receive the numerical representation it deserves in the Senate of Canada; and that

there needs to be reform of the House of Commons to:

- (a) make it more democratic and accountable;
- (b) give all Members the freedom to be part of the policy making process. MPs need the ability to voice and promote the concerns of their constituents — to truly represent their people;
- (c) determine recommendations addressing democratic accountability which could be through such measures as (1) having free votes; (2) giving standing

committees legitimate authority to exercise thorough examination of government policies; legislative proposals; fiscal measures and, providing parliamentarians with a forum and mechanism to introduce legitimate concerns and ideas of Canadians.—(*Honourable Senator Prud'homme, P.C.*).

**Hon. Marcel Prud'homme:** Honourable senators, it is too bad that at the end of the inquiry there are two points about trying to cooperate with the Senate. Yet in the last paragraph it states:

a diverse, federal country needs an effective, useful and viable Upper House to represent provincial and regional interests and as such, reform of the Senate needs:

It continues with the two points. The rest is not there. Personally, I like very much what is written. It is when we read what is not there that I cannot believe my friend, colleague and neighbour, Senator St. Germain, with whom I share many discussions and with whom, perhaps, I may share the future, when he states that each province should have the same number of senators.

If senators will watch they will see this is a bit of a rehearsal for what I am doing with students across Canada. I will try to convince you by not using the word Quebec in my example. I know when one says Quebec, half of Western Canada gets dizzy and the other half gets nervous. Therefore, I will use other examples to illustrate the meaning of an equal Senate by province.

If someone can convince me that Ontario would accept having the same number of senators as Prince Edward Island, then I would say that you have made a lot of mileage in the realm of convincing people. If doubt that I can be convinced that British Columbia and Alberta would accept having one house. I doubt that they would accept such a proposal. This is the answer for those who believe in equality of provinces, for those who believe that effectiveness is philosophical.

I think that tonight we can show that we are an effective Senate, debating vigorously, that it is philosophical. However, what of equal and elected? I cannot believe that the House of Commons will accept having an elected Senate that is equal to it. Take Ontario for example. Ontario has over 100 members elected to the House of Commons. It would have but 10 senators elected to the Senate. We know that senators will say, "Boys, take a hike. I am one of 10. You are one of 100." That is always my answer to the people who say that we cost too much.

An elected Senate will cost around \$250 million. Those who say that we should be elected should also tell the truth to the Canadian people — an elected Senate will have a cost attached to it. I have no objection. The taxpayers are my bosses, but they should be told of the price of an elected Senate. There is no doubt about that.

I can see Senators Boudreau, Hays, Graham, Kinsella and others being elected to the Senate. They will take up more place than members of the House of Commons, of course. Those who always talk about how the Senate should be reformed should also know that everyone wants reform. First and foremost, I want reform, as do those who are maybe paying attention and hoping I will resume my seat soon. However, it is how it is done.

[*Translation*]

You know, there is a prayer that goes as follows:

Everyone wants to go to heaven, but nobody wants to die.

Everyone wants Senate reform, but when it comes time to talk about it, nobody can reach agreement.

[*English*]

• (2150)

I speak as a Canadian federalist. I cannot believe in a federal system run by one house only. I want two houses. The question is how to effectively have a second house.

I am glad that our colleague, my esteemed friend Senator St. Germain, saw fit at this very late hour in this Parliament to put this debate before us. We could talk for hours on this subject. I will not do so, but this is an issue on which I have been speaking across Canada since 1965.

I was a member of the committee on the Constitution with our very respected Speaker. Senator Molgat was the chairman of the committee on the Constitution which travelled all across Canada.

Senator Hays misunderstood me earlier when I referred to the Leader of the Government in the Senate, Senator Boudreau. Senator Hays is not running for election. The day is long and I believe that Senator Hays seized the occasion to take advantage of a little mistake I made.

This will be the fourth time that I wish the Leader of the Government in this place good luck. He may ask me to stop doing so because it may bring bad luck if people hear me wishing him so much luck.

I hope that in the future senators will take their responsibility to heart. It is sometimes said that the work of senators is judged by the size of their office. That is a cheap shot and I had no one in mind, but that is what I have heard. It is not the size or luxury of the office that makes an effective senator, I assure you.

As the whip knows, every time I ask for new furniture I ask who used it before me. I never get new furniture. It is always the new senators who get new furniture. I do not mind. I do not come here for the furniture. I come here because I believe in Canada, and the House of Commons of Canada is in much greater need of reform than the Senate.

It is a shame to see how the committees work in the House of Commons. I was there for 30 years. There is no rule and no authority. As soon as a member exhibits a certain personality, he or she is removed from committees. Yet, they want to give lessons to senators.

I wish that we would start televising Senate debates so people can compare the quality of the two Houses. This could be part of the reform of the Senate. There is no guarantee from heaven that Canada will exist forever. We must work for it every day.

The First Nations have made new affirmations, and rightly so. People point fingers at French Canadians, but it may not be they who will jeopardize Canada if we do not take better care of the first people of this country. That is why the Senate is important.

Many people would not be elected to the Senate if election was the requirement for sitting here, yet they could make a great contribution. Perhaps the system of appointment should be changed. Perhaps senators should be appointed for a period of 15 years.

I was there when Mr. Pearson tried to reform the Senate. He could only reform it to the point of instituting mandatory retirement at the age of 75. Even with that, he had to promise senators that they would get a pension if they withdrew. It was only fair to give lifetime senators a pension if they withdrew.

Many things could be said about the role of the Senate. Senators are tired of hearing me talk about Canada, but why? We senators could help in the rebuilding of Canada if we were to rededicate ourselves to Canada. We are not here to be businessmen or other things; we are here to reflect upon what Canada is all about. I know that they say that Marcel is a good dog, that he will bark but he will not bite. I have to endure that. I smile because I know from whom it comes.

We try to help our country every day. It is a new dedication every day. During the coming election campaign we will hear people in British Columbia speak against the Nisga'a treaty and all the other treaties that should be signed. People will be inflamed. That is the kind of country we have.

If we can succeed with Canada having two houses, we can then go to the United Nations and invite the nations of the world to come and watch us.

It is not easy for me to speak in English. When I came here, I did not speak a word of English. I make mistakes every day, but I learn. When the good senator from Prince Edward Island was sitting close to me, she corrected my English at my request. I could be much more articulate in French. In the next few months, I will try to convince the government to invite Mr. Castro, but that is another subject. I will do it in Quebec because I am more at ease in French.

I said that I would participate in almost every item on the Order Paper today. I think I have said enough. I thank Senator St. Germain for his inquiry. I want the new senators to know that, as opinionated as I may be, I am not as bad as I may have appeared tonight.

**The Hon. the Speaker *pro tempore*:** If no other senator wishes to speak, this inquiry will be considered debated.

## ONTARIO

### REGIONAL RESTRUCTURING LEGISLATION— REFUSAL TO DECLARE OTTAWA OFFICIALLY BILINGUAL— INQUIRY—MOTION REAFFIRMING SENATE POSITION ADOPTED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poulin calling the attention of the Senate to the decision of the Ontario Government not to adopt a recommendation to declare the proposed restructured City of Ottawa a bilingual region.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I am very conscious of the hour of the evening but I feel compelled to speak on this matter on the day that we paid tribute to our departing colleague Senator Louis J. Robichaud, who continues to be a leader in the promotion of official bilingualism, not only in our province of New Brunswick but in Canada. This inquiry of Senator Poulin deals with the decision of the Ontario government not to ensure that the national capital of Canada, Ottawa, be determined officially bilingual. I want this matter to be brought to some conclusion in this Parliament.

[*Translation*]

Honourable senators, on December 13 of last year, Senator Poulin drew the attention of this chamber to the fact that the merger of the municipalities of the Ottawa-Carleton region proposed by the Harris government did not include provision for the megacity of 750,000 to be bilingual.

After careful study of the issue, I concluded that the Harris government was wrong not to proclaim that the new City of Ottawa would have French and English as its official languages.

[*English*]

• (2200)

Coming as I do from a bilingual province, the province of New Brunswick, I am totally unable to comprehend the position of the Harris government, and I find it to be an unwise and ill-advised policy to not have Ottawa recognized as a bilingual city.

[ Senator Prud'homme ]

[*Translation*]

However, on December 20, the Ontario Legislature passed Bill 25, amidst controversy.

[*English*]

As I mentioned, it was that bill that brings about the fusion of the municipalities.

[*Translation*]

This was one of the few recommendations of the Shortliffe report not included in the bill. Throughout the debate on this bill, Premier Harris used the excuse that, in keeping with provincial tradition, this was intended for the elected representatives of the new municipality.

[*English*]

Honourable senators, one should be able to expect from a provincial leader that, in a country such as ours and in a municipality such as Ottawa, it is insufficient to pass the buck. Rather, we should have had leadership from the premier of this province that would add to the objective that all members of this chamber share. We adopted by unanimous resolution of this house a motion that was brought forward by our colleague, Senator Gauthier.

Under these circumstances, with amalgamation moving forward rapidly, with leave of the Senate and notwithstanding rule 63(1), I move:

That the Senate reconfirm its support for Senator Gauthier's motion:

That in the opinion of the Senate of Canada, Ottawa, Canada's capital city, should be officially bilingual.

The Senate unanimously adopted that motion on December 16, 1999. In my motion, I am supported and seconded by Senator Rossiter.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## ASIA-PACIFIC PARLIAMENTARY FORUM

### EIGHTH ANNUAL MEETING—INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs calling the attention of the Senate to the Eighth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Canberra, Australia, from January 9 to 14, 2000.—(*Honourable Senator Prud'homme, P.C.*).

**Hon. Marcel Prud'homme:** Honourable senators, for new senators there is a price to pay to be independent. For a person like me who loves international affairs, there is an even bigger price to pay. I had the honour to chair the Standing Committee on External Affairs and National Defence in the House of Commons for over 12 years. I had the honour to be sent by Mr. Trudeau to the United Nations and to many other places, even though many people disagreed with my views.

When I arrived at the Asia-Pacific Parliamentary Forum, I had the honour of having the confidence of Speaker Fraser, from Vancouver. There was something going on in Asia-Pacific and he asked if I would go with another member, Mr. Wenman, from Vancouver, to Singapore to see what was transpiring. I went to Singapore. I made a report to the House of Commons.

Then there was a final meeting, at which a charter was written in Australia. Again, the Speaker asked if I would go. I went. I recommended very strongly that we join the Asia-Pacific Parliamentary Forum. Things went on fine.

The first meeting was in Japan. That year, I was still in the Liberal caucus in the House of Commons. I had the honour to go to Japan, where I met an old man. I do not think I will live as long as he did. I think he was a member of that delegation for over 50 years.

I came to the Senate in 1993 as an independent. Following that, for the next four times, I was not included in any delegation. I was eliminated from Asia-Pacific. There came a time when I wanted to go to a meeting in Vancouver, to pay homage to a man for his patience. I asked Senator Hays whether he would mind if I went to help out. I was shocked to see that, believe it or not, nobody from British Columbia paid attention to that event — not a member from their provincial house and hardly a member of the federal house except the delegates were there. I was nothing but a helper. Ever since, of course, the meetings have taken place somewhere else in the world. Thus, I am not a member of the association.

I wish to commend the house leader. My network is large enough to know that he has played a great role in the Asia-Pacific Parliamentary Forum. He is cool, articulate, charming and pleasant. He does much for Canada and is a good example for our Pages to follow.

The essence of Canada is that you have types such as myself and you have types such as Senator Hays. That is why we are so rich in this country. He was an excellent chairman. He was highly respected in that parliamentary forum. I have been waiting a long time to say that to him. He once told me not to emphasize his role.

• (2210)

He is well respected. As honourable senators know, participation in parliamentary associations is something in which

I believe. Those senators who choose not to be involved have the responsibility to explain their decision to the public. We are not members of a provincial house. When one wishes to dedicate himself or herself to Canada, one becomes a member of the federal house. As a member of a federal house one should have international involvement. If a federal representative claims that they have no international involvement, in my view that person should run for a seat in a provincial house.

Senator Hays has played that role, and not only there but in the Canada-Japan Inter-Parliamentary Group and the Asia-Pacific Parliamentary Forum. I do not say this because I expect anything from anyone. I say it because I believe what I say. I want to say it publicly and pay tribute to Senator Hays' ability as chairman of the Asia-Pacific Parliamentary Forum.

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, if I had not already spoken to this item I would rise to thank Senator Prud'homme for his kind words, but I have spoken to it; therefore, I cannot.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, this inquiry will be considered debated.

## BUSINESS OF THE SENATE

### ADJOURNMENT

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

**Hon. Dan Hays (Deputy Leader of the Government):** Honourable senators, I must remind you of my remarks at the beginning of the Orders of the Day and, with leave, return to that for purposes of requesting a house order for our business tomorrow.

I also remind honourable senators that at that time Senator Kinsella and I — when others, including independent senators, were present — agreed that we would sit tomorrow for purposes of dealing with Bill C-44, if we receive it, and for purposes of Royal Assent, which is necessary to give force and effect to the legislation that has been passed in the two houses over the last few weeks.

Accordingly, at this time I would ask consent for an order of the house that we sit tomorrow at 10:30 a.m., and that after prayers are read, if a letter is received from Government House with respect to Royal Assent, the letter shall be read forthwith, after which the Senate will adjourn at pleasure to reassemble at the call of the Chair at approximately 12 noon. At 12 noon the bells will ring for 30 minutes and, after Royal Assent is given to certain bills, the Senate will resume its sitting, whereupon all matters on the Orders of the Day and on the Notice Paper will retain their position, after which the Senate will then forthwith adjourn.

Honourable senators, I have had some help with this motion. I do not know if it is perfect, but I think it does reflect what we agreed to earlier, which is that we will request the Chair to call us into session if we receive Bill C-44. Other than that, we will do no business other than Royal Assent. The Royal Assent will be at 12:30. We do not know that for sure because we cannot schedule a Royal Assent until Her Majesty's representative gives us letters to indicate that a Royal Assent will be held. That is why that wording is in this motion.

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move that motion.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), it is moved by the Honourable Senator Hays, seconded by the Honourable Senator Joyal:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Friday, October 20, 2000, at 10:30 a.m.;

That after the prayers are read, if a letter is received from Government House with respect to Royal Assent, the letter shall be read forthwith; after which the Senate will adjourn at pleasure to reassemble at the call of the Chair at approximately 12 noon;

That at 12 noon the bells will ring for 30 minutes; and

That after Royal Assent is given to certain bills, the Senate will resume its sitting and all matters on the Order Paper and on the Notice Paper shall retain their position;

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

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Was there a further piece to be read?

**Senator Hays:** No, there was not. I added the language that "no further business will be done."

**The Hon. the Speaker:** After which the Senate will adjourn, and no further business will be done.

**Senator Kinsella:** What will happen after Royal Assent?

**Senator Hays:** We will be unable to do any business. By virtue of the order, we will adjourn.

The following question has been asked: What happens if we receive Bill C-44? Bill C-44 is one of the principal reasons for our sitting tomorrow. We indicated earlier in the day that we think it is important legislation. As far as I know, we would intend to deal with it expeditiously and, while it would be up to this chamber to make a decision at the time, it is my belief that we would be able to deal with the bill in the manner that we dealt with Bill C-45.

I do not think we will know whether we are receiving the bill until 10:30 tomorrow morning. That is why the motion is worded that way. If we do receive it, then I would request the Chair to call the Senate back and we would proceed to deal with all stages of Bill C-44 before we adjourn, in a timely way, so that the bill can be given Royal Assent.

The other part of the motion is that we have agreed to do no other business. There will be no Routine Proceedings; there will be no Question Period; there will be no Senators' Statements; and we will not deal with matters on the Order Paper. That is the order that I am requesting honourable senators to approve.

I have presented a written order that I interpret the way I have just said. What I am saying now is a matter of record. What I have said is too long to put into an order, but I believe that the motion that I have put forward covers the subject matter of our business tomorrow in the way that I have described.

**Senator Kinsella:** Thank you.

**Senator Lynch-Staunton:** That is clear.

**The Hon. the Speaker:** I assume, honourable senators, that if we receive Bill C-44 between 10:30 a.m. and 12 noon, I will call the Senate back. Is it agreed?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Very well.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Friday, October 20, 2000, at 10:30 a.m.

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