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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, March 15, 2001

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

Prayers.

[Translation]

VISITOR IN GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of His Beatitude, Cardinal Mar Nasrallah Boutros Sfeir, Maronite Patriarch of Antioch and all the Orient.

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

THE HONOURABLE THÉRÈSE LAVOIE-ROUX

TRIBUTES ON RETIREMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in deciding to leave the Senate, Thérèse Lavoie-Roux has ended a devotion to the public good that few in Canada, fewer still in Quebec, have equalled. She has devoted her life to others, and the hours she has given for the good of her fellow citizens are beyond numbering. Those hours have been spent in charitable endeavours, on school boards, in the National Assembly, the Quebec cabinet, the Senate, to name but a few. All of the organizations and institutions that have had the benefit of her efforts have gained from her presence. A proud Quebecer and a proud Canadian, she has always made it her duty to speak out against those who conspire to break apart Canada, mainly out of misplaced vanity.

During two referendum campaigns, for example, this remarkable woman travelled throughout Quebec to reinforce our pride in Canada and to challenge those who see our great country as nothing more than an obstacle to the achievement of their wild aspirations. Whether in a seniors' club, a residential institution or a social club, she was always given a degree of attention and respect afforded to few people in the public eye. People knew that Thérèse was a woman of irreproachable intellectual integrity, something not, unfortunately, often found in the political arena of today.

• (1410)

In spite of being involved in many activities, both in the private and public sectors, she never neglected for a single moment her role as wife and mother. In her view, the family will always be the foundation of a stable and thriving society.

While we deplore Thérèse's departure, we understand it and we must accept it, if reluctantly. She leaves behind exceptional contributions to society, something that few will match.

I wish her many years with her loved ones. No one deserves to rest after such a brilliant career more than she does.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to join my colleagues opposite in paying tribute to the Honourable Thérèse Lavoie-Roux on her recent announcement that she will be retiring from the Senate.

Senator Lavoie-Roux has served in the Senate for 11 years. She has been very active during her tenure here, having served on many committees, including the National Finance Committee, the Aboriginal Peoples Committee, and as Deputy Chair of the Standing Senate Committee on Social affairs, Science and Technology. As Chair of the Standing Committee on Internal Economy, Budgets and Administration, Senator Lavoie-Roux presided over a great many beneficial changes in the Senate, including the institution of policies on employment equity, harassment and many other policies with respect to Senate administration.

I came to know Senator Lavoie-Roux best through her work as Deputy Chair of the Special Senate Committee on Euthanasia and Assisted Suicide. She made a strong contribution to that committee. Her experience as a former Minister of Health for Quebec enabled her to view the issues facing the committee from a very special position. Her background as a social worker enabled her to contribute a unique perspective.

Honourable senators, the legacy of Thérèse Lavoie-Roux, as a human being as well as a senator, is her interest in people and her desire to assist them. She will be missed by her many friends and colleagues on both sides of this chamber.

[Translation]

Hon. Lowell Murray: Honourable senators, I should like to wish our colleague, Senator Thérèse Lavoie-Roux, good health and a good rest with her family. She deserves it after spending three decades of her life in the service of our country.

I also want to express to her my most sincere thanks for her cooperation, loyalty, generosity and friendship.

Following the announcement last week of her resignation from the Senate, many comments were made about her passion for social justice and her concern for others, especially the poor.

I should also like to mention her sense of duty and her willingness to take on much more than her fair share of the burden of the parliamentary community. Thérèse Lavoie-Roux is a shining example of public integrity and morality at its very best.

[English]

For her, public office truly is a public trust. I am proud and grateful to have been among her colleagues and friends.

[Translation]

Her presence in this house has enriched Parliament and Canadian public life. We are all in her debt.

Hon. Lise Bacon: Honourable senators, I should like in turn to pay tribute to my former colleague in the National Assembly and my colleague here in the Senate, where I was delighted to meet up with her again. I met Thérèse Lavoie-Roux in the great shuffle of 1976. Fortunately, she inherited a riding that was much easier than mine, but we still had the opportunity to work together in the 1976 election, in which she was a candidate.

She was obviously happier than I was, but I met up with her again in 1981 in the National Assembly, when I came back. Whether it was in caucus or in the great debates of the day in the National Assembly, Thérèse always played an important role. She was there whenever she was needed, and her great generosity towards her colleagues and the people of Quebec never failed.

She was a top-notch Minister of Social Affairs. This was no easy department. We rarely heard the criticism we hear today about social affairs levelled at Thérèse Lavoie-Roux. I have to say it was no easier then than it is today.

Wherever she was needed, she was there. She was very generous with people. Her concern for justice and to make life easier for the less fortunate were her political leitmotiv. I think Thérèse was always in the forefront in health matters.

We are sorry to see her leave the Senate, but I am happy she is going back to her family. After 30 years of active life, devotion and generosity, she can now rest with her family. She truly deserves to enjoy a slightly quieter life, because life is hectic in politics.

Hon. Roch Bolduc: Honourable senators, Senator Thérèse Lavoie-Roux has decided to retire. It is a wise decision, because she deserves to give a little thought to herself.

Despite her extraordinary career, she is a woman of great simplicity. She was active in hospitals and social services. She chaired the Commission des écoles catholiques de Montréal during the heady days of the late 1960s, when it was the biggest school board in Canada. I came to know her in those days, when she was proudly fighting for better teachers' salaries. However, the government had to be reasonable.

She then went on to be a Quebec MNA, first in opposition with Mr. Ryan, and then as Minister of Health and Social Services under Premier Bourassa. As Senator Bacon has said, the portfolio was not an easy one.

I can state, from having known and worked with her, that this was a lady of exceptional moral integrity. I can state as secretary-general to the Government of Quebec at the time, that she showed herself worthy of the trust Premier Bourassa placed in her by appointing her Minister of Health and Social Services.

She had the benefit of the support of an exceptional husband, and this allowed her to give fully of herself. She had the soul of a social worker. Realizing that she had been given many advantages, she gave back a hundredfold. After she first ran for office, she remained in public life for 35 years. That is quite a record!

Here in the Senate, she devoted herself to the Internal Economy, Budgets and Administration Committee and focused as much energy on managing public funds as she would have if they had been her own. Some have called her strict, but perhaps that severity was the result of her conviction that frugality was required when dealing with the public purse. Who could fault her for that?

She had a particular interest in the issues handled by the National Finance Committee, examining government spending programs and how they were administered. She also invested a great deal of time and effort in Euthanasia and Assisted Suicide Committee. I wish her a happy retirement and good health.

Hon. Jean-Robert Gauthier: Honourable senators, I came to know the Honourable Thérèse Lavoie-Roux well, particularly in connection with the Francophonie. She was active in the Assemblée des parlementaires de la Francophonie. In 1996, when I was international president of that Assembly, she was a faithful presence. Although she was not always easy on her staff and on us, her colleagues, she was the spirit of devotion and commitment. She will be greatly missed.

• (1420)

Hon. Gérald-A. Beaudoin: Honourable senators, I should like in the course of the three minutes allotted to me to say a few words about the participation of our colleague Thérèse Lavoie-Roux in the 1994-95 Special Senate Committee on Euthanasia and Assisted Suicide, of which she was the Deputy Chair. This committee made an excellent report and was rightly praised by the press.

All of the members of the special committee agreed on a number of things, including the most important matter of palliative care. Our colleague made a most appreciated contribution in this regard.

With regard to euthanasia and assisted suicide, the members of our committee were divided, as was the Supreme Court in the *Rodriguez* case. Senator Neiman, the Chair, was of one school and Senator Lavoie-Roux of another. The two set out and defended their viewpoints with determination and ability. It was one of the most difficult issues to resolve.

I should like to mention this fact as our colleague leaves us to devote time to her family. Senator Lavoie-Roux sat on a number of committees and left her mark in the fields of education, health care and social affairs. We owe her a lot. We wish her good health.

Hon. Jean-Claude Rivest: Honourable senators, I want to add my voice to those of the other senators who praised the Honourable Thérèse Lavoie-Roux.

Her view of politics and political commitment focused on the notion of service to the community and social justice.

In these days of globalization, streamlined government spending and cuts to health care and education, the political career of Senator Lavoie-Roux bears witness to the need to reaffirm that one of the main roles of government and the state must be social solidarity.

The entire career of Thérèse Lavoie-Roux, be it with the Commission des écoles catholiques de Montréal, in the opposition in the National Assembly, where Senator Bacon and I had the pleasure of working with her, testifies to this commitment. We should all recall that the great priority of social justice is at the heart of all political action.

I would also point out her great interest in university research, particularly in the area of health, and God knows this is a cause that needs a spokesperson of the stature of Senator Lavoie-Roux. My colleagues, the late Senator David, Senator Keon, and the newly arrived Senator Morin, have appreciated Thérèse's work in this regard. This is a priority for Quebec and for Canada.

I would also point out her deep attachment to Quebec and to Canada, and the invaluable contribution she made through her informed and extremely credible participation in the 1980 and 1995 referendum campaigns.

Honourable senators, I wish to give an example of her deep attachment to Quebec and to Canada. Through her constant involvement in linguistic issues in Quebec in educational and other areas, both as a minister and as an opposition critic, she has left us a very noble legacy when it comes to solidarity in our province. It is the Honourable Thérèse Lavoie-Roux whom we have to thank for the passage of Bill 142 in the National Assembly under the Bourassa government. This legislation guarantees anglophones in Quebec the right to be served in the English language throughout the health and social services network.

Bill 142 is part of Quebec's linguistic heritage. One point I will emphasize, because the issue of Canada's duality is always at the centre of Canadians' concerns, is that nowhere in this piece of legislation can the phrase "where numbers warrant" be found.

Whether they are anglophones or francophones, all citizens of Quebec are equal before the law. This is a vibrant testimony that we should bear in mind as the relationship between Quebec and

[Senator Beaudoin]

Canada evolves, and in order to reaffirm the value and the pre-eminence of Canada's linguistic duality, which Thérèse served so well. I wish her all the best.

Hon. Marcel Prud'homme: Honourable senators, I was a member of Parliament for 30 years. The Honourable Thérèse Lavoie-Roux was an MNA and represented a part of my federal riding of Saint-Denis. For many years, we ran into each other not just dozens but hundreds of times at public and private events.

I always observed that the public reacted with respect and friendship when Madame Lavoie-Roux came into sight. She was a woman who disarmed the worst opponents with a smile. I wish her a restful retirement and I assure her of my friendship.

[English]

SENATORS' STATEMENTS

HIS EMINENCE CARDINAL MAR NASRALLAH BOUTROS SFEIR

Hon. Pierre De Bané: Honourable senators, it is my privilege today to introduce to you His Beatitude, Cardinal Sfeir, who is among us for the first visit to Canada, of a Maronite Patriarch.

The Maronite Church, of which he is the leader, is one of the most ancient Christian communities, as its foundation goes back to the 5th century, when the holy monk, Saint Maroun, gathered around him many disciples in the Christian faith who were willing to live in accordance with the precepts of the New Testament.

[Translation]

The Patriarchal See over which His Beatitude Cardinal Sfeir now presides has a long history of 13 centuries filled with tribulations. However, the Maronite Patriarchs have always provided refuge and assistance to the Lebanese during those tragic times when history tested their determination to remain faithful to evangelical values and to protect their freedom.

His Beatitude Cardinal Sfeir assumes his role as Maronite Patriarch with tremendous courage and daring generosity. Indeed, he constantly welcomes, in His Patriarchal See of Bkerke, Lebanese from every class, community and religion, whether they are simply believers or politicians. These people go to him because they know that he enjoys a unique legitimacy, in Lebanon and even in all the Orient, that rests on a legacy of 13 centuries. Yesterday, we saw clear evidence of this legitimacy and of its significance for the Lebanese people when 2,000 Lebanese from the national capital region organized an extraordinary celebration for His Beatitude at the Congress Centre, where they all sang an anthem to the Patriarch, who is the symbol of Lebanon's unity.

His Beatitude Patriarch Sfeir is first and foremost a fervent messenger of peace. As a man of thought, spirituality and philosophy, he possesses the wisdom that teaches that peace is built by all and through justice for all. This is the message he brought to the Prime Minister of Canada this morning.

As a man of letters, he is also a gifted speaker who can foster dialogue and conciliation while respecting everyone's identity.

• (1430)

For this reason, honourable senators, His Beatitude keeps the door of his Patriarchal See open to all, and it is a centre for all Lebanese. The mission that is entrusted to Lebanon and the Lebanese at a difficult time in their history is assumed by His Beatitude, incarnated by him, I would even say, with the valiant assurance that is the attribute of free and courageous men.

I was in Rome when His Beatitude received his cardinal's hat from the hands of His Holiness the Pope. There were some thirty cardinals in attendance from all over the world, and tradition had it that one was to be selected to thank the Pope on behalf of them all. One of the thirty was the new Cardinal of Montreal, Bishop Turcotte. The Pope selected Cardinal Sfeir to speak on behalf of the group. There was a loftiness to his speech that I have rarely heard before.

For all of these reasons, I wish to say to His Beatitude that we are very pleased to welcome him to Canada.

Hon. Marcel Prud'homme: Honourable senators, I subscribe to everything that Senator De Bané has said about His Beatitude.

I, too, had the honour to be in attendance in Rome when His Holiness the Pope saw fit to make the Patriarch a cardinal of the Roman Catholic Church, in company with Bishop Turcotte.

Those who know me are aware of how I always talk of Lebanon, Lebanese sovereignty and my love for the country. It is the only country about which I have so many good things to say, the one I know best. Honey on earth, that is Lebanon.

His Beatitude is a man of great wisdom. The acclaim with which he has been received in Ottawa will pale in comparison with the reception we are preparing for him in Montreal, where Bishop Khouri is the Maronite Bishop of Canada.

I welcome you to Canada. We who love Lebanon pray for you. We want peace in Lebanon. We want everyone to know that Lebanon has the right to sovereignty. We want to see it prosper.

We thank you for having sent 250,000 of your sons and daughters to Canada, where they are helping us create a more prosperous and more open country, a cultural gateway. I salute you cordially, until we meet again in Montreal.

[English]

THE LATE ROY ABRAHAM FAIBISH

TRIBUTES

Hon. Jerahmiel S. Grafstein: Honourable senators, the world of ideas is darker and duller with the sudden passage of Roy Faibish last week in London.

Roy was a friend and mentor for over 40 years. Rarely a week went by that we were not in contact by phone, fax or e-mail. Roy was a genius. He was one of those remarkable yet unheralded Canadians who inoculated and stimulated public dialogue with some of the great policy ideas of the last five decades.

Born in a small town in Saskatchewan, educated at Queen's University, he served in the RCAF with distinction then found himself, first, co-opted to Alvin Hamilton as policy adviser and then as a speech writer and idea man for John Diefenbaker, an old family friend.

The Road to Resources, a National Power Grid, the opening to China in the 1950s, to name only a few, were all ideas that he generated. As a confidant and adviser to John Diefenbaker, Pierre Trudeau, Brian Mulroney and even Margaret Thatcher, he was unparalleled in the reach of his ideas.

Roy was a man of legendary generosity and loyalty.

While Roy was ecumenical when it came to people, he had little patience for Liberals, whom he felt lacked vision, with the exception perhaps of the late Paul Martin, Sr., and Pierre Trudeau. He was a Sir John A. Macdonald Conservative who dreamed great dreams of bringing Canada together from sea to sea by massive development projects on the ground and for the mind. Roy owned great loves and harboured great hates. He hated anti-Semitism, and he abhorred racism and those who were soft on bringing war criminals to justice. He was a restless and rude seeker of the truth with whomever he encountered.

Roy refused senior positions in government, including a Senate seat. After a long career as a broadcaster and catalyst, he joined the CRTC as vice-chairman. Together with luminaries such as Jean-Louis Gagnon, that great Quebec crusader, Northrop Frye and Fernand Cadieux, he helped transform the Canadian broadcasting and telecommunications landscape. His written dissents are still worth reading.

Twenty years ago, Roy decided to settle in England. He lived in a flat close to the London Library, which became his home away from home. He then bought a home on the coast in Northern Ireland where he retreated to recharge his batteries.

With the advent of e-mail, my regular contact with Roy turned into a flood of daily e-mail that pulsed through his unparalleled international intellectual network. Many so-called media moguls and newspaper pundits across Asia, North America and Europe owed their ideas to Roy, rarely with attribution. To Roy, ideas were like oxygen that filled every room he entered. To be his friend meant you were held more strictly accountable to rigorous standards of intellectual scrutiny. Whether it was Isaiah Berlin, Henry Kissinger, Chou En-lai, Serge Klarsfeld, Pierre Trudeau or Brian Mulroney, all were swayed by his magnetic ideas. He loved books and he loved the spoken word. He was an “old China hand” and because of his deep interest drew many, including myself, into the mysteries of China. He knew poetry, political philosophy, literature, aesthetics, wine, theology, theosophy, quantum physics and technology. There is no area of intellectual interest that his probing curiosity did not explore in depth.

His passage leaves a vacuum in all those who came to know and admire him. Last week, at his funeral in London, I told his wife, Barbara, that I disagreed when she confided that Roy had finally found peace. When Roy encounters the Master of the Universe as he enters the grand celestial court, he will immediately demand an explanation — an accounting for all the misery of the last century. Then the great debate in the sky will begin. Watch for the thunder and lightening. Roy will give no quarter and ask no quarter. Roy had so many facets to his personality that he remains a mystery to even his closest friends.

Roy, we hardly knew you. The world is better, brighter and clearer for your sojourn here. Missed, you will always be.

Hon. Lowell Murray: Honourable senators, I am most grateful to Senator Grafstein for having drawn our attention to the passing of Roy Faibish, who had been my friend for over 40 years. His was one of the most creative minds and generous spirits that I have had the privilege to encounter.

As Senator Grafstein has indicated, Roy Faibish provided much of the intellectual impetus for John Diefenbaker's vision of the North and of national development. Together with his minister, the Honourable Alvin Hamilton, and Merrill Menzies, he was part of a formidable team that changed the Tory party in the 1950s and 1960s. They changed Canadian politics and, I believe, changed the country for the better.

His intellect could make him a devastating critic, as he sometimes was, but his great heart made him a warm and fiercely loyal friend. For reasons personal as well as political, I join with Senator Grafstein and many others who also recall the singular contribution of Roy Faibish to an era of dynamic change and development in Canada.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— INVOLVEMENT OF DEPUTY PRIME MINISTER

Hon. J. Michael Forrestall: Honourable senators, there has been an unusual level of activity among senior public servants within the Privy Council in an attempt to keep the Deputy Prime Minister fully informed on the replacement of the Sea King.

For example, on January 6, 1999, there was a meeting on helicopters attended by Ian Green, Deputy Secretary to Cabinet, Privy Council Office and Jim Judd, Deputy Minister, Department of National Defence. On January 15, 1999, there was a meeting attended by Ian Green of the Privy Council Office and Michael Kergin, Assistant Secretary to Cabinet, Foreign and Defence Policy, PCO. On January 20, there was a meeting attended by Ian Green; Mike Kergin; Ron Bilodeau, Associate Secretary to the Cabinet and Deputy Clerk of the PCO. On January 28, there was a meeting attended by Ian Green; Jim Judd; Pierre Legueux, formerly Assistant Deputy Minister Materiel, DND; Ranald Quail, Deputy Minister, Public Works and Government Services; Richard Fadden, Assistant Secretary Treasury Board for Government Operations; Morris Rosenberg, former Deputy Secretary Operations in the PCO; Lorenzo Friedlaender, Director, Strategic Planning, Foreign and Defence Policy, PCO; and Jack Stagg, Assistant Secretary to Cabinet, Economic and Regional Development.

• (1440)

On February 1, 1999, there was a meeting on helicopters attended by Ian Green, Jack Stagg, George Da Pont, Director of Operations, Economic and Regional Development within the PCO, and Karen Ellis, Economic and Regional Development. On February 5, 1999, there was a meeting on helicopters attended by Ian Green, PCO, and Jim Judd. On February 25, there was a pre-briefing meeting for Minister Gray, attended by Ian Green, PCO, and others too lengthy to list. On February 25, 1999, there was a briefing of Deputy Prime Minister Gray, attended by Ian Green, Jack Stagg, and George Da Pont, PCO.

It goes on and on and on.

For a cost-compliant formula for the purchase of a piece of military equipment, that is a lot of politics, in my judgment.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before moving on to the next item on the Order Paper, I draw your attention to the presence of visitors in our gallery. I am referring to the participants and organizers of this year's Forum for Young Canadians.

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

ROUTINE PROCEEDINGS

THE SENATE

PRIVILEGES, STANDING RULES AND ORDERS—
NOTICE OF MOTION TO REFER QUESTION OF OFFICIAL
RECOGNITION OF THIRD POLITICAL PARTY

Hon. Gerry St. Germain: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the matter of officially recognizing a third party, within the procedures of the Senate, be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.

[Translation]

AUDITOR GENERAL

MR. DENIS DESAUTELS—NOTICE OF MOTION
TO EXPRESS GRATITUDE FOR SERVICE TO COUNTRY
DURING TENURE IN OFFICE

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday next, March 20, 2001, I will move:

That, in the opinion of the Senate, Mr. Denis Desautels has been an excellent Auditor General of Canada.

Scrupulously honest, professional, fair-minded and a determined investigator, Mr. Desautels carried out his duties as Auditor General efficiently and effectively. During his ten-year term, he not only verified the government's accounts but also was able, thanks to his leadership, to lead a team as professional and dedicated as himself.

The Parliament of Canada thanks Mr. Desautels for his services and recognizes the valuable work he has done for his country.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INTERNATIONAL STATE AND NATIONAL STATE
OF AGRICULTURE AND AGRI-FOOD INDUSTRY AND TO APPLY
PAPERS AND EVIDENCE OF STUDY ON STATE
AND FUTURE OF AGRICULTURE

Hon. Jack Wiebe: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada; and

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Committee on Agriculture and Forestry during the Thirty-sixth Parliament be referred to the Committee; and

That the committee submit its report no later than June 30, 2002.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE AND FUTURE OF FORESTRY
AND APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION
TO CURRENT STUDY

Hon. Jack Wiebe: Honourable senators, I give notice that on Tuesday, March 20, 2001, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to receive, examine and report on the papers and evidence received and the work accomplished by the Standing Senate Committee on Agriculture and Forestry during its consideration of the present and future state of forestry during the Second Session of the Thirty-sixth Parliament; and

That the committee submit its report no later than June 30, 2001.

VIEWS OF BRITISH COLUMBIANS ON WESTERN ALIENATION

NOTICE OF INQUIRY

Hon. Pat Carney: Honourable senators, I give notice that two days hence, pursuant to rule 57(2), I will call the attention of the Senate to the views of some British Columbians on the subject of Western alienation and ways to reduce regional tension.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 666 signatures from Canadians in Alberta, British Columbia, Saskatchewan, Ontario, Nova Scotia, Prince Edward Island and Quebec, as well as 421 non-Canadians from all across the United States who are researching their Canadian ancestors, totalling 1,087 people who are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of the Statistics Act since 1906, to allow release to the Public after a reasonable period of time, of Post 1901 Census reports starting with the 1906 Census.

These signatures are in addition to the 363 I presented in this place on February 20 this year and the over 6,000 I presented before the previous Parliament.

QUESTION PERIOD

• (1450)

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—ROLE OF CABINET COMMITTEE OVERSEEING PURCHASE COMPETITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. First, I thank her for her most gracious response, full of information, on the question of merchant mariners. I might tell the Leader of the Government that I had a number of calls last night and again today. I simply want to convey, through His Honour, the warmth of those for the measures the government is about to take.

Yesterday in response to my question on the Gray committee's involvement in the Maritime Helicopter Project, the minister replied:

I believe the committee's role is very clear. It will give the government the best possible advice on the purchase of the replacements for the Sea Kings.

My question today for the minister is: If the helicopter is chosen on the basis of lowest price compliancy — the cheapest, in other words — what room is there for cabinet choice? Thus, what is the role of the Gray committee to ensure that it is not EH-101 or S.92?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question and for his comments, but I must begin this afternoon by saying that I unwittingly misled the senator the other night with regard to some information I gave concerning the merchant navy veterans. I apologize to him and to the chamber. I would like to set out exactly where that misinformation occurred.

In my response, I had indicated that the government had made payments to 6,600 merchant navy veterans, and that in February, \$50 million would be required, but by October that figure had been underestimated and that another \$20 million was provided. All of that information is absolutely correct.

However, in my remarks, I stated that a further \$35 million will be needed, and I assured the senator it would be forthcoming. The Minister of Veterans Affairs has now informed me that he is awaiting the final numbers as to what the ultimate cost will be and at that time he will go to cabinet.

Senator Forrestall: I am with you.

Senator Carstairs: In response to the question today with respect to the question of lowest price compliancy, the senator insists that that will be the only basis upon which this decision is made. I am assured it is not the only basis upon which the decision will be made.

Senator Forrestall: Honourable senators, things do change from day to day, just like the weather in Nova Scotia.

Can the minister give a categorical denial that the government wants to exclude the EH-101 from possibly winning this competition? If you are picking an aircraft based on the "lowest price compliancy," you need no meetings of the Gray committee or of any committee of Privy Council or of any other committee because you have already set out the criteria. You have made it very plain. It is your letter of interest, the LOI. The expression determined from that, and the subsequent collection, will be based on a clearly set out formula as long as it meets basic requirements. It has always been assumed that it can fly, but that does not mean it is the best value or anything.

What is the role of the Privy Council and Deputy Prime Minister Gray's function in all of this? Is the minister suggesting that it has nothing at all to do with the greater good of Mr. Gray's constituency? Like the Prime Minister, he is in there fighting for his constituents. I should like to know why all this activity is occurring when it is clearly based on a lowest price compliancy proposition?

Senator Carstairs: Honourable senators, again the honourable senator insists that it is the only factor when it is not the only factor.

Senator Forrestall: I did not say that it is the only factor.

Senator Carstairs: Honourable senators, clearly price is an issue. Value is also an issue. However, the overriding issue must be what is in the best interests of the equipment of our Armed Forces. Those matters will be worked on together.

As far as the honourable senator's earlier statement, namely, that a lot of politics is taking place, I should like to point out that it is the business of Parliament to be in politics. Furthermore, I hope that politics, in and of itself, will always be considered to be an honourable objective.

Senator Forrestall: Honourable senators, I have spent virtually 40 years of my life in politics. I always considered it to be honourable, and I have tried to be honourable in my activities in public life.

REPLACEMENT OF SEA KING HELICOPTERS—EFFECT OF LOWEST PRICE COMPLIANCY PROVISION ON COMPETITION

Hon. J. Michael Forrestall: Honourable senators, I just want an answer. Of course "price compliant" is not the only criterion. You have heard me long enough now to know that price compliancy will rule out the EH-101. The question of certification will rule out the Sikorsky S.92, leaving the Eurocopter Mark II, the Cougar, as the only viable contender if the prime consideration — not the only one but the main one — is the lowest cost.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is true that the honourable senator has had 40 years of very honourable service.

In terms of the issue of price compliancy, he and I will have to agree to disagree. He has made the statement over and over that he thinks it is the only criterion. I have replied that it is not the only criterion. We will have to await the ultimate decision to discover who is correct.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have several delayed answers. First, I have a response to the Honourable Senator Kelleher's question, on February 7, 2001, regarding Committee on Internal Trade, Request for 1999 and 2000 Annual Reports and effects of Interprovincial Trade Barriers on Attracting Foreign Investment. I have a response to a question by the Honourable Senator Spivak, on February 21, 2001, regarding the Canada Food Inspection Agency, Problems of Surveillance and Enforcement; and a response to questions raised by the Honourable Senator Forrestall on February 20, 21 and 22, 2001, regarding Replacement of Sea King helicopters, Requirements of Procurement Process, Division of Procurement Competition, Authority to Disregard Procurement Process of Treasury Board Guidelines.

INDUSTRY

COMMITTEE ON INTERNAL TRADE— REQUEST FOR 1999 AND 2000 ANNUAL REPORTS

(Response to question raised by Hon. James F. Kelleher on February 7, 2001)

The Annual Reports Senator Kelleher referred to in his question of February 7, are prepared by the Internal Trade Secretariat, an organization which is funded and directed by all the parties to the Agreement on Internal Trade (Agreement).

The most recent report available is the one for the 1997-1998 fiscal year, which you indicated you already have.

The Executive Director of the Internal Trade Secretariat has indicated that the 1998-1999 report will be available in Spring 2001, that procedural measures are in place to ensure that all outstanding reports will be completed by Fall 2001,

and that future annual reports will be available within six months of the March 31st fiscal year end.

Since the Annual Reports are public documents, and there is no requirement, in the Agreement or its enabling legislation, for the government to table the report either in the Senate or in the House of Commons, I would encourage the members to visit the Internal Trade Secretariat's Internet site at www.intrasec.mb.ca should they wish to obtain a copy of the most recent report.

INTERNATIONAL TRADE

EFFECT OF INTERPROVINCIAL TRADE BARRIERS ON ATTRACTING FOREIGN INVESTMENT

(Response to question raised by Hon. James F. Kelleher on February 7, 2001)

I welcome this opportunity to respond to Senator Kelleher's concerns about progress in reducing barriers to interprovincial trade. The document to which he refers is public and available on an Internet site maintained by the Internal Trade Secretariat.

This document identifies the outstanding obligations for each of the 13 parties (10 provinces, two territories and Canada) to the Agreement on Internal Trade (AIT). According to the Secretariat, all of Canada's substantive obligations either have been or are being fulfilled.

Furthermore, this lengthy list includes many items of an administrative nature, such as submitting annual reports or performance reviews. The federal government will make every effort to continue to fulfil its requirements and encourages the provinces to do so as well.

The few remaining substantive commitments require active provincial and territorial involvement, since the removal of barriers is a shared responsibility. For example, governments agreed that the qualifications of workers from one part of the country would be recognized and accommodated in other parts of Canada and differences in occupational standards reconciled as much as possible. Under the Social Union Framework Agreement, all governments, except Quebec, agreed to a deadline of July 1, 2001 to complete this work. Quebec, however, has indicated its willingness to also work to this deadline. The Honourable Jane Stewart, Minister of Human Resources Development Canada, has been working closely with her provincial counterparts to try and meet this objective. Moreover, the federal government has also been providing financial assistance to regulatory bodies to offset some of their additional expenses involved in meeting this objective.

Federal, provincial, and territorial ministers responsible for internal trade issues agreed at their last meeting in April 2000 to reinvigorate the Agreement on Internal Trade and complete the outstanding obligations, mainly dealing with procurement and energy, as soon as possible. The procurement negotiations involve extending to Crown corporations the commitment not to discriminate against out-of-province suppliers. The energy talks deal with the incorporation of an energy chapter into the Agreement that would, among other things, facilitate the transmission of electricity from one province through another to a third market. The federal government has played a leadership role in continuing to bring provinces together with a view to reaching agreement on contentious questions. Internal trade ministers are scheduled to meet on April 26 and 27, 2001 in Winnipeg.

They will also be reviewing exceptions to and exclusions from the AIT and discussing the future direction of the Agreement, taking into account some preliminary results of a public consultations process that has been underway since last fall. The federal government looks forward to these consultations with the provinces in April on charting the future course of the Agreement.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— PROBLEMS OF SURVEILLANCE AND ENFORCEMENT

(Response to question raised by Hon. Mira Spivak on February 21, 2001)

BSE import history and policies - live animals

Cattle were last imported into Canada from the United Kingdom (UK) in 1989. In 1991, CFIA established a monitoring program for UK animals imported before the 1989 ban. This program was responsible for detecting Canada's sole case of BSE in 1993 in an animal which had been imported from the UK in 1987. In 1994, all UK origin cattle imported into Canada after 1982, were ordered destroyed.

Importations of cattle from countries where the BSE was diagnosed in native cattle were prohibited. Since 1997 importation of live cattle has been limited to countries Canada considered free from BSE following comprehensive risk assessments. In 1999, the same import restrictions were extended to importations of live ruminants. The only European country from which Canada had imported ruminant livestock in the last decade that subsequently reported BSE in indigenous cattle was Denmark. These animals have been traced and those identified have been ordered removed from Canada or destroyed.

[Senator Robichaud]

BSE import history and policies - germplasm

Except for the United Kingdom, bovine embryos from BSE-infected countries, or from countries where BSE has been reported, are eligible for import into Canada under certain certification requirements. The requirements prescribed meet or exceed recommended norms of the OIE International Animal Health Code. Embryos of other ruminant species are currently only permitted to be imported from countries assessed as free from BSE. Canada is currently reviewing its' import policy for embryos.

Semen is exempt from additional requirements pertaining to BSE.

BSE import history and policies - meat and meat products

Since 1991, no regulated beef or beef products has been imported from European countries not considered free from BSE by Canada. Importation of food items containing highly processed bovine by-products such as bouillon in Oxo cubes or gelatin in candies are permitted.

BSE import history and policies - rendered material

From 1982 through 1997 Canada did not import any meat and bone meal from the United Kingdom. Recent reports through the FAO and the WHO have cited UK export statistics which imply that Canada has imported tonnes of meat and bone meal that would be a risk for BSE. These trade statistics are based on an internationally harmonized system (HS) of codes. This system is prone to errors of coding and categories used for commodity description is very broad and does not indicate end use. For this reason, the CFIA has individually investigated every importation of suspect commodities included in this report. During 1997 through 2000 the CFIA can confirm that no European countries exported rendered animal materials to Canada for use in livestock feeds. In December 2000, the importation of rendered animal protein from any country that Canada has not evaluated as free from BSE (includes all European countries) was prohibited.

BSE import policies - veterinary biologics (bovine, ovine or caprine origin for animal administration)

May be imported from countries designated free from BSE.

Importation from countries not designated free of BSE is prohibited. Requests for exemptions from this prohibition are reviewed on a case-by-case basis, considering product, source of material of animal origin, manufacturing methods and intended use.

BSE import policies - veterinary biologics (containing bovine material) for in vitro use

From countries not classified free from BSE, may be imported under the authority of an import permit issued by the Canadian Food Inspection Agency (CFIA) specifying conditions of use and disposal.

Domestic Feed Ban

Other preventive measures taken by CFIA include the 1997 amendment to the *Health of Animals Act* which introduced a ban on the feeding to ruminants of protein that originated from mammals, other than swine and horses. Industries that are involved in the manufacturing, importation, and sales of rendered material and livestock feed have to keep records of the sale of this restricted material. Labels on livestock and poultry feed containing this material must specify that the product is **not to be fed to cattle, sheep, deer, or other ruminants**.

The CFIA issues permits to operate rendering plants in Canada. All rendering plants in Canada inspected annually by CFIA prior to issuance of a new permit. Domestic renderers are complying fully with all requirements of the Health of Animals Regulations. Renderers which manufacture both "prohibited" and "non-prohibited" materials have separate production and/or distribution equipment; and/or are following documented procedures which prevent the mixing and contamination of "non-prohibited material" by "prohibited material." Commercial feed mills are inspected triennially for compliance with the requirements of the Health of Animals Regulations.

A test to detect the presence of bovine DNA is in the final stages of development. In the first part of 2001, this test will be utilized, in conjunction with other techniques such as microscopy, to audit compliance with the feeding ban. Development of tests to detect prohibited material from other species is ongoing.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—REQUIREMENTS OF
PROCUREMENT PROCESS—DIVISION OF PROCUREMENT
COMPETITION—AUTHORITY TO DISREGARD PROCUREMENT
PROCESS OF TREASURY BOARD GUIDELINES

(Response to questions raised by Hon. J. Michael Forrestall on February 20, 21 and 22, 2001)

ANSWER (February 20, 2001)

The inclusion of long-term in-service support as part of the helicopter and mission system procurement strategies

will allow potential bidders to incorporate many factors associated with commonality in their proposals. Examples include commonality related to spare parts, repair and overhaul, technical documentation, translation and engineering services.

With respect to the DND document referred to in the question asked by Senator Forrestall, the Department of National Defence is still in the process of searching for the relevant document.

ANSWER (February 21, 2001)

As the Minister of National Defence has stated several times, the Government is committed to the acquisition of a new maritime helicopter based on a fair, open, and transparent competitive process to ensure that the Canadian Forces get the equipment it really needs, at the best possible price for Canadians.

Ultimately, it is the government's responsibility to decide on the best procurement strategy when spending Canadian taxpayers' money on a large project such as this one.

Ministers have always been involved in the procurement process for Major Crown Projects. While the Statement of Operational Requirement (SOR) was solely developed by the military, it is our duty, as an elected, responsible and accountable Government, to make the ultimate decision on the procurement strategy. This is how it has to work in a democratic country like Canada.

By using separate calls for tender, Canada will get the helicopters and services that it needs and the necessary long term in-service support at the best possible price.

This approach will also allow a larger number of companies to bid on the contract. Using a single contract would eliminate many Canadian companies that are interested in becoming the prime contractor.

ANSWER (February 22, 2001)

The Government is committed to the acquisition of new maritime helicopters based on a fair, open, and transparent competitive process. It is the Government's responsibility to decide on the best procurement strategy when spending Canadian taxpayers' money on a large project such as this one. For the Maritime Helicopter Project, "best value" means ensuring that the Canadian Forces get the equipment that it needs at the best possible price for Canadians.

The Government's strategy is consistent with the contracting policy, which states that "the objectives of government procurement contracting is to acquire goods and services and to carry out construction in a manner that enhances access, competition and fairness and result in best value or, if appropriate, the optimal balance of overall benefits to the Crown and the Canadian people."

The procurement process has been structured so that taxpayers will receive best value. Companies will be competing with pre-qualified equipment that meets DND requirements, thus allowing the Government to select the required equipment based on the lowest price.

The Maritime Helicopter Statement of Operational Requirement was developed by a team of experienced military and operations research personnel in the Department of National Defence. It expresses the Canadian Forces' minimum essential military requirements for the Maritime Helicopter weapon system within context of the post-Cold War world.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under the heading Government Business in the Order Paper, there are two motions dealing with committees. These two motions have been the subject of numerous discussions with our colleagues across the way, Senator Lynch-Staunton and Senator Kinsella. An agreement was reached this morning and we will proceed as follows.

[English]

First, we will call Motion No. 1 under Government Business, concerning the creation of the two new committees, and deal with it immediately. Once we have dealt with Motion No. 1, we will ask for leave to revert to Government Notices of Motion and seek leave to move and adopt a new motion to refer the issues surrounding committee restructuring to the Standing Committee on Privileges, Standing Rules and Orders. At that point, we would be prepared to seek leave to have Motion No. 3 under Government Business, concerning the size of committees, discharged and dropped from the Order Paper.

[Senator Robichaud]

THE SENATE

MOTION ON PROPOSED CHANGES TO RULE 86 ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C.:

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) treaties and international 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 quorum, 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, inquires, papers and other matters relating to human rights generally.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, in rising to speak to this motion, I should like to divide my remarks between issues of form and process and issues of substance. I shall begin with the latter, namely, the substance of the work that would be assigned to the two proposed committees, a committee on defence and a committee on human rights.

I think all honourable senators are of a common mind that the issues of national defence that would be dealt with outside of the larger forum of the house, namely in a committee forum, are the kinds of issues on which honourable senators in the past have done first-class work. Given the changes occasioned by the diminution of the size of our Armed Forces and the diminutions of available resources, a great deal of new public policy in the area of defence must be evolved. Honourable senators can make a significant contribution to the development of a defence policy for Canada in the world of the 21st century.

Equally, in terms of substance, the area of human rights is such a vast area that sometimes it is important to consider human rights issues in a transcendental way and sometimes in a horizontal way. Regardless of the issue that is before a given standing committee, whether it be the examination of a bill or an order of reference, it will have a human rights dimension to it. In many ways, human rights themes are horizontal to the work that we do here in the chamber and the work done in committee.

On the other hand, there are obvious areas of human rights analysis that should not escape particular attention by the Senate of Canada.

• (1500)

There is the whole area of treaties in which Canada has engaged. Canada has deposited those instruments of ratification, such as covenants under the auspices of the United Nations and its family of agencies, including ILO conventions, particularly Conventions 100 and 111. Convention 111 deals with racial discrimination, a matter which, during the past while, has been raised in this chamber. There are international human rights instruments relating to the work of the World Health Organization, instruments relating to UNESCO, and others relating to the Food and Agriculture Organization.

As an example, work is being done pursuant to the international covenants in the area of civil and political rights and in the area of economic, social and cultural rights. Periodically, our country, with the participation of all jurisdictions across Canada, does a tremendous amount of research work to prepare Canadian reports that are sent to the appropriate review agencies.

As honourable senators know, the committee examining human rights under the International Covenant on Civil and Political Rights has a Canadian representative. Max Yalden, former Chief Commissioner of the Canadian Human Rights Commission, sits on that 18-person committee in a personal capacity. That committee reviews Canada's reports as prepared by the provinces and the federal government.

Another special committee's important work serves as a social audit on the steps Canada takes to fulfil its obligations under the economic, social and cultural rights covenant. From that committee's report, it seems to me, we have missed tremendous opportunities in policy development by not examining the reports that Canada periodically submits. We need not wait until the UN makes its own assessment, as it did in the recent past by pointing out our failings as a rich country to care properly for Canadian children who live in unacceptable poverty.

Honourable senators, we should study these reports in detail. Then we could provide our own social audit function as a part of that system.

A few weeks ago, the domestic report of the Canadian Human Rights Commission was tabled in this house. We have decided as a house to examine that report in Committee of the Whole. That report speaks to domestic human rights issues, which need that special, direct kind of reflection.

Honourable senators, I believe that we must examine such content either in Committee of the Whole or in a special committee or, in a horizontal fashion, through the other committees.

As far as the subject matter of this motion is concerned, no honourable senator would quarrel with our desire to have that work accomplished. Our difficulty is a pragmatic one. There are only so many hours in the run of a week. We have limited resources, notwithstanding popular opinion in some quarters to the contrary. We must carefully schedule human resources and physical resources. We are concerned greatly with the entire committee structure in terms of human as well as financial resources.

As the Deputy Leader of the Government has indicated, we have sought to make progress by participating in important discussions through the usual channels. We may have found the kind of compromise that will achieve the most appropriate committee structure possible.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move, seconded by the Honourable Senator Robichaud, P.C., that the motion be amended by adding after the last paragraph the following:

And that this change to the *Rules of the Senate* remain in force and effect until a new committee structure is adopted by the Senate.

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

The Hon. the Speaker: On the question of the main motion as amended, is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion as amended agreed to, on division.

PRIVILEGES, STANDING RULES AND ORDERS

MOTION TO EXAMINE STRUCTURE OF COMMITTEES IN THE SENATE ADOPTED

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

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move, seconded by the Honourable Senator Kinsella:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the structure of committees in the Senate, taking into consideration — *inter alia* — the following:

- available human resources
- the schedule of committees
- the mandate of each committee
- the total number of committees
- the number of senators on each committee;

And that the Committee report its findings to the Senate no later than Wednesday, October 31, 2001.

Motion agreed to.

MOTION TO INSTRUCT COMMITTEE TO REVIEW NUMBER OF COMMITTEE MEMBERS FOR STANDING COMMITTEES AND MOTIONS IN AMENDMENT DISCHARGED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Ferretti Barth:

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,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Cohen, that the motion be amended by deleting the last paragraph thereof namely:

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

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that all the words after the word “That” at the beginning of the second paragraph be deleted and the following substituted:

the Committee report its findings to the Senate not before it has reported on the subject matter of Senator Gauthier’s motion, as amended by Senator Comeau, to establish a Standing Committee on Official Languages.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I request that the order be discharged and that the subamendment of Senator Murray, the amendment of Senator Kinsella and the motion be withdrawn.

The Hon. the Speaker: Senator Robichaud, you are referring to Order No. 3. Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it agreed that the subamendment and the amendment to Order No. 3 on our Order Paper be discharged and the motion withdrawn?

• (1510)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, as one who has had fingers pointed at him for being a little too concerned with the committee structure to the extent of wanting to block the creation of two new committees, let me first say that it was never my intention in my objections to deny the importance of human rights and defence as topics of study by the Senate.

The compromise that has been reached today achieves two goals. The first is a challenge to the two new committees to fit into the committee structure, and I wish those responsible well in that undertaking, although I am not too confident that they will be able to do so. The second is that the Rules Committee has been charged with re-evaluating our committee structure and bringing it up-to-date, allowing us to improve on what has worked reasonably well so far. However, it is becoming a little difficult to function as effectively as we would like because of the additional responsibilities given the needs of existing committees, the additional new committees, and the additional subcommittees. There is need in our process for a certain amount of discipline and order to allow the committee system to work more effectively. That was the only basis for the apprehension that was expressed.

I thank the leadership on the other side for having come to this agreement, which was a give and take, something that this place is all about. I am confident that, in the end, we will all come out the better for it.

Hon. Charlie Watt: Honourable senators, while discussing the formation of these two important committees, I should like to take this opportunity to raise another matter. There was an attempt in the past, which I believe was an oversight, to have Indians and Indian affairs fall within the purview of the Standing Senate Committee on Social Affairs, Science and Technology. Since we will be reviewing the mandate of committees, this is a perfect opportunity to remove that responsibility from that committee. I felt it important to put that comment on the record.

Hon. Willie Adams: Honourable senators, I concur in what Senator Watt has said. The Inuit and the Indians pay taxes, too. I, too, would like to see matters pertaining to us referred to the Standing Senate Committee on Aboriginal Peoples.

The Hon. the Speaker: Honourable senators, if no other honourable senator wishes to speak on the motion of Senator Robichaud, I take it that the house is ready for the question. Is it agreed, honourable senators, that the subamendment and amendment, namely to item No. 3 on the Order Paper, be discharged?

Hon. Senators: Agreed.

Motions in amendment discharged.

The Hon. the Speaker: Honourable senators, is it agreed that the motion be discharged?

Hon. Senators: Agreed.

Motion discharged.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—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,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the following be added to the Address:

We respectfully affirm to Your Excellency that the Speech from the Throne would have captured the imagination of the people of Canada if it contained the following words:

“Canadians are the finest people in the world community today. Our common citizenship speaks to many ways of being Canadian and affords us unique opportunities to be leaders for freedom and dignity for every person with whom we share planet earth in the 21st Century.

My government recognizes that we are blessed with an incomparable landscape, natural and human resources, and an historical foundation of freedom, peace and civility. Canada has always been a place where people, seeking opportunity, fairness and security, can build a future.

Despite these enduring strengths, many Canadians feel they no longer share in the Canadian dream. The world is changing rapidly around us, but we face an uncertain and challenging future without a plan. There is a growing sense we have lost our direction.

We need to restore a “common purpose” to this country — to recapture the sense that we are acting together in the interests of the whole community, and to encourage those acts of will that have defined Canada and moved it forward at critical times in our past.

My government’s blueprint for this country’s future is a plan to strengthen Canada’s communities, build a vibrant economy, and govern with integrity.

Strengthening Canada’s communities

Canadians feel that the fabric of Canada’s communities and institutions has been weakened in recent years.

Canadians' faith in their healthcare system has been shaken. Healthcare cuts have closed thousands of hospital beds, jammed emergency rooms and created unacceptable waiting lists for critical services and treatments.

Cuts to post-secondary education funding have resulted in higher college and university tuition fees, and intolerable debt loads for students. Access to higher education is being lost in Canada, even as the knowledge economy raises the premium on higher qualifications.

At a time when Canadians do not feel safe in their communities, the RCMP has been starved for resources. Meanwhile, the gun registration program is costing Canadians hundreds of millions of dollars, while treating law-abiding gun owners as if they were criminals.

Canadians want to see their common values reflected in Canada's social programs: self-reliance and personal responsibility balanced by compassion, investments in a healthy and well-educated populace, safe communities and fiscal responsibility.

Canadians want their national government to provide leadership in protecting the environment.

My government's Plan for Canada addresses all these issues to build a stronger Canada through stronger communities.

My government will:

- Immediately restore the cash portion of the Canada Health and Social Transfer to at least 1993-94 levels. This would restore completely the health and post-secondary education dollars cut from transfers to provinces.
- Add a sixth principle to medicare — guaranteed stable and predictable long-term healthcare funding — through legislation. Never again will a government be able to scoop billions of dollars out of health care.
- Increase and make refundable the caregiver credit, in consultation with groups representing seniors and Canada's disability community.
- Change the repayment terms for Canada Student Loans to provide that loans are repaid as a percentage of net after tax income starting the first full working year after graduation.
- Introduce a tax credit for post-secondary students repaying Canada Student Loans to a maximum of 10 per cent of the loan principal, per year, for the first 10 years after graduation, provided they remain employed in Canada.

- End the taxation of scholarships awarded to students in colleges and universities.

- Provide the RCMP with stable funding, and with an explicit priority to defeat organized crime, particularly money laundering, human and contraband smuggling, fraud and computer crime.

- Replace the federal Young Offenders Act with new legislation that reflects the principles of protection of the public, deterrence and denunciation balanced with rehabilitation, and the greater use of restorative justice.

- Repeal the current long gun registration system and uphold and enforce provisions that control criminal and unsafe use of firearms.

- Make the health of Canada's children an explicit priority of environmental legislation by introducing a Safe Water Act and a Safe Air Act.

Building a stronger economy

The average Canadian today loses about 47 per cent of his or her income to taxes. High taxes have eroded the standard of living of Canadian families. They have made our businesses less competitive. And they are driving young professionals and entrepreneurs to seek their futures in other countries.

Canadians know that today's balanced budget and growing economy were only achieved through their sacrifice and hard work. They want to share in Canada's prosperity, but they want tax reductions to be fair and benefit all Canadians.

Canadians also know that success in today's world requires that we be competitive with our trading partners, that the new economy demands we reward investment, innovation and creativity.

Canadians want the burden of the national debt — now totalling \$560 billion — lifted from the shoulders of their children.

And Canadians want strategic investments targeted towards their priorities.

My government will:

- Cut taxes for all Canadians by raising the basic personal exemption from the current level of \$7,231 to \$12,000 by 2005. This tax cut will remove 2.3 million low income Canadians - those least able to pay taxes — from the tax rolls. It will also deliver across-the-board tax relief of up to \$1,100 (federal/provincial) to the average taxpayer.

- Increase the married and equivalent spouse amount to \$12,000 by 2005. When this change is fully implemented, a single earner family would not pay income tax until their income reached \$24,000 per year.

- Introduce a child tax amount of \$1,176 to assist Canadian families. This will create a tax cut for families with children of \$200 per child.

- Eliminate the personal capital gains tax immediately. This will free venture capital, reward personal initiative and help reverse the brain drain by encouraging entrepreneurs to build their future in Canada.

- Cut excise taxes on gasoline, diesel fuel and home heating fuels to help ease the burden of rising energy costs.

- Eliminate the national debt - the mortgage on our children's future - within 25 years, and pay down the principal on the debt by \$25 billion over the next five years.

- Implement an annual "Red Tape Budget" detailing the estimated total of each new proposed government regulation, including the enforcement costs to the government and the compliance costs to individual citizens and businesses.

- Actively expand global trading partnerships with other nations, while promoting human rights and the environment, and protecting our culture.

- Establish the Federal Agriculture Stabilization Transfer (FAST), a comprehensive national safety net program, to include a revenue/income stabilization component and a reliable disaster relief fund.

- Work with the international community to protect trans-boundary fisheries from unsustainable harvesting practices on our east and west coasts.

Governing with integrity

A strong democracy is essential to everything we want to do as a country.

What makes democratic government work or fail is the public's willingness to accept or support decisions made on their behalf. Just as we need wealth to prosper, we need trust to govern. That trust has been missing in Ottawa.

Intolerance of legitimate dissent has dramatically weakened the role of Members of Parliament. We cannot continue to inspire our most able citizens to stand for public office if they are shut out of involvement and influence after they are elected.

My government would restore integrity to the governing of Canada by increasing the democratic accountability of government to Parliament.

The government will:

- Strengthen the role of MPs by allowing more free votes in the House of Commons. MPs must be able to represent the views of those who elected them.

- Empower Parliament to scrutinize the spending practices of federal departments without a time limit.

- Introduce comprehensive "whistle-blower" legislation.

- Increase annual defence spending over the next five years to support adequate strength levels, improve the quality of life of armed forces personnel and support the procurement of new equipment.

A balanced and prudent plan

My government's plan for Canada is a balanced and prudent blueprint to restore purpose and direction to Canada, to point us towards a successful future in a changing world.

The numbers add up for Canada. In my government's five-year plan:

- We've placed the greatest emphasis — over \$55 billion — on reducing taxes to leave more money in the hands of Canadians. It's their money, and we want to leave it up to them to save, spend or invest as they see fit.

- Our mandatory debt repayment plan will eliminate the debt mortgage on our children's future within 25 years. Over the coming five years, our plan will reduce the federal debt by \$25 billion. As part of this plan, we will reallocate 1.3 per cent of the current annual program budget to reducing the debt.

- We have identified targeted new investments in programs totalling \$7.4 billion.

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

Honourable Members of the Senate and the House of Commons:

May Divine Providence guide you in your deliberations."—(*Pursuant to Order adopted March 1, 2001—5 sitting days remaining*).

The Hon. the Speaker: Honourable senators, this item stands in the name of Senator Nolin. I see senators rising.

Senator Nolin, do you wish to speak? It is adjourned in your name.

Hon. Pierre Claude Nolin: Is it adjourned in my name? I thought His Honour adjourned the debate yesterday, and that was it.

The Hon. the Speaker: Honourable senators, I was mistaken. The first senator to rise was Senator St. Germain.

Senator Nolin: I will give my turn to Senator Tkachuk and I will speak after.

Hon. Gerry St. Germain: Honourable senators, I wish to begin by congratulating all those —

Senator Nolin: I gave my turn to Senator Tkachuk.

Senator St. Germain: I was up first.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, what happened yesterday is that Senator Finestone concluded her address and, prior to Senator Nolin rising to move the adjournment of the debate, the Speaker read the house order, which was the proper thing to do. In effect, the debate was still continuing in Senator Finestone's name. Had this been yesterday before the house rose, Senator Nolin would have moved the adjournment.

Hon. Sheila Finestone: Honourable senators, may I now adjourn the debate in the name of Senator Nolin?

The Hon. the Speaker: Honourable senators, I went to Senator Nolin because I had an obligation to recognize him, and I do so.

[Translation]

Out of a sense of fairness, I will give the floor to Senator Tkachuk. I presume that Senator St. Germain will want to speak after that. I will close the discussion.

Senator St. Germain: Honourable senators, I should like to speak before, if possible, but I hope that the Speaker of the Senate will make the decision.

[English]

The Hon. the Speaker: Senator St. Germain is right. Senator Finestone, I will hear you on a point of order.

Senator Finestone: Honourable senators, I completed my presentation yesterday. I was very happy to speak in this house, and I am now happy to turn the floor over to the rightful person, namely, Senator Nolin, and have him speak to the motion.

The Hon. the Speaker: Honourable senators, this is an issue that the Chair must resolve. We are all familiar with the history of this matter.

I recognize Senator Corbin on a point of order.

Hon. Eymard G. Corbin: Honourable senators, we are wasting time. I am ready to speak.

The Hon. the Speaker: There seems to be some importance to this. Thus, I will make a decision. Everyone is familiar with the history, and I will not repeat it. I said that I saw Senator St. Germain rise. I now recognize Senator St. Germain.

Senator St. Germain: Honourable senators, I wish to begin by congratulating all those who achieved high office in this place after the last federal general election. I am sure the sense of fairness that His Honour has demonstrated throughout his public career, and especially as Deputy Leader of the Government in the Senate, will be one of his greatest assets in his new position.

I have referred to Senator Carstairs' integrity in previous debates. I know that although she is the Leader of the Government in this place, and as such a member of cabinet, she will not forget her days in opposition in Manitoba. She will not forget the role that the opposition must play in holding the government to account. Let us not forget that what separates us from totalitarian regimes is the rule of law and a vibrant and free opposition in Parliament that can express views contrary to those of the government without fear of reprisal.

Senator Robichaud, from New Brunswick, brings to the position of Deputy Leader of the Government a long and distinguished career in both the House of Commons and the Senate.

What I can say about the leadership of the PC Party in this place, both the Leader of the Opposition and the Deputy Leader of the Opposition, is that I believe that, by themselves, they can hold any government to account.

I also wish to congratulate the senators who moved and seconded the Address in Reply to the Speech from the Throne.

The Speech from the Throne, honourable senators, is designed or written to paint with a broad brush the intentions of the government for the upcoming session of Parliament. It is a chance for the government, and especially the Prime Minister, to dream aloud, to demonstrate a vision for the country for the coming work of this Parliament. Personally, I believe it was the time for this government to spell out, as they never did during the election campaign, why they needed a new mandate from the people of Canada and to tell us all what they would do with this new mandate.

To a degree I am disappointed that the speech that was delivered on January 30 fell so far short of the hopes that I had for it. I will spend some of the time I have today dealing with two aspects of the speech. I will comment on the fact that the speech completely ignored the problems of Western alienation, as it dealt neither with agriculture and the resource industries, nor with meaningful parliamentary reform, all of which are very critical in the eyes of Western Canadians. The second topic I wish to address is the plan set out in the speech for Aboriginal Canadians. As with most plans coming from the government, it attempts to address the problems faced by Aboriginal people rather than deal directly with the matters that cause these problems. If we rectify the root causes, we will eventually eradicate the problems listed in the Speech from the Throne.

• (1520)

I find it remarkable that a government with only 14 of 88 seats in one region of the country would not address, at least in a passing way, the issues that keep this government so reviled in Western Canada. There was not a word in the Speech from the Throne about Canada's natural resource industries, which form the backbone of the economy of Western Canada. There was only one sentence on agriculture — a passing reference to the plight of western farmers — as if the government were addressing the conditions of poverty of a certain class of people in a far-off land. Senator Gustafson, who knows more about agriculture than, I believe, any other senator, save Senator Sparrow, possibly, would agree with me.

The government has done nothing to address the farm crisis issues in Canada. The issues have been virtually ignored, and the protests that we experience now are clear indications of the desperation that our farmers face. These issues are clear, and the government must address them, or soon we will not have a viable agricultural community, certainly in Western Canada.

Is the day of the family farm in Canada gone forever? Is the government willing to write off the thousands of Canadians who worked all of their lives on farms inherited from their parents or grandparents? If that is what the government wants to do, then it should have the courage to say so. If not, then Canada must be willing to compete with the United States and European countries by subsidizing prices so that farmers in Canada can compete in the global marketplace.

What mention did the farming sector of Canada's economy receive in the Speech from the Throne? It received only one sentence. Once again, this government insulted Canada's agricultural community.

The other issue that would help to address western alienation is the meaningful reform of Parliament so that Western Canadians would feel that Parliament — the Senate and the House of Commons — was relevant to their day-to-day lives.

On the last page of the speech, there are two paragraphs in respect of reform. I suppose that those who wish to reform

Parliament to ensure relevance for Canadians should be happy that it is mentioned. However, I am not happy about it, and I do not believe that Western Canadians are happy about it, in its existing form.

The Throne Speech did not address the dissatisfaction expressed by opposition parties in both Houses about not being able to make a meaningful contribution to debate or make amendments to legislation to improve the system for all Canadians. Instead, the major reform that was suggested is the imposition of electronic voting. Thus, rather than deal with the dissatisfaction that led to the all-night voting on hundreds of amendments, the government proposes to solve the problem by introducing a quicker method of voting.

Eventually the government will be required to deal with parliamentary reform. As I indicated on October 17, 2000 at the beginning of my inquiry on parliamentary reform, this issue must be addressed on three fronts — the House of Commons, the Senate, and our electoral system in general. Specifically, we must address the distribution of seats in both Houses, which is so heavily weighted in favour of Central and Eastern Canada.

Honourable senators, all Canadians, not just Western Canadians, will demand real change in the way we do business, if there are many more examples like the one we witnessed a few weeks ago. In that instance, the leadership of the Liberal Party ordered Liberal MPs to vote against the motion proposed by the Canadian Alliance Party that an ethics councillor be appointed by and be responsible to Parliament, rather than be appointed by the Prime Minister. Liberal members were ordered by their Whip to vote against the motion, which used words identical to the words found in Red Book I, because the Prime Minister had determined that this issue had become a matter of confidence.

Canadians and parliamentarians are the poorer for this display by the Prime Minister. It was a display of arrogance beyond anything I have ever seen before. It would even make the late Pierre Elliott Trudeau blush, and he was viewed at times by Western Canadians as quite arrogant when he was the Prime Minister.

I know the members of the backbench of the Liberal Party are not proud of the way they voted. Eventually they will summon up the courage to challenge the leadership, and reform will happen — reform that cannot be controlled by the Whip or by the Liberal leadership. I will have more to say about parliamentary reform in the days to come.

I will now address the issue that confronts the Aboriginal peoples of Canada. I have spoken to this matter before in the Senate, especially in respect of the Nisga'a Agreement, but in other forums as well. In the Nisga'a discussions, I called for accountability, and I am so proud of Chief Matthew Coon Come, who stated, on behalf of his people, that accountability is a prime requisite. This, basically, was what the Nisga'a Agreement lacked — accountability. This was what we tried to bring forward.

I believe that the government should be congratulated for including in the Speech from the Throne so many references to Canada's Aboriginal people. The speech provides, if nothing else, a litany of problems facing the Aboriginal people of Canada. Fetal alcohol syndrome, problems in early childhood development, the large proportion of Aboriginal peoples in the criminal justice system, the lack of basic needs such as health care and housing and the lack of modern trucks on reserves are all part of the government's laundry list for righting the wrongs done to our Aboriginal peoples.

However, as I said earlier, the government is only interested in dealing with the problems after the problems have developed. The government neither has a plan nor, I believe, the vision to address head-on the causes of these problems so that our Aboriginal peoples can have the hope they so desperately seek, hope that would allow them to succeed and prosper in the new century and the era of globalization.

The problems listed by the government become things of the past, distant memory. How can we take our Aboriginal people on the journey to a place called "hope" if we do not provide the vehicle? There are two issues that I believe must be squarely addressed: land and education. My belief is that all Aboriginal people must have a non-taxed land base as their own, and every native group must have that land base. The history of Canada's Aboriginal people is solidly linked to the land. There is a cultural healing and spiritual connection with the land.

I have recently met with Aboriginal people from across Canada who have suffered abuse and they require this healing process, which can only begin from a secure place. Land base is critical to the healing process practised by the Aboriginal elders. A spiritual connection to the land allows Aboriginal elders to provide the necessary leadership.

As we enter a new century, more than ever before, land and its resources lead to the prosperity that has escaped our native communities since the arrival of the European. In many cases, the government's procrastination stands between our Aboriginal people and the economic land base.

I do not suggest that land claims should be rushed recklessly through to settlement, but they must be expedited in a way that is not prejudicial to the Aboriginal people. I suggest that Aboriginal groups and communities, where applicable, be given control over land where the title is not in dispute. This action would allow the use of land in a significant way by the general Aboriginal community, while the comprehensive land claims are settled. In other words, people can get on with their lives without being stalled in lengthy negotiations, virtually held in a holding pattern.

Governments must become more flexible and develop more imaginative responses to the land claims dilemma. Immediately signing over the control of resources on uncontested lands would bring some Aboriginal communities to a level of self-sufficiency

that would put them far ahead of the land claim settlement process.

It is time for the government to develop policies that allow natives to control their own destiny. The government must leave behind the habit of saying, "No." I believe that our Aboriginal young people must pick up on the habit of saying, "Yes, we can do it, become self-sufficient and generate prosperity. Just give us the tools."

Honourable senators, if we look to the future, we must provide opportunity for young people. We must ensure that they obtain the best education possible.

• (1530)

Young people need to stay in school and learn new technologies, and Aboriginal youth need to learn together. In the modern technological world, they can even do that from their homes. Today's technological tools allow Aboriginal youth to be part of today's educational process. The process of education is crucial, for without the proper training and mental development it is virtually impossible to succeed in today's world. In today's marketplaces — the global community — the management of resources and business becomes more complex.

The focus of education for our native youth must tie in to resource development and management. I believe diploma and university degree courses in marine, forestry, mining, wildlife management and the fishery need to be established. These degrees are directly applicable to the land and are something that Aboriginal youth can be comfortable with.

If we want to sell into certain foreign markets, we need to be conscious of foreign forces. Ecological groups are forcing us all to reassess our stewardship of the land and its resources if we wish to optimize our production and economic success. In order to optimize, we must tie our technical education skills to the land and make them relevant to today's economy. Young native people can relate to that. They can understand the relationship between education and the land.

One of the big challenges facing Aboriginal youth is that they see no reason to become educated. In many cases, they see no light at the end of the tunnel. Courses and degrees that relate to their land will encourage many, because such courses will allow them to stay on their land.

There is a huge gap in standard of living between non-Aboriginals and Aboriginals in Canada. The solution to shrinking this gap is through education, technological training, strong social safety systems, and vigorous rules to prevent the strong from dominating the weak. I believe that we can achieve these goals, but in my opinion they can only be achieved through the dismantling of DIAND and the imposition of an independent arbiter or facilitator to work in conjunction with all government departments and Aboriginal people.

The Hon. the Speaker: Honourable senators, I regret to advise that Honourable Senator St. Germain's time has expired.

Senator St. Germain: May I have leave to continue?

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

Hon. Senators: Agreed.

Senator St. Germain: We must dismantle DIAND and impose an independent arbiter or facilitator to work in conjunction with all government departments in order to accomplish these goals.

I will have more to say about this in weeks to come, as I hope to place on the Order Paper of the Senate an inquiry into the future of Canada's Aboriginal peoples. For the present, we should be working to address the causes of poverty, alcoholism, and lack of hope among our Aboriginal peoples. It is only by eliminating these causes, through education and the development of a healthy living environment, that we can all move forward together in life's journey with our Aboriginal peoples.

I thank you very much, honourable senators, for granting me an extension of time.

Hon. David Tkachuk: Honourable senators, I wish to speak to the recent Speech from the Throne, which continues to provide the Canadian people a picture of a government that believes tax cuts are rewards for good behaviour by the Canadian people — in other words, we were not rioting in the streets — rather than economic policy.

The Speech from the Throne failed to signal any intention on the part of the government to provide faster and deeper tax relief. The basic reason for this, honourable senators, is that the Liberals do not believe that tax cuts create jobs, stimulate economic activity, and actually increase tax revenue. They continue to believe in the economic policies of people like Galbraith and Fabian socialists, rather than those of Milton Friedman and just about every legitimate economist in North America.

That is why cuts have been so temperate and why monies continue to pour into the failed programs of HRDC, where bureaucrats decide where money should be spent rather than business, consumers and entrepreneurs deciding.

While the Throne Speech does deal briefly with the cuts that have been made, there are a few things we should bear in mind. First, part of what the government calls tax cuts is simply a reindexing of the tax system. Second, the government is pretending to have cut employment insurance premiums by \$15 billion over a five-year period, when in fact Bill C-2, which is now before the other place, will allow the government to keep EI premiums artificially high. Canada's chief actuary says that a premium of \$1.75 is all the government needs to keep the EI program in the black over the long run; yet government is charging \$2.25 this year.

The government is not saving taxpayers \$15 billion over five years. In fact, it is overcharging them to the tune of \$7 billion per year. This is an obscene tax on jobs.

Paul Martin, in his first budget, declared that payroll taxes are a barrier to jobs. In the *Ottawa Citizen*, he said that high payroll taxes are a cancer on the economy. This is another example of Liberal economic policy being driven by the excesses of the likes of Sheila Copps and other economic leftists in the Liberal Party rather than by the good sense of Paul Martin.

EI premiums are being used to provide federal social assistance to part-time occupations rather than to provide real insurance for those who lose their jobs due to misfortune or a downturn in the economy. This particular payroll tax is set high so that the government can extract the surplus to spend on its favourite social programs.

The government is understating its ability to cut taxes. There was a \$17 billion surplus in the first nine months of this year, about \$6 billion more than the government expected for the entire year. While the government has made some progress on tax brackets, those of us on this side of the chamber do not believe that the government has done enough to cut taxes.

For example, the government thinks it is enough simply to raise the basic personal exemption to \$8,000 by 2004. All that does is keep up with inflation. The Liberals defend this policy by saying they are being responsible.

A single employable person in Ontario will get \$6,822 in welfare benefits. A single employable person in Saskatchewan will get about \$5,800. A single parent with one child will get \$13,704 in welfare benefits in Ontario and \$11,877 in Saskatchewan.

We say that the minimum a person can live on is \$7,000. However, if you work and earn minimum wage, the government starts taxing you after you earn \$7,000. That is not the way to run social policy. There is no justice in that. Those who do not work receive the benefit of \$7,000 while those who do work are taxed on anything they make above that amount. The government does that so the Liberals can talk about how they must help the poor, while amassing billions of dollars in surpluses. This is appalling behaviour and bad social policy.

Last fall, my party called for the government to stop taxing Canadians with incomes under \$12,000, beginning with an immediate increase in the basic personal exemption to \$8,000 — not in 2004, but this year. We would like to see the personal exemption rise to \$12,000 no later than 2005. That would provide an across-the-board tax cut to all Canadians, allowing each and every one of us to keep more of what we earn. We called for the spousal exemption to rise to \$12,000, combined with a \$12,000 basic exemption. That would mean that a single-income family, including single mothers and single fathers, would not pay taxes on the first \$24,000 of income.

We also called for the complete elimination of the capital gains tax. The Progressive Conservative Party has taken a strong stand against taxing capital gains. We believe that the inclusion rate for individuals should be zero. We need to encourage risk-taking. We need to unlock and speed the flow of private equity financing into venture capital if we are to build a nation that is competitive in the 21st century.

In 1997, Alan Greenspan said that if capital gains taxes were eliminated, we would, over time, see increased economic growth that would raise revenues for personal and corporate taxes. Its major impact is to provide entrepreneurial activity and capital formation.

• (1540)

I want to comment as well on the progressive tax system we have in this country. Its ideological framework allows the government to take money. The best word I can use for the process is "theft." That is not the right word for it, but that is what is happening here, plain and simple. The ideological framework of the tax system implies that society has the right to take a larger percentage of one person's income than of another's income. It is highly unfair that if you make \$40,000 you pay 40 per cent tax, and if you make \$60,000 you pay 52 per cent tax. You pay 12 per cent more tax because you make \$20,000 more.

At \$60,000 per year, the taxman in this country considers you rich, and half or more of your income is confiscated annually, give or take a few percentage points depending on the province in which you live. This is your contribution to the government so it can do more for others. First, it pays itself handsomely for taking your money, often more handsomely than what you earn. Then the government pays planners by the thousands, analysts paid better than the person the government takes the money from, to devise ways to spend the money. Then it has to pay all those people to implement programs at the CBC, Telefilm or Human Resources Canada. You can bet they all make more money than the average person from whom the Government of Canada takes the money.

That is the expenditure triangle, honourable senators. It is the left-wing answer to trickle-down economics. It is called "trickle-up economics" or "trickle-around economics." The government takes the money. It pays people to collect it and pays people to plan how to spend it. Then the government pays people to implement the programs it thinks up, all with money taken from people who make less in most cases than the people who are taking it, planning how to spend it and implementing it.

If you have a little bit of money left over after the government gets through this expenditure triangle of collection, planning and implementation, and if you are prudent with the little you have left and you let it sit in a bank, any interest you earn is taxed as income. If you invest it and succeed, you pay again. If you say, "Well, to heck with that" and spend your money, the government gets you anyway by charging sales taxes of 14 per cent and up, depending on where you live. You cannot spend your money without the taxman right at your doorstep. If you are at your wit's

end and you go to the bar and have a pint, you are taxed 50 per cent of the cost of the pint.

If you decide to leave the country, honourable senators, your money is not worth anything anyway. The government has the last laugh. It has encircled us here in this country. It has made us prisoners in our own land.

As I wrote in a letter to an Ottawa newspaper in January regarding what would happen when the stock market began to collapse, our dollar has dropped to 64 cents, and I predict that it will continue to drop. We will be further prisoners in our land. Crossing the border will cost us 150 per cent of what it would cost us to stay home. How ridiculous is that? This is the state of the economic policy that the Liberals are bragging about in the Speech from the Throne.

If you are young, you face the prospect of having your money stripped by 10 per cent for the rest of your life, starting in 2005. That is 10 per cent, up to \$45,000, for the rest of your life. A whopping 2 per cent return is what the government predicts you will get.

If you are working, you also pay Employment Insurance premiums, yet you will be darned lucky to collect it if you are unemployed or if you have a disability. The government takes much more than it needs, creating huge surpluses in the EI plan so it has lots of money to pay others.

I am tired — and I think the Canadian people are, too — of the government being social engineers, using taxes to reward and to motivate, like Pavlov's dog, business and people.

Honourable senators, I remember the days of the Trudeau government. At the age of 56, I find that one good thing about getting older is that you remember a lot of history. At that time, if you were a working man you bought yourself an old house, fixed it up and rented it out. That is what people did. There were many places to rent at that time. When I went to university in the 1960s, most rental accommodations were old houses. They were being fixed up, not by rich landlords, but by ordinary working people. They did that because the depreciation of that house over time could not only be written off against the earnings of that home but also against the income earned from another place.

What did the Liberal government do? It called that a tax loophole. Depreciation is a real cost, but the government did not think of it that way. The government regarded it as a tax loophole and got rid of it. All of a sudden there were no places to rent. Therefore, the government set up MURBs so that doctors, lawyers and rich people could build 20-, 30- and 40-storey buildings — ghettos — that could be totally written off against income.

Can you imagine, honourable senators? The working man buys a house to fix up but cannot write off a loss because that is regarded as a tax loophole. On the other hand, MURBs could be written off against income, and most of those who benefited were rich. The government wanted to influence social behaviour. They are still doing it today.

The government did get rid of the MURBs — thank God for that — because it realized the program was not working.

Instead of essentially giving money back to the people by not collecting it, the government collects it and then wants to give it back, making one wonder why it took the money in the first place. If the government sends the money back to you, why was it taken from you in the first place?

To use the example of high energy costs, instead of decreasing excise taxes or perhaps gas taxes, the government thought it would write cheques. Today's government still thinks it is back in the 1960s or 1970s when people used to vote for people who sent out cheques. It sent cheques to dead people and people who did not need money. The whole bureaucracy is involved in paying back money that it is already taking from the people, and paying a whole bunch of people in between.

Honourable senators, much more needs to be done to bring down taxes. The Speech from the Throne could have and should have signaled that deeper tax cuts are on the way. It should have signaled that the government will stop taxing the poor. It should have signaled that the government is prepared to take meaningful action to help Canadians cope with what is happening economically today.

Hon. Joan Cook: Honourable senators, I am pleased to have the privilege to reply to the Speech from the Throne delivered by Her Excellency the Governor General. I congratulate the mover and seconder, Senators Cordy and Setlakwe.

It is my privilege to acknowledge other honourable senators and their valued appointments. I am sure with his many years of experience that our Speaker, Senator Dan Hays, will serve this house in the best interest of all members.

• (1550)

I am also pleased to acknowledge the appointments of the Leader and Deputy Leader of the Government in the Senate, Senator Carstairs and Senator Robichaud. Senator Carstairs is both a friend and a mentor. I am confident of her capable leadership. Senator Robichaud has been my colleague on the Fisheries Committee for the past three years. I wish him well as he undertakes the challenges of his new appointment.

Honourable senators, I begin my remarks by referring to a statement I made in this house on June 29, 2000, acknowledging Canada's rank as number one out of the best 174 countries in which to live, as listed by the United Nations Human Development Index. The priorities presented by Her Excellency the Governor General of Canada will ensure that we maintain the standard.

Honourable senators, the Speech from the Throne speaks to me of values, of vision and of opportunity. These values identify Canadians as a diverse people, as citizens of a great country, and as having responsibilities to each other.

Canadians recognize that partnerships build great opportunities, and I wish to address some of those partnerships laid out in the Speech from the Throne, primarily with regard to health and the fishery.

On the subject of health and quality of care, the Government of Canada is committed to uphold the Canada Health Act and to work with the provinces and territories to ensure that all governments continue to fulfil their commitment to the principles of medicare. At present, the Canada Health Act deals only with illness care. I believe that the act should include disease prevention and health promotion. This would facilitate public education on the importance of the determinants of health.

While Canada is heralded as having one of the most generous and accessible health care systems in the world, there are still many areas that need to be revisited, such as the rising cost of hospital care for the sick and the expansion of health care delivery in the community.

Pioneered by the Honourable Dr. Max House, Newfoundland's present Lieutenant-Governor, the Memorial University of Newfoundland has been on the cutting edge of technology and continuously involved in telemedicine activities since 1975. As a provincial communication resource, this network is a model in Canada and around the world as a result of the degree of cooperation exemplified by the many institutions and agencies, including the federal department of communications, that made it a reality.

Since its beginning, the university has participated in more than 30 projects related to distance health education and remote consultation, many of which have become ongoing services. The day-to-day operating expenses of telemedicine are entirely recovered from user fees.

The delivery of community health care services is particularly important in my province of Newfoundland and Labrador, with many of the outlying areas being inaccessible to immediate medical facilities. The establishment of peripheral clinics would be a great improvement over the current system. The physician and community health clinics at the hub could be supported by facilities in the larger centres and would in turn support their own peripheral clinics. These clinics should be located right in the communities and have as their mandate the provision of whatever services are most needed by the local people. These needs would differ from community to community. Some centres would need to provide far more services than others because some communities have many more needs. This is especially true of many isolated rural communities where employment and advanced education opportunities do not exist.

The primary responsibility of the clinics would be to locate and encourage the use of volunteers. Where necessary, volunteers can be taught to provide some of the basic needs of the local community, using such programs as "well-baby" and "childhood development instruction."

Honourable senators, the fishery has been the mainstay of the Newfoundland and Labrador economy for generations. From the wreckage of the 1992 cod moratorium has emerged a new, scaled-down and richer fishery. In 1999, Newfoundland's fishery output exceeded \$900 million and employed up to 30,000 people, driven largely by shellfish stocks, primarily snow crab and cold-water shrimp.

The Newfoundland fishing industry is almost completely reliant on export markets. Consumer expectations with respect to seafood safety, quality and value must be met if this industry is to maintain reasonable access to global seafood markets. The industry holds great promise and is expected to become more complex and challenging.

Honourable senators, regional disparity is a reality in this vast country. Programs such as transfer payments to the provinces and equalization payments must, of necessity, be under constant scrutiny and review if we are to be fair to all Canadians. Newfoundland and Labrador, however rich in mineral, oil and gas resources, will continue to be a have-not province if such partnership programs do not support the needs of our people.

In closing, honourable senators, I firmly believe that every Canadian is called upon to make a contribution to building our country. It is important to know who we are and what brings us together; this is the very essence of being called "Canadian."

[Translation]

Senator Nolin: Honourable senators, it is my pleasure today to take part in the debate in response to the Speech from the Throne. After more than eight years of inaction in the matter of the protection and growth of francophone communities outside Quebec, the Speech from the Throne provided, in a rare moment, that the Liberal government would reaffirm its commitment to promoting Canadian linguistic duality.

Thus, we have on page 21 of the French version of the Speech:

Le gouvernement renouvellera son engagement à l'égard des communautés minoritaires de langue officielle viables...

The English version of the same Speech provides, at page 18:

[English]

The Government reaffirms its commitment to support sustainable official language minorities.

[Translation]

You will agree, honourable senators, that the use of the word "sustainable" is not reassuring to francophones living in minority

[Senator Cook]

communities across Canada. The *Petit Robert, dictionnaire de la langue française* defines "viable" as:

Qui présente des conditions nécessaires pour durer...

Although the Speech from the Throne includes a commitment by the federal government to support the growth of francophone communities outside Quebec, the presence of the term "sustainable" intimates that there are minority communities that are not francophone. The use of such terminology is distressing, because it applies not only to the services provided by federal government offices in a number of regions of the country but to the programs that support official languages. As you know, I am not alone in my distress at the use of this term. Senators Kinsella, Corbin, Gauthier and Comeau have also asked for clarification from the government in this matter.

On January 31, during Question Period, the Leader of the Government in the Senate, the Honourable Senator Carstairs, endeavoured to get clarification from the Department of Canadian Heritage regarding the use of the word "sustainable."

On March 1, we received an answer. Instead of defining what constitutes a sustainable official language community, the department merely reiterated the commitment made by the government in the Speech from the Throne. This is not the answer we were looking for. One and a half months after that speech we still do not know why the Liberals felt the need to use the word "sustainable." Why does the Liberal government refuse to clarify its position on this issue? Should we refer to section 23 of the Constitution Act, 1982, to the Official Languages Act, to a new interpretation of these two texts, or to a new and more restrictive federal policy governing the promotion of Canada's linguistic duality to better understand the government's intention?

• (1600)

Section 23 of the Constitution Act, 1982, better known as the "Canada clause," deals with minority language educational rights at the primary and secondary levels. The provisions of this section apply everywhere in a province where the number of children of citizens is sufficient to warrant the setting up of educational services in French or in English out of the province's public funds. This includes the right to have these children receive such instruction in minority language educational facilities. Should we interpret the notion of "sustainable official language minority communities" in the context of section 23? I hope not, because the consequences would be bad for several French-language minority communities. How many francophones would there have to be for their community to be deemed sustainable? I wonder.

Second, nowhere in the Official Languages Act is there reference to the notion of “sustainable official minority language communities.” I would point out that this act sets out the federal government’s obligations in promoting linguistic duality in Canada. Two of its obligations are: to support the development of francophone and anglophone minorities and, in general terms, within Canadian society, move toward equality of the status and usage of French and English; and to promote the equality of French and English in terms of their use in federal institutions, including where it concerns the debates and work of Parliament, statutes and other instruments, the administration of justice, communication with the public, the delivery of services and the implementation of the objectives of these institutions.

Honourable senators, as we can see, the presence of a single word can lead to a number of interpretations of the government’s intention in developing francophone communities outside Quebec. The Liberal government must clarify very quickly what it means by “sustainable official language communities.” If this means a new restrictive policy on group support, the Liberals have to stop playing ostrich. They must face public opinion and the hundreds of thousands of francophones who struggle daily to survive and develop. Let them tell us the criteria that define sustainable official language minority communities and how the programs aimed at them will be affected.

Honourable senators, some of you will say I am too pessimistic about the Liberals’ commitment in this matter. However, judging by their performance in promoting the development of francophone communities outside Quebec, there is no cause for rejoicing. Here is why.

The federal programs supporting official languages in education and for the minority communities are intended to ensure the development of the francophone and anglophone minorities throughout the country, as intended by the Official Languages Act.

Yet, since 1993, the Liberal government has substantially cut funding for these programs. Funding was reduced from \$309.5 million in 1992-93 to \$215 million in 1998-99. As a result of pressure from various associations for the protection of minority francophone rights, the 1999-2000 federal budget earmarked an additional \$70 million annually for official languages support programs for a period of five years. Nonetheless, according to the *Fédération des communautés francophones et acadienne*, it would still take almost another \$15 million annually to restore funding to its 1992-93 level.

Unfortunately, honourable senators, official languages support programs are not the only ones to suffer. The government is also lax when it comes to services provided to francophones by a number of federal departments.

Since 1993, the Jean Chrétien government has repeatedly been criticized by the Commissioner of Official Languages of Canada, the task force on the effects of government changes on official languages, and a number of associations for the defence of

minority francophone rights for the fact that the public service of Canada is not sufficiently concerned about the needs of minority francophones. Two years ago, the government promised to do something about the situation.

However, according to the 1999-2000 annual report of the Commissioner of Official Languages, Dyane Adam:

The picture therefore is clear: there is insufficient commitment and a flagrant lack of leadership by the federal government with respect to the full implementation of the Act. If the deficiencies and inertia observed are so widespread and persistent, it is because the government, at its highest level, does not provide the leadership it should to affirm linguistic duality. Yet this is a critical element for the success of Canadian federalism.

The situation has so deteriorated since the mid-90s that the report mentions that in 1999-2000 the Official Languages Commissioner had to investigate some 1,800 complaints under the legislation! This is a record number. In this sense, the report clearly identifies the considerable number of deficiencies that persist in federal offices designated to provide services in both official languages.

Honourable senators, there is certainly nothing to rejoice about here. The very purpose of the adoption of the Official Languages Act by the Liberal government of Pierre Elliott Trudeau in 1969 and its inclusion in the Constitution Act, 1982, was to prevent a deterioration in the services provided to official language minorities.

This is probably due to the fact that the current Prime Minister of Canada is less concerned about the fate of francophones outside Quebec than his predecessor, the Right Honourable Pierre Elliott Trudeau. Let me explain. In August 1999, on the eve of the *Sommet de la Francophonie*, in Moncton, Jean Chrétien — in an interview with the daily *Le Devoir* — was more pragmatic regarding the assimilation process that threatens francophone minorities. He did not hesitate to describe this phenomenon as “unavoidable.” To explain this reasoning, which says a lot about his government’s attitude toward francophone communities since 1993, the Prime Minister said:

There is the issue of the (language) use, mixed marriages, manpower mobility and isolation. There are people who give up French and there are people who learn it. There are losses and gains. To be sure, we would prefer that there be no assimilation, but there always has been.

Honourable senators, following this sad statement and the poor picture that I just painted, I am proud to say that the Progressive Conservative Party of Canada has always supported the development of francophone and anglophone minorities. Because it wanted to slow down if not stop the assimilation of francophones outside Quebec, between 1984 and 1993 our government worked to promote equal status and use of French and English within Canadian society.

In 1987, the Progressive Conservative government launched the community radio station program for official language minority communities. Moreover, in 1988, our government passed the Official Languages Act that replaced the 1969 act. The new act recognized Canada's linguistic duality. It also included provisions on the right of Canadians to use the official language of their choice in their dealings with federal institutions. Finally, this legislation gave a more sustained role to the Commissioner of Official Languages and a more effective legal recourse.

Again the same year our government announced the permanent renewal of our official languages support programs, with a view to fostering the development of minority francophone and anglophone communities. We injected an additional \$195 million over five years into the funding of the official languages teaching program and the official languages promotion program.

• (1610)

Honourable senators, our actions on behalf of the francophone communities outside Quebec are explained by the fact that, according to 1996 census data, French is the first language spoken by 7 million Canadians. Of that number, 925,000 francophones live outside Quebec, distributed across Canada. For decades, francophones outside Quebec have waged a number of brave battles on the provincial, federal and judicial levels in order to ensure the delivery of education, health and telecommunications services in their language. The presence of such services in the French language is essential to ensure the optimum development of francophone communities outside Quebec. The Progressive Conservative Party has always supported this principle.

Francophones outside Quebec, who are far from being the amorphous group some believe them to be, have made considerable gains over the past 30 years to ensure that their rights are respected. However, the continuing existence of a number of their communities is threatened by a low birth rate, the exodus of their young people to major urban centres, and a high assimilation rate with English, not to mention the assimilation of the vast minority of new Canadians into the anglophone community.

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable Senator Nolin, your speaking time has expired.

Senator Nolin: I would ask leave to continue.

The Hon. the Acting Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Nolin: Honourable senators, it is clear that, in this connection, the federal government has not only an administrative responsibility as far as the delivery of services in both official languages and the full development of linguistic

minorities are concerned, but also a constitutional obligation that dates back to 1982. Francophones need concrete actions more than fine words to ensure their full development. There are many expectations.

In closing, honourable senators, I must remind you that the strength and unity of our country is tied to the vitality of its cultural communities. Canada is made up of two linguistic communities — the francophone and the anglophone — the First Nations and the people from many lands who all together form a whole, a partnership that is unique in the world.

Faced with the challenges posed by the globalization of markets, the hegemony of the American culture and the strengthening of national unity in Canada, the federal government, more than ever, must be a leader in the development of francophone minorities. Our country's history is profoundly tied to the presence of a francophone population not only in Quebec but throughout Canada. The harmonious development of the French and English languages is fundamental to our identity. These two languages also underlie the constitutional, political and cultural bases of our country. The Fathers of Confederation recognized them in 1867, and they were enshrined in the Constitution in 1982. They testify to the existence of a linguistic duality that Canadians should hold dear.

I certainly hope that the Liberal government will not forget these principles in the coming months. The use of the term "sustainable" flies in the face of everything that was done by the Liberal government of Pierre Elliott Trudeau, the Progressive Conservative government of Brian Mulroney and the many associations defending and promoting the rights of francophones outside Quebec for the past thirty years. To remedy this error, which I would describe as monumental, I will propose two amendments to the Speech from the Throne, in due course.

Hon. Eymard G. Corbin: Honourable senators, I should like to congratulate Senator Nolin on his speech, because I believe his remarks are very pertinent. During Question Period on Tuesday, I had indicated that I would speak to the debate on the Address to Her Excellency the Governor General in Reply to the Speech from the Throne, on the subject of palliative care. Since then, events have prevented me from doing so. I believe, however, that my remarks are still relevant.

I was, more than in any other matter, deeply involved in the matter of euthanasia, assisted suicide and palliative care. These are existential questions. Along with other honourable senators, who do not necessarily share my viewpoint, we gave these issues their full due.

Two special committees reported to the Senate calling on governments and professional health care institutions to fill the often pressing and inhuman deficiencies of care appropriate to the dying. Dying is part of living. We who invested months in these challenges were disappointed that our message, although applauded by experts in the field, is not being heard by the government.

[Senator Nolin]

I also noted that the Speech from the Throne includes a proposal to help parents and guardians of terminally ill children. This is a step in the right direction, but we should go much further and faster. We must, however, avoid giving in to sentimentality. The adults and the elderly who built this country are also entitled similar treatment. Our latest study confirmed this point.

Our two reports urge governments and institutions to consider measures that are innovative and even revolutionary, in the sense that we must change our way of doing things, of considering and of helping those who are dying. Often, a simple reallocation of available resources, including money, facilities, personnel, without forgetting those generous and available volunteers, will go a long way toward correcting many problems. This is possible, because it is already being done, but it must become more widespread.

I have a duty to congratulate those who, for decades, have been working so hard to improve the system. Their voices are now being heard. They are no longer alone. We are finally beginning to realize that, given the enormous task ahead, the federal and provincial governments, professionals, caregivers, institutions and volunteers must work together to launch national initiatives. Canada is a rich country and it can easily afford a more humanist approach to the care of terminally ill patients.

The piecemeal approach should now be a thing of the past. We urgently need political leadership at the national level.

Honourable senators, I apologize for being somewhat pessimistic at times. However, I am quick to recognize that things are now moving a little faster. This is not because of government policies. Allow me to mention a concern of mine. Medicine distanced itself from sorcery a long time ago. Yet, back in 1993, Lorand Gaspar was already concerned about the:

...incredible popularity of the so-called alternative medicines (whose consequences can sometimes be brutal) and of other inventions. This desertion of the "faculty" (of medicine) and the real hostility of so many sick people toward modern fields of medicine must have various causes, but the main reason for this massive exodus toward the promised land of non-scientific care is our inextinguishable passion for rites and processes that are shrouded in mystery, that are full of symbolism, that appeal to our emotions and to our natural tendency to fluctuate between hope and fear and to cling to the most extravagant promises when we are sick.

• (1620)

Have they lost faith in medicine?

If there really is an alternative medicine, a "soft" medicine, it finds its greatest meaning in end-of-life care. I salute the pioneers

who have understood this. This type of palliative care is called *caritas*, or humanism, not euthanasia.

The key to an understanding of what palliative care should ideally be can be found in these words of Roland Gaspar, to whom I will again refer.

We must not identify with the despair of the person who is ill, but with the life still in him, with his profound desire, even if he is mutilated, deformed, overcome by distress — to get well, to live.

A good system of palliative care, a continuous chain of specialized facilities, both in urban and in rural settings and remote regions, is entirely feasible in Canada. Important links are already in place. However, so much remains to be done that the most pessimistic among us could lose heart at the enormity of the task. We have still not reached a critical mass. We have world leaders in the field of palliative care in Canada. How is it that we are not listening to them? Sad though it is to have to say it, they are being crushed by all manner of bureaucracy. Sometimes, it is as though the blasted bureaucracy will always find a way to bring things to a halt.

However, bureaucracy is often us, politicians. Nonetheless, I believe that we have done our job well in the Senate. I have no hesitation in saying so. I am even proud of what we have done. If we could do more, we would not hesitate for one moment to take on new challenges, although I think that we have gone as far as possible in the circumstances.

I am not personally disposed to getting involved in a third special committee in order to undertake the umpteenth re-examination of what was already stated right back in our first report. I am available, though, to assess progress.

Governments have a duty to move resolutely on to action now. Thanks to what it heard at the hearings, the Senate has mapped out the route with the support of top-level expertise. We have done our part responsibly and now it is up to others to act.

Yesterday we learned the good news that the Honourable Sharon Carstairs has been designated by the Prime Minister to be responsible for the palliative care issue in the Department of Health, under the auspices of Minister Rock. I will take this opportunity to again offer her my warmest congratulations, of course.

This is the most excellent and encouraging piece of news I have heard since our first report was tabled. At last, the government is getting involved in a pragmatic and proactive way. Bravo for them! Senator Carstairs has my moral support. It will, however, not be any surprise to her, I am sure, that I have no intention of letting go of this issue myself.

Honourable senators, I should like to state my personal position on euthanasia, a practice for which I have always felt great repulsion.

To deliberately cause the death of a human being is an act of violence, of aggression, and I am opposed to violence. The killing of another — my sister, my brother — would strip away from me the inestimable right and privilege of continuing to consider myself a human being. It diminishes me in my humanity. I am for life. When my time comes, I want someone to be with me to the end.

In closing, I wish to express my greatest admiration to the Canadian medical sector and to the legions of people who are there to support life.

On motion of Senator Kinsella, for Senator Cohen, debate adjourned.

[English]

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Michael Kirby moved the second reading of Bill S-19, to amend the Canada Transportation Act.

He said: Honourable senators, I rise today to begin second reading debate on a private member's bill that will not only inject some facts into the debate about how well Canadians are being served by the airline industry in this country but will also help to promote healthy competition in the marketplace.

I am particularly pleased that Senator Callbeck has agreed to second this bill. As I think all of us know, she brings a wealth of experience to transportation policy issues, having served for many years on the Standing Senate Committee on Transport and Communication, and she also represents a province whose lifeblood depends on good transportation service.

At the outset, I should say that introducing a private member's bill is not something that I have ever felt the need to do at any other time in the almost 17 years I have been in this chamber. This is a first for me. However, during the last session, I sat on the Standing Senate Committee on Transport and Communications while it examined the state of the airline industry in this country. As a result of that experience and my considerable experience subsequently as a frequent flyer on Air Canada, I am concerned about the state of competition in the airline industry.

One carrier now controls over 80 per cent of the domestic market. In this situation, government needs to encourage not only the emergence of new carriers but also true competition between existing carriers. One critical element of effective competition in any marketplace for any service is an informed consumer. Helping to create informed consumers is the objective of this bill.

I am sure that since the merger between Air Canada and Canadian Airlines all of you have either experienced

unacceptable service difficulties or have been inundated with details of such experiences from family, friends and constituents. The public perception is that cancelled flights, overbookings and lost baggage are on the rise and that the consideration being given to passengers seems to be falling in direct proportion to this increase. Indeed, it sometimes seems to be an accomplishment just to find someone to complain to, and even then it often seems that your concerns are not being dealt with in a courteous and efficient manner. Unfortunately, however, based on this kind of anecdotal evidence, we cannot be sure whether there has been an increase or a decrease in poor service. Neither do we have any factual evidence of whether some airlines are actually doing better or worse than others.

• (1630)

Bill C-26, which was passed by this chamber in June of last year, created a Consumer Complaints Commission to mediate complaints that cannot be resolved between consumers and the airline. The Complaints Commissioner will compile a report semi-annually to the Governor-in-Council setting out the number and nature of complaints that are filed with him. This semi-annual report by the Consumer Complaints Commission will not provide information on the actual number of complaints, as many complaints will be resolved long before they get to the commissioner.

Indeed, a smart CEO of a truly successful airline would make a point of ensuring that as few complaints as possible make it up to the level of the commissioner. Simply because there are no complaints to the commissioner does not mean therefore that service is excellent. Consequently, the Complaints Commissioner created by Bill C-26, while a definite step in the right direction, does not, in and of itself, give Canadians a snapshot of how airlines are actually performing with respect to customer service.

Clearly, Canadians are entitled to a factual report — and I stress the word “factual” — on the number of times that customer services are not delivered in an appropriate manner. Canadians are entitled to know how many bags are lost, how many flights are cancelled and how many flights are overbooked. Canadians are also entitled to be able to track that information, and the ongoing performance of each airline operating in Canada, on each of these elements of customer service.

Consumer information is a powerful tool. Indeed, the principle of consumer information on demand is one of the underlying elements of the entire economic theory of competition and free markets. It allows consumers to make informed choices and form reasonable expectations about what level of service the market can provide. The most powerful decision maker is not the CEO, it is the consumer — even in a market dominated by one carrier. Consumer information also encourages businesses to perform better. Thus, having more information benefits more than the individual consumer. It benefits shareholders, employees, the corporation and the market at large.

[Senator Corbin]

Bill S-19 proposes to give Canadian consumers more information. This bill would require both domestic and foreign carriers to report the number of flight oversales, the number of items of lost baggage, and the number of flight delays on a monthly basis to the Minister of Transport. The minister would then compile that information for Canadian consumers and release a monthly report — that is, make the data public; consumers would then have a better picture of the level of service they could expect to receive from the various airlines and thus could make more intelligent and informed choices about which airline to use. In addition, the bill would provide the minister with the power to require the reporting of other operational information on service standards of the minister's choosing, so long as making that information available to the public was in the public interest.

Let me stress, honourable senators, that reporting these statistics is not an onerous task; equally important, neither is it unprecedented. The United States currently requires, and has for many years, that every air carrier operating in the States report exactly the information that I have asked to be reported on a monthly basis. That information is then made public because it is posted on the U.S. Department of Transportation's Web site, where it can be easily accessed by consumers.

Since the U.S. provisions apply to foreign carriers operating in the United States as well as to domestic carriers, many of Canada's carriers, including the dominant Canadian carrier, already report these statistics with respect to U.S. flights and, therefore, already must have in place the systems required to compile this information on a monthly basis. As a result, reporting these statistics in Canada cannot be described as an undue burden. Considering the benefits that could come from the knowledge of how competitors are doing, and considering also the power of consumer choice, any cost to the airlines is definitely outweighed by the benefits.

Clearly, honourable senators, there is no significant extra cost, simply because the system for doing this is already in place for every Canadian carrier now serving in the United States. They are already doing it.

I understand that some industry representatives will make the following point before the committee, so I may as well rebut it here today. Industry representatives will make the observation that it is unfair to compare service records from the dominant carrier, Air Canada, with those of the much smaller carriers that are trying to spring up — although, as one watches the actions of the Competition Bureau, one wonders how long that will be able to survive.

Honourable senators, I wish to say parenthetically that I am delighted with the performance thus far of the Competition Bureau in dealing with many of the attempts by the dominant carrier to be even more dominant.

This information has certain benefits. For instance, if one wants to make comparisons, all the smaller airlines — for

example CanJet, WestJet, Royal, Canada 3000, and so on — are in a comparable set.

I have chosen these three characteristics to be reported on. It is absolutely legitimate to compare Air Canada with the large carriers in the United States because they are large systems, they serve many centres and the data in the United States is already available. The argument that you cannot compare small and big in Canada is destroyed by the fact that it is legitimate to compare the small ones among themselves and it makes it legitimate to compare the big Canadian carrier with big carriers operating also in the North American context. Consequently, the principal argument that a number of the airlines' spokespeople appear to have against this bill seems to be shot down by that argument.

In summary, honourable senators, this bill helps to promote competition in two ways. First, it will give Canadians the information they need in order to make informed choices about which carrier to choose, what level of service they can expect to receive and what level of service they are entitled to receive. Second, it will give the carriers direct feedback on how their service compares to that of their competitors. They will be able to identify where they need to improve the service and, in turn, improve their business.

This short, one-page bill has the potential to improve service, competition and the corporate health of air carriers in this country. Therefore, honourable senators, I urge you to support this bill and to send it quickly to the Standing Senate Committee on Transport and Communications for further study.

Hon. Shirley Maheu: Honourable senators, I have a question for the honourable senator. As a point of information, is the honourable senator aware of Air Canada's position? Are we worse off than the United States or are we just about as bad as the United States? The United States is not that good.

Senator Kirby: I have absolutely no idea. At the moment all we have is anecdotal evidence. Is there a factual basis to compare the performance levels on both sides of the border at this point? The answer is that there is not. This bill is designed to get that factual basis.

Senator Maheu: A program on television this week stated that there is a real problem in the United States with lost baggage.

Senator Kirby: Yes. As someone who flies in the States reasonably regularly, I agree that they do have problems with many things. There is no question about that.

Honourable senators, let me be clear. I was not saying that the American service is terrific. I was saying that I would like to be able to compare the service of Air Canada with American service. Presently, that is simply not possible. I deliberately picked the same three service characteristics that U.S. airlines must now report in order to make the comparison.

Hon. Pierre Claude Nolin: Honourable senators, I find that point interesting, because I recently lost my luggage. Does the report the honourable senator has referred to include all of the network data when a carrier is organizing a trip with its network? Let us talk about the main carrier we have in Canada. It is part of an international network of other carriers. Will that report include not only Air Canada's operation but also its partners' operations?

• (1640)

Senator Kirby: Honourable senators, I am happy to consider that in committee but, frankly, I thought it important to be able to evaluate the performance of Air Canada as dominant carrier. In some sense, Air Canada should not be penalized. If a traveller goes to Dallas by taking Air Canada to Chicago and then United on to Dallas, it would be unfair to penalize Air Canada if United makes a mistake on the second leg of the flight.

The committee may well want to consider that matter. It may require a separate addition to the bill. I am happy to add a lot of other information if the committee so wishes, but the dominant requirement is to compare information from precise definitions as used in Canada with that from the U.S. The bill as written would clarify comparison between Air Canada and United or American Airlines or Delta or U.S. Air because the information is defined in precisely the same way.

Senator Nolin: Honourable senators, it is good to have figures for comparison but, at the end of the day, we want consumers to be properly served by the carrier. Air Canada is the front line for the Canadian consumer who wants to go to Brussels, for example. He must fly from Montreal to Toronto, from Toronto to Frankfurt on Lufthansa, and from there to Brussels. That happens every day. In one of those legs, luggage goes missing, but who is responsible to the consumer? The carrier who is the main contractor of the ticket should be responsible, and that is Air Canada.

Senator Kirby: Honourable senators, I do not mind at all. Let me repeat. We can add on that issue. That does not bother me in the slightest. Any addition is entirely up to the committee. I do want to make absolutely sure that we can compare Canadian and U.S. data, plus any additional data that we decide to study.

To follow Senator Maheu's comment, we may simply find that service is rotten everywhere. Anecdotal evidence from many of us may suggest that. An interesting public policy question arises if several months of data reveal that Canadian consumers are not being adequately served: What do we do about it?

One answer that has been raised but not yet implemented is to increase competition in a variety of ways — cabotage and modification through a variety of strategies.

This information, it seems to me, would also help government to judge adequately whether Canadian consumers are being appropriately served. The minister has said all along, since we passed the original bill in June 2000, that if it becomes clear that

Canadian consumers are not being adequately served by the current arrangement, then he would have to do something about it.

From a public policy standpoint, though, we cannot do something about it with only anecdotal evidence as a basis; we must have facts. If we get the facts out on the table, we can weigh in with public policy proposals. That, honourable senators, is why I believe the bill is important and that we ought to pass it quickly — so we can begin to be get the data.

Hon. Francis William Mahovlich: Honourable senators, do I understand correctly that Mr. Bruce Hood was supposed to make public all the complaints received from customers?

Senator Kirby: Mr. Hood is the Air Travel Complaints Commissioner but, you must understand, he only receives the complaints that have not been satisfactorily solved by the airlines. This is an ombudsman process that begins internally before it is taken externally.

Flights are overbooked or cancelled every day and customers do not bother to complain. The data from the complaints commissioner does not necessarily give an accurate and true picture of the levels of service being received. I do not say that the complaints commissioner is not needed. I am simply saying that we need broad-based service data that we do not have now.

Hon. Ione Christensen: Honourable senators, might I address a question to Senator Kirby?

I fully agree with the requirement for the statistics as the bill proposes. This seems to be a very complicated way of getting statistics. Can it not be done through regulation and existing legislation?

Senator Kirby: No. That was, of course, my instinctive reaction. In existing regulation, the Canadian Transport Agency, the CTA, has the authority to request this information but it has no legal authority to make it public. In fact, it is explicitly prevented from making public any operational information it receives about an airline. This bill is fundamentally structured to remove that prohibition with respect to this information.

On motion of Senator Robichaud, for Senator Callbeck, debate adjourned.

BUSINESS OF THE SENATE

Hon. Pat Carney: Honourable senators, as a Western senator, I have a time constraint on the only flight back home. I am wondering if there would be unanimous consent to move to Inquiries so that I could make my statement.

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

Hon. Senators: Agreed.

THE SENATE

BRITISH COLUMBIA—ELECTION OF SENATORS— INQUIRY—DEBATE ADJOURNED

Hon. Pat Carney rose pursuant to notice of March 12, 2001:

That she will call the attention of the Senate to the desirability of electing Senators from the Province of British Columbia to the Senate of Canada.

She said: Honourable senators, I am grateful for your cooperation. The hour is late in this chamber but it is, of course, three hours earlier in British Columbia. While it is cold and chilly and snowy outside, I can report to you that, on my island home of Saturna, the crocuses are up, the narcissi are blooming. I am ordering earth and picking out weeds.

Similarly, the westerly winds of parliamentary change are blowing through the West with a velocity greater than they are here in Central Canada. One of those changes is parliamentary reform, which is a very big issue in my province of British Columbia and other Western provinces.

Making Parliament more reflective and responsible to the Canadian public is very much on our minds. This is particularly true of my province of British Columbia where many people tell me that they feel under-represented in Parliament as our provincial population outpaces the number of elected MPs in the other place.

In 1998, when we were discussing the Calgary declaration, a B.C. unity panel was touring the province. In a poll of 1,800 British Columbians, 90 per cent felt B.C. was under-represented in Parliament. That is a huge number.

As we know, B.C. only has six senators in this place; New Brunswick has 10. B.C.'s population is 4 million; New Brunswick's is one-fifth of that. We do not have enough senators for equal representation in this chamber. Senatorial seats mean votes. MPs mean votes. And votes in Parliament mean clout. In B.C. we feel we do not have enough parliamentary clout because we are under-represented.

• (1650)

There is no quick fix for this problem because it would take a constitutional change to resolve it, but within this context of parliamentary representation, I should like to draw the attention of honourable senators to the British Columbia Senatorial Selection Act, which was enacted by the B.C. legislative assembly in 1990. It sets out a process for the election of senators to British Columbia's six senatorial seats, during a provincial general election. The statute contains a sunset clause, which has since lapsed, that applied only to the election that came the next year. However, the British Columbia Senatorial Selection Act is still on the books and could very easily be revived.

I wish to thank the staff at the Library of Parliament who brought this to our attention. We do not give the wonderful people in the Library of Parliament enough credit for the work that they do for us.

Hon. Senators: Hear, hear!

Senator Carney: On Tuesday, March 13, 2001, I wrote to B.C. Premier Dosanjh urging him to reintroduce this statute in the B.C. legislative session, which opened yesterday in Victoria, so that senatorial elections could take place during the general election expected this spring. The statute would require only two simple amendments, which I will outline. If passed and if Prime Minister Chrétien then agreed to appoint a senator elect, I would consider putting my own seat on the line. We already have the vacancy created by the retirement of our "late, lamented" Senator Perrault. I do not know whether the offer to vacate my seat is viewed by my senatorial colleagues as a threat or a promise, but it is a genuine offer.

My interest in reviving this legislation is three-fold. First, one of the conditions laid out in the bill is that a vacancy among the six seats allotted to British Columbia in the Senate of Canada exists at the present time. That is a necessary stipulation in the bill.

Second, many British Columbians desire elected representation in a reformed Senate, and electing their senators would be a symbolic but important step. One of the unity panel quotes from the public stated, "The election of senators would give voters a more personal sense of protecting British Columbian interests in Ottawa, as well as a greater participation in national affairs."

Third, the election of B.C. senators under B.C. legislation would encourage British Columbians to take more control over their affairs within Confederation and could help reduce a pervasive and evident sense of alienation from the federal government in Ottawa.

I do not want to suggest, honourable senators, that Senate reform in British Columbia is a burning issue that keeps people awake at night. Professor Philip Resnick of the University of British Columbia, in his book entitled *The Politics of Resentment: B.C. Regionalism and Canadian Unity*, points out that Senate reform for many British Columbians is something of a side issue in terms of the larger debate about the region's national interests in the sense that B.C. deserves a larger place in the Canadian sun.

In B.C., as in much of Canada, the role of the Senate is not widely understood. A couple of years ago, I went to a small village on the west side of Vancouver Island that is accessible only by sea or air. I asked the local grade 5 class to do a show and tell about what a senator is. One of the students drew a picture of two hockey players with a puck and a referee, and he wrote: "What is a senator? They are rich men; they wear tuxedos; they go to meetings; and they play hockey. They are called the Ottawa Senators."

I am glad that my adopted B.C. colleague and hockey player Senator Mahovlich is in the house to hear this.

Under our Constitution, the right to appoint senators remains with the Governor-General-in-Council on the advice of the Prime Minister, but precedents exist. In 1990, Prime Minister Brian Mulroney appointed an elected senator, Stan Waters, to represent the province of Alberta in the upper chamber. Alberta has since elected two more senators in waiting, and Saskatchewan Alliance members of Parliament are calling for senatorial elections. If the Western provinces all support senatorial elections, then Prime Minister Jean Chrétien should and must listen and act if he is sincere in reducing regional tensions in Western Canada.

One factor in the sense of isolation experienced by some British Columbians is the feeling that their fate is controlled to a large extent by alien forces in Ottawa. Voting patterns show that we do not tend to elect MPs of the governing Liberal Party, as one pragmatic editor of *Maclean's* recently urged westerners to do: "Be like Ontario, elect Liberals." We voted for the governing Conservatives in the 1980s, and we annihilated them in the 1990s. In the largely Conservative province of British Columbia, not one Conservative MP survived. Instead, we elected mainly Alliance MPs, who were shut out of power nationally, despite their effectiveness locally. We seem content to remain on the margins of the nation.

One result is a sense of complacency, of indifference, a "who cares" attitude to national affairs. I believe that a province-wide contest to elect B.C. senators could help create renewed interest in participating in the life of the so-called centre in Ottawa. At the very least, it would create more awareness in British Columbia of the usefulness of the Senate in serving regional interests.

While that may have been the intent when Bill 65 was first introduced during the Fourth Session of the Thirty-fourth Parliament of British Columbia and assented to on July 27, 1990, it is hard to tell from the debates that occurred at the time. A Senate vacancy had been created by the untimely death of Senator Nancy Bell, a feisty woman who broke with her own Liberal Party over its opposition to the Free Trade Agreement, which the Liberal Party later supported. In speaking to the bill, Provincial Secretary Howard Dirks on the government side said:

This is not major Senate reform, but it is an incremental step in that direction, and it would allow the electorate of British Columbia at the next provincial election to democratically choose a person to represent them in the Senate of Canada.

Ironically, NDP MLA Mark Rose, a former colleague of mine when we both served as MPs in the House of Commons, gave an unenthusiastic endorsement of the bill on the grounds that it might prevent Prime Minister Mulroney from appointing Pat Carney to the Senate. One month later, on August 30, Prime

[Senator Carney]

Minister Brian Mulroney did just that. At the time, of course, conditions for an imminent general election did not exist. The general election was held more than one year later.

Times have changed. I wrote the premier that if he was willing to introduce legislation dealing with the election of B.C. senators, he might ask Prime Minister Chrétien to refrain from filling the vacancy created by the retirement of Senator Ray Perrault until the B.C. senatorial elections can take place. Since one additional B.C. Senate seat will become vacant in the next few years, B.C. could produce several senatorial candidates. Alliance Senator Gerry St. Germain has publicly declared his enthusiasm for an elected Senate, and I would expect him to take appropriate measures.

Under such circumstances and in order to provide some momentum for change, I would consider vacating my own Senate seat, subject to the willingness of the Prime Minister to appoint an elected senatorial candidate who, of course, meets the qualifications for senators as contained in the federal Constitution Act. We are not electing "Buster, the Wonder Dog." The successful candidate must meet the requirements for appointment to the Senate.

Since 1965, senators must retire at the age of 75; they must be a minimum of 30 years of age; they can be male or female; and they must reside in the province that they represent. If the individual hails from Quebec, he or she must represent a senatorial district of that province. Senatorial candidates must be a Canadian citizen or a British subject, and they must own real property within their own province to a net value of \$4,000 above debts and liabilities. A senator vacates a seat by losing his or her residence or property qualifications, or by being convicted of any infamous crime. There are other criteria, but the fact is that a candidate in the British Columbia election for senator would have to meet those conditions.

To meet today's requirements, I suggest that the existing British Columbia Senatorial Selection Act requires two simple amendments, both in clause 3 of the nine-clause bill. It sets out the purpose of the act. It states:

...it is appropriate that the Prime Minister of Canada be advised as to the person or persons by whom the people of British Columbia desire to be represented in the Senate of Canada;

• (1700)

In terms of the operative clause about elections, it says:

If one or more vacancies exist among the members representing British Columbia in the Senate of Canada on the day of the issue of the writs of election under the Election Act for the general election next occurring after the coming into force of this Act, the Lieutenant Governor in Council shall initiate an election under this Act by

(a) issuing a writ of election...

(b) setting out the number of persons to be elected.

I am suggesting that you need only amend clause 3 by adding, after "If one or more vacancies exist," "or notice of vacancies." In that way, if you knew that a senator was retiring or stepping down, you could have nominations and elections for that post.

Similarly, you would drop the sunset clause that limited this only to the next election just by saying "a general election after the coming into force of the act". In that way it could be ongoing.

As I have said, honourable senators, the qualifications required for nomination for senator are set out in the Constitution Act, but nominees cannot be members of the House of Commons or the Senate of Canada or a member of the Legislative Assembly. I, for instance, as a sitting senator, could not run for this position.

This differs from the situation in Alberta in that you need not be a member of a political party. As long as you meet those qualifications, you can run for election. Similarly, if only one person is to be elected under the act, the candidate with the highest number of votes shall be declared elected. If more than one person is to be elected under this act, the candidate with the highest number of votes shall be declared elected and the candidate with the next highest number of votes shall be declared elected, and so on until the number of candidates to be elected at the election under this act are declared elected.

The Hon. the Speaker: Honourable senators, I must advise that Senator Carney's time of 15 minutes has expired.

Senator Carney: May I have permission to continue?

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

Hon. Fernand Robichaud (Deputy Leader of the Government): No.

The Hon. the Speaker: There not being unanimous consent for leave to continue, we must move on to the next item.

On motion of Senator Milne, debate adjourned.

PRIVACY RIGHTS CHARTER BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill S-21, to guarantee the human right to privacy.—(*Honourable Senator Finestone, P.C.*).

She said: Honourable senators, I am pleased to rise to move second reading of Private Member's Bill S-21, to guarantee the human right to privacy. This act may be cited as the privacy rights charter.

Honourable senators, in a more perfect world, the privacy environment would not be so frequently threatened by invasive

technologies and curious, sometimes malevolent, onlookers. If the privacy environment were benign, we could move at a leisurely pace to introduce measures to enhance privacy.

However, the environment is not benign. We are witnessing an ever-growing technological capacity to assemble and match data and to intrude into our private lives in many other ways. Technology, the lust for power, and the desire to know all and see all have made it imperative that we move quickly if we are sincere about protecting this right; if we are sincere about protecting one of the key values in democracy.

Thirteen years have passed since Parliament conducted a thorough review of the federal Privacy Act. Four years have elapsed since the publication of the report of the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities on privacy, "Where Do We Draw the Line?" yet there has been insufficient effort to translate persistent concerns about threats to our privacy into effective legislation.

The one important exception is the Personal Information Protection and Electronic Documents Act — Bill C-6 — which came into force, in part, on January 1. On many other fronts we have simply done too little, and it is almost too late if we truly wish to protect the privacy of Canadians.

Last June, I had the privilege to introduce Bill S-27, the privacy rights charter. As you know, that bill died on the Order Paper when the federal election was called. I was firmly committed to that bill when I introduced it last June. My commitment has not waned in the intervening months.

I hope that what I am about to say will reignite the interest and support that members of this chamber showed last year when I introduced the bill.

In the other place I was privileged to serve as the chair of the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities. Over a ten-month period in 1996-97, the committee conducted an extensive examination right across Canada on the changing face of privacy.

A key recommendation of the committee was to enact a declaration of privacy rights. This quasi-constitutional document would apply within federal jurisdiction and would take precedence over ordinary federal legislation. It would serve as a benchmark against which the reasonableness of privacy-infringing practices and the adequacy of legislation and other regulatory measures would be assessed. Committee members also expressed the hope that this privacy charter would lead to the adoption of similar legislation by the provinces and territories.

For many months during 1999 and 2000 I worked with a dedicated group of privacy advisers and legal counsel. Together we developed the privacy rights charter, an overarching statement of principles to act as a template for the protection of privacy in relation to both the public and private sectors.

Though merely 12 clauses long, the privacy rights charter is in many ways a much larger document. It is intended to fill a significant gap in the protection of privacy by providing an umbrella of principles to inform the actions of Parliament and the federally regulated private sector. It reflects countless discussions. It incorporates the views of those who will be affected and served by this legislation.

Look at the value the charter protects. It protects the right of privacy. Privacy, after all, is a fundamental human right and we need to place privacy in this human rights context, for once privacy is lost it cannot be regained. Without adequate protection of the right of privacy, many other rights that we all take for granted in a democratic society are also undermined.

Honourable senators, privacy is not an absolute right, just as freedom of expression is not. There are circumstances in which limits must be placed on each in the name of the greater social good. As abstract values, they must be balanced and based on legally defined laws in the public interest. It is also possible for a person to waive the right to privacy, but such consent must be knowingly given. It must be informed consent.

As I speak to this bill, I am drawn to the words of Mr. Justice La Forest in the Supreme Court of Canada's 1990 *Duarte* decision:

It has long been recognized that this freedom not to be compelled to share our confidences with others is the very hallmark of a free society.

If there is a single philosophical concept that most closely approximates the ideal of this bill, it flows from just those observations made by Justice La Forest.

Two events in particular since last June have increased my resolve to pursue the enactment of this bill. Both events occurred within the last six weeks. Both underscore the threats to our privacy.

Last month's publication of a draft of the human genetic code — the human genome — was a major milestone in a project that began in earnest in the late 1980s. Yet, it is only an early milestone. Scientists confess to understanding only about 3 per cent of the genome. Even with that limited understanding, reports abound of newly discovered genetic links to diseases and behavioural traits, and about how science can now uncover genetic characteristics that are intensely personal to each of us.

• (1710)

What are the consequences of unlocking greater and greater parts of our genetic identities? Will that information be used for our benefit to improve medical science and to warn us of health risks that we can avoid through changing our lifestyles, or will it be used to our detriment in employment, in access to services such as bank loans and insurance, and in determining the extent

to which we may participate in society, as so often has happened with other personal information?

Unless we control who has access to intensely personal genetic information, it can be wrongly used and it can be an injurious instrument. That is where the principles and provisions of the privacy rights charter can help to establish appropriate norms, particularly since Parliament will inevitably have difficulty in responding with specific legislation to rapidly evolving privacy issues such as those relating to genetics.

The privacy rights charter can be the overarching umbrella to protect privacy where specific legislation is lacking. It can also hold specific legislation to an appropriate standard of privacy protection.

Honourable senators, a second, even more recent, development has increased my resolve to pursue the enactment of the privacy rights charter. A news report earlier this month stated that Canadian Customs officials randomly open mail coming into Canada using their authority under the Customs Act.

The news report stated that Customs sometimes confiscates documents and sends them to other departments. In other cases, documents are copied and sent to departments while the original mail goes to the addressee. The news report continued to state that Immigration Canada has created a "mail-seizure database" that catalogues information passed along by Customs.

Several immigration lawyers across the country say they have discovered that their mail — notably correspondence from clients — has been opened.

I am pleased that the Privacy Commissioner of Canada has launched an investigation into this activity. However, the Privacy Commissioner must work within the parameters of the federal Privacy Act. That act regulates the handling of personal information by federal government institutions, but it may offer little effective protection. Remember that the Privacy Act permits the collection of personal information if it relates directly to an operating program or activity of a government institution, in this case the Canada Customs and Revenue Agency.

Clearly, something more is needed to protect privacy. That something more is the bill before you, the privacy rights charter.

I am certainly not here to prejudge the outcome of the investigation into the opening of mail by Customs officers. However, I would suggest that the principles set out in the privacy rights charter would help to determine the reasonableness of this intrusion in the circumstances.

Had the privacy rights charter been in force when the mail opening provisions of the Customs Act were being considered by Parliament, the Minister of Justice would have had an obligation to review the provisions to ensure that they complied with the privacy rights charter. Mail opening powers might have been addressed differently. However, even if they were not, the privacy implications would have at least been thoroughly aired.

[Senator Finestone]

Clearly, there has been some movement to protect privacy in this country. The Quebec Charter of Human Rights and Freedoms has obtained a sort of quasi-constitutional status in that province. It affords every person the right to respect for his or her private life.

The federal Privacy Act and its provincial and territorial counterparts have helped to control the enthusiasm of governments for collecting, using and disclosing personal information about Canadians. However, that legislation deals only with personal information.

The Personal Information Protection and Electronic Documents Act, following the example of Quebec's private sector data protection legislation, came into force on January 1 of this year. It represents a significant advance in the protection of the personal information of Canadians held by the private sector. However, that act is limited to data protection and, at least initially, covers only the federally regulated private sector.

Some people may claim that the Personal Information Protection and Electronic Documents Act interferes unnecessarily with commercial activities. I urge you to look at this legislation in another light. Look at it as reflecting a balance that respects both privacy and legitimate commercial interests.

As you are also well aware, the Canadian Charter of Rights and Freedoms does not contain an explicit right to privacy. Courts have increasingly read such a right into sections 7 and 8 of the Charter. Section 7 expresses the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Section 8 expresses the right to be secure against unreasonable search or seizure.

The scope of the privacy right that is being read into the Charter, however, is far from certain. These measures to protect privacy are simply not enough. They are only pieces of a much larger privacy pie. It depends very much on whether a particular privacy issue becomes the subject of litigation.

In 1991, the Privacy Commissioner of Canada appeared before the Special Joint Committee on a Renewed Canada to advocate amending the Charter of Rights to give Canadians clear constitutional privacy protection. However, as we all know, no constitutional amendments resulted. Last year, in his final report as Privacy Commissioner, Bruce Phillips recognized that any government would likely be reluctant to reopen the Charter of Rights in the near future.

The privacy rights charter offers Canadians a way to protect themselves from all privacy abuses that might occur in areas within federal jurisdiction. It serves as a litmus test to allow people to measure intrusive actions by those around them, be it governments or private sector organizations.

The charter thus seeks to ensure that this fundamental value of privacy, this instrument for the preservation and enhancement of other democratic rights, is positioned as securely as our

parliamentary processes and our current constitutional realities permit.

I might note that the former Privacy Commissioner described the privacy rights charter as an alternative that he could "enthusiastically support," given that Canadians still do not have a broad constitutional right to privacy. The current Privacy Commissioner is equally enthusiastic in his support. As well, Dr. Ann Cavoukian, Ontario's Information and Privacy Commissioner, said the following:

The need to protect privacy reaches into every corner of our lives. Creating a privacy rights charter would be a bold step toward a more equitable and just society, where our autonomy and human dignity are protected.

Honourable senators, with the rapidity that information technology has taken over our modern world, I suggest that we would be virtually nowhere in terms of safeguarding our human worth and dignity if it were not for our willingness to take bold measures.

At the heart of this privacy rights charter, in its preamble, is the recognition of privacy as a basic human right and a fundamental value. This is a defining difference between an authoritarian state and one built on democratic principles.

The preamble reflects Canada's commitment, as a signatory to international human rights instruments, to honour and promote privacy. It acknowledges privacy as an interest in the public good, one that is essential to the preservation of democracy and the exercise of many of the rights and freedoms guaranteed by Canada's Charter of Rights and Freedoms.

The privacy rights charter seeks to give effect to several principles: first, that privacy is essential to an individual's dignity, integrity, autonomy and freedom, and to the full and meaningful exercise of human rights and freedoms; second, that there is a legal right to privacy; and third, that an infringement of the right to privacy, to be lawful, must be justifiable. Here, the bill is recognizing the reality that privacy rights are not absolute. Some infringements are lawful.

The charter will apply to all persons and matters coming within the legislative authority of Parliament. It states explicitly that every individual has a right to privacy.

This right includes, but is not limited to, physical privacy, freedom from surveillance, freedom from monitoring and interception of private communications, and freedom from the collection, use, and disclosure of personal information.

This charter, therefore, goes much beyond data protection. It deals with all forms of unjustifiable privacy infringements.

The charter states explicitly that no person shall unjustifiably infringe another's right to privacy. Every individual is entitled to claim and enforce that right. Equally, every individual can refuse to unjustifiably infringe the right of another individual without reprisal or threat.

• (1720)

As I mentioned before, privacy rights are not absolute. The key is to prevent unjustifiable infringements on privacy. The key is balance.

Under the privacy rights charter, any infringement of an individual's right to privacy would be improper unless that infringement were reasonable and could be demonstrably justified in a free and democratic society. As well, an interference with an individual's privacy does not infringe that individual's right to privacy if the interference occurs with the free and fully informed consent of the individual.

Some might see the charter as an attempt to stifle certain essential activities. For example, in our business world, respect for privacy rights can be an important asset. Business wants to be trusted. To be trusted, it must be trustworthy.

Another example would be policing. The charter is not intended to interfere with the police or other bodies that legitimately need to intrude on privacy. The use of certain police powers, exercised in accordance with valid legislation, would constitute a justifiable infringement on the right to privacy. Certainly the charter could help to clarify circumstances in which our personal communications can be intercepted, our cellphone conversations monitored and our genes analyzed.

The charter would require the Minister of Justice to review all proposed legislation and regulations to determine whether they comply with the purpose and provisions of the privacy rights charter. The minister must report any inconsistency to Parliament at the first convenient opportunity and give public notice by publishing the report in the *Canada Gazette*.

The minister would also be required to notify the Privacy Commissioner of Canada of any inconsistency or non-compliance at the first convenient opportunity. If the Privacy Commissioner requests, the minister must consult with and receive advice from the commissioner.

These review and notification obligations should promote a new sensitivity to the privacy implications of legislation and regulations. They are necessary to preserve this right in the face of the multitude of pressures to diminish and destroy it. They would also ensure greater transparency in the legislative process.

To provide greater certainty about which infringements of privacy are acceptable, the Governor-in-Council is authorized to codify the infringements that are permitted by the privacy rights charter. This is not a notwithstanding clause or an exception provision. The only authority would be to codify those infringements that are justifiable under the charter. The authority does not extend to producing regulations that violate the charter.

The bill also enhances the protection of privacy where, for example, a federal institution enters into contracts with agents or organizations outside government. In other words, government parties that are subject to this charter would not be able to

sidestep its privacy obligations by contracting out a particular function to an association, corporation, partnership, trade union or Crown corporation.

It is also important that the privacy rights charter have paramountcy over other ordinary legislation, since an inconsistency or conflict might arise between the privacy rights charter and another act.

The charter will prevail to the extent of the inconsistency or conflict unless the other act expressly declares that it operates despite the charter. Furthermore, no provision of any other act would be construed so as to derogate from any provision of the charter.

The paramountcy provision comes into force only one year after the charter receives Royal Assent. This will give Parliament time to amend legislation that might be affected by the paramountcy provision.

Honourable senators, I have provided an overview of the bill. Underlying all its provisions is the desire to prevent a society where there is no place to hide, no place to be anonymous and no place to express the individuality that we so much cherish and require in a democracy. We do not want to be constantly checking over our shoulders to see who is monitoring us. We have seen this type of oppressive behaviour too many times in too many countries. These are not models that Canada wishes to emulate.

I do not wish to sit idly by watching one of the fundamental pillars of a democratic society crumble through atrophy. I am asking you to support the privacy rights charter to ensure that our privacy is not lost as a value.

We all want to provide a legacy of strong democratic institutions for this extraordinary country. We should all be willing to go beyond the limited, although important, protection of privacy offered by current legislation so that the right of privacy can be protected against the improper intrusions that modern technology and overly inquisitive minds can dream up.

There are strong vested interests in being able to intrude into our privacy. Personal information, after all, is often a commercial commodity. Some of those vested interests are governmental. Others emerge from within the private sector. I also know that many fine minds will direct their attention to the bill and suggest measures to improve it. Theirs are also vested interests, but of a different sort.

This privacy rights charter is a statement of the kind of society that we want to promote — a society that respects privacy and the other important values that flow from it. Honourable senators, I will welcome the views of witnesses when they appear to address the bill at committee stage. I do not intend to be inflexible in my pursuit of enacting the bill. My goal is simply to ensure the vibrancy of privacy in today's society and in Canada's exciting future.

[Senator Finestone]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there is no right as important as the right to privacy. Amongst our colleagues, there is no honourable senator as assiduous and diligent as Senator Finestone in promoting the right to privacy of all Canadians. The bill that she has brought to this chamber is deserving of thorough study and examination. I would not want to address the principle of the bill without having read the excellent speech that she has given this afternoon. However, I should like to indicate my support for Bill S-21 and I shall work this weekend and speak at second reading next week.

With that, honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

SCRUTINY OF REGULATIONS

REPORT OF STANDING JOINT COMMITTEE PURSUANT TO RULE 104 ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations (permanent order of reference), presented in the Senate on March 14, 2001.—(*Honourable Senator Finestone, P.C.*).

Hon. Sheila Finestone moved the adoption of the report.

Motion agreed to and report adopted.

OFFICIAL LANGUAGES

REPORT OF STANDING JOINT COMMITTEE PURSUANT TO RULE 104 ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on Official Languages (permanent order of reference), presented in the Senate on March 14, 2001.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

REVIEW OF ANTI-DRUG POLICY

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE AS AMENDED ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Molgat:

That a special committee of the Senate be appointed for a period of three years to thoroughly examine Canada's

anti-drug legislation and policies, to carry out a broad consultation of the Canadian public, and finally, to make recommendations for a national strategy on illegal drugs developed by and for Canadians;

That the committee, in pursuing this mandate, give particular importance to issues relating to cannabis and prepare an interim report on cannabis;

That, without being limited in its mandate by the following, the committee be authorized to:

- review the federal government's policy on illegal drugs in Canada, its effectiveness, and the ways in which it is implemented and enforced;

- study public policy approaches adopted by other countries and determine if there are applications to Canada's needs;

- examine Canada's international role and obligations under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorise it to take action other than laying criminal charges and imposing sentences (at the international level);

- examine the social and health effects of illegal drugs and explore the potential consequences and impacts of alternative policies;

- examine any other issue respecting Canada's anti-drug policy that the committee considers appropriate to the completion of its mandate.

That the special committee be composed of five Senators and that three members constitute a quorum;

That the Honourable Senators Kenny, Molgat, Nolin, Rossiter and (a fifth Senator to be named by the Chief Government Whip) be named to the Committee;

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

That the briefs received and testimony heard during consideration of Bill C-8, An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the committee;

That the papers and evidence received and taken on the subject and the work accomplished by the Special Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the Committee;

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

That the committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95(2) of the *Rules of the Senate*; and

That the committee submit its final report not later than three years from the date of its being constituted,

And on the motion in amendment of the Honourable Senator Kenny, seconded by the Honourable Senator Nolin, that the motion be amended by deleting all of the words following the word That, and replacing them with the following:

... a special committee of the Senate be struck to examine:

– The approach taken by Canada to cannabis, its preparations, derivatives and similar synthetic preparations, in context;

– The effectiveness of this approach, the means used to implement it and the monitoring of its application;

– The related official policies adopted by other countries;

– Canada's international role and obligations under United Nations agreements and conventions on narcotics in connection with cannabis, the Universal Declaration of Human Rights and other related treaties; and

– The social and health impacts of cannabis and the possible consequences of different policies;

That the special committee consist of five senators, three of whom shall constitute a quorum;

That the Honourable Senators Banks, Kenny, Nolin, Rossiter and (a fifth Senator to be named by the Chief Government Whip) be named to the committee.

That the committee be authorized to send for persons, papers and records, to hear witnesses, to report from time to time, and to print from day to day such papers and evidence as may be ordered by it;

That the briefs and evidence heard during consideration of Bill C-8, *An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof*, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the committee;

That the documents and evidence compiled on this matter and the work accomplished by the Special Senate Committee on Illegal Drugs during the Second Session of the Thirty-sixth Parliament be referred to the committee;

That the committee be empowered to authorize, if deemed appropriate, the broadcasting on radio and/or television and the coverage via electronic media of all or a part of its proceedings and the information it holds;

That the committee present its final report no later than August 31, 2002; and that the committee retain the powers necessary to publicize its findings for distribution of the study contained in its final report for 30 days after the tabling of that report;

That the committee be authorized, notwithstanding customary practice, to table its report to the Clerk of the Senate if the Senate is not sitting, and that a report so tabled be deemed to have been tabled in the Senate.—(*Honourable Senator Taylor*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the motion in amendment stands adjourned in the name of Senator Taylor. The honourable senator just wanted some time to consider the amendment, which he did. I was given the assurance that he does not intend to speak to the amendment unless another senator would like to do so. We could proceed with consideration of the amendment and move on to the main motion.

[English]

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

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

Hon. Senators: Agreed.

Motion as amended agreed to.

• (1730)

OFFICIAL LANGUAGES

STANDING JOINT COMMITTEE AUTHORIZED
TO MEET DURING SITTINGS OF THE SENATE

Hon. Shirley Maheu, pursuant to notice of March 14, 2001, moved:

That the Standing Joint Committee on Official Languages have power to sit during sittings of the Senate; and

That a message be sent to the House of Commons to inform that House thereof.

The Hon. the Speaker: Honourable senators, before I call the question, I believe that Senator Corbin wishes to speak.

Hon. Eymard G. Corbin: Honourable senators, I have a question for Senator Maheu. Has the Standing Joint Committee on Official Languages changed its sitting times in this current Parliament?

Senator Maheu: It will be sitting at 3:30 p.m., as in the past.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been granted to revert to Government Notices of Motion:

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

That, when the Senate adjourns today, it do stand adjourned until Tuesday next, March 20, 2001, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, March 20, 2001, at 2 p.m.

**GOVERNMENT BILLS
(SENATE)**

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

COMMONS PUBLIC BILLS

[illegible]

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance					
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications					
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31							
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	--	--	--	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07							
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07							
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology					
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources					
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20							
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21							
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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