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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, February 20, 2001

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

Prayers.

SENATORS' STATEMENTS

HERITAGE DAY

Hon. Sheila Finestone: Honourable senators, on February 19 we celebrated Heritage Day and the beginning of Heritage Week. Not too long ago, in the other place, I introduced a bill to establish Heritage Day as a nationally celebrated holiday. Today, I still feel very strongly that the recognition of this event could stand as a symbol of our pride in Canada's unique history and traditions.

The theme chosen by Heritage Canada for the year 2001 is "Travel Through Time: the Heritage of Transportation." As we all know, transportation has played a pivotal role in the development of Canada, connecting people by land, sea and air. Transportation, however, is but one aspect of our tangible legacy. Like the great Canadian railway, stretching from the shores of the Atlantic and arriving at our western seaboard, our heritage itself travelled the same pathways in one majestic and unified architecture of people, cultures, customs and traditions.

In this sense, Heritage Day symbolizes the celebration of our intangible legacy: the values of our past recognized in the present, the strength of our aboriginal peoples, the fortitude of our immigrants, the creativity of our artists, the genius of our scientists, the vision of our statesmen and the spirit of our laws projected into the future. Intrinsic to their nature are the fundamental principles of justice, equity and freedom that have formed our nation. These principles have shaped our heritage as Canadian people, enabling us to establish our cultural and historical identity.

While our heritage respects our diversified ethnic, societal and philosophical background, at the same time it exemplifies a unified people under one creed and one flag. Multiplicity and unity: This is quite an achievement. Yes, we are all Canadians.

This is the epic reality of the Canadian journey, honourable senators. These are the passages of becoming, through the ages. At this moment in time, as we progress into the 21st century, we are embarking on a voyage of rediscovery whose destination holds the imprints of our glorious Canadian heritage.

HUMAN RIGHTS

SOCIAL CONDITION AS A PROHIBITIVE GROUND

Hon. Erminie J. Cohen: Honourable senators, I wish to speak to the report "Promoting Equality: A New Vision," updating and revising the Canadian Human Rights Act, tabled in June 2000.

As honourable senators are aware, my work in this place has been aimed at raising Canadians' attention to the plight of our disadvantaged. In recent years, establishing "social condition" as a prohibitive ground of discrimination has been of particular interest to me. Over the course of studying chronic poverty and social disadvantage in Canada, I met many people whose economic situation makes them the object of discriminatory treatment.

As we begin yet another parliamentary session, honourable senators, I should like to share with you the sense of pride and accomplishment I feel knowing this place unanimously agreed during the First Session of the Thirty-sixth Parliament that a person's social condition should be a prohibitive ground of discrimination in the Canadian Human Rights Act. Although Bill S-11 was defeated in the other place, the federal government has indicated that it has taken our work seriously and will be improving and updating human rights protection in Canada.

In June 2000, Justice La Forest and his colleagues concluded a comprehensive review of the Canadian Human Rights Act, which included the Justice Minister's request to address social condition in this context. In his panel's final submission to the minister, Justice La Forest noted:

Our research papers and the submissions we received provided us with ample evidence of widespread discrimination based on the characteristics related to social conditions such as poverty, low education, homelessness and illiteracy. We believe that there is a need to protect people who are poor from discrimination.

In the spirit of the constructive debate that marked senators' deliberations on social condition, and the recommendation of Justice La Forest, I wish to remind this house that the need to protect the poor, illiterate, homeless and poorly educated from discriminatory treatment is more important than ever before. In an era when the richest 20 per cent of Canadians saw their income rise and the poorest 20 per cent saw their income fall, discrimination directed toward persons based on their social condition is repellant to us and cannot be tolerated in practice or in law.

Honourable senators, I look forward to continued discussion on this important matter in the weeks and months to come.

[Translation]

JUSTICE

AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

Hon. Serge Joyal: Honourable senators, in our personal lives and in our political lives, there are pivotal moments. At such times, our profound convictions, our principles, our very reason for being are called into play.

The right to life is by far the uppermost of all rights. To respect life, to protect it, is the most profound of human acts, the very core of humanity in any civilization. It is in light of that responsibility that we must interpret our responsibility in any debate concerning capital punishment.

On Thursday, February 15, the Supreme Court of Canada confirmed in a unanimous decision by its nine justices the fundamental right to life as guaranteed in section 7 of the Canadian Charter of Rights and Freedoms. Everyone has a right to life, liberty and security of person.

[English]

Two years ago, the Senate debated Bill C-40 and the opportunity to give Canada's Minister of Justice the discretion to decide if an accused should be extradited to a country that imposes the death penalty. Our debates were intense. They revived all the arguments that the Supreme Court studied later in considering its judgment. Many times during the debate, the argument that Canada could become a safe haven for the most dangerous criminals was raised on both sides of the chamber. The Supreme Court concluded otherwise. It determined that the argument was unproved and was no justification for the death penalty. Life imprisonment without parole is an effective deterrent.

[Translation]

• (1410)

The court concluded that the right to life obliges the Minister of Justice to require a guarantee that the life of the guilty party will be protected. The court went so far as to conclude that, if it had to hear the 1991 *Kindler v. Canada (Minister of Justice)* case and the *Reference re Ng Extradition* again, it would reach the same conclusions as in the present one, *The Minister of Justice v. Glen Sebastian Burns and Atif Ahmad Rafay*. We will therefore have to amend the Extradition Act to reflect this obligation.

Honourable senators, the right to life is the heart and foundation of all freedoms.

[English]

This fundamental principle is now part of our constitutional heritage and is one of the inalienable values that Canada should constantly and faithfully protect and serve as much within our

borders as in the international community. Indeed, the court implied that Canada should promote the abolition of the death penalty, especially in those countries with which we have the closest relations. At a key moment when a new administration takes command in Washington under a president who was the governor of a state that recently refused to commute the death sentence of a Canadian citizen, I am very proud to be a citizen of a country that recognizes the fundamental principle of the respect of the right to life above all the pressures, above all the interests, above all the decisions and, in particular, above all the legislation. May we thank the Supreme Court for its historic decision.

QUESTION OF PRIVILEGE

ORAL NOTICE

Hon. Anne C. Cools: Honourable senators, earlier today I gave written notice of my question of privilege to the Office of the Clerk, pursuant to rule 43(3) of the *Rules of the Senate of Canada*. I believe the notice has been circulated to honourable senators. I rise now, pursuant to rule 43(7) of the *Rules of the Senate of Canada*, to give oral notice that I will speak to this question of privilege later this day.

OMNIBUS BILL STALKING AMENDMENTS

Hon. Donald H. Oliver: Honourable senators, the Minister of Justice recently signalled her intention to table, once again, omnibus Criminal Code amendments. I am delighted to report that my initiative on a tougher response to stalking — Bill S-6 in the last Parliament — is part of the amendments. The omnibus bill introduced in the last Parliament died on the Order Paper. Before that, our Legal and Constitutional Affairs Committee heard from more than 19 witnesses.

Honourable senators, I am happy that my private bill has again been incorporated in an omnibus bill as part of government policy. I am particularly interested in this legislation because it is designed to provide stiffer penalties against stalkers. "Stalking," commonly defined as "malicious, repeated and unwanted pursuit or harassing of an individual," has always been a serious crime in Canada. I raised the issue because the voices of victims were not being heard by either courts and prosecutors.

As I said in this chamber on May 28, 1998, three quarters of those convicted of harassment receive either probation or suspended sentences. A 1994 study of family homicide conducted by the B.C. Institute Against Family Violence proves that at least one-sixth of male perpetrators who killed former intimate partners had stalked their victims for some time. The law is obviously too lenient.

Honourable senators, the dangers of stalking can escalate to physical harm and sometimes death. Victims of harassment constantly live in fear and terror. Often they are forced to alter and constantly adjust their lifestyles in attempts to find safety. I therefore urge honourable senators to give speedy approval to the stalking provisions of the omnibus bill when it comes to the Senate.

Honourable senators, I believe the current response against stalking is inadequate to protect victims. The adoption by the Minister of Justice of my private bill also shows that the Senate can be effective.

[Translation]

JUSTICE

AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

Hon. Jerahmiel S. Grafstein: Honourable senators, the unanimous decision of the Supreme Court of Canada in the *Burns and Rafay* case, issued February 16, 2001, gives all senators cause for reflection.

Honourable senators will recall that Bill C-40, the extradition bill, was considered by the Senate. Amendments were moved in the Senate to remove from the Minister of Justice discretion to extradite an accused to a state with capital punishment without assurances that, if convicted, the death penalty would not be imposed. This followed the practice of the states of the European Union, which, like Canada, no longer impose the death penalty.

After consideration by the Standing Senate Committee on Legal and Constitutional Affairs, Bill C-40 was reported without amendments. Amendments were introduced in the Senate. After weeks of debate in May 1999, the amendments were rejected and Bill C-40 was approved, unamended.

In the *Burns and Rafay* case, the Supreme Court of Canada decided on five grounds to deny the minister discretion unless the Minister of Justice obtained assurances that the death penalty would not be imposed. In effect, the court found that imposition of the death penalty would violate section 7 of the Charter of Rights and Freedoms. The court's five grounds echoed the reasoning in the Senate by those voicing support for my amendment.

Honourable senators will recall that later that year, in December 1999, the Civil International Space Station Agreement Implementation Act, Bill C-4, was passed without amendment. This bill also provided for ministerial discretion to extradite accused without assurances that the death penalty would not be imposed for indictable offences in outer space. When the bill was referred to the Standing Senate Committee on Foreign Affairs, I again raised the question of the *Burns and Rafay* case then before the Supreme Court. I abstained from voting to approve Bill C-40, as we were told, in effect, by officials that the government would consider appropriate amendments in light of the pending Supreme Court of Canada decision.

By the way, honourable senators, no member of the House of Commons raised concerns with respect to the imposition of the death penalty in either Bill C-40 or Bill C-4 when it was considered in the other place. Senators can extract their own lesson from the interesting parliamentary trail of Bills C-40 and C-4. This parliamentary saga was played out in the transcripts of the committees of both Houses of Parliament and in the Hansards of both Houses of Parliament. All is recorded there for each senator to contemplate.

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS COMMISSION

REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Canadian Human Rights Commission entitled "Time for Action," a special report to Parliament on pay equity, pursuant to section 16(2) of the Canadian Human Rights Act.

PRIVILEGES, STANDING RULES AND ORDERS

INSTRUCTION TO COMMITTEE TO REVIEW NUMBER OF COMMITTEE MEMBERS FOR STANDING COMMITTEES— NOTICE OF MOTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 58(1)(f), I give notice that at the next sitting of the Senate, I will move:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of senators for each of the several standing committees provided for in Rule 86(1);

And that the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

THE SENATE

PROPOSED CHANGES TO RULE 86—NOTICE OF MOTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 57(1)(a) of the *Rules of the Senate*, I give notice that Thursday next, February 22, I will move:

That Rule 86 of the *Rules of the Senate* be amended:

1. by deleting subsection 86(1)(h) and replacing it with the following:

(h) The Senate Committee on Foreign Affairs, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) international treaties and agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.

2. by deleting subsection 86(1)(m) and replacing it with the following:

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

- (i) Indian and Inuit affairs;
- (ii) cultural affairs and the arts;
- (iii) social and labour matters;
- (iv) health and welfare;
- (v) pensions;
- (vi) housing;
- (vii) fitness and amateur sports;
- (viii) employment and immigration;
- (ix) consumer affairs; and
- (x) youth affairs.

3. by adding new subsections 86(1)(r) and 86(1)(s) after subsection 86(1)(q) as follows:

(r) The Senate Committee on Defence and Security, composed of nine members, four of whom shall constitute a forum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to human rights generally.

• (1420)

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-16, to amend the Proceeds of Crime (Money Laundering) Act.

Bill read first time.

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

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

[Senator Robichaud]

PATENT ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) presented Bill S-17, to amend the Patent Act.

Bill read first time.

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

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

[English]

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-18, to amend the Food and Drugs Act (clean drinking water).

Bill read first time.

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

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

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR ASSOCIATION—
NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and (2) and 57(2), I give notice that, two days hence, I will call the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario's dinner in Toronto on February 1, 2001, at which I as the keynote speaker spoke to the topic "Room with a View: A Black Senator's View of the Canadian Senate."

CONTRIBUTIONS OF COMMUNITY—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and (2) and 57(2), I give notice that, two days hence, I will call the attention of the Senate to the month of February's designation as Black History Month, and to the ongoing celebrations of black people across Canada, and to my many speaking engagements in my capacity as the first black senator of Canada, and to the contributions of black Caribbean Canadians to Canada, and to the role of black parliamentarians in the Parliament of Canada.

ACCESS TO CENSUS REPORTS

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present petitions signed by 363 Canadians requesting that the government allow the release to the public, after a reasonable period of time, of post-1901 census reports starting with the 1906 census.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— REQUIREMENTS OF PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, I offer my very best wishes to the Speaker and to Senator Carstairs in their new responsibilities. I would simply note that it is good to see young Nova Scotians getting on in the world.

Lest Senator Carstairs did not pay much attention to the dialogue between her predecessor in that esteemed office, Senator Boudreau, and myself, she should know that she is about to embark upon a lesson, if you will, in National Defence matters, in particular, the necessity of providing promptly, on time and at good cost, reasonable equipment to enable the Canadian Armed Forces to function well and carry out its duties as seen fit by the Canadian public and the Canadian government from time to time.

My question today deals with the government's letter of interest for the Maritime helicopter project and the issue of commonality. Can the minister tell us today if commonality will be a factor in determining the competing bidder for the basic vehicle, that is lowest price compliant?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator both for his congratulatory words and for his questions. I certainly did pay attention to the dialogue between the senator and the previous government leader, Senator Boudreau, and the previous government leader to him, Senator Graham. I want the honourable senator to know that my very first visit to a minister was regarding an answer about the Sea Kings, which was for the nation as a whole but particularly relevant to the province of Nova Scotia. I wanted to know just what stage that project was at. The answer was that while the project was delayed somewhat because of the election, the target of 2005 is still the desired target, that the department is moving toward that end and that it wishes to make an announcement soon.

I suggested that an honourable senator from Nova Scotia would be only too happy if that was sooner, rather than soon.

As to the honourable senator's specific question on commonality, I have to say that I have no information. I will get

back to the Minister of Defence and try to get an answer as quickly as possible.

• (1430)

Senator Forrestall: Honourable senators, I appreciate that, and I thank the minister for her response. Of course, if she is not aware, I know that she will quickly find out.

Honourable senators, with respect to my first question, all I really want to know is whether it is a yes or a no. As the minister is aware, we have already chosen the EH-101 as our replacement for search and rescue. Whether that remains intact is a question for a later date.

I simply want to make the point so that it is, I hope, well understood. In terms of 1990-91 dollars, the saving through commonality of equipment was \$257 million at a minimum, according to government documents. We have a strong suggestion now that lowest price compliant will be the effective measuring force. If that is so, and if commonality is not a factor in determining the successful bidder, Canadian taxpayers stand to lose. I would not want to do the arithmetic, because it would scare even me, but we are talking about hundreds of millions of dollars. No country or government is that rich. No political embarrassment is so great that the good of the nation and the good of the Armed Forces cannot be taken into account.

If the leader can determine from her colleagues whether compliance will be taken into account and if she receives a positive answer, then it will certainly have my support.

Senator Carstairs: Honourable senators, I thank the honourable senator. As he undoubtedly is aware, perhaps the most difficult answer to get from any government at any level is a simple yes or no. However, I will do my best to get him a yes or a no and bring it back as quickly as possible.

LOSS OF BACKGROUNDER NO. 3190-100-070

Hon. J. Michael Forrestall: Honourable senators, on a final question, would the minister find out, while making that inquiry, why it is that it has been suggested to me that DND backgrounder 1993 DND 3190-100-070 1990 has somehow been lost? I wonder why.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will do my best to find out why DND Order 3190-100-070 dated 1990 has been lost.

THE CABINET

MANITOBA—POLITICAL RESPONSIBILITIES OF LEADER OF THE GOVERNMENT

Hon. Terry Stratton: Honourable senators, I read with interest an article in the *Winnipeg Free Press*. The government leader had to know that this was coming. That article suggested that the leader was the political minister for Manitoba, and being from rural Manitoba, that she would look after things rural. Is that report anywhere near accurate?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, no, I must say that it is nowhere near accurate. The political minister in the province of Manitoba is the Honourable Ron Duhamel. Mr. Duhamel and I have spoken about the duties in that province. I have indicated to him that because I live in rural Manitoba, I would be more than prepared to do the travelling required in that part of our province, which is vast, but I do not have co-responsibility with the Honourable Ron Duhamel.

PUBLIC WORKS

MANITOBA—EXTENSION OF WINNIPEG FLOODWAY

Hon. Terry Stratton: Honourable senators, on a supplementary question, in that same article it talked about, of course, the floodway, or Duff's ditch. It stated quite clearly that the Leader of the Government was in favour of one of the alternatives. Two alternatives were recommended by the international joint commission, one being the widening and deepening of the floodway and the other being the construction of a vast dike at Ste. Agathe, south of the city. The widening and deepening of the floodway protects the city alone from the level of a flood that comes every 500 years, while the Ste. Agathe structure protects the city and the rural area between south of the city and Ste. Agathe to a 1,000-year level. The minister was quoted as saying that she supports the widening and deepening of the floodway rather than the Ste. Agathe solution. Is that accurate, and if so, could she explain?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I want the honourable senator to know that if I was quoted in that way, I was not accurately quoted. I have been saying all along that protection is more important and should be the policy of the government, as opposed to dealing with flood victims after the fact, and that the federal government should be at the table when we are looking at initiatives to protect the people of Manitoba, not just the people of the city of Winnipeg. My concern is that we move on the protection aspect rather than on the payout aspect some time in the future.

Senator Stratton: Honourable senators, I have one last question. I thank the leader for that response. My concern is, as I stated before, that while Duff's ditch was a remarkable structure and a remarkable feat, it only protects the city and not the area south of the city, where I happen to live. Has the leader received a response to her inquiry as to how this issue is moving along? We are now in year four after the flood of 1997.

Senator Carstairs: Honourable senators, as the senator has indicated, and just for the edification of the members of this chamber, we have a strange anomaly in terms of population in the province of Manitoba. Almost 66 per cent of all Manitobans live in the city of Winnipeg. That only leaves 34 per cent of the population outside of the boundaries of the city of Winnipeg. However, in my view, and I think I share this with the senator opposite, that is no reason to develop programs that protect only 66 per cent of the people of my province. Programs should ve

developed, wherever possible, to protect 100 per cent of the residents of our province.

I must tell the honourable senator that, to my knowledge, there are no negotiations taking place at this time.

THE SENATE

REFORM—REQUEST FOR SPECIAL COMMITTEE TO EFFECT CHANGE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and relates to parliamentary reform and specifically reform of the Senate. The honourable leader will know that for a long time I have had a very active interest in reform of the Senate to make it more responsive to the needs of the regions of Canada. Apart from difficult matters like a Triple-E Senate, which I do not espouse, there are, in my opinion, several significant internal structural changes that can be made to the operations of the Senate of Canada that do not require constitutional amendment. In view of the fact that parliamentary reform is very much on the minds of millions of Canadians today, will the honourable leader use her power and authority to establish immediately a bipartisan committee mandated to do a thorough analysis of changes and modernizations to the Senate of Canada that will more clearly reflect the needs and desires of all Canadians from east to west? This would include opening up dialogue immediately with the leadership on the other side.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I think such a committee would be very interesting, and I would look forward to a senator proposing such a special study or indeed a special committee of the Senate to do just that.

Senator Oliver: Honourable senators, I would not necessarily think we need another committee. I am really asking if the leader herself, with her power and authority, would undertake to take the lead and the initiative for such a job. Would she strike a committee, say, of 12 senators, with the manifest interest to reform the structure of the Senate of Canada? Further, will she ensure that such a committee is funded appropriately by the Standing Committee on Internal Economy, Budgets and Administration, so that the committee may gather the views of Canadians from coast to coast through public hearings and thoroughly canvass the needs and possibilities for change?

• (1440)

Senator Carstairs: Honourable senators, Senator Oliver has proposed in his question exactly what we do when we establish a special committee of the Senate of Canada. That should not come from the leadership of the Senate but from the members of the Senate who choose to put such a committee together and then get the financial approval of Internal Economy in order to make such a study possible. I would be supportive of such a motion should it come forward.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—GUIDELINES FOR SCREENING AGAINST BOVINE SPONGIFORM ENCEPHALOPATHY—PROPER SURVEILLANCE AND ENFORCEMENT

Hon. Mira Spivak: Honourable senators, the United Nations Food and Agriculture Organization recommends specific actions to prevent the spread of mad cow disease in countries such as Canada that have imported cattle and animal feed products from Britain. Canada, however, has not completely complied with these actions. In fact, the Minister of Agriculture categorically denied that Canada has imported feed products from Britain or other European countries that now have the disease. The minister's statements are contradicted by Britain's customs and excise figures and by *The Sunday Times*, which has named the British rendering company that exported potentially contaminated material to Canada.

The minister's statements are also contradicted by last July's report of the European Commission Scientific Steering Committee, which assessed Canada's BSE risk based on information provided by Canada. The report states that Canada imported 160 beef cattle from the U.K. before 1990, one of which developed mad cow disease in 1993. Another 69 died or were slaughtered. The report says that Canada imported meat and bone meal from Germany, a country that is now slaughtering 400,000 cattle, and from other BSE-infected European countries.

The U.K. customs and excise table indicates that Canada imported 125 tonnes of animal protein, approximately half being potentially contaminated meat and bone meal, in the critical 1993-96 period. Infected material of just the size of a peppercorn could transmit the disease to a cow.

My questions are to the Leader of the Government in the Senate. What are the real facts from the Canadian side? It appears, as Senator Forrestall indicated, that some information disappeared before 1997. Why do we not have a ban on the feeding of meat and bone meal to all animals? Why have all high-risk organs, such as brains and intestines, not been removed from the human and animal food chains? We are talking about the compliance measures that Canada should have in place. Why is there not an active BSE surveillance program with adequate testing? Why are dead animals not fit for human consumption still used as animal feed?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her questions because the BSE risk is clearly a serious one. We heard many discussions in the last few weeks about whether Canada may have acted prematurely in terms of Brazil or may not have acted appropriately. I believe those claims are totally unjustified because the health of Canadians is more important than anything else, and nothing should take precedence over the health of Canadians. The honourable senator has asked some very critical questions.

Not all investigations carried out by Canadian regulatory officials, as a result of the article and of the statements made

support the conclusion that BSE-risk products were imported in contravention of our policies. The European Union has independently verified Canada's system of import control for these products and has concluded that our system meets the highest standards of food safety. However, having said that, these claims were made in reports over the weekend. Officials are working to ensure that the reports are wrong and the information that we have in Canada is correct.

Senator Spivak: Honourable senators, these are very specific questions. I ask that the leader obtain the answers to the questions about bone meal in animal feed, et cetera.

I have other questions having to do with vaccines and products that are derived from cattle and are still imported into Canada, as well as the regulation of rendering plants, which is a question I raised in the Senate a long time ago but has since dropped from sight. Of these rendering plants, the EC report cites 13 that might be a source of cross-contamination. I am concerned about enforcement and proper surveillance in these matters, and I would appreciate proper information. As was mentioned, there is a serious health risk and people are concerned about it.

Senator Carstairs: Honourable senators, I assure Senator Spivak that every question she has asked will be taken to the Minister of Agriculture for an appropriate response.

TRANSPORT

PRIVATIZATION OF MONCTON AIRPORT

Hon. Brenda M. Robertson: Honourable senators, my question is addressed to the Leader of the Government in the Senate and relates to the 1997 agreement to privatize the Moncton airport. The Moncton airport authority was the first in the Atlantic region to sign an agreement with Transport Canada to privatize its facility. This agreement was characterized by the Auditor General as not as good as agreements signed by the other airport authorities in the region.

At a meeting with Transport Canada officials almost two weeks ago, Moncton airport officials had the opportunity to make the case that the transfer agreement is unfair because it has resulted in a competitive disadvantage for Moncton with regard to other privatized facilities in the region.

Honourable senators, the issue has become a bit of a political football between the Minister of Labour and the Minister of Transport, who said that even while agreeing to send his officials to Moncton, he was not convinced that the Greater Moncton Airport Authority got a raw deal from his department.

All the authorities in Moncton would disagree with that statement, of course, because with the sensitive infrastructure that exists in the Atlantic region, it is easy to create an imbalance among the communities and create unfairness.

Would the government leader make inquiries as to when Moncton can expect an answer to concerns raised with the government in their meeting on February 8?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. I will take that line of inquiry to the Minister of Transport and urge an immediate answer.

CANADIAN HUMAN RIGHTS ACT

AMENDMENTS TO INCLUDE SOCIAL CONDITION AS PROHIBITIVE GROUND OF DISCRIMINATION— GOVERNMENT POLICY

Hon. Erminie J. Cohen: Honourable senators, my question is directed to the Leader of the Government in the Senate. In June 2000, Justice La Forest concluded an audit of the Canadian Human Rights Act. On page 113 of that report submitted to the Minister of Justice, he noted that there is a need for the federal government to recognize social condition as an addition to the prohibitive grounds for discrimination.

Will the Leader of the Government in the Senate indicate whether it is her intention to once again support the principles articulated in Bill S-11 of the First Session of the Thirty-sixth Parliament, which this house passed without opposition?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her question. I have no up-to-date information about amendments to the Human Rights Act, but I will make the inquiry and get that information back to the honourable senator as quickly as possible.

Senator Cohen: Honourable senators, if the federal government supports Justice La Forest's recommendations, will the Leader of the Government in the Senate support a motion that calls on the Minister of Justice to include social condition as a prohibitive ground of discrimination when legislation to amend the Canadian Human Rights Act is tabled?

Senator Carstairs: Honourable senators, if the Government of Canada supports the recommendation made by Justice La Forest, then I would be pleased to support it as well.

AGRICULTURE AND AGRI-FOOD

LOW PRICES ON FARM PRODUCTS

Hon. Leonard J. Gustafson: Honourable senators, my question relates to an article that I read in *The Globe and Mail* while travelling to Ottawa today. The article states:

George Weston Ltd. is buying Bestfoods Baking Co. in a \$1.77-billion (U.S.) deal that will make it the most profitable — and second-largest — bakery in North America.

The deal, when it closes this summer, will take Weston's breads, buns and cookies into just about every supermarket in North America.

My question is obvious. Does the minister believe that farmers are getting a fair share out of a loaf of bread when we are told that only 4 cents from that loaf goes to the producer?

• (1450)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, if the honourable senator is correct in his retelling of this particular story, then it is obviously a good news business story in that Canadian companies will find their goods in every supermarket throughout North America.

There is no question that we have a serious problem with the prices farmers obtain for their products, both nationally and internationally. We know that in the value of a loaf of bread there is little actual return to the farmers of this country. That is why we have to work very hard at maintaining a strong position to ensure support for our farmers.

I want to return to a question the honourable senator asked when we were last here. He asked why this issue was not raised with President Bush if it is of such importance. I want to assure the honourable senator that it was raised with President Bush during the talks between the Prime Minister and the President of the United States.

ADEQUACY OF GOVERNMENT SUBSIDIES

Hon. Leonard J. Gustafson: Honourable senators, I am pleased to hear that response. It has been a long time coming in terms of this very serious problem faced by our farmers. The question, however, remains: How serious is this government about dealing with the need? We lost thousands of farmers last year, and we are losing more. Many farmers will not have enough money to put in their crops. On top of that, there are farmers here today from the provinces of Manitoba, Saskatchewan, Ontario and Quebec, as well as others. This is a desperation move by farmers. One group after another is coming to Ottawa. They want to know if the government is serious. Will the government make something available that will meet the needs of the farmers? Throwing a few dollars at the problem will not solve it. How serious is the government about moving before spring seeding?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government is very serious. Its statement in the Speech from the Throne that we must go beyond crisis management is an indication of its seriousness. The issue was followed up in the first meeting between the President of the United States and our Prime Minister. The whole issue of subsidies was raised and pressed by our Prime Minister. These are indications that there will be movement on this file.

[Translation]

THE SENATE

CALENDAR SHOWING SITTING DAYS

Hon. Roch Bolduc: Honourable senators, my question has to do with an internal matter concerning the business of the Senate that I believe is important for all of us.

Would it be possible for the minister to agree with the Leader of the Opposition to have a calendar for the parliamentary session? It would be very useful to know ahead of time when the Senate will be sitting and when it will not. The other place has a calendar that is distributed at the beginning of the session. Let us not forget that airfares are rather high, particularly since the

introduction of the private monopoly. For example, a return trip between Quebec City and Ottawa costs \$600, so it would be important to know ahead of time when the Senate will be sitting.

The Leader of the Government in the Senate has the critical responsibility of running this house. The Leader of the Opposition wants to get along with the Leader of the Government in the Senate.

It would really be helpful to have such a calendar, particularly if we want to save money.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I hope he will be pleased to hear that we began preliminary discussions with his leadership several weeks ago about producing a calendar that will be shaded in red rather than green. It has always upset me that I had to walk around with a House of Commons calendar in my pocket instead of a Senate calendar. We have asked the staff of the Senate to prepare a mock-up of such a calendar. I will take it to the leadership on the other side. I hope we can have it in force and effect within a few weeks.

LIBRARY OF PARLIAMENT OFFICIAL LANGUAGES SCRUTINY OF REGULATIONS

STANDING JOINT COMMITTEES—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Ordered,—That the Standing Joint Committees be composed of the Members listed below:

LIBRARY OF PARLIAMENT

Members: Bennett, Bertrand, Borotsik, Catterall, Chamberlain, Gagnon (Champlain), Hill (MacLeod), Hinton, Karygiannis, Lavigne, Lill, Malhi, Pickard, Plamondon, Saada, Stinson—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Benoit, Breitzkreuz, Burton, Cadman, Casson, Chatters, Cummins, Davies, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (Prince George—Peace River), Hilstrom, Jaffer, Johnston, Kenney, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Mackay (Pictou—Antigonish—Guysborough), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Rajotte, Reid (Lanark—Carleton), Reynolds, Ritz, Sauvagneau, Schmidt, Skelton, Solberg, Sorenson, Spencer, Strahl, Thompson (Wild Rose), Toews, Vellacott, White

(Langley—Abbotsford), White (North Vancouver), Williams, Yelich

OFFICIAL LANGUAGES

Members: Bélanger, Bellemare, Bonin, Bulte, Drouin, Gagnon (Québec), Godfrey, Godin, Herron, Jaffer, Lavigne, McTeague, Reid (Lanark—Carleton), Sauvageau, Spencer, Thibeault (Saint-Lambert)—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Benoit, Breitzkreuz, Burton, Cadman, Casson, Chatters, Comartin, Cummins, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (MacLeod), Hill (Prince George—Peace River), Hilstrom, Hinton, Johnston, Kenney, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Manning, Marceau, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Nystrom, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Plamondon, Rajotte, Reynolds, Ritz, Schmidt, Skelton, Solberg, Sorenson, Stinson, Strahl, Thompson (Wild Rose), Toews, Tremblay (Rimouski—Neigette-et-La Mitis), Vellacott, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

SCRUTINY OF REGULATIONS

Members: Barns, Bonwick, Carignan, Comuzzi, Cummins, Guimond, Knutson, Lanctôt, Lee, Macklin, Myers, Nystrom, Pankiw, Schmidt, Thompson (New Brunswick Southwest), Wappel, White (North Vancouver)—(17)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Bellehumeur, Benoit, Breitzkreuz, Burton, Cadman, Casson, Chatters, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hill (MacLeod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Kenney, Lebel, Lunn (Saanich—Gulf Islands), Lunney (Nanaimo—Alberni), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penson, Peschisolido, Rajotte, Reid (Lanark—Carleton), Reynolds, Ritz, Skelton, Solberg, Sorenson, Spencer, Stinson, Strahl, Thompson (Wild Rose), Toews, Vellacott, Venne, White (Langley—Abbotsford), Williams, Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

WILLIAM C. CORBETT
The Clerk of the House of Commons

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(*1st day of resuming debate*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, first, I wish to congratulate His Honour on his appointment. I wish him the best of success in his new responsibilities, which go far beyond presiding over our deliberations. I have no doubt that the serenity and good-naturedness with which he carried out his duties as Deputy Leader of the Government, more often than not next to an empty chair, will serve him well as Speaker. Indeed, the Speaker of the Senate is constantly called upon to represent the government and the country both at home and abroad. The Senate can only benefit from these assignments.

I had the privilege of being part of a Senate delegation last month on an official parliamentary mission to Saudi Arabia and to Qatar. It was led by Senator Molgat, who was accompanied by his charming wife, Allison. If the visit was a success, and by all accounts it was, it was largely the result of Senator Molgat's leadership. Protocol and customs foreign to our own can put quite a strain and much pressure on a Speaker when abroad. Senator Molgat, as on other missions, acquitted himself on this last one with great distinction. I also want to commend him for the many years that he served as Speaker, although I am still perplexed by more than one of his rulings, which, when not breaking new procedural ground, certainly did not lack in originality in their conclusions.

I congratulate Senator Carstairs as the newly appointed Leader of the Government in the Senate. I trust that she will not be less diligent in her efforts as the government majority keeps on swelling, nor less understanding of the role of the opposition as its ranks dwindle. The success of the parliamentary system rests largely on the majority's intentions being decided only after the minority has been allowed a complete debate on them, both in full session and in committee. Decisions based on arithmetic alone have no place in this system.

[*Translation*]

There is no doubt that his many years of experience as a parliamentarian will enable Senator Robichaud to carry out his duties as Deputy Leader of the Government with distinction.

It is interesting to note that his immediate predecessor is now presiding over the deliberations, that his immediate predecessor's

predecessor is Leader of the Government, and that that predecessor's predecessor was also the Leader of the Government. This would initially suggest a very promising future for someone in this position, I agree, but it is perhaps a bit early to speculate.

It will be recalled that the person who is now Leader of the Opposition was also Deputy Leader of the Government. I am all for a similar succession.

[*English*]

As for the Speech from the Throne, I congratulate both the proposer and the seconder for having so accurately set the tone of the debate. Neither made but passing references to the speech, preferring instead to extol the virtues of their communities when not praising the Prime Minister for his continuing in office.

I have been to Cape Breton on a number of occasions, but never to Glace Bay. Senator Cordy's intervention has convinced me to change all that on my next visit to her region. As a resident of Quebec's Eastern Townships, I agree wholeheartedly with Senator Setlakwe's description of it. It is certainly beautiful geographically but, more to the point, it is a region where Canada's two official languages are so understood and so respected that they might as well be one.

• (1500)

When I purchase an English newspaper in Magog, the sales person says "Thank you." When it is a French newspaper, the same person says "Merci." Simple, but typical of the traditional coexistence which makes this region so hospitable and so enjoyable.

Both Senator Cordy's and Senator Setlakwe's passing reference to the Speech from the Throne rather than making it their main topic is quite understandable. Its main thrust was an undisguised tribute to the government, put together in a slapdash way and imposed upon the Governor General, whose reading of it did nothing, despite her fine oratorical gifts and elocution, to stir her audience to other than vacant stares, drooping eyelids and not always stifled yawns.

The greatest concern shared by all Canadians is the state of the economy as that in the United States begins to falter. No less an authority than the Federal Reserve in the United States said at the end of January, only a day after the Speech from the Throne, that:

Consumer and business confidence has eroded further, exacerbated by rising energy costs that continue to drain consumer purchasing power and press on business profit margins. Partly as a consequence, retail sales and business spending on capital equipment have weakened appreciably. In response, manufacturing production has been cut back sharply, with new technologies appearing to have accelerated the response of production and demand to potential excesses in the stock of inventories and capital equipment.

President Bush, in sending his tax proposals to Congress at the beginning of the month, said, "A warning light is flashing on the dashboard of our economy." Only last week, in commenting on better-than-expected January retail sales, the President said that this was, "one good statistic among a sea of some pretty dismal statistics" and that he remained "concerned about the economy."

The Governor of the Bank of Canada, in a statement on February 6, while saying that "...despite near-term uncertainties, the Bank remains positive about our economic prospects for 2001," nonetheless points out that "the abrupt weakening of U.S. economic activity raises a question of what the implications for Canada will be" and, accordingly, the bank has "revised downward our projection for Canada's economic growth this year to about 3 per cent." Only one week later, however, a deputy governor of the bank admitted it could slip below 3 per cent. Slower growth means weaker tax revenues and it is estimated for every 1 per cent drop in growth, the government loses some \$2 billion a year.

Rather than suggesting that a new budget will be brought down as circumstances warrant, the government is content to rely on the Finance Minister's economic statement of last October. Things have changed considerably since then, as the authorities from whom I just quoted attest. Projections were made at a time when Canada was continuing to benefit from the U.S. economic boom, thanks in great part to the free trade agreements, which, when in opposition, Liberals predicted would spell the end of Canadian unity, not to mention medicare. Surely new revenue and spending projections are required as the U.S. slowdown affects our own economy just as much as positive results do.

We also need a budget to determine the spending priorities of this government because the speech is silent on these also. As well, we need to know how much money is committed to each one of the initiatives in the speech. Are we, perhaps, going back into deficit financing — a favourite exercise of the Prime Minister when he was Minister of Finance?

The Speech from the Throne stands out for not mentioning any of the key problems facing Canadians. Such disinterest is eerily reminiscent of the "don't worry, be happy" attitude exhibited by the Prime Minister during his detached, not to say pathetic, participation in the 1995 referendum campaign.

As the speech was being read, farmers were demonstrating on Parliament Hill, seeking help against the ravages of low prices and generous subsidies in the United States and Europe. The cash squeeze on many of them is such that, unless some alleviation occurs, and soon, some farms will not secure financing for spring seeding. Yet the word "agriculture" or "agricultural" appears only twice in the speech, and even it is more of an afterthought of platitudes than anything else.

Contrast this with the new administration's response to falling farm income in the United States. According to the Food and Agricultural Policy Research Institute based at the University of Missouri, net farm income is likely to drop 20 per cent over the next two years. For instance, in addition to lower commodity prices, nitrogen fertilizer, which is made from natural gas, is expected to be at least one-third more expensive this year than last. Last year, Americans received \$8 billion — this is in U.S. funds — in emergency aid, and the Agriculture Secretary has endorsed the idea of another emergency package this year. Since 1996, government payments to farmers in the United States have tripled to \$22 billion, while in Canada, the Minister of Agriculture limits himself to saying that he has to meet with his provincial counterparts, so please be patient — even if the seeding season is rapidly approaching.

The other Canadian resource industry that continues to be devastated is fisheries. It is not even deserving of one mention in the Speech from the Throne. The government's treatment of the fishery exemplifies its treatment of virtually all issues: Do nothing until the crisis arises. Ignore it as long as possible, then slap together some legislative initiative in an attempt to alleviate problems that should have been anticipated and addressed before the crisis occurred.

According to Marleau and Montpetit's *House of Commons Procedure and Practice*, "The Speech from the Throne usually sets forth in some detail the conditions of the country and provides an indication of what legislation it intends to bring forward." This speech fails on both counts. It contains no broad vision of the future of the country. It provides no leadership, no coherent plan — neither short nor long-term. It is simply a random list of spending initiatives on various social problems without any details as to how much will be spent, how the vague intents will be accomplished, or why these are important now as opposed to a few years ago, or even details dealing with priorities among these issues. There is nothing to catch the imagination of the Canadian people, nor is there anything to allow them to see themselves reflected in the proposed work plan of the government. In fact, the only economic initiative announced is to explore free trade with the Americas, simply an extension of the Conservative government's basic trade policy — a policy the Liberal Party fought with furious partisanship in this place, and elsewhere, during the 1980s and right into the 1993 election campaign.

Most of the legislative initiatives listed are the ones that died on the Order Paper in the last Parliament, such as the proposed species at risk bill, the bank reform bill, the proposed young criminal justice bill and the Employment Insurance bill. The fact is that these were well overdue even when they were introduced in the previous Parliament. While there is a section on skills and learning, it does not address the three major post-secondary education issues in Canada: student indebtedness, crumbling university infrastructure and a shortage of experienced teaching staff.

There is no mention of at least re-examining the equalization formula to allow have-not provinces, which will receive royalties from offshore oil and gas, to keep a greater portion of these revenues for a period of, say, five years to allow them to get back on sound fiscal ground before these revenues have to be shared with the rest of Canada.

Canada is one of the few if not the only industrialized country in the world not to have a national highways policy. With this speech there is still no commitment to develop or fund such a policy.

Of course, the government remains silent on the Constitution. Bill C-20 took care of everything, the Prime Minister keeps repeating. Western alienation? Let the Minister of Intergovernmental Affairs go out and tame the unruly. Now Minister Dion, in his usual conciliatory way, has gone so far as to accuse those such as the Right Honourable Joe Clark, who would negotiate to address the issues raised by Quebec, as engaging in separatist blackmail. He just cannot get it straight and admit that strains on the federation have been a historical fact since 1867, and that every national government until this one has at least been prepared to discuss and argue over them with provinces as partners, not subalterns as the present Prime Minister and his constitutional pitbull do. As the economic growth years are coming to an end, disparities and disenchantment will increase and only exacerbate an always fragile situation unless the government shows more understanding and a willingness to exchange ideas, not impose views unilaterally.

Parliamentary reform is dismissed with a vague reference to improved procedures, including voting “which will be modernized.” The Prime Minister’s idea of reform of the House of Commons is not free votes but more efficient voting through electronic means. Instead of addressing the root causes that can result in all-night voting sessions on hundreds of irrelevant amendments, voting will take place more quickly in a matter of minutes by everyone pressing a button at the same time rather than being called on individually to stand and be counted. How the government must wish that this voting procedure had been in place when the hepatitis C motion was being decided and, just recently, the one on the Ethics Counsellor, which came word for word from the Liberal Party’s infamous Red Book. Not surprisingly, then, there is no commitment to make the Ethics Counsellor responsible to Parliament, but why not at least have a code of ethics applicable to members of both Houses?

• (1510)

There is nothing on shipbuilding. There is nothing on the lumber sector as Canada faces renegotiation of the softwood lumber treaty with the United States. The confusion between the Minister of Industry and the Minister of International Trade on where the government stands on this important issue is inexcusable, particularly on the eve of negotiations with a U.S. administration more susceptible to protecting domestic interests than the previous one.

While health care is mentioned, there is no commitment to sustainable funding or what will happen to the federal share of funding when the present agreement runs out in 2005.

[Senator Lynch-Staunton]

One of the most crucial international debates taking place right now is a proposal by the United States to develop a national missile defence capability, while the European Union is moving ahead with a 60,000-person rapid reaction force. Where does Canada stand, as an active participant in the creation of NATO, on these two developments? Do not look in the speech for an answer. All you will find is a pious statement on Canada’s proud record of peacekeeping. How easily one wants to forget Somalia.

As for low wage scales, below-minimum-level troop requirements, substandard housing and dismissal of health problems related to peacekeeping assignments, there is not a word. The 1994 findings of the Special Joint Committee on Canada’s Defence capability and the government’s white paper on Defence have been completely ignored, while the press yesterday spoke of across-the-board cutbacks of Canada’s defence capability. How encouraging this must be to our search-and-rescue crews and to those who serve on Canada’s frigates who are so desperate to be rid of the helicopter fleet that puts them at risk daily. Other than perhaps health care, it is hard to imagine an area more badly bungled by this government.

As a matter of fact, do not look in the speech for anything but vague goals and fuzzy intents. It lives up to a quote found in the January 29 *Hill Times*: “This is a government that has raised doing nothing to new heights. If good governance is setting low expectations and exceeding them, this government has turned it into an art.”

May I add in conclusion that the Speech from the Throne exemplifies this art perfectly.

On motion of Senator Carstairs, debate adjourned.

BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on Bill S-8 and in so doing would like to frame my intervention within the context of four elements: first, the failure of the Senate and the House of Commons to supervise the executive power of government; second, the dominance of the Prime Minister’s Office in today’s Canada; third, the “unlikelihood” that parliamentary supervision will develop in any short term; fourth, the opportunity for the Senate to play a major supervisory role if circumstances change.

Let me begin with the failure of this house, as well as the failure of the other place, to supervise the executive power of government. This first question that needs to be raised in this regard is simply this: How well have the two Houses of Parliament done in examining the various reports that are submitted to them under the current array of statutes that have such a reporting obligation?

Honourable senators, a cursory review of the debates and proceedings of each House and the respective committees of each place reveals a less than impressive record. Honourable senators will know the many reports that are already received by the Senate and reported to us usually by the Speaker. Today, for example, the Speaker tabled a report from the Canadian Human Rights Commission on pay equity. What will we do with that report? What have we done with the reports that are submitted to the Senate as required by the statutes that include the Senate? For example, we receive annually a report from the Commissioner on Official Languages. Today we received the report from the Canadian Human Rights Commission. We receive a report from the Privacy Commissioner. Recently, at the request of the opposition in the Senate, we did examine the report of the Privacy Commissioner in Committee of the Whole. That was an excellent initiative. The Standing Joint Committee on Official Languages, which has its own problems, nevertheless does receive the report of the Commissioner of Official Languages.

Unfortunately, these examinations are more the exception than the rule. Most reports are not subjected to debate in this house, and that, honourable senators, is our failure.

Bill S-8 seeks to amend those statutes that omit reporting to the Senate, such as to have the given reporting obligation responsive to the Senate and not just to the House of Commons. I agree with this. However, I hasten to add that we will need to improve our record of dealing with these additional reports, given our less-than-vigilant performance with the reports we already receive.

It is important that members of our chamber accept responsibility for the state of affairs created by the current array of statutes that exclude the Senate, for each one of those statutes only became law with the consent of the Senate. If we want to predicate blame for the Senate's exclusion, we need not look beyond the doors of this chamber. Did these laws that exclude a Senate supervisory role result from a failure of this chamber to examine the given bill carefully when it was before us? Indeed, I often wonder myself, if I were to submit myself to an examination of conscience, how well have I read many of the bills that appear before this house. How many have I read from cover to cover? Honourable senators, does this failure flow from blind obedience to the ministry? We have all heard ministers who plead that their bill must pass the Senate without amendment even though it excludes a Senate supervisory provision.

• (1520)

Honourable senators will recall that we heard the view of Minister Stéphane Dion when he appeared before the special

committee studying Bill C-20. The minister defended the exclusion of the Senate from the final determination of the clarity of a referendum question. His argument was that the Senate had already abdicated its constitutional responsibility in some 27 statutes because the Senate passed them and gave a role to the House of Commons but no role to itself.

Honourable senators, we were masters of the situation that Senator Joyal's bill seeks to correct. It is precisely this death by a thousand cuts that Bill S-8 seeks to prevent, and I intend to support it. It will amend those 27 pieces of legislation that currently exclude the Senate from carrying out its responsibility of oversight in our Canadian parliamentary system.

Over the continual objections of this chamber, the government persists in bringing forward legislation that excludes the Senate. Just this past June, the government introduced sweeping changes to the Bank Act, and lo and behold, the Senate was absent in that legislation. Our colleague Senator Kolber, in a stinging rebuke, reminded the government of our bicameral system of governance. While I have not looked at the new incarnation, I am sure honourable senators will be looking at it very carefully in this regard.

Some observers have been particularly concerned with this weakening of parliamentary supervision in terms of a new culture that seems to have established roots in this town: the dominance of the unelected officials who work in the Langevin Block in the Prime Minister's Office. The role of the members of the House of Commons has, according to many observers, diminished significantly over the past few years in terms of oversight of the spending authority and oversight of the bureaucracy. The role of the cabinet is not what it once was — the centre for executive policy formulation and execution. Consider the views of observers such as my academic colleague Professor Donald Savoie and his well-known metaphor of the federal cabinet and a focus group.

Honourable senators, with the dominance of the unelected appointees in the PMO over executive policy and the influence of their tentacles reaching throughout the public administration, the need for ensuring parliamentary supervision has never been greater in Canada than it is today. In recent years, a culture of unresponsiveness and unaccountability has taken root in Ottawa, and Senator Joyal's bill provides an important mechanism to change the situation. The exclusion of the Senate from the many pieces of legislation that require a statutory reporting to the House of Commons must be remedied to be also inclusive of the Senate.

Honourable senators, an examination of the debates of the House of Commons and its committees will not indicate much oversight by that other house. Let us be clear: Ensuring that the Senate is treated equally in all legislation is not an issue of competition with the other place; rather, the aim is to reaffirm the critical and legitimate role of Parliament as a whole to provide supervision of the executive. That is what is at stake here.

Parliamentary supervision of the executive, which has been ensured through a series of checks and balances involving the two Houses of Parliament, is at the very heart of our Westminster model of governance. Such supervision should never be undervalued, as it is primarily what separates a democracy from a dictatorship. It has been successfully here in Canada our system of governance for 134 years. To that extent, Canadians now seem to take it for granted. In fact, the term “supervision of the executive” is not one that often appears outside the covers of political science texts or is often heard outside of lecture halls. I am sometimes astonished that it is not common phraseology to be found in the public scripts of our print or other media.

Supervision of the executive is important and not to be confused with controlling the executive. Simply put, it means holding the executive accountable to the people. Canada’s Prime Minister and cabinet have traditionally been held accountable to the people for their actions by two Houses of Parliament that are equal in almost all respects. This supervisory role is accomplished by a variety of mechanisms exercised in both the Senate and the House of Commons. The legislative process is a key example. It allows opposition parties to critique government policy initiatives and to introduce policy alternatives into public debate.

Another example is parliamentary committees, and this is why the discussion in this house about the nature of our committees, format, structure and *modus operandi* is such a critically important matter. Some casual observers might wonder why we spend so much time trying to reform our committee structure. The answer is that it is at the core of our system of review and supervision. Senate committees, in particular, have earned a reputation for doing fine work, and in many cases they are even called upon to correct errors or omissions in legislation that were not caught by committees in the other place. We can all think of many examples.

Another technique that is available when Parliament is working the way it ought in terms of supervision is the daily Question Period in both Houses, and that is perhaps the most readily recognized accountability mechanism. As well, private members’ legislation gives those who are not part of the executive an opportunity to participate in policy development. The party system itself places pressure upon the executive to involve members of the governing party in government initiatives in order to retain their allegiance. Perhaps that is not fully understood by Canadians. In my judgment, this places an awesome responsibility upon our friends opposite as a parliamentary grouping.

The list goes on, honourable senators, extending well beyond the parliamentary precincts through investigations led, among others, by offices such as the Auditor General and through the activities of special interest groups, et cetera. Consider the Auditor General. What good is the Auditor General’s report if it is not debated and studied in each of the Houses?

Honourable senators, in terms of the development of parliamentary supervision of the executive, I do not think we will see a lot of development in the short term. I do not expect that we

shall see it any time soon. However, I would hope that we would not be discouraged from taking some steps forward, and I see a realistic and practical opportunity afforded by Senator Joyal’s bill.

• (1530)

It is an opportunity for us to remind ourselves, honourable senators, that in the follow-up we must look at these studies and reports that are submitted by statutory requirement. I am prepared to recognize that it is debatable that the capacity of a government to govern might be impaired if the political ascendancy of the executive were too severely eroded by parliamentary assertiveness. The executive government of the day should be able to command the political support needed to preserve the national interest in a constantly changing world. Indeed, the challenges today are no doubt those presented by the ambitions of the emerging corporate states — corporations that recognize no geographical boundaries, that exist to serve their shareholders’ interests, and that command economies and economic resources greater than those available to many nation states. Of course, a powerful executive government that falls captive to an adverse corporate influence would itself be a schism to the national interest.

In conclusion, honourable senators, I believe we should seize the opportunity that is presented by Senator Joyal’s bill to make these necessary amendments and ensure that we will do the follow-up. This is an excellent opportunity for the Senate to play a major contemporary role of supervision in the Canadian parliamentary system of the 21st century. In this regard, I believe we should congratulate Senator Joyal for presenting a bill that affords us the opportunity to reflect on the role of the Senate some 134 years since its establishment.

Honourable senators, I underscore my belief that the Fathers of Confederation got it right in 1867; that is, that the model of governance, this Canadian parliamentary system, has worked and that the practice of freedom has enjoyed a grand success in Canada for 134 years. I worry about those who wish to reform our system of governance, for their idealized reform system comes with no guarantee for freedom.

The Hon. the Speaker: Honourable senators, I regret to advise that Senator Kinsella’s time has expired. Is leave granted to extend the time?

Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, I would request two more minutes.

Indeed, when I listen to the reformers speak of the return of capital punishment and other right-wing issues, I would clearly prefer our system, which has delivered on freedom.

Honourable senators, we can make our system work better. The model has worked, but the machinery of state might need some adjusting. One area in which the Senate could undertake a major functional change for the betterment of governance is by significantly improving the supervisory role of the Senate.

Hon. Jerahmiel S. Grafstein: Honourable senators, I am delighted with Senator Kinsella's support of this measure. The honourable senator, like myself, has a concern with respect to Senate or parliamentary oversight of the executive and parliamentary oversight of each House. Blackstone put it very well in saying that the tripartite system of government was based on a system of checks and balances, where each House was to check the executive and, in turn, each House was to check each other. We have not seen much of that. This bill raises that question, and the honourable senator has put it in an even and narrower way.

Would the honourable senator be in favour of a provision, either a rule or, in effect, a piece of legislation, that would make it mandatory that all reports of the various agencies of government be referred to the relevant committees for consideration within a given period of time?

In this new session, it is my estimate that over 90 reports have been tabled here, and, as Senator Kinsella points out quite rightly, they just disappear with no oversight — no constitutional, legislative or parliamentary oversight. Would the honourable senator agree that it would be appropriate to follow up this measure, if it were approved here, with a further measure that would seek to remedy the problem raised?

Senator Kinsella: Honourable senators, I thank Senator Grafstein for that question. Yes, I would support such an initiative. One would need to work out the detail, but we need the principle. I believe we were given the opportunity to zero in on that need, and there would be a major contribution made by this house should we do that.

Hon. Jean-Robert Gauthier: Honourable senators, I wish to ask a question of Senator Kinsella. The honourable senator spoke about the need for Parliament's oversight or accountability, and also about the Auditor General tabling a report in the other place. We seldom receive that report in the Senate because the law is that way right now. Until 1993, the Auditor General tabled only one big report a year, read it in the House of Commons for approximately a day and a half and made a wonderful media case, but it did not have any substance or follow-up.

Honourable senators, it is still the law that the House of Commons names the Auditor General. We do not have a word to say as to who will be appointed. The selection of a new Auditor General will soon take place because the present one, Mr. Desautels, must resign after 10 years in office.

Does the Honourable Senator Kinsella know why the Senate is excluded from the good accountability measure of having the Auditor General table four reports a year, as he is allowed to do now? Does Senator Kinsella have any reason to believe that the Senate cannot study those documents, cannot look at them, because they must be considered as expenditures?

Senator Kinsella: Honourable senators, I thank the honourable senator for that question. As to the appointment of the Auditor General, I would need to review that legislation. I simply do not remember how that appointment is made.

However, the report of the Auditor General is submitted by the Auditor General to both Houses, and the Speaker formally tables the report of the Auditor General.

As far as this house is concerned, it seems to me that the next step is the vehicle that we wish to use to have the Auditor General's reports taken into consideration. The report could be considered in Committee of the Whole, which worked quite well with the Privacy Commissioner on two occasions in the last Parliament, or the report could be referred to the Standing Senate Committee on National Finance. We are arguing that the work of these various officers of Parliament, or other agencies, should be reported to both Houses. Those reports are not receiving the fullness of their worth unless they are subjected to analysis by the respective Houses. For those who reflect upon the future of this chamber, given the problems with the method of selection, I should think that there would be much support across this country and much understanding of the importance of a second chamber in a country such as ours if we were to concentrate on the supervisory function.

• (1540)

Hon. Anne C. Cools: Honourable senators, I listened to the exchange between Senators Kinsella and Gauthier. As Senator Kinsella spoke, I was reminded of the unique position that the Auditor General occupies. It is clear that the Auditor General is the servant of the House of Commons. However, it is not as clear that he is the servant of the Senate, even though the Auditor General is an officer of Parliament. Thus, it is a unique and special situation.

I want to lend support to the notion that Senator Kinsella raised, which is the need for parliamentary superintendence. The honourable senator called it supervision. However, the word used to describe it is not particularly important. The honourable senator raised the whole phenomenon of parliamentary superintendence over the business of cabinet and the business of government. I share the concern that he and many here have expressed, that being that the notion of responsible government is becoming a thing of the past in Canada. It is sort of a historical relic to which some people refer once in a while. From the point of view of an active constitutional doctrine that functions on a daily basis, it has been disappearing.

To add to what Senator Kinsella was saying, perhaps he could also add his voice of support to the Senate being a little more aggressive in the superintendence of many more aspects of government. To that extent, I thank him.

Senator Kinsella: Honourable senators, I concur.

Hon. Wilfred P. Moore: Honourable senators, I wish to join the debate respecting Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.

First, I wish to commend Senator Joyal for introducing this bill and for the detailed work he undertook in preparing it. I also wish to recognize the efforts of Senators Beaudoin, Grafstein and Kinsella, all of whom have spoken on this matter.

The technical aspects of this bill and its constitutionality have been spoken of by senators more learned in those areas than I. Hence, my remarks will focus on actions that I have observed and words that I have heard and read, particularly during the Thirty-sixth Parliament.

In the last Parliament, activities were undertaken and words were spoken respecting the Senate by some members of the House of Commons from all parties. They called for various actions, including the abolition of the Senate, changes to its membership process and changes to its makeup. Others still have indulged in empty rhetoric about the Senate. Any one of those things is possible, of course, by a required appropriate amendment to our Constitution. Until such a change occurs, the Senate as enshrined in our Constitution is here, is functioning very well and deserves recognition in that regard.

Some activities and words of members of the House of Commons were not only uncomplimentary to the Senate but were misleading in their incompleteness. In their utterances, those members of the House of Commons did not tell Canadians that the Senate is one of the two equal Houses that make up our Parliament. They did not tell Canadians that the Senate is first and foremost a legislative chamber. They did not tell Canadians that the Senate is a chamber of last resort, where committees will hear Canadians and pay the travel expenses of those Canadians in order to have the benefit of their valued opinions. They did not tell Canadians that, like members of the House of Commons, senators, too, are parliamentarians.

It is one thing for the Senate to be a whipping boy for a hoped-for personal gain by those members of the House of Commons who participate in such activities and utterances; however, it is quite another for such activities and utterances to present only part of the picture. To make incomplete or misleading statements does a disservice to all Canadians, thereby giving them an incomplete picture of how Canada is governed and confusing them as to who is a parliamentarian. No doubt the continuous use of the abbreviation "MP" adds to that confusion. Like all my Senate colleagues, I am a member of Parliament, an MP. To be absolutely fair, perhaps those members of the House of Commons did not know that.

I am particularly concerned that students at all levels of education in Canada be not confused or misinformed about the makeup of Parliament and that they be fully knowledgeable about how our country is governed, including the important role of the Senate in that constitutional responsibility.

There is a particular concern that arises from this rhetoric. The worst thing of all is that the members of the House of Commons pretend that institutional reform is easy, as if the Prime Minister could amend the Constitution with a stroke of his pen. That illusion creates unrealistic expectations, expectations that are unfulfilled and that feed public cynicism about politicians generally. Not only do those members of the House of Commons do harm to the Senate, they unwittingly do harm to themselves.

[Senator Moore]

Bill S-8 is important because it serves to remind us of constitutional facts. It upholds an important principle, the equality of the two Houses, which is essential to each of them for the discharge of their respective constitutional duties and which is essential to the smooth functioning of Parliament as a whole.

This bill gives recognition to the equality of both chambers and to the ongoing need for all to be vigilant, to ensure that the principle of equality is maintained and effective. I give my hearty support to this bill.

On motion of Senator Cools, debate adjourned.

ROYAL ASSENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) moved the second reading of Bill S-13, respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.—(*Honourable Senator Lynch-Staunton*).

He said: Honourable senators, at the last meeting of the Standing Senate Committee on Privileges, Standing Rules and Orders in the last Parliament, which was the Wednesday before the Thursday Parliament was dissolved, the members of the committee agreed to report this bill to the Senate. Because I thought it would fall off the Order Paper in any event, I said that it would save time and expense if we just let it sit in the committee and that I would bring it back in the new Parliament, which is what I am doing now.

There is nothing more I can add to the purpose of this bill that has not been said before. The purpose of Bill S-13 is not to abolish the traditional ceremony of Royal Assent as we know it but to provide for an alternative form of Royal Assent under circumstances that might make it difficult for the traditional Royal Assent to take place, such as emergency legislation when it might be difficult to find those responsible to have the ceremony take place.

If there is no further debate on this bill, I would ask, therefore, that it bill be returned to the committee where it was last seen.

Hon. Jeremiah S. Grafstein: Honourable senators, senators on both sides know my position with respect to the suggestions proposed in this bill. I have no objection whatsoever to renovating the Royal Assent ceremony and the role of Her Majesty's representative in this chamber — none whatsoever.

My difference with the Leader of the Opposition is that I hope that by having this discussion and referring it to committee we could end up with a Royal Assent that would heighten the visibility of this chamber, heighten the visibility of the role of all senators and, perhaps, call upon our colleagues in the other place, including Her Majesty's representative, to take a more forceful and active role in Royal Assent, which is again one of the three important parts of all legislation.

• (1550)

Therefore, I concur with Senator Lynch-Staunton that we should refer the matter yet again to committee. As the honourable senator will know, I shall once again table my proposed amendments. They are only proposed amendments to obtain the views of members of the Rules Committee on how we can achieve the objective that I think we all desire, that being a heightened visibility of the role and credibility of this chamber.

On motion of Senator Cools, debate adjourned.

SIR JOHN A. MACDONALD DAY AND SIR WILFRID LAURIER DAY BILL

SECOND READING

Hon. John Lynch-Staunton (Leader of the Opposition) moved the second reading of Bill S-14, respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day.—(*Honourable Senator Lynch-Staunton*).

He said: Honourable senators, in the last Parliament, Senator Grimard introduced a bill urging that Sir John A. Macdonald be recognized with a national day. I sensed, as he did, that proposing that for a Conservative prime minister gave the proposal a partisan tinge that was not intended. To offset that, I later proposed a similar bill to honour Sir Wilfrid Laurier. Parliament was dissolved before the two bills were dealt with. Therefore, in an effort to emphasize the non-partisanship with which these two suggestions should be considered, they have been merged into one bill. The bill before you now proposes a day to honour Sir John A. Macdonald and a day to honour Sir Wilfrid Laurier.

I need not talk in this chamber of the extraordinary contributions made by both men, one to the creation of this country and to its initial stages of advancement and the second to further the process of maturity. Both faced extraordinary difficulties. The social makeup of this country was split largely between French and English and Catholic and non-Catholic, and the tensions between the two were extraordinary. The provinces had yet to adjust to the new system of federation. It is not an exaggeration to say that had it not been for the persistence of these two men under difficult circumstances in the initial period of this country, Canada today would be totally different from what it currently is.

This bill does not ask for the declaration of a national holiday. It simply says that these two men should be recognized by having a day in honour of each of them, so that in February Canadians can become more familiar with the senior Father of Confederation and in November can become more familiar with the first Prime Minister from Quebec, whose commitment to national unity was quite extraordinary and is still inspiring today.

There are those who have suggested that we should have a "Prime Ministers' Day." Coincidentally, yesterday was Presidents' Day in the United States, a national holiday. The Americans also honour Washington, Lincoln and other great men

and women in their history — more recently, Martin Luther King. Not all of them have holidays in their honour, but they all have special days because they deserve that special honour to remind Americans of their contributions to their country. Similarly, the purpose of this bill is to honour two extraordinary individuals for the same reasons on their birth dates.

Through Mr. Harvey Haber, President of the Sir John A. Macdonald Foundation Inc., I learned that January 11 may not be the actual birth date of Sir John A. Macdonald but rather January 10. The birth records in Scotland indicate January 10. When John came to this country at the age of five, his father, Hugh, recorded his birthday as January 11.

These are minor considerations in the appreciation of this bill. Should the bill be referred to committee, necessary corrections can be made there. Meanwhile, I urge honourable senators to support the bill and I look forward to hearing any comments on this bill that members of this chamber may wish to make.

Hon. Jerahmiel S. Grafstein: Honourable senators, I commend Senator Lynch-Staunton for bringing this matter before us again. I had extensive discussions with Senator Grimard when he brought forward a bill proposing a Sir John A. Macdonald Day. The bill has now been changed to include Sir Wilfrid Laurier, which is, I think, fair and appropriate in the circumstances. Too often, we neglect great Canadians who are both symbolic and historic figures, denying ourselves and our children a better sense of Canadian history.

I agree with this bill in principle. However, as the honourable senator will recall, I also was the one who suggested that perhaps we might have a day commemorating Parliament and the prime minister — the prime minister being secondary to Parliament, because, under our system of government, the prime minister is accountable to Parliament.

I hope that all these issues will be discussed afresh in committee and I have no objection to referring the bill, upon second reading, to the Rules Committee for an extensive and historic discussion on this very momentous piece of legislation.

Hon. Anne C. Cools: Honourable senators, I have always been very interested in Sir John A. Macdonald, for many reasons, the first being that he was a brilliant man. Sir John A. Macdonald's second wife was a Jamaican. Perhaps in the proposed committee study there will be an opportunity to explore that part of Sir John A.'s connection to the British Caribbean. We must remember that at the time that Sir John A. was in power this part of the world was referred to as British North America. I believe his wife's name was Agnes Bernard, although I am not positive of that. Some senators may be thinking that she was black, but she was a white Jamaican.

Sir John A. Macdonald was an amazing man. Of the 72 Quebec resolutions during Confederation, I believe that he personally authored 44.

In the committee study, will we learn some information about Lady Agnes?

Senator Lynch-Staunton: Honourable senators, perhaps I should admit to a conflict of interest. On my grandmother's side, I can trace my ancestry back to Jamaica, too. Although you may not like this part, they were sugar plantation owners; the part I do not like is they all went broke after the abolition of slavery.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Lynch-Staunton, bill referred to the Standing Committee on Social Affairs, Science and Technology.

• (1600)

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Lorna Milne moved the second reading of Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator Milne*).

She said: Honourable senators, I was pleased to hear the immediate discussion we have had on genealogy in this chamber because the purpose of Bill S-12 is to allow for the timely public release of the post-1901 census records to allow genealogists to pursue their interests.

This bill is intended to make reasonable and workable amendments to both the Statistics Act and the National Archives of Canada Act, to allow for the transfer of census records from Statistics Canada to the National Archives of Canada, where the records will be released to the public, subject to the Privacy Act.

In the last Parliament, I introduced this same bill. During second reading stage, it attracted the attention of the Honourable Senators Fraser, Johnson, Taylor and DeWare, before it was referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Following my introduction of this bill, there was an identical bill, as well as a private member's motion, introduced in the other place, both of which were intended to get exactly the same results as Bill S-12.

The issue of census release is gaining more urgency as time passes. Access to census data remains an essential part of historical research in Canada. David Havegood of the Galton Institute said at a recent conference in London that the development of the family pedigree, so familiar to all genealogists, including Senator Lynch-Staunton, is "the most commonly used tool in medical genetics." Thus, I am proud to speak to the second reading of Bill S-12 today.

I believe this bill achieves an acceptable compromise between the concerns and goals expressed to me by the various interest

groups involved — Statistics Canada, the National Archives of Canada, the Privacy Commissioner of Canada, genealogists, historians, medical research and the Canadian public.

I do not want to bore the Senate by repeating everything I have said here on several occasions on this subject. Since that time, however, several things have happened.

Early last summer, the Expert Panel on Access to Historical Census Records reported to the Minister of Industry. In their report, released in December 2000, they responded to many of the concerns raised when this bill was first introduced in the previous Parliament. The panel recommended to the minister the following:

Our fundamental recommendation is simply that census records should be publicly released through the National Archives 92 years after a census is taken. The means by which the release of historic census records can be achieved varies with the historical period in which the census was and will be taken.

The expert panel further stated:

The Panel is firmly convinced of the benefits of the release of historical census records. The Panel is of the view that with the passage of time, the privacy implications of the release of the information diminishes and that the passage of 92 years is sufficient to deal with such concerns. We are persuaded that a guarantee of perpetual confidentiality was not intended to apply to the census. We believe that the indication of transfer to the National Archives also implied an intention that the census records would eventually become public and we would not view any legislation deemed necessary to do so as a breaking of a promise to respondents. We view the historic and international precedents as fully supportive of this position. The Panel is equally convinced of the value of the census and other work of Statistics Canada and is unwilling to make any recommendation which it believes will jeopardize this work. It is for that reason that we recommend release of the pre-1918 Census records and the post-2001 records on a 92-year cycle...

The expert panel, by the way, consisted of the following individuals: our former colleague the Honourable Lorna Marsden; Professor John McCamus of Osgoode Law School, York University; the Honourable Gérard LaForest, former Justice of the Supreme Court of Canada; Chad Gaffield, Director of the Institute of Canadian Studies at the University of Ottawa. The panel was chaired by Richard Van Loon, President of Carleton University.

Honourable senators, I should like to briefly outline the bill and demonstrate how it is legislatively compatible with the report of this expert panel.

Clause 1 of the bill makes amendments to the Statistics Act by adding a new section after section 21. Under this proposed new section, Statistics Canada would conserve the records while they are in the care of the department.

In addition to ensuring the conservation of these records, the bill requires the Chief Statistician to obtain the consent of the National Archivist of Canada before administering the destruction or disposal of any census records, including individual census returns, and ensures that this can only be carried out once all of the information has been transferred onto another recording medium. This proposed section also details when the transfer from Statistics Canada to the National Archives of Canada should occur, first: for population censuses taken under section 19 and agricultural censuses taken under section 20 and, second, all the population and agricultural census data taken prior to 1971.

Bill S-12 recommends that the transfer to the National Archives occur 30 calendar years following when the census was taken but leaves the window open for the transfer to take place sooner if the two departments are in agreement. For the pre-1971 records, the transfer is to occur before the expiration of two years after this proposed section comes into force, or at an earlier time agreed upon by the two departments. This is consistent with section 6 of the National Archives of Canada Act.

Once the records are transferred to the care and control of the National Archivist, the Chief Statistician will no longer be responsible for those records. The information contained in the records and the release of the census records would then fall solely under the responsibility of the National Archives of Canada and the National Archivist.

Therefore, the second part of this bill amends section 7 of the National Archives of Canada Act.

Under Bill S-12, proposed section 7.1 would recognize the permanent historic and archival importance of census records, and thus the necessity to ensure the security of the permanence of these records through specifically prohibiting the transfer, destruction or disposal of the records unless all of the information is saved on an alternative recording media.

Proposed section 7.2 would recognize the promise of confidentiality. Once the records are in the control of the National Archivist, prior to 92 years after the census has been taken, the archivist could only disclose the information in the records to the Chief Statistician of Canada and persons authorized by order of the Chief Statistician under subsection 17(2) of the Statistics Act, or as authorized by this proposed section. After the 92 calendar years have elapsed since the census was originally taken, the National Archivist would provide public access to the records of the census. This does not touch any provision already providing access to the information under the Statistics Act prior to 92 years since the taking of the census. The access provided by the National Archivist after 92 calendar years would be subject to such reasonable terms and conditions as the archivist may establish that are consistent with the purposes of the National Archives Act.

• (1610)

The last addition that Bill S-12 makes to the National Archives of Canada Act would implement an objection process whereby the National Archivist would accept written objections from

individuals who wish the information they submitted during the course of the census to remain confidential. The archivist will receive these written objections in the final year before the information would otherwise be released. Bill S-12 sets a number of requirements for those written objections. In addition to when it should be submitted, the objection must contain sufficient information for the archivist to be able to locate the information and would have to satisfy the National Archivist that the disclosure of that personal information would constitute an unwarranted invasion of the privacy of the person to whom it relates. If these requirements are satisfied, the archivist would not allow the disclosure of that personal information referred to in such a valid objection.

When 92 calendar years since the census was taken have elapsed, the archivist will make public all census records of individuals recorded in the census who have not made a valid objection to the archivist and who would, therefore, be deemed to have given irrevocable consent to public access to this information in the census.

Honourable senators, virtually every civilized nation in the world retains census data and makes it available to the historic researchers once a reasonable period of time has elapsed, including such privacy-focused and litigious countries as the United States of America, which released its 1910 census to the public in 1982. Even in the home province of the minister presently responsible for the census, all the census results up to and including the 1945 census are now open to the public and have been for half a century. These records are of vital importance for Canadians not only for reasons pertaining to family history but also for medical, demographic and historic reasons.

Since the release of the report of the expert panel, I am more convinced than ever that Bill S-12 strikes a good balance between all of the issues considered around the census release. I hope that no Canadian will be deprived of this vital personal data that belongs not only to the state but also to that particular Canadian.

Honourable senators, this issue will not go away. Presently, census committees have been set up in almost every province and territory and are hard at work lobbying politicians — I heard from one of them today — and are rapidly gaining increased support.

I want to give all credit for this surge in public support to Mrs. Muriel Davidson of Brampton and her multilingual Canada Census Committee, to Gordon Watts of Port Coquitlam, B.C., to Donald Nisbet of Surrey, B.C., and to the many fine minds who are presently researching this matter and writing to me.

Today, I presented petitions signed by 363 Canadians. In the last year, I have presented petitions in this place signed by over 1,800 Canadians. In the other place, petitions signed by well over 6,000 people have been presented so far. I repeat, this matter will not go away.

Honourable senators, I look forward to your support.

Hon. Sheila Finestone: Honourable senators, the honourable senator makes a very interesting and persuasive case. I have an interest in and a serious concern regarding privacy rights. Could the honourable senator define what, exactly, would be found in a census record? To what extent would a census record expose my life, my history, my financial accounts, my illegitimate and my legitimate children, et cetera? Could the honourable senator please inform me as to what information is contained in the census records?

Senator Milne: The honourable senator's question does make me curious. However, the questions contained in the Canadian census have remained the same basically from the time it was instituted in 1861, when the first fairly complete census record was taken in Canada. The questions remained the same through to 1901 — and those records have already been released with no adverse reaction whatsoever — and to 1906, the first year of the Western census, right through until after the Second World War. The census asked questions of a personal nature — who you were, your name, the number of children you had, and the names and ages of your children.

Senator Finestone: What about questions concerning finance?

Senator Milne: No, the finance part of the census usually came through in the agricultural census, when Canadians were asked the value of their crops, how many acres of grain they had produced in the last year and what it was worth. Questions regarding finances were not part of the census.

The questions remained the same until after the 1951 census. Ninety-two years after 1951 would bring us to 2043. Therefore, until the year 2043, we do not have to worry about a lot of personal information being released when the census results are released. Between now and then, I am sure there will be many changes in various laws about privacy, so I am not terribly concerned about after 2043. I am concerned about getting the historic censuses that now exist into the public domain, where I believe they should be and where it was always intended that they should be, and where the same instructions that tell the census takers they cannot run down the street and tell your neighbours everything about you also told them to make sure that their writing was clear and distinct because these records were to be deposited in the Public Archives of Canada, eventually for all to see. It was the clear intent at the time that these records would eventually be made public.

Senator Finestone: I have two supplementary questions. First, what happened or what changes took place after 1951 in the nature of the census information?

Second, I was Vice Chair of the Standing Committee on Communications and Culture in the other place in about 1985-86, when there was serious damage to the National Archives Building. We became aware of the need for repair and the need for a new storage facility for all these wonderful archival materials. Many of these handwritten documents, which are magnificent to look at, are to be found there. I saw

documents from the 1840s and 1850s. At that time, I do not recall seeing anything that was more personal than your name, your address, your number of children, the names of your children or the quality of the cattle that you owned. Frankly, with everything that is happening today, I think there is more protection of cattle than there is of people.

I do not recall seeing anything that was of serious concern, such as the distribution of your financial estate or the relationship within your family. There are serious concerns, honourable senators, about what information we are releasing and whether it should be made anonymous. Removing or making that information anonymous would meet the criteria of the right to privacy, which was promised.

The honourable senator has stated that it was said that the census documents were there to be made public. I am not familiar with that phrase, nor with that approach. I would like to be further sensitized and better informed, and perhaps we could do that in committee.

When you are presenting a creative approach such as this to honourable senators, it is important to indicate the content of the census on the public record so that we can allay the fears of many people about the historic record and what will become part of the public record under a census report.

• (1620)

Senator Milne: Honourable senators, to answer the first of the two questions, sometime after 1951, Statistics Canada went to the use of an individual form for the first time, rather than writing down consecutively in the same book the names of each member of a household. Because they went to individual forms, future research on any name through the census became remarkably difficult.

That was the main change after 1951, along with the fact that, yes, they did begin to ask more intrusive questions. They asked those questions in order to sell the results, I believe, to the public. Statistics Canada is in the marketing business. Now they are selling aggregate results; they are not selling individual results.

Forty years from now, that usage will become a concern to researchers. I agree with the honourable senator on that point. For the questions up until then, I am quite prepared to document every single census question in those intervening years. We can discuss this fully in committee and let senators know that the questions then were not intrusive, were not invasive and had not changed.

The 1901 questions have already been released; they were pretty well identical to the 1911 census questions. There was no change.

There was no change in the law between those two years. Why was the 1901 census released with no problems and no concerns, but, all of a sudden, the 1911 census cannot be released? This I do not understand.

The honourable senator makes a point about the promised right of privacy. That promise is a myth. A right of privacy was never promised. Good brains all across this country have been researching this question for the past three or four years, and they have yet to find any evidence of a right of privacy promised to the people by the Laurier government.

Three or four days ago, a demand for access to information was made to the government. That demand must be answered within 30 days. The demand is for proof that the government promised this privacy. It will be very interesting to see if they can come up with the promise because, so far, no one has been able to come up with it. It is a myth.

Hon. John G. Bryden: Honourable senators, I should like to make a short comment and then ask a question of Senator Milne.

As I listened to the honourable senator's statement and the exchange that followed, I thought about the valuable role of this chamber in addressing some of the things we have been discussing, issues that are significant and important to the fabric of Canada and to understanding Canada's past, its present and its future. Such hugely significant questions can consume the time of this chamber and properly so, but those same questions would likely not find a champion or champions in the other place because there is no necessity of X dollars required to plant the crop in April, for example. It is extremely important that honourable senators take the opportunity to delve into this area with great consideration.

I have one other comment on the reference to privacy that Senator Finestone raised. It probably is true that there was no commitment to privacy. When I was attending law school — and all the lawyers here and elsewhere may correct me — I understood that there was no concept of a right to privacy under the common law under which we functioned. That is why we have developed acts dealing with privacy. There was no inherent right to privacy at common law in Great Britain or its colonies. Senator Grafstein is looking at me. Nevertheless, it is worth seeking out that commitment because chances are pretty good that privacy was not one of our inherent rights.

The honourable senator referred to appeals being made to prevent the release of some information. The National Archivist is to make the decision after having heard all arguments. I have not looked at the act, but is there any appeal of the decision of the National Archivist? If not, then I take it that recourse would be through the normal court system. Is there any board to which appeals may be taken?

Senator Milne: Honourable senators, Senator Bryden is quite right that British common law contains no such idea as a right to privacy. Unless it is specified, privacy does not exist. In this case, the original act was silent; therefore, privacy does not exist. The bill does state that the archivist shall not disclose any personal information after receiving a valid written objection regarding that information.

No, I have not provided within this bill for any form of appeal. Presumably, it would be very difficult to find someone who wanted to appeal because, if one person objects out of 30 million people in Canada, it is pretty hard to let everyone know that one particular person has objected to their information being released.

Hon. Jeremiah S. Grafstein: Honourable senators, forgive me; I did not hear the fulsome debate. I just heard the former Chairman of the Standing Senate Committee on Legal and Constitutional Affairs suggest to the Senate that there is not under common law a right to privacy. I will not debate that issue today, but certainly we are called upon to at least review the question.

The only instant recall I could give would be the extensive treatise by Mr. Justice Brandice about the right to privacy. That article was written, I believe, in the 1920s or perhaps the 1930s. It was an extensive review of the origins of privacy. I will bring that article back to the Senate, but I did not want to sit and listen to these comments by our colleagues without at least saying that the issue is worth exploring, as the honourable senators have suggested.

Senator Milne: Honourable senators, I believe that I said that there is no inherent right to privacy.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could Senator Milne explain the difference between the right to privacy and the inherent right to privacy?

Senator Milne: At this point, I would resign.

On motion of Senator DeWare, for Senator Murray, debate adjourned.

[Translation]

- (1630)

THE SENATE

MOTION TO CHANGE RULES REGARDING STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin:

That rule 86(1) of the *Rules of the Senate* be amended:

1. by deleting paragraph (e);
2. by adding immediately after paragraph (g) the following new paragraph:

“The Senate Committee on Official Languages, composed of seven members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages.”; and

3. by relettering the paragraphs accordingly.

That, notwithstanding Rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a Message be sent to the House of Commons acquainting that House thereof.

Hon. Gerald J. Comeau: Honourable senators, it was my intention to support Senator Gauthier’s motion calling on the Standing Committee on Privileges, Standing Rules and Orders to examine this motion concerning the creation of a standing Senate committee on official languages.

However, the notice of motion moved earlier today seems to ignore this proposal. It instead calls for the creation of new committees, the committee on defence and security, and the committee on human rights. Since Senator Gauthier’s arguments are very valid, I am sorry to see that the government side appears to have rejected his proposal.

I do not, however, wish to minimize the importance of these two new committees but, for some of us, official languages are also important. I therefore move a motion in amendment to the motion moved by Senator Gauthier.

[English]

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: Honourable senators, I move, seconded by the Honourable Senator Oliver, that the following be inserted after the word “That”:

“the Standing Committee on Privilege, Standing Rules and Orders examine the following proposal:

That”.

[Translation]

As it appears in the first line of Senator Gauthier’s motion.

[English]

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

Motion, as amended, agreed to.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now completed the Order Paper. Senator Cools has given oral notice of a question of privilege, which was circulated in writing by the Clerk of the Senate.

Hon. Anne C. Cools: Honourable senators, earlier today, as we know, I had given notice that I would raise a question of privilege in respect of the scheduling of committee meetings. I had based that question on the well-established fact of parliamentary privilege, which is that the Senate and its committees have a right to the attendance of its members and, conversely, that a senator has the right to attend the Senate and its committees. Attendance is one of the oldest and most important privileges. After all, it is deemed that the Senate has a right to its members’ attendance and service. The attendance of senators is an absolute privilege and is protected by immunity.

My question arose out of two notices from committees, both of which I am a member. The notices arrived in my office indicating that both the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on National Finance were scheduled to meet on Wednesday, February 21, 2001, at 3:30 p.m., or when the Senate rises. The Legal and Constitutional Affairs Committee regularly meets at 3:30 p.m., so there was no problem with that. However, the National Finance Committee regularly meets at 5:45 p.m. Thus, the committee that was subjected to the time change was the National Finance Committee.

My question of privilege related to arbitrariness in rescheduling, and I was intending to seek a ruling from the Speaker. However, events have overtaken my question today to the extent that my concern has been resolved to the satisfaction of both senators’ privilege to attend Senate committees and my personal privileges.

The Hon. the Speaker: I have listened carefully. Is Senator Cools withdrawing her question of privilege?

Senator Cools: Honourable senators, I would be happy to tell His Honour what I am doing, if I could finish.

I was saying that I now have in my hands a new notice from the Standing Senate Committee on National Finance indicating that on Wednesday, February 21, 2001, that committee will meet 45 minutes after the Senate rises, and that satisfies my concerns. In that regard, I should like to thank Honourable Senators Carstairs, Robichaud, Murray and Finnerty.

Although my particular problem has been resolved, there may be other problems in the same vein. I am not quite sure how to proceed with that issue.

Honourable senators, the question that I am raising has been resolved to my satisfaction.

The Hon. the Speaker: Senator Cools, privilege is one of the most serious matters that can be raised in the chamber. Before going to other senators, my understanding is that you have resolved any issue that you had in terms of whether your privileges have been affected in a way that you think should be drawn to the attention of all honourable senators and dealt with by a motion or reference to committee or by request for a ruling by the Chair.

Under our rules, as I understand them, a matter of privilege affecting any senator is the responsibility of all senators. Do I understand that you are not now raising a matter of privilege affecting your privileges, but rather a hypothetical question of other senators' privileges or actual senators' privileges?

• (1640)

Senator Cools: No, I am not raising a hypothetical question at all. I am raising the important phenomenon that is contained in the summons that all honourable senators receive as they are called to the Senate and that is signed by the Governor General, which says in part:

AND WE do command you that all difficulties and excuses whatsoever laying aside, you be and appear, for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit.

Essentially, I am saying that my personal encounter has been resolved but that there is still a problem in the scheduling of these committee meetings. I was just told a few minutes ago that there are several other committee meetings that are overlapping and there are several conflicts. However, I am saying as well that we are compelled by the *Rules of the Senate of Canada* to defend privileges. That is all.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have three points. First, the question of privilege, of which we were given notice and raised after the Orders of the Day concluded, speaks to the privileges of the house, not only one senator. The substantive issue is that senators have an obstacle placed directly in front of them if they are duly assigned by the Senate as a member of two or three committees and those committees are meeting at the same time. Notice has been given that tomorrow afternoon the Standing Senate Committee on Social Affairs, Science and Technology, the Standing Senate Committee on National Finance, the Standing Senate Committee on Legal and Constitutional Affairs, and the

Standing Senate Committee on Banking, Trade and Commerce are all meeting at 3:30 p.m.

I take it that Senator Cools had a problem because she is on the Standing Senate Committee on National Finance and the Standing Senate Committee on Legal and Constitutional Affairs. The honourable senator's problem apparently has been resolved through discussions with the Leader of the Government in the Senate. I do not understand why the Leader of the Government in the Senate determines when the committees meet. I do not find that in the rules. Be that as it may, the problem we have in terms of the privilege question is a question for all honourable senators.

We can resolve the matter simply by having a short discussion now, and it may not even need to be referred any further. I believe that what all honourable senators are placing on the record is that in order for us not to have a breach of parliamentary privilege occur, we cannot have committees meeting at the same time when members of those committees are duly appointed by the Senate. Tomorrow afternoon, for example, based upon the notices received this afternoon, Senator Kirby must be at the meetings of the Social Affairs Committee and the National Finance Committee. Senator Hervieux-Payette must be at the meetings of the National Finance Committee and the Banking, Trade and Commerce Committee. There are three senators whose privileges would have been interrupted.

I believe the problem can be obviated by a more careful examination of the membership on committees by the clerks. I would hasten to add that in dealing with issues of privilege there is a distinction between a privilege of Parliament and a claim of a personal privilege by an individual. In the House of Lords — and this house of course flows from that house — the privileges of peerage basically have disappeared and what is left is privilege of Parliament. The criteria of the privilege of Parliament are well laid out in the standing orders of the House of Lords, and interference with attending committees is quite clearly articulated on page 213.

This problem should have been resolved, either for Senator Cools or for other honourable senators, by a little more attentiveness on the part of the clerks to see that committees are not scheduled at a time when conflicts occur. From the standpoint of the opposition, it is an important point to be raised and, one would hope, resolved simply by placing it on the record.

Senator Cools: Honourable senators, I am satisfied that there is no need to place this matter before His Honour for any further consideration. I am satisfied that the leadership has acted at my instance and that the situation is properly resolved. I am satisfied with what Senator Kinsella has said, which is essentially that the fact of raising the matter should go a long way to the resolution of that other set of problems.

The Hon. the Speaker: Thank you, honourable senators. I take it that the request for consideration of a matter of privilege is no longer being pursued and that the matter has been aired under the properly given notice of Senator Cools.

HISTORICAL IMPORTANCE OF PROCLAIMING FEBRUARY BLACK HISTORY MONTH

INQUIRY—DEBATE ADJOURNED

Hon. Donald H. Oliver rose pursuant to notice of February 6, 2001:

That he will call the attention of the Senate to the historical importance to Canadians of February being proclaimed Black History Month.

He said: Honourable senators, it is a privilege for me to stand to speak to this important issue. I should like to begin by recalling a crime that occurred in the United States in June of 1998. The crime involved three white boys who chained a black man by the ankles to the back of their truck and dragged him to his death. The black man's name was James Byrd. Mr. Byrd was dragged for five kilometres along a country road. He died brutally. His skin was ripped from his body. His right arm, neck and, finally, his whole head were torn off. James Byrd's final agonizing moments on earth went unrecorded. They were lost amid the din of racing motors, burning tires, beer and good-old-boy laughter.

James Byrd was a quiet man. He was a family man. He was a brother, an uncle and a son. Suddenly he was dead, torn and ripped to pieces, dumped in a ditch on the side of a rural east Texas highway.

The picture I have just painted for you is not a pretty one. Racism rarely is. I mention it because what happened that day in Texas cuts right to the bone of what I believe Black History Month is all about.

Black History Month is more than just a celebration of black culture and the contribution of black people to our nation. It is a yearly reminder that our quest for equality and respect is still far from over. It is a string around our collective fingers telling us to keep up the fight against racism, to continue exposing false and pernicious stereotypes, and to persist in doing everything in our power to forge a relationship of real equality with white people.

Black History Month is also, or at least should be, a period of reflection. We should all be asking ourselves the following question: What can I do to improve the condition of black people, indeed, all visible minorities, here in Canada and around the world?

Honourable senators, we can all agree that the sad events in Texas should never have happened. There are laws against dragging people to death, there are legal codes and there are moral laws as well, or so I thought.

• (1650)

The sad truth is that the law can only do so much. It can control behaviour, but what about attitudes? What can the law do

to control these? The answer is, very little. The attitudes that lead people to commit crimes like dragging an innocent man to his death really can only be changed through education and the elimination of ignorance and fear.

How do we do this? We do it through concerted, positive, tenacious and unrelenting effort. If we want to rid our society of the ignorance and fear that lead to racism, we have to get out into that society. We have to participate. We have to militate for change. We have to inform and enlighten our friends, colleagues, neighbours and fellow citizens. We have to refuse to be marginalized. In a word, we have to demand that we be allowed to enjoy our rightful place as citizens.

Honourable senators, I grew up in a small rural town in Nova Scotia. My father was a janitor at a local university — Acadia University. Wolfville was like most of Nova Scotia at the time. In fact, it resembled pretty well all of Canada. It was almost all white, with a few pockets of blacks and other visible minorities scattered here and there on the periphery.

Diversity was not a common word in those days. In most people's eyes, Canada was a nation of white, English-speaking, God-fearing people, a sort of *American Graffiti* with snow. Racism was a fact of life for blacks everywhere, particularly in Nova Scotia. People are often surprised when I tell them this. They do not know that it was not just in Mississippi and Alabama where black people were isolated, exploited and harassed, where they were called "niggers" and worse, and where they were routinely denied basic human rights and services.

Honourable senators, let me offer you but one small example, of which I have hundreds. When I was 20, I decided to take my family — mother, father, sisters — to Halifax to celebrate an important family event by eating out in a great Nova Scotia restaurant. My family and I were all dressed in our Sunday best. After the ceremonies at Acadia University were over, we got in the family car and drove 60 miles to Halifax where we stopped at a restaurant for a meal. We waited and waited. Gradually, those around us were all served. We waited still longer. Finally, the manager approached us and, in very simple terms that I remember clearly to this day, said, "We don't serve niggers here."

In the years since my graduation from Acadia, the palette of Canada's citizenry has taken on new hues. To the once omnipresent white have been added new shades of black, brown, red and yellow. In short, our mosaic has changed. It has become more diverse.

Canada's increasing diversity is excellent news for everyone. Diversity promotes tolerance. It leads to greater openness of spirit; it increases understanding and awareness; and it fosters compassion. As well, diversity enhances economic development and opportunity, and it helps promote equality and social peace. Our diversity is good for Canada.

An article in *Silicon Valley North* in July said *inter alia* the following:

Canada is engaged in two complex games: developing a learning and growing a knowledge economy. Both games are being played at the local and global level, and Canada may have an unconscious competitive advantage in both games.

Referring to the higher-level societal game, John Ralston Saul recently told the Canadian Distinctiveness into the 21st Century Conference at the University of Ottawa that Canadians are adept at encompassing the best elements of other cultures without compromising their own. This is the least European country in the world and the most American country in North America. It is a sign of great self-confidence that we can live with this complexity.

That same week, the Round Table on Diversity, Learning and Creativity, chaired by Assistant Deputy Minister Norman Moyer, heard that fostering innovation is a comparative advantage in the economic game. In a knowledge-based economy, diversity can be viewed as a major resource. It is a potent source of new ideas, attitudes, visions, perspectives, challenges and opportunities. A society that has learned to accommodate — and even flourish — in the midst of diversity has already taken a giant step toward developing the kind of learning environment that leads to innovation.

As John Ralston Saul reminded us:

So just possibly they are right to build on their diversity. With our proximity to the great economic attractor, a winning strategy will no doubt involve intentionally building a learning society based on our cultural diversity and inclusiveness. Diversity is a good ecological measure of vitality and resilience.

Hence, in our diversity is our strength.

As I look around me today, honourable senators, I see Caribana festivals, Sikhs in turbans, and houses built on the principles of feng shui. These things are good. They are positive contributions to our evolution as people and a society. They have helped us break down many of the barriers of distrust and fear that once allowed gross ignorance and prejudice to flourish. People have begun to realize that different does not mean bad or evil, but just different.

Of course, not everything is perfect. It never is. Racism remains. Opposition to change still exists. Some of our country's most important institutions continue to drag their feet in the task of building a diverse, modern and representative workforce.

Consider the Parliament of Canada, honourable senators. Take a look around you, or consider institutions such as the Public

Service of Canada. For the past 20 years, the Public Service has been studying the issue of visible minority representation. When it began, there were almost no black people in the Public Service of Canada. In fact, there were almost no non-whites of any kind. Today, in spite of all the talk and the hard work of many well-intentioned people, the situation remains far from ideal. One can count on the fingers of ones' hand the number of visible minorities in positions of real influence and power in the entire Public Service of Canada.

Yet, honourable senators, I still have hope. I had the privilege of working with Mel Cappe, the Clerk of the Privy Council, to assist in a very modest way with recommendations designed to overcome some systemic barriers. Twenty years ago, or even ten years ago, even this could not have happened.

The failure of the Public Service to diversify has many causes. Obviously, racism is a factor, and probably a major one, but there are other reasons as well. The quasi-absence of visible minorities in our popular culture is another one that comes quickly to mind.

Look around you today, honourable senators. How many black university presidents do you see or do you know of? How many black CEOs of major corporations do you know? How many black TV anchors do you see? How many shows about black Canadian families can you watch? How many visible minority politicians do you know?

There are no visible minorities in any of our national symbols. No national monument of which I am aware is dedicated to the memory and works of visible minorities.

As a result, our presence and contribution to Canadian society remain largely unknown and ignored. We have no national presence; therefore, we have little influence. With little influence, our power to effect change is diminished. We play little part in making decisions that affect us.

If we are to take our rightful place as citizens in this country, we will have to push harder for change. We will have to push constantly, vigorously and single-mindedly. A tolerant and accepting society will not just happen. We have to make it happen. Diversity will not just one day be there. We have to put it there.

In Nova Scotia, a great number of dedicated black people have devoted enormous amounts of energy to achieving this very goal — people like actor Walter Borden, poets like Maxine Tynes and David Woods, novelist Fred Ward and filmmaker Sylvia Hamilton. Each of these talented men and women has worked hard to dispel the many myths and stereotypes that surround and restrict black people. In the process, they have made white people aware of the black community and of the importance and desirability of building a tolerant and diverse society.

One Nova Scotian who has been particularly active in this regard is George Elliot Clark. A poet, author, filmmaker and educator, Clark has spent his entire life exploring and publicizing the culture and heritage of black Nova Scotia. The importance of George Elliot Clark's work is that it brings the black experience to national attention. Through his works, increasing numbers of people in the white community are starting to become aware of the reality of black Canada. Clark, of course, is not alone. There are many others who deserve equal recognition, including people like Austin Clarke and Dany Laferrière.

• (1700)

Intellectuals like George Clark are important because they get people to think about blacks. They put black people on our collective Canadian mental map. They educate white people to the importance and worth of black history and black culture. They are the vanguard of a diverse society, the shock troops of the Canada our children will inherit.

Let me give you an example of what I mean. Most people think that the French Revolution started with the storming of the Bastille in 1789. In actual fact, the revolution started years before, among the artists and intellectuals of France. As the excesses of the old regime grew, the people of France became increasingly unhappy with the status quo. However, this unhappiness had no outlet and no amplifier. This is where the poets, playwrights and writers came in. They were the ones who synthesized and publicized the peoples' unhappiness. They spread the word. They articulated the desire for change that was nowhere reflected in official culture. All of this took place long before the people marched to the barricades. Hence, when the Bastille was stormed, there was already a public consensus in favour of it.

The same process is at work here in Canada. George Clark, Dany Laferrière and the rest of the black intelligentsia are bringing the thoughts and desires of black people to the common conscience. They are providing a venue through which our common desire for change can be expressed. White people are beginning to learn more about us. They are learning of our desire for a diverse society where we are all accepted, where we all work and live together.

In closing, honourable senators, let me just give you a little bit of vintage Clark that was penned a week or so ago about Black History Month. Mr. Clark stated the following:

African Heritage Month is a redemptive celebration, a time for Westerners to honour the contributions of so-called Negroes to the project of (Western) human civilization, from "whenever" to 2001 (Xian calendar). It is just to focus on heroes and heroines, the achievers, the geniuses, the rich and the famous: They provide fleshed-out examples of how (diasporic) Africans have overcome — and will always overcome — snares, pitfalls and obstacles.

But what about the victimized and the destroyed, the hunted-down and the falsely-accused, the wrongly-jailed

[Senator Oliver]

and the wrongly-executed? Is there a room in our collective historical memory for those who strove and failed, and for those who were violently prevented from progressing, from movin' on up?

Sometimes, I know, it's better not to remember.

However, let me say this. Like the laws in Texas, these people cannot do it all. We have a part to play. It is up to all of us here in the Senate to help spread the idea that diversity is important and desirable.

I often, and thankfully so, have occasion to speak to groups of young people. I like to talk to them about the importance of diversity. I tell them of a diverse society and a dynamic society. It is a society that looks to the future, one that uses all of its potential. It is a place where cooperation is based on talent, where achievement and potential are more important than skin colour, community of birth or the old boys' network.

In order to participate in and profit from such a society, I tell them to seize all of the opportunities presented to them. I say to them: "Study hard. Work hard. Get as much education as you can. Always strive to better yourself. Never accept defeat. Take your rightful place in society." It is my hope that they are listening to me, because, you see, if we are to forge a diverse society, then we must be ready to play our part. We are the ones pushing to change the status quo, so we must be willing to go the extra mile. It can be done. With hard work and faith, I believe anything is possible.

Honourable senators, I urge all of you here today to participate in the task of building a truly diverse society for the sake of our children and the people of Canada.

On motion of Senator Cools, debate adjourned.

THE NATIONAL ANTHEM

INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of February 6, 2001:

That she will call the attention of the Senate to the national anthem.

She said: Honourable senators, I wish to draw your attention to an omission, a grave omission, in our national anthem — an anthem that serves as a potent symbol of our devotion to Canada.

Unfortunately, the wording in it currently excludes more than half of the citizens of this country. I refer, of course, to the third line in the English version, which reads as follows: "true patriot love in all thy sons command." For those of you who would argue that language is of little importance, just imagine the reaction if the anthem were written to read as follows: "in all thy daughters command."

Undeniably, the national anthem is an important symbol that is part of our collective heritage. In fact, the English version of the national anthem is based on wording that dates back to 1908. It was Robert Stanley Weir, a judge in the city of Montreal, who penned the phrase “in all thy sons command” in honour of the three hundredth anniversary of the founding of Quebec City. The Weir version was later published in official form for the diamond jubilee of Confederation in 1927 and gained widespread acceptance among English-speaking Canadians.

Weir reflected the times in which he lived. In writing “in all thy sons command,” he described the gender relations that existed in 1908. Even though women had agitated for suffrage at the end of the 19th century, they did not have the right to vote at that time. They were primarily homemakers and mothers, and, with the exception of the poor, they did not participate in the workplace.

Women were not involved in politics or in the defence of the country and they expected their husbands and sons to represent their public interests. In this sense, Weir’s wording appropriately described the significance of “sons” in such a patriarchal society.

However, the suffrage movement of the early 20th century put Canadian women on the path to change. Women were granted the right to vote in federal elections on May 24, 1918. In 1921, Agnes Macphail became the first woman member of Parliament. As we are all aware, in the Persons case in 1929, women were declared eligible for appointment to the Senate. In the following year, Cairine Wilson became the first woman appointed as a senator.

Between 1908 and the 1960s, the feminist movement made great strides in Canada, but women were still largely excluded from positions of authority, both in the public and the private sectors. As such, in the late 1960s, when a special joint committee of the Senate and the House of Commons once again considered the English version of the national anthem, it recommended changes to a number of words but did not seem perturbed by the phrase “in all thy sons command.”

Since that time, I think we would all agree that gender relations in our country have been significantly altered. Women are gaining more equitable roles in relation to men in society. As of 1999, about 60 per cent of Canadian women worked outside of the home, making up almost 50 per cent of the total labour force.

Today’s women are more educated than ever before. As the result of our education and societal change, we are increasingly occupying professional positions in both traditional and non-traditional occupations.

Today, women are active members of the Armed Forces. In the political realm, women now make up a third of the Senate and one-fifth of the House of Commons.

In 1980, when Bill C-36, the National Anthem Act, was discussed in Parliament, it was noted in the debates that the wording did not accurately reflect the reality of Canadian society. On June 27, 1980, when Bill C-36 passed through the other place, the Senate, and received Royal Assent the same day, there were misgivings expressed about its passage.

• (1710)

However, the uncertainty created by the referendum in Quebec in May 1980 led to a desire to assert our patriotism and shore up our national symbols. While it was widely felt that there was a need for an official anthem, assent for the National Anthem Act was obtained with the understanding that the lyrics would be subject to further scrutiny and modifications by a committee. The debates indicated that members of Parliament and senators shelved whatever amendments and concerns they may have had about the bill on the assumption that changes would follow shortly after the bill’s passage.

Unfortunately, the national anthem as passed remained unchanged, despite much controversy over its wording. The words “thy sons” have been the primary focus of debate.

Bill C-247, the first attempt to amend those words in the national anthem, was introduced in the other place in June 1984. That was followed by Bill C-243 in June 1985, Bill C-251 in October 1985, Bill C-232 in October 1986, Bill C-439 in 1993 and Bill C-264 in 1994.

Although the suggested wording varied, the intent of the members did not. Each bill proposed a change to the words “thy sons” in the national anthem to something more equitable for the daughters of Canada. Each document in its turn has been shelved and forgotten.

The members of Parliament who tabled these bills were not acting alone. They were acting as representatives of their constituents who had petitioned them to bring about change. Often it was school teachers who approached them because their female students felt left out of the national anthem.

Today’s young women are not aware of a time when women and men did not have equal opportunities. Should they be taught that this is a part of our heritage we wish to retain, as is suggested by some in the parliamentary debates?

In 1982, two years after the national anthem became official, the Canadian Charter of Rights and Freedoms came into effect. This document, which is fundamental to our understanding of ourselves as a nation, ensures the equality of men and women. Whether or not one regards the reference to “thy sons” as implying male superiority, elimination of these words is more consistent with the idea of gender equality as defined in the Charter.

Canadian women have an equal desire to command true patriot love for our country and to share in our national pride. This is not political correctness, as some might argue. After all, language is a reflection of society’s values. We once used words to describe other races that we would now shun as disrespectful and insulting. We once had words for the disabled, that we now recognize as discriminatory. Many words have changed in common usage because they imply that women do not participate fully in our society. Both the private and public sectors have taken measures to eliminate sexist language. Now Parliament must play its part.

Honourable senators, we would likely all agree that words are important. After all, it is the words of the national anthem that make us glow with pride as we stand at attention when it is being played. However, many women I have spoken to cannot sing our national anthem with pride. Their tongues trip over the third line and they grow silent.

The national anthem not only represents our own aspirations as a nation; it also defines Canada in the world. As it is played at official events overseas, such as the Olympic Games, it provides a vision of Canada to others. As such, other nations could be forgiven for assuming from the lyrics that, despite the evidence to the contrary, Canada remains a patriarchal country.

In recognition of the progress women have made throughout the last century, many of us attended the historic unveiling of the Famous Five monument here on Parliament Hill last October. The occasion was significant because women's status in Canada as an equal partner was finally officially acknowledged.

As the Prime Minister so eloquently expressed in his speech at that ceremony, women are now involved in every aspect of Canadian life. Unfortunately, our national anthem does not reflect this reality.

As we approach March 8, International Women's Day, I would argue that Parliament should not forget the contributions women have made to the growth of our nation, nor can we afford to ignore the daughters of tomorrow. We have an obligation as legislators to acknowledge and celebrate the accomplishments of Canadian women through both practical and symbolic measures.

It has been over 90 years since Robert Stanley Weir first penned the words "in all thy sons command." In the new millennium, which offers unprecedented opportunities to the daughters of Canada, it is incongruous that women are excluded from our national anthem. As senators, I think it is our obligation to rectify this situation.

Honourable senators, let us join together to send a clear message to Canadians and to other nations of the world that Canada respects gender equality by changing the wording of the national anthem to more closely reflect the reality of our country.

On motion of Senator P  pin, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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