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(HANSARD)

Thursday, May 3, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, May 3, 2001

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of members of the Rocky Mountain College Choir from Calgary, Alberta. They are guests of the dean of the Senate, Senator Sparrow.

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

BUSINESS OF THE SENATE

CLARIFICATION OF RECORD—POINT OF ORDER

The Hon. the Speaker: Honourable senators, yesterday a request was made to review the transcript of proceedings for May 1, 2001. Senator Corbin made this request as his recollection of proceedings differed from what appeared in the *Debates of the Senate*.

At page 729 of the *Debates of the Senate*, Senator Milne's intervention on Bill S-25, relating to the Conference of Mennonites in Canada, was suspended and the Senate was then put into Committee of the Whole.

I am able to report to honourable senators that the tapes have been reviewed. When debate was suspended, at approximately four o'clock, we were in the process of debating Bill S-25. When the sitting resumed, following the Senate being put into Committee of the Whole, we reverted to debate on Bill S-25. As I am sure Senator Corbin has seen, at page 746 of the *Debates of the Senate*, the motion was put to give second reading to Bill S-25. Comments pertaining to the business of the Senate were made at that time.

In regard to the issue of a deletion from the *Debates of the Senate*, Debates staff had edited a passage from the proceedings of the Committee of the Whole. Senator Corbin's recollection is correct.

[*Translation*]

Honourable senators, the translation of what Senator Robichaud said in French would be as follows:

> As a matter of information, we want to ensure that all senators wishing to ask questions and to speak will have a chance to do so, but after the conclusion of this sitting we will ask that all items appearing on the Order Paper remain until the next sitting of the Senate. This is merely for your guidance.

[*English*]

• (1340)

Honourable senators, that was the quote. It was deleted by the Debates Branch because, in their view, it was a statement repeated later on the last page to which I referred; that is, the page that deals with the proceedings when second reading was given. This is sometimes done where it is believed by Debates that the repetition is unnecessary and that the deletion does not detract from the proceedings. The authority for doing so is found at page 222 of Erskine May, *Parliamentary Practice*, 22nd Edition.

Honourable senators, following a review of the taped proceedings, that is the report, as requested, on this matter.

Hon. Eymard G. Corbin: I am not sure if His Honour is making a ruling. If he is making a ruling, then I will not comment.

The Hon. the Speaker: Honourable senators, I am not making a ruling. I am simply letting senators know the result of the review of the tapes, as well as why there was a deletion from the transcript of the proceedings of the Senate in Committee of the Whole.

Senator Corbin: Honourable senators, I do not want to protract this debate, but I think I have a valid point. I will state it and then let the matter rest.

I feel that the original statement ought to have remained. If there was a repetition, it is the repetition that should have been eliminated. The important consideration is not authority to delete or not a repetition but rather the impact it has on the conduct of individual senators.

When the initial statement was made, in French, that all remaining items would stand, I assumed that I could safely go to my committee and that I would not need to speak later that day. I assumed the item would never be reached because of the deputy leader's statement that I could safely go to my committee and that the matter of the bill would rest until the following day. The bill was then at the report stage.

Honourable senators, who in this house could affirm with any certitude that at the report stage I could not have wanted to make an amendment? I looked at the final disposition of the report stage later that day, and Senator Kinsella said, "Well, the Honourable Senator Corbin can always speak at third reading." However, in terms of actions that can or cannot be taken at a certain stage, I was misled into thinking that the item would stand at the report stage. I was deprived technically of any action I would have wanted to propose to the house at that time.

Honourable senators, that is the heart of the matter. Once an indication is given by the leadership that items will stand, and our understanding is that that will be a fact, we conduct ourselves consequently in terms of that statement. When a reversal is made and further action is taken at the report stage, that is not the proper way to conduct business.

I will not go any further, honourable senators, but I think this issue is more than just a matter of editing. This is a matter that affects the privileges of individual senators. If word is given, word ought to be honoured. If there were a will to change, in view of the fact that I had indicated I wished to speak at the report stage, I should have been informed of that. I could have come back from my committee, briefly made the statement I wished to make and perhaps an amendment. Now, it is all history.

The Hon. the Speaker: I have no further comment, honourable senators. We will now carry on with the Order Paper.

SENATORS' STATEMENTS

GLOBALIZATION

HEMISPHERIC HUMAN RIGHTS STANDARD

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the recent Summit of the Americas, held in Quebec City, has underscored the ubiquitous social and economic processes of globalization in our time, which in turn should focus our attention on the prospects for a common morality, or common ethics, in the hemisphere, if not universally. The increasing hemispheric and global interconnection of national economies must generate efforts to establish hemispheric or universal standards for labour practices, ecological responsibility and ethical norms of social justice. Such standards or norms presuppose at least a rudimentary common ethic that crosses national boundaries. Canada should assume a leadership role in the articulation of hemispheric human rights values as a foundational stone for such a common ethic.

[*Translation*]

ONTARIO

COLLEGE TRAINING FOR FRANCOPHONES

Hon. Jean-Robert Gauthier: Honourable senators, today I should like to speak about college training in French, in Ontario.

The four French-language colleges in existence in Ontario at the present time, that is the Collège de technologie agricole d'Alfred, the Cité collégiale in Ottawa, the Collège Boréal in the North of the province, and the Collège des Grands Lacs in Toronto, are seeking funding from the federal government to provide training in French for students who want it.

Ontario is the only province that has not yet signed an agreement with the federal government. At present, Ontario francophones are left somewhat adrift.

According to the statistics, the Cité collégiale and the Collège Boréal — the college for Northern Ontario — are the only two places in Ontario where a francophone can get apprenticeship training. Between 1987 and 2001, the number of students in our post-secondary institutions dropped from 281 to 91.

The drop in clientele has had a real impact on the physical space available for students. Post-secondary colleges, for lack of space, cannot draw sufficient clientele.

The federal government has an obligation to help young people continue their education in French, in Ontario. We are told that the agreement has not been signed with the Province. Nevertheless, the federal government has an obligation to get involved, provide financial assistance to students for their education and continue to promote education in French.

If the government does not want these young people to continue their education in their mother tongue, let it say so publicly. I think it is vital that young people in our country have the opportunity to get the training they need in their chosen field.

In Ontario, they are refusing to pay for Quebecers wanting to get an education at the Cité collégiale. This is not right. We cannot divide up our country into regions, saying: "If you live there, you cannot come here."

I think Canada represents much more than that: We have to allow Canadians from the West and the East, from Quebec and elsewhere, to get the training they may not be able to get at home.

I could talk at length about the need for technicians in all fields connected with high tech. I call on all honourable senators to support me in this action.

• (1350)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of the participants in the Forum for Young Canadians, whom you met this morning.

ROUTINE PROCEEDINGS

CANADIAN TOURISM COMMISSION

REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report of the Canadian Tourism Commission for 1999-2000, entitled "Working together, Succeeding together."

MOTOR VEHICLE TRANSPORT ACT, 1987

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 3, 2001

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill S-3, An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Wednesday, February 7, 2001, examined the said Bill and now reports the same with the following amendments:

1. Page 6, clause 6: Replace line 9 with the following:

"spection, entry on premises and the provision of information; "

2. Page 8, clause 9:

(*a*) Add after line 26 the following:

"ANNUAL REPORT

25. (1) The Minister shall prepare an annual report and cause a copy of it to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister completes it.

(2) The annual report of the Minister shall contain the following in respect of the year:

(*a*) the available statistical information respecting trends of highway accidents in Canada involving motor vehicles operated by extra-provincial bus undertakings and extra-provincial truck undertakings reported for bus undertakings and truck undertakings; and

(*b*) a progress report on the implementation of rules and standards respecting the safe operation of extra-provincial bus undertakings and of extra-provincial truck undertakings."; and

(*b*) Replace line 27 with the following:

"**26.** (1) The Minister shall, after the expiry".

3. Page 9, clause 9: Add after line 5 the following:

"(3) The Minister shall cause a copy of the report to be laid before each House of Parliament during the first thirty sitting days of that House following its completion.".

Your Committee also made certain observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of appendix, see today's Journals of the Senate, *Appendix "A", p. 503.)*

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

[*English*]

EMPLOYMENT INSURANCE ACT
EMPLOYMENT INSURANCE (FISHING) REGULATIONS

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Marjory LeBreton, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, May 3, 2001

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

FIFTH REPORT

Your Committee, to which was referred Bill C-2, An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations, has, in obedience to the Order of Reference of Tuesday, April 24, 2001, examined the said Bill and now reports the same without amendment.

Attached as an Appendix to this Report are the observations of your Committee.

Respectfully submitted,

MARJORY LEBRETON
Deputy Chair

(*For text of observations, see today's* Journals of the Senate, *Appendix "B", p. 504*.)

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

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

QUESTION PERIOD

FISHERIES AND OCEANS

ATLANTIC PROVINCES—COOPERATION BETWEEN LOCAL AND NATIVE FISHERIES

Hon. Gerald J. Comeau: Honourable senators, my question is directed the Leader of the Government in the Senate. As the minister will know, the native fishery will soon be upon us in many parts of Atlantic Canada. Can the Leader of the Government tell us what steps the government will take to ensure that the rule of law prevails on the water this year and that incidents such as those that happened last summer will not be allowed to take place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As he well knows, the Minister of Fisheries and Oceans, through representatives, has been working on a negotiated settlement with the native fishery. I am pleased to say that the opening days have been extremely peaceful. We hope that they will continue that way and that the spirit of cooperation that has been shown so far will be the spirit in which the fishery is conducted this season.

STATISTICS CANADA

CENSUS QUESTIONNAIRE—OMISSION OF ACADIANS AS CULTURAL GROUP

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while I am on my feet, in response to a question the honourable senator asked the other day, I looked at the census form in some detail. I will take his questions forward because I think they are legitimate ones, the Senate should know that there is an opportunity in the "other" column to self-identify with any ethnic group one wishes.

Hon. Gerald J. Comeau: Honourable senators, the minister has raised the question of the census. I did see that there was a column for ethnicity or cultural background. I felt that the government might not wish to relegate Acadians to a column headed "other," especially since Chilean, Vietnamese and various other ethnic backgrounds are included on the form. I would have thought that Acadians, being the first European settlers of Canada, would have at least equal status to other ethnic and cultural groups and not be relegated to the term "other."

I believe it is a mistake for those responsible for the census to have "forgotten" — as I will describe it — the Acadians. In future surveys, such a thing must not happen.

Senator Carstairs: Honourable senators, I agree with the Honourable Senator Comeau and that is exactly why I will take the intent of his question forward. I fully concur with his intent.

THE SENATE

BILL ON SALARY INCREASES FOR JUDGES— DELAY IN LEGISLATION

Hon. Edward M. Lawson: Honourable senators, my question is directed to the Leader of the Government in the Senate and has to do with the handling of Bill C-12, to amend the Judges Act. The matter was before us last week and then came before us again this week. In the 45 minutes allotted to Senator Grafstein to debate the bill, we had a very intellectually stimulating dialogue about the Constitution and other matters. Only in the dying moments of the 45 minutes did Senator Finestone display her wisdom and tremendous grasp of the obvious by saying that this is a salary bill.

I asked whether I could address the bill yesterday and was told that the rules provide for the Leader of the Opposition or his designee to address it, after which we could debate it. The matter was called, I heard the word "stand," and the bill was gone.

My concern is twofold. First, judges have gone many years without a pay increase or salary adjustment. That may not be a priority to some here, but I am sure it is a high priority to the judges.

• (1400)

The other concern I have comes about as the result of the Senate hearings in Vancouver last week, at which time a number of lawyers came to me with a serious problem in the courts in British Columbia resulting from the shortage of judges. Vacancies have not been filled. These lawyers, together with their clients, went to court in New Westminster, about an hour's drive away, not on one but three occasions, to be told there were no judges available and they would have to reschedule their court date.

This situation causes tremendous expense to citizens of British Columbia. This leads me to my next question: Is this shortage of judges caused by the minister being slow in making appointments, or does the uncertainty of the salary bill influence lawyers taking appointments to the bench? If the latter is causing the problem, we have a responsibility to move this bill along as quickly as possible.

Perhaps I feel this way because of my labour background. In labour relations, there is an unwritten rule: Those who have control of salaries or salary adjustments over groups or individuals who have no bargaining rights have a duty and a responsibility to get the salaries or adjustments in the hands of the recipients as quickly as possible.

I have the impression there is a go-slow procedure in place and that no one is in a particular hurry to deal with this situation. Judges have been waiting a long time. Under the rules, the commission should have made its findings at the end of September; these findings should have been in the House of Commons and the Senate much sooner. It has now been six or seven months.

The other thing to consider is that there are only two occasions when the Senate deals with salary issues: for members in the House of Commons and the Senate, and for judges. In our own case, if my recollection is correct, we took either one or two sessions; I believe it was one. We had first reading, second reading, third reading and the vote; it was sent for Royal Assent and was done in one day.

It seems to me we owe at least the same process to judges. Many of the thousand-plus judges serve at great sacrifice, at their choice. After all, they would have made more money had they stayed in practice. They are human beings with spouses, families and financial needs.

There seems to be a malaise on both sides of the house. Is there an agreement between the government and the opposition to adopt a go-slow policy? Being charitable, is it just a situation of spring fever, where we cannot deal with it this week so perhaps we will deal with it next week or a month later or after the summer?

Does the Leader of the Government have an answer to those two questions? It is a serious matter and an urgent priority. I do not believe the matter should go to committee. We have a commission's report. We are not going to change it one penny up or down. Why not deal with the bill as expeditiously as possible, send for the royal carriage and take care of the judges?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I hope I can answer all parts of it.

Let me begin by saying the bill has not yet been sent to committee. It is still before the Senate. The bill was received last week. The first eligible time for second reading was last Thursday. The speaker for the government asked if he could have one day. That was Thursday. The sponsor of the bill, Senator Grafstein, spoke on Tuesday. That then gave the opposition member a chance to speak. I am sure the opposition member will speak next Tuesday. It will be on the Order Paper this afternoon.

Senator Lawson, I am sure the opposition will not object if you wish to say a few words at that time prior to their main speaker. I can see no reason why they would object to that procedure.

It is our hope that we will be able to refer the bill to committee by next Tuesday. That would give the Standing Senate Committee on Legal and Constitutional Affairs the opportunity to discuss it Wednesday and Thursday of next week.

As to why we are not doing first, second and third readings all in one day, that has not been the way, quite frankly, that we have been operating with regard to any piece of legislation, with the exception of very rare pieces of legislation. I do not consider this legislation rare. The judges will be appropriately remunerated as the commission has indicated they should be.

FISHERIES AND OCEANS

BRITISH COLUMBIA—COLLAPSE OF HAKE FISHERY

Hon. Pat Carney: Honourable senators, my question is short. The hake fishery on the West Coast has collapsed.

Senator Bryden: Teamsters should organize.

Senator Carney: Could I have the attention of honourable senators?

The hake fishery on the West Coast has collapsed. Three plants have closed in Ucluelet, throwing hundreds of people out of work. When this type of disaster has occurred on the East Coast, there have been programs and relief for the fishermen involved. Although there have been meetings held on the West Coast, there has been no action from the federal government.

Can the Leader of the Government in the Senate please tell me why there is a disparity of treatment between West Coast and East Coast fishermen?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. I am sorry to learn — for the first time, I must say — that the hake fishery has closed down. As to whether there will be compensation for those who work in that field, I will try to generate an answer as quickly as possible.

Compensation programs in all cases have taken a long time to come to a final resolution. I do not think the West Coast in this case is being treated any differently from the East Coast.

Senator Carney: We will see what relief is offered to the West Coast fishermen in the face of the hake fishery collapse.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—DIFFERENCE IN APPROACH AS BETWEEN WEST COAST AND MARITIME INDUSTRIES

Hon. Pat Carney: My second question deals with the softwood lumber dispute. American lumber producers are seeking duties that will add about 80 per cent to the cost of Canadian lumber in the American market, retroactive to April 7.

In Moncton, the Prime Minister indicated his willingness to negotiate this issue, but later the Prime Minister's Office clarified that that was for Maritime producers only. In the case of the Western producers, in Alberta and British Columbia, the policy is still to go to long-term and expensive litigation.

Once again, why the disparity in treatment between the Maritime and the West Coast lumber producers?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asked why a disparity exists. The disparity has existed for some time in that the Atlantic provinces had a particular agreement with the United States, an agreement that the West Coast did not have. It was an agreement entered into by both parties, satisfactorily. It was the desire of this government, when the present arrangements broke down and the softwood lumber agreement — which only impacted Western Canada — came to an end, that it would negotiate an equitable arrangement from coast to coast to coast.

Senator Carney: That is wrong. I must correct the minister. There has never been the slightest suggestion from her government that the government is willing to negotiate anything, except for the Prime Minister's statement in Moncton that he is willing to negotiate for Maritime producers.

The position of the Government of Canada has been to drag this out through the process of the WTO and litigation. I would ask the minister to check her facts and report what the government's position is to this chamber, because it is not the one she has just enunciated.

Senator Carstairs: The government's position is that, quite frankly, we have an agreement. It is called the Free Trade Agreement. The honourable senator certainly has much greater knowledge of it than I.

We also have a North American Free Trade Agreement. Softwood lumber should be able to cross the border without any countervails, without any duties. Everyone in the softwood lumber industry should have equitable treatment, whether they are in Atlantic Canada or in British Columbia.

Senator Carney: Possibly the minister can pass that view on to the Prime Minister. That is not what he said in Moncton.

Senator Carstairs: The Prime Minister has been unequivocal in saying that we are owed the respect of the free trade agreements. Those free trade agreements would provide for equitable treatment.

THE SENATE

UNITED STATES—MISSILE DEFENCE SYSTEM—PROCEDURE TO BRING MATTER BEFORE COMMITTEE

Hon. Douglas Roche: Honourable senators, this question is directed to the Leader of the Government in the Senate.

Yesterday, in commenting on the missile defence question, the minister suggested that potentially two committees in the Senate might look at this matter, one being Foreign Affairs and the other the new Defence committee.

• (1410)

The minister said that both could be mandated by this chamber to examine the issues that are clearly of great concern. Can the minister advise me what appropriate steps might be taken to effect a committee study in the Senate of the missile defence question?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as Senator Roche knows, that is a procedural matter. It would require a motion to be passed by the Senate with a referral to one or both committees.

Senator Roche: I have a motion that has been on the floor for some time on that very subject, but that motion does not mention the committee. I had not thought of it at the point when I wrote the motion.

Can the minister advise what might be done to move this motion forward? I would be willing to have it amended so that it could go to a committee for study. Is there any way that I can effectuate action on the motion that is now before the house with this point in mind?

Senator Carstairs: The honourable senator has asked a very technical question. He is the mover of the original motion, but another senator can move to amend the motion. If the amended motion passed, with an included referral to a committee, then it would be done.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table delayed answers to questions raised by the Honourable Senator Oliver on March 22, 2001, and by the Honourable Senator Andreychuk on April 27 and 28, 2001, regarding the civil war in Sudan; to a question raised by the Honourable Senator Oliver on April 27, 2001, regarding the International Development Research Centre; and to a question raised by the Honourable Senator Rompkey on March 13, 2001, regarding the Davis Inlet Treatment Program for Native Children.

FOREIGN AFFAIRS

CIVIL WAR IN SUDAN—INVOLVEMENT OF TALISMAN ENERGY INC.

(Response to questions raised by Hon. Donald H. Oliver on March 22, 2001 and Hon. A. Raynell Andreychuk on March 27 and March 28, 2001)

Canada's principal policy objective with respect to Sudan is to promote and support efforts leading to a comprehensive peace. Canada's own efforts are informed by the belief that peace is the only sure means of resolving the humanitarian and human rights crises in Sudan, and that this goal must be pursued tirelessly through all available multilateral and bilateral channels.

As regards the role of Canadian businesses in Sudan, Canada has a very clear position. While we do not encourage investment in Sudan, neither do we pose legal obstacles to Canadian companies wishing to do so. The government of Canada has no economic sanctions in place against Sudan. The Special Economic Measures Act, which is designed to provide domestic application for international sanctions regimes called for by international bodies such as the United Nations, is used in cases of conflict between States. It does not apply to the civil war in Sudan, a country that is not under UN sanctions in the area of foreign investment.

As well, it is not Canadian practice to impose sanctions against private sector enterprises. Unless Canadian sanctions legislation is changed, the Canadian government cannot legally impose restrictions on the foreign activities of a particular company.

We expect Canadian companies active in Sudan to take every precaution to ensure that they will not contribute, directly or indirectly, to the suffering of the civilian population, or engage in activities that might place Canadians at risk. We have urged these companies to undertake and implement initiatives that have a positive impact on human rights, labour standards, and the environment, such as the adoption of codes of conduct including the International Code of Ethics for Canadian Business.

We also continue to urge the government of Sudan to provide transparent accounting of foreign business activity in Sudan, as a means of ensuring that the domestic proceeds of this foreign investment benefit the Sudanese population as a whole and are not used to fuel the war.

As regards the peace process, Canada continues to support the peace mechanism sponsored by the Inter-Governmental Authority on Development (IGAD), through Canada's membership in the IGAD Partners' Forum (IPF). We believe, however, that this process needs to be re-energized and that IGAD members must become more active in the search for solutions. We look forward to the upcoming Summit of the IGAD Committee for Sudan and believe this will provide a good barometer of the viability of the IGAD process. The IPF partners recently agreed that their continued funding support for the IGAD Secretariat will be conditioned on a renewed momentum for peace following this Summit. If the summit does not prove fruitful, Canada will argue that a new forum for the peace process is probably needed, and will propose that the OAU be consulted in this regard.

INTERNATIONAL DEVELOPMENT RESEARCH CENTRE—WITHDRAWAL OF AID TO SOUTH AFRICA

(*Response to question raised by Hon. Donald H. Oliver on March 27, 2001*)

The International Development Research Centre is a parliamentary crown corporation, with an independent board of directors responsible for making decisions on the administration and planning of the institution. As a result, the Government is not in a position to instruct the IDRC on the deployment of its resources.

This being said, it is clear that the IDRC recognizes the important role that South Africa is and will continue to play in African development, and that the IDRC is making no cuts at all to its programming budget for projects in South Africa. What the IDRC is doing is consolidating its administrative functions for Africa in its office in Nairobi, Kenya. Like most institutions, the IDRC faces very real pressures on its overall budget, and was faced with making hard decisions regarding closure of offices. In the end, the IDRC was forced to choose between closing its South Africa administrative office to protect its full project budget, or keep a physical presence in South Africa, but be left with minimal resources to undertake any actual programming. The IDRC chose to protect the programming designed to help South Africa consolidate and advance the remarkable progress they have made since the installation of democratic rule in 1994.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

DAVIS INLET TREATMENT PROGRAM FOR NATIVE CHILDREN

(Response to question raised by Hon. Bill Rompkey on March 13, 2001)

Health Canada is well aware of the serious health issues faced by Aboriginal people in Canada and is making inroads in the Innu communities of Davis Inlet and Sheshatshiu. Health Canada is convinced that by working together, we will find ways to address the problems that are front and centre today.

The Innu community of Davis Inlet has been plagued by abnormally high solvent abuse rates for many years and more recently Sheshatshiu has been plagued with the same problem. Over the past year, the incidence of gas-sniffing has increased to alarming proportions, especially among the younger children. Health Canada has put in place a number of services as well as funding to address this issue.

In 1993, following a gas-sniffing-related crisis, Health Canada began to fund programming targeted to the special needs of the Mushuau Innu (the residents of Davis Inlet). Likewise, following extended consultations and negotiations, the Department of Indian and Northern Affairs Development received authority and funding to relocate the community to a new site in Sango Pond.

Health Canada funding for Sheshatshiu (population 1,072) is in excess of $1.8 million for ongoing programs such as public health, addictions, prevention and other healing programs and for operating costs for the recently opened 12 bed solvent treatment centre in the community. In the health sector, the province supplements these services with treatment nursing and subsidizes the cost of medical transportation to its hospital on the island.

Health Canada funding for Davis Inlet (population 598) for the same ongoing programs as Sheshatshiu is approximately $1 million. In addition, targeted funding of $300,000 was offered for the community's special needs such as a healing coordinator, crisis intervention and family-oriented culturally-appropriate addictions treatment. The province's health service delivery role here is the same as in Sheshathiu.

On November 26, 2000, Industry Minister Brian Tobin, Newfoundland Premier Beaton Tulk, Ernest McLean, Newfoundland Minister responsible for Labrador, Lawrence O'Brien, Labrador MP, Wally Anderson, MHA for Labrador/Torngat Mountains, Innu Nation President Peter Penashue and Chief Paul Rich, of Sheshatshiu, met with federal, provincial and band officials in Goose Bay to explore long- and short-term solutions to the social and cultural problems facing the Innu children of Sheshatshiu.

They agreed, among other things, that the first priority in the situation was for the protection and well-being of the children affected by the gas-sniffing; that federal and provincial officials would work closely together with the community to put in place appropriate treatment options as quickly as possible and to commit the necessary resources: that the Government of Canada would register the Innu under the *Indian Act*; that provincial and regional officials would establish a regional detoxification centre in Labrador; and that family-centered treatment programs would be developed for the Innu.

A meeting was held on December 11, 2000 between Chief Simeon Tshakapesh, Health Minister Allan Rock and Industry Minister Brian Tobin to address children and youth at risk in Davis Inlet. On December 13, it was announced that an agreement of commitments was reached.

Under the agreement, Health Canada has committed as top priority to support the Mushuau Innu and the Province of Newfoundland and Labrador in securing the safety and appropriate short and long treatment of the affected children in Davis Inlet.

The agreement outlines the following:

Health Canada is committed to working cooperatively and on an urgent basis with the Mushuau Innu;

to reach agreement, in consultation with the Province, on an appropriate treatment plan for the affected children as soon as possible;

to ensure, in cooperation with the province, that the previously committed regional detoxification center is located in close proximity and access to appropriate medical facilities with necessary staff and programming resources in Labrador;

to develop, in cooperation with the province, a culturally appropriate family-centered treatment plan for both parents and children, so that children who need to leave for treatment can be reintegrated into a safe and nurturing family and community setting**;**

to provide, in cooperation with Indian and Northern Affairs Canada, a social services coordinator to coordinate activities between federal, provincial and Innu agencies at Davis Inlet;

to explore other necessary long-term initiatives in the mandate of Health Canada to repair the cultural and social fabric of the communities of Davis Inlet and Natuashish; and

Health Canada is committed to providing all necessary human and financial resources as agreed with the Mushuau Innu including direct financial resources to ensure timely implementation of the commitments.

The main concern remains ensuring the health and safety of the Innu children and working hard to ensure their situation improves.

Action

The recent growth in the incidence of solvent abuse has led Health Canada to take the following steps:

Sheshatshiu

In December 2000, 19 children were apprehended by Newfoundland social workers and were taken to facilities in Goose Bay. These individuals have been through a period of detoxification and medical, addictions and psycho-social assessment, and treatment plans have been developed for each individual. Only six remain at the facilities in Goose Bay and they soon will be returned to their community for the next steps in their treatment (the other 13 are in treatment facilities, foster-care or in country treatment programs).

With funding provided by Health Canada, an adult addictions day program and an outreach program have been instituted within the community. The adult day program is intended to begin building skills among the parents so their children can be re-integrated into the family in the near future. The results of the program have been exceptional for those involved, with the outcome being an elimination of family/domestic violence, voluntary support groups established by the participants and a commitment by participants to continue this process and help others.

The longer-term family-centered treatment program promised in the agreement of November 26, 2000 has been developed by Sheshatshiu in consultation with Health Canada and provincial officials and Health Canada has agreed to begin funding the program in April 2001.

As a result of interventions to date there are no signs of children gas-sniffing within the community at present.

Davis Inlet

As of March 30, 2001, 32 at-risk children from Davis Inlet have been assessed at the Grace facility in St. John's, Newfoundland. They too have been through a period of medical, addictions and psycho-social assessment as well as a program of detoxification. In addition, recommendations for individual treatment plans have been completed by a clinical assessment team.

On March 29, 2001 at a meeting in St. John's, representatives of the Mushuau Innu, the Government of Newfoundland and Labrador and Health Canada agreed on a short-term plan for the treatment of the children and a strategy for developing a long-term treatment plan. In addition, at this and at a previous meeting, agreement was reached on a number of related issues such as assessment and treatment for a group of young adults still in the community and an in-country mobile treatment program for older adults of Davis Inlet, and in particular the parents of the affected children.

Planned Action

The short-term treatment plan identifies treatment options relative to each child's assessed level of risk.

High-risk children will be placed within a matter of days into a First Nations-operated solvent abuse treatment centre, funded by Health Canada.

Medium-risk children will be placed within a matter of weeks into alternate living arrangements incorporating appropriate treatment. This will be done in Goose Bay.

Low-risk children will be placed in an Innu-operated Youth Country Treatment Program within a matter of weeks. This type of program, which has been funded by Health Canada since 1993, addresses addictions issues directly while focusing on subjects that promote healing, especially Innu culture and way of life.

The General Situation

Health Canada and Newfoundland Health and Community Services have agreed on how the two departments will cost-share expenditures incurred during the 2000-01 fiscal year and where the lead role will reside for support of future healing activities for the Mushuau Innu.

In January 2001, Health Canada opened an office in Goose Bay, Labrador specifically to work with the two Innu communities. By having staff in close proximity to the Innu we hope to optimize the partnership that has been established and to provide high-quality service to the two communities. As well, this office has been able to establish close working relationships with other government departments in the Happy Valley-Goose Bay area on a wide range of issues important to the overall healing strategy.

Health Canada, with other federal departments, is looking at other necessary long-term initiatives that will help in repairing the cultural and social fabric of these communities. The complexities of the problems in these communities mean that solutions will not be found overnight. The Innu have experienced the complete transformation of their traditional way of life within one generation. It will take time and effort to help these communities. The Government of Canada will continue to encourage a holistic, culturally-appropriate approach to healing in Davis Inlet and Sheshatshiu with the input and assistance of provincial partners and the Innu.

[*English*]

PARLIAMENTARY BUILDINGS ADVISORY COUNCIL

REPORT TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Bill Rompkey: Honourable senators, I have the honour to table, with leave of the Senate, the report of the Parliamentary Buildings Advisory Council dealing with the future of Parliament Hill and the accommodation for the precinct, including both Houses and the Library of Parliament.

ORDERS OF THE DAY

JUDGES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the second reading of Bill C-12, to amend the Judges Act and to amend another Act in consequence.

Hon. Edward M. Lawson: Honourable senators, I would take this opportunity to speak, but, as you know, I only make brief speeches and the bulk of my speech was contained in the prelude to the question I asked the Leader of the Government. Her answer is a reasonable explanation and I accept that.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): That is why one should not presuppose legislation during Question Period.

The Hon. the Speaker: Does an honourable senator wish to move adjournment of the debate?

Senator Kinsella: Honourable senators, the adjournment had been in the name of Senator Nolin, but I know he would have yielded the floor, had Senator Lawson wished to speak. I move adjournment of the debate on behalf of Senator Nolin.

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

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

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise to speak to Bill S-8 and the role of the Senate. Let me begin by saying that Senator Joyal is to be commended for his diligence in protecting the authority of the Senate and its capacity to carry out the roles and functions assigned to it by the Constitution of Canada. It is evident that the bill before the Senate is the result of a good deal of hard work and careful drafting. Senators Grafstein, Kinsella, Moore, Cools, Christensen and others have also contributed to the debate on this important subject.

There seems to be one thing on which we can all agree in this chamber. It may be an unusual thing, but it is one on which we will have no difficulty agreeing: that is, the Senate has an important constitutional role and we should work to correct any casual or inadvertent exclusion of the Senate from statutes in which the House of Commons is included.

For that reason, there are a number of elements in Senator Joyal's bill that the government can quite readily support. These are mainly the elements that seek to include the Senate in, first, provisions where ministers, departments, agencies or offices of Parliament are required to submit reports to the House of Commons alone; second, provisions mandating the review of an act by a committee of the House of Commons alone; and, third, provisions requiring that the Minister of Justice certify that government bills introduced in the House of Commons comply with the Charter and with the Bill of Rights.

The exclusion of the Senate in most of these kinds of provisions seems to fit the category of oversight rather than deliberate exclusion on policy grounds. The committee that examines the bill will want to examine each case carefully to determine whether there is an overriding policy reason for excluding the Senate, but there seems to be a consensus that the Senate could readily be included in most if not all of these.

A few provisions, however, are of a somewhat different class, not so much reporting and review provisions as provisions that delegate authority to the House of Commons and not to the Senate. One example is subsections 153(3) through 153(6) of the Employment Insurance Act, which give the House of Commons the power to disallow certain regulations made under that act. The Senate gave its consent to that act in 1996. The committee

will want to bear in mind whether there were and continue to be good policy reasons for giving the disallowance power to the House of Commons and the House of Commons alone.

Another element that raises questions has to do with the Ministries and Ministers of State Act. The provisions therein which make the establishment of government departments subject to the approval of the House of Commons appear to be consistent with the notion that the House of Commons is the pre-eminent "confidence chamber." It seems a matter of settled constitutional convention that the forming of a government and the reorganization of the ministry is subject to the approval or disapproval of the Commons but not of the Senate.

The government is not of the view that this case was an oversight. Rather, it appears that the provision in the act was approved with that important constitutional convention in mind.

Senator Joyal said in his speech that he sees "...no reason to try to determine what Parliament's intentions were when these provisions excluding the Senate were passed."

• (1420)

Yet he also concluded that, "the reasons no doubt varied widely from simple omission to a conviction that the Senate has no stake in the matter at issue."

Honourable senators, I concur with the second element of that statement, but I cannot agree with the first. If Parliament consciously and intentionally excluded the Senate from certain provisions for specific policy reasons, we ought to be reminded of these reasons before we take the decision to overturn them. The committee to which this bill is referred will want to consider in each of the 27 cases whether there was a sound policy reason behind the exclusion of the Senate. Senator Joyal, in moving second reading of the bill and in giving his excellent speech, seems to have followed this approach in drafting Bill S-8. He clearly made a decision, for example, not to attempt to give the Senate a role equal to the House of Commons in the relevant provisions of the Clarity Act or the Elections Act. No doubt he did not include those acts in the bill because in those two cases the Senate excluded itself consciously, not as a result of an omission but because of a conviction that a delegation authority to the House of Commons alone was both reasonable and appropriate in those individual cases.

Having said that, honourable senators, I am pleased to point out that in Bill C-9, which is currently before us, the government has taken the initiative to amend a section of the Elections Act to include the Senate where previously only the House of Commons was given a role. I draw the attention of the Senate to the initiative in order to illustrate the point that the government believes that the Senate has an important role to play in the Parliament of Canada and that the statutes of Canada should reflect that role. Not only does the government believe in the principle, but we are acting on it.

Broadly speaking, the government supports the idea of correcting oversight and omission. Senator Joyal's bill is an important step in that direction.

At the same time, the government would urge the Senate to consider carefully whether there was a policy rationale for referring to the House of Commons alone in each of the 27 acts enumerated in Bill S-8. If there were such a rationale at the time of the passing of the original provision, and that rationale still holds true today, we would hope that those elements would be left out of the bill. We believe it is important to apply this test to all elements of the bill, including those that on their face appear to be ordinary reporting or review requirements.

We also have some concerns about the preamble and the description of the constitutional context of this proposed enactment. We do not quarrel with the idea of having a preamble, but we hope that the committee will examine it carefully to be sure its description of the constitutional context is as full and as accurate as possible.

It is my hope that the committee examining this bill will come back to the Senate with a product that will find support both in this chamber and in the other place. The Senate should seize this opportunity to redress past omissions and secure the correct role of the Senate in our parliamentary system. I can only express my most sincere thanks to Senator Joyal for providing us with this important opportunity.

Hon. Lowell Murray: Honourable senators, would the Leader of the Government tell us who the government intends to send when, as we expect, the bill goes to the committee to enlighten the committee as to the background and rationale in each of the 27 cases to which she referred? Will representatives from the Privy Council Office or the Department of Justice provide the rationale? Will there be ministers or officials? Who will be sent?

Senator Carstairs: I thank the honourable senator for his question. The committee to which this bill will go should decide which witnesses they would hear. It might well involve both representatives of Privy Council, who might have the institutional memory to give us the raison d'être for the original decision, and perhaps a minister, like the Deputy Prime Minister, who also would have long-term experience.

[*Translation*]

The Hon. the Speaker *pro tempore***:** Do any other senators wish to speak?

Hon. Marcel Prud'homme: Honourable senators, I was going to seek leave of the house to adjourn this debate in my name until the next sitting of the Senate. However, if certain honourable senators are determined to wrap up the debate today, I could make a few comments without my notes. If you intend to adjourn debate of this bill today at second reading stage, I will therefore ask that the debate be adjourned in my name.

The Hon. the Speaker *pro tempore***:** Does Senator Joyal have questions?

Hon. Serge Joyal: Honourable senators, I move that Bill S-8 be referred to the Standing Senate Committee on Privileges, Standing Rules and Orders so that we may continue the debate on the basis of comments and proposals made by various senators on the content of the bill.

I certainly recognize Senator Prud'homme's right to take part in the debate at second reading stage. He would certainly be welcome to sit in on the committee, which will be debating each of the bill's components. This would allow us to get to debate quickly.

[*English*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. My honourable colleague, Senator Prud'homme, to my hearing, moved a motion to adjourn. That motion cannot be debated.

On motion of Senator Prud'homme, debate adjourned.

CUSTOMS ACT

BILL TO AMEND—SECOND READING

Leave having been given to revert to Order No. 2:

On the Order:

> Resuming debate on the motion of the Honourable Senator Setlakwe, seconded by the Honourable Senator Gill, for the second reading of Bill S-23, to amend the Customs Act and to make related amendments to other Acts.

Hon. W. David Angus: Honourable senators, today it is my pleasure to join debate at second reading of Bill S-23. Senator Robichaud introduced this bill in the Senate on March 22, 2001. Once again, it is very encouraging to see legislation of such substance and importance begin its parliamentary journey here in the Senate. I detect a clear and positive trend developing.

At the time of introduction, the Minister of National Revenue, the Honourable Martin Cauchon, proudly declared to the media that:

> Bill S-23 represents a bold and innovative step forward in the Government's plans to modernize Canada's borders and border processing to promote Canadian competitiveness and prosperity in the world marketplace by streamlining the movement of legitimate trade and travel...

The government publicity added that the legislation would enable the Canada Customs and Revenue Agency, otherwise known as CCRA, to implement the first elements of its five-year Customs Action Plan, entitled "Investing in the Future." The legislation will also enable the CCRA to focus its enforcement efforts more directly on high or unknown risks and on health and safety issues. The Customs Action Plan was first released April 7, 2000.

On March 27, 2001, Senator Setlakwe moved second reading of the bill, and in doing so he too praised the Customs Action Plan promising that it will lead to Canada's customs activities being more efficient and user-friendly for all Canadians. He added that the approach outlined in the action plan features a comprehensive risk management system based on three key principles. The three principles are: self-assessment, advance information, and pre-approval, all of which will be supported by state of the art technology.

These are all laudable initiatives, honourable senators, and the customs self-assessment program the CSA has excellent potential, although I do question whether it will have the extensive application the government suggests. I will develop this theme later in my remarks.

During the government's consultations with the trade community on Bill S-23, self-assessment was identified by the industry as by far the most urgent and popular of the proposed new measures. Under the CSA program, the idea is that certain approved commercial importers — that is, those not governed by other federal statutes, such as food and pharmaceutical importers — will be able to use their own business systems to meet their information reporting and revenue obligations, a complete self-assessment environment supported by audit activities. It is hoped that in consequence the CSA will streamline a goodly portion, although not all by far, of Canada's customs clearance process, thus bringing greater speed and certainty to the importing of certain designated goods into Canada.

• (1430)

As I understand it, honourable senators, this new customs clearance system has been designed to permit CCRA officials to obtain as much information as possible in advance of the arrival of people and goods at our borders, thus allowing customs officers to make informed decisions well before the arrival of such people and products at the border, thus expediting their quick and legitimate flow into Canada.

Honourable senators, so far so good. I share the enthusiasm of the minister and of his officials and of Senator Setlakwe for the elements and philosophy underlying Bill S-23, those which they have highlighted and spoken about in such glowing terms. Indeed, as an ardent supporter of the Right Honourable Brian Mulroney's government, which in the face of determined and often strident and largely misguided opposition brought free trade to Canada, I am naturally delighted to see Liberals, members of the present government, now embracing free trade in all its aspects. The Liberal government is introducing measures to facilitate the legitimate movement of goods and people across our borders, especially in cooperation with the U.S.A., Mexico and now, apparently, with all the democratic nations in the western hemisphere.

Many elements of Bill S-23 are definitely positive in this regard, as they hopefully will have the effect of creating more open borders by allowing low-risk travellers and businesses to access markets, products and services with greater ease than at present and in a much more efficient manner.

However, honourable senators, it is the rest of Bill S-23 that concerns me. I submit that it should concern us all. I refer to those provisions that received little or no mention in the government's promotional materials or in Senator Setlakwe's remarks in this chamber. These provisions in fact constitute the vast majority of Bill S-23 — by far. Actually, only a very small portion of the bill deals with streamlining the customs processes at Canada's borders, whereas the bulk of the bill — 62 of its 102 pages — deals with codifying severe penalties for contraventions, creating or providing seemingly extraordinary and disturbing powers for relatively low-level CCRA officers, expanding the collection provisions and enabling the enactment of a burdensome system of new regulations at a time when we are all advocating caution and moderation in the trend to rule by regulation.

Honourable senators, I approve of this bill in principle. On its face, it is excellent legislation and an integral part of the government's ongoing Customs Action Plan to streamline and modernize our customs procedures consistent with the free trade environment in which we live today. At the same time, however, I must emphasize that there are many elements of Bill S-23 which are worrisome and require further study and investigation in committee.

In preparing this second reading speech, my staff and I conducted our own preliminary investigation. It immediately became evident to us that the bill involves much more than meets the eye or was apparent from the government's "puffy" press releases and from the "feel-good" remarks of Senator Setlakwe.

We have discussed the bill and its potentially far-reaching regulatory powers with departmental officials — who I might add were very cooperative and sanguine in their comments to us — as well as with legal counsel specializing in customs and trade law here in Ottawa and in Montreal. As a result, I am able to outline a number of areas of concern that need to be followed up on in committee.

For one thing, the officials are still working on the regulatory framework in which the bill, as a finished product, will operate. We do not know what those regulations will ultimately say. We need to hear from these officials, get their explanations on the record and make known to them those issues that are of particular concern to us, to Canadian importers and their commercial associates, as well as Canadians at large.

We should also listen to expert witnesses from organizations such as the Canadian Grocers' Association, the Canadian Importers Association, the Canadian Bar Association and the Canadian Institute of Chartered Accountants. What do they think of the new regime, in particular those substantive provisions which are not apparent in the body of the bill itself? What do they think about the proposed Administrative Monetary Penalty System, or AMPS, and the extensive new collections system?

There are legitimate concerns in these areas. Many of the initiatives that will be made possible by the bill will be implemented by "prescribed conditions" set out in regulations. The officials assure us that they have developed a fairness policy to govern their application of the new procedures, including the drafting and interpretation of regulations to be enacted pursuant to the bill. They assure us that all applicable regulations are being developed in close consultation with the stakeholders.

This is comforting, honourable senators, but I believe both officials and a good cross-section of the said stakeholders should and would like to be heard on the key issues of concern, including certain proposed new and extraordinary powers of customs officers, penalties, collection procedures, the proposed system of redress and a variety of possibly other troubling privacy issues.

Honourable senators, more than half of Bill S-23 is devoted to collection provisions, which are found in Part V of the bill. I believe that much scrutiny is essential in this part of the bill. The government has indicated that these amendments are required to "harmonize" the collection provisions of the Customs Act with the collection provisions of the Income Tax Act and the Excise Tax Act. However, I have been recently advised that there may be elements of the bill's collection provisions which do not jibe with and in fact go much further than those in either of these other two acts.

Accordingly, when Bill S-23 goes to committee, the proposed new collection procedures certainly are one area where particular attention is warranted. Should the proposed provisions prove to be substantially more severe, we may well need to ask at what point in the future will the government see fit to proclaim the need to update other acts so as to "harmonize them with this legislation."

Honourable senators, I suggest this is one of those delicate areas in which we must be particularly vigilant to ensure a fair balance is struck between the government needs for funding and the legitimate rights of the citizens of Canada.

Other harsh provisions that will become law pursuant to the passage of this bill are being justified on the basis of alleged requirements of Statistics Canada for the filing by or on behalf of importers and exporters of absolutely exact and precise data on the nature and technical description of imported goods and their trading volumes. The CCRA officials have codified some 141 proposed contraventions for their AMPS program. Is it really fair or appropriate to subject an importer, perhaps a relatively small business, to onerous fines ranging from $1,000 to $25,000, or even a prison term of up to six months, for what may well be clerical errors by other parties in shipping

documents prepared on their behalf? Once fined, is it fair and reasonable that the money is payable up front, subject to a system of redress which could be so costly and cumbersome that, in some cases, it possibly could put small operators out of business? Answers to such questions and a full understanding of the process is surely necessary before this bill can be finally enacted.

Perhaps, honourable senators, I should back up for just a moment and describe more fully the exact nature of the Administrative Monetary Penalty System. AMPS are monetary penalties that, unlike fines, may be assessed by government officers against a person without a trial or without a judicial process or a finding of guilt. Administrative monetary penalties are not new; they are already provided for in a variety of federal statutes, at least 19 others that I could find. This bill will allow, however, for a more severe system of administrative monetary penalties than any of the other acts. Only the administrative monetary penalties set out in regulations associated with the Transport Act come close to the severity of the proposed customs AMPS where penalties can be as high as $25,000 for both corporations and individuals.

As well, honourable senators, these administrative monetary penalties may be applied in addition to the seizure and the forfeiture of the goods in question. How or whether they would apply in cases where the same conduct could be the subject of both an AMP and a prosecutable offence is not clear to me. Currently, some of the offence provisions of the act cover different violations from those dealt with by the AMPS. This lack of clarity and possible overlap should not be left up to the minister or the Governor in Council but, rather, should be addressed by experts in committee.

• (1440)

Honourable senators, an additional concern relating to AMPS is with the application of the program and the unbridled discretion that customs officers may have in assessing possible contraventions and in imposing penalties. Bill S-23 will permit the minister or a designated officer to waive or amend penalties. CCRA officials have given assurances that a degree of standardization in the application of the system will be adopted. However, the draft wording, as it currently exists, seems to me, possibly, to provide a dangerous amount of discretion to relatively low-level customs officers.

Before leaving AMPS and turning to other concerns, I want to sensitize honourable senators to the presumption of guilt, not the presumption of innocence, which is inherent in the proposed, as well as the current, penalties that are administered by the CCRA. Those individuals and corporations that are penalized are required to pay upon assessment, irrespective of whether they appeal the decision to levy said penalty. Under such a system, there may be a strong potential for small firms to find themselves bankrupt before an appeal makes its way through the adjudication division of the customs agency. At that point, even if a decision is made in the firm's favour, major damage could well have already been done.

[Senator Angus]

Honourable senators, I believe that there are shortcomings with another aspect of Bill S-23. The Customs Self Assessment, CSA, program, which I described, is one of the innovative components of the bill in that it will allow Canadian importers to send their import statistics and necessary payments to customs officials on a monthly basis, using their own reporting systems, rather than on the current transaction-based system through brokers at the border as the goods come in.

Under the current system, a carrier must stop at the Canadian border and present documentation on each load of imports. This is time consuming and it clogs up our borders. Streamlining this process is timely and vital. However, Bill S-23's CSA program will, as I now understand it, apply to less than 50 per cent of goods coming into Canada.

As I mentioned previously, honourable senators, goods that are regulated by another act of Parliament will not be eligible for this bill's CSA program, including many food items and textiles. A large importer, a grocery chain for example, might, on any given day, bring into Canada both CSA eligible and non-eligible goods in the same truck. Under these proposals, this importer will be forced to separate those items, import them individually and bear the costs of this potentially logistical nightmare. Given these options, many large importers may well pass on the CSA altogether.

One CCRA official gave me a rosy forecast that as much as 45 per cent of total imports could be brought into Canada under the CSA program in four or five years. However, if numerous goods shipped here are not eligible, and large importers find it less costly to use the existing transaction-based system, then perhaps we may never achieve even one half of that estimate.

Honourable senators, I wonder if this is good enough. If government cannot work out an adequate solution that will provide all importers of legitimate goods with equal treatment at the border, then perhaps we should understand why, so that when the bill is studied at committee there may be alternate proposals put forth to deal with this dilemma.

Honourable senators, in closing I wish to mention several touchy customs issues that were highlighted recently in the media. The issues involve alleged breaches, or potential breaches, of privacy by customs officers opening mail and packages and carrying out so-called random checks in the name of intercepting illegal immigration documents and illicit goods. I want to be clear that these issues do not arise as a direct result of the bill before us, but Bill S-23 does indeed give us a legitimate opportunity to consider them. They are relevant for at least two reasons: First, Bill S-23 will expand the current right within our customs laws to open incoming mail of over 30 grams. That will be extended to outgoing mail as well, pursuant to this bill. Second, the Privacy Commissioner, Mr. George Radwanski, has recently studied the current situation. Although he admits that nothing strictly illegal has transpired in the opening of the mail and parcels, the Privacy Commissioner concluded that he finds "aspects of it to be wrong from the point of view of privacy."

I understand that the Privacy Commissioner made recommendations and Minister Caplan has said that she will consider his proposed remedy.

Honourable senators, the flavour of the situation is reflected in the following passage from page 7 of *The Globe and Mail* of Tuesday, May 1, 2001:

> Immigration Minister, Elinor Caplan, defended government mail-opening practices in the Commons on Monday saying that officials look at documents but don't read them.
>
> After both the federal and Ontario privacy commissioners lambasted what they call a disregard for privacy, Ms. Caplan told reporters she believes efforts to intercept false documents are paramount. She maintained repeatedly that government officials who open and seize envelopes or parcels look at the documents inside to determine whether they are fraudulent, but do not read them.
>
> "They're not reading it; they're inspecting it," she said outside the House of Commons.
>
> "My officials tell me that the customs people open it; they don't read the letter or the documents, what they do is they look to see if they have reasonable grounds to believe that it is fraudulent; then they forward it to Citizenship and Immigration Canada, my department, for examination."
>
> Critics of the department's practice of seizing documents without warrants said they found the assertion implausible.
>
> "It defies logic," Richard Kurland, a Vancouver immigration lawyer, said. "It's a disturbing misstatement."
>
> "I don't see how it's possible to not read something and still get to know enough about it to send it on to Immigration."

It is my hope, honourable senators, that under the scrutiny of the appropriate Senate committee, such concerns will be studied and a balance struck between the state's need to control the possible flow of illicit items across our borders and the rights of Canadian citizens to a reasonable degree of privacy. Canadians deserve nothing less.

Honourable senators, my submission is that although Bill C-23 will go a long way towards modernizing and improving our customs procedures, it does seem, on its face, to raise issues that require serious study in committee. I support Bill S-23 in principle, and I look forward to it returning to this chamber with constructive amendments as soon as possible. To delay the streamlining of procedures at Canada's borders for low-risk, legitimate trade would be a disservice, not only to our importers and exporters, but to all Canadians. Let us try to get it right.

The Hon. the Speaker *pro tempore***:** Is the house ready for the question?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on National Finance.

BUSINESS OF THE SENATE

Hon. Lowell Murray: Honourable senators, if I may impose on you for just a moment, now that the motion referring Bill S-23 to the Standing Senate Committee on National Finance has passed, I wish to inform the Senate that this committee does not have any other government legislation before it at the moment. I will, therefore, convene the committee for 9:30 a.m. Tuesday next. I am assuming that the government can and will produce a minister and/or senior official for that occasion. The committee would also be free to meet on Wednesday next at 5:45 p.m. In the next few hours, I will consult with colleagues as to further meetings and witnesses who may be required.

Senator Angus has identified an impressive list of possible witnesses. I should like to have a look at that list and consult with my colleagues on the committee. I extend the warmest invitation to Senator Angus to attend the committee and help us to see our way through this legislation.

• (1450)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell Honourable Senator Murray that Minister Cauchon has indicated to me his desire to appear before the committee. I would have thought, however, that the committee would meet when the Senate rises on Tuesday. The time of 9:30 in the morning will conflict with Mr. Cauchon's cabinet meeting. Perhaps we can find a time, but I do know that he is most anxious to meet with the committee on Tuesday.

Senator Murray: Our normal meeting time is 9:30, which is why I specified that particular time. I hope it is possible for the minister to arrange his affairs to attend.

[*Translation*]

FRENCH-LANGUAGE BROADCASTING SERVICE

INQUIRY—DEBATE ADJOURNED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I decided barely three minutes ago that I would speak on Senator Gauthier's inquiry on the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

When I moved adjournment of the debate, I told myself that I would prepare a text based on some solid research, but after rereading Senator Gauthier's words and thinking it over carefully, I was convinced there was not much I could add to his apposite comments at the start of this debate.

I will therefore just take this occasion to support this motion with all possible vigour and all generosity of spirit. I am a product of the Canadian Francophonie, a Francophonie living in a minority position.

I have been fortunate in my personal destiny and that of my family members. I can state today that two of my three daughters who live in Ontario — two of them were born there and the other in New Brunswick — were able to not only do all their schooling from elementary to university level in their maternal — and paternal — language, but also to live in that language in their communities today. I will, however, relate to you an unfortunate incident which to my mind is very much of an anachronism, relating to the use of French in the work place. I will come back to that later, and hope I do not forget, because these are things that have to be said.

Honourable senators, Senator Gauthier wants first and foremost to give a more prominent place to the media, particularly television, in minority francophone communities. He rightly pointed out that the number of television networks keeps increasing. This is true not only in Canada but everywhere, because it is a universal phenomenon. So much so in fact that I wonder if this is necessary, considering the content of the programs of the vast majority of television networks. In my opinion, most programs are just trash and only exist to make profits through advertising.

I have no hesitation in saying that the content and cultural messages of most of these programs are incredibly poor. Sometimes, I even wonder if we in Canada are falling into the trap.

I certainly have negative comments to make about the Canadian Broadcasting Corporation, whether it is the CBC or Radio-Canada, whose programming is inadequate in this area. I find it hard to believe that a corporation with two heads and four arms now, including the two information networks, is absolutely not fulfilling its mandate the way it should. That mandate is to reflect the profound cultural reality of our country. I might get back to this issue in the near future.

There is no doubt that the availability of the media in francophone communities helps these communities survive. When I was young, I was fortunate enough to attend a nuns' convent where French and English were taught, and where all the other subjects were taught in English. My mother insisted on having printed matter in French at home. This may make you laugh, but such was the reality. At the time, we had a subscription to the Quebec newspaper *L'Action catholique*, which is now gone, and Moncton's *L'Évangéline.* We also read the history of religious communities, such as the *Annales de la bonne Sainte-Anne*, of St. Joseph's Oratory, and of the Cap-de-la-Madeleine. Frankly, these publications were my first experiences with the press.

• (1500)

It was not much, but these little publications enabled us to maintain our mother tongue. My parents made many sacrifices in order to be able to send us to institutions of learning far from home. It was with heavy hearts that we left home to take the train across the province to the Collège de Bathurst, and for others, to the Collège de Memramcook. In our community, there was no institution of learning that could guarantee the preservation of our culture.

Many parents did the same. It was thus that the francophone and Acadian communities of New Brunswick kept their heads above the waters of assimilation. It is because of simple actions like these that we are able to stand up today and say that we are French Canadians and proud of it.

Senator Gauthier is quite right to insist on the expansion of media networks to include minority communities, regardless of their location. We can no longer trot out the old excuses. Today, technology is available to all and can certainly serve minority cultural committees. I am speaking for francophones. The situation is the same for English-speaking minorities in Quebec, whether they live on the Gaspé peninsula, in the Eastern Townships, or on the North Shore of Quebec. We are counting on the federal government to support us, however.

Under the Canadian constitution, the federal government has a responsibility in this regard. It has obligations. It must promote the development of minority-language communities. Television is an important tool for doing this. We could not do without it. Obviously, when Senator Gauthier asks for new services, the question of money keeps coming up. There are Canadians, even French-Canadian companies in minority communities, which, in my opinion, have the wherewithal to launch projects of this sort. Some have done so in the past.

The first independent French-language radio station in New Brunswick was set up in the town next to where I am from, Edmundston. Previously, if we wanted to hear French radio programming, we had to tune in to CHNC New Carlisle, in the Gaspé Peninsula, on the other side of Chaleur Bay. We could get it only early in the morning or late at night, because of interference. There was no French-language radio in New Brunswick. Private interests, the Brillant family in Rimouski and the Michaud family of New Brunswick, launched this initiative. It took epic battles to have Radio-Canada repeater stations in certain areas of New Brunswick. Patience was vital in applying to the commission regulating radio and television licenses, as was a large amount of travel and very many interventions over many years before the first television broadcast tower appeared in our region. Subsequently, over the years, the phenomenon expanded. Then came the community radio and television stations, but their broadcasting range remains rather limited, as do their sources of funding.

Honourable senators, what Senator Gauthier is seeking requires the support of not only the private sector, but of the Government of Canada. There are provinces broadminded enough to contribute to this sort of effort. I do not want to repeat what Senator Gauthier has said on requirements, you will find it in his text.

Senator Jean-Robert Gauthier is a man I admire. Knowing what he has gone through in the past few years, a person cannot help but be amazed at his desire to continue fighting for his people in Ontario and in the rest of Canada. I must say, he is a living example to us all.

Before closing, I want to speak of something personal, something that happened to a member of my family a year ago. My youngest daughter relocated to Toronto because her husband got a job there. She went through an agency to find a job for herself and she was hired because she was bilingual. She could work in French, speak in French on the telephone with clients who were mainly from Quebec, and that is why she was hired. This is what happened.

She was working for a company that was partially controlled by American interests, although management was wholly Canadian. Her performance seemed to be more than just satisfactory, so much so that she was training others. A while after she was hired, a manager arrived in the area in which she worked and heard her speaking French with a Franco-Ontarian employee. He said:

[*English*]

"What in the world is going on here? There will be no French in this office."

[*Translation*]

The supervisor was given orders that French was no longer to be tolerated in the office. At first, my daughter thought this was a joke, but no. She spoke with her supervisor who confirmed that the manager was serious about it.

• (1510)

From then on, French would no longer be spoken in the office, even though she had been hired to deal with French-speaking clientele across the country. She said that was intolerable and that she would continue to speak French with those of her colleagues who spoke it. This is what she did, and they fired her.

My daughter and her husband considered initiating proceedings. They paid a call on the department that looks after Franco-Ontarian affairs at Queen's Park, where they were told it could do nothing for them.

The Hon. the Speaker *pro tempore***:** I am sorry to interrupt you, Senator Corbin, but your speaking time has expired. Are you seeking leave to continue?

Senator Corbin: Yes, for just another minute more.

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

Hon. Senators: Agreed.

Senator Corbin: I simply said: "You are young, you are determined to get ahead. Find yourself another job, but be very sure you will be able to work and live in French, as you want to in this country and this province." She did. She now works for another company. She speaks French when she wants and she is very happy.

This anecdote shows, honourable senators, that it is not easy to be a French Canadian in this country. The tools Senator Gauthier is proposing are vital, not only for the survival of the francophone community several hundreds of years old, but also for the development, among our fellow citizens, of an atmosphere of tolerance. The day tolerance ends will be the day to put the key in the door of the country.

I sincerely believe that we can live together. When we provide something for ourselves, we do not take something away from others. This way, everyone benefits.

Hon. Joan Fraser: Honourable senators, I was horrified and shocked by the story Senator Corbin has just related, but, unfortunately, not surprised. Linguistic prejudice exists. I suggest the honourable senator send a copy of the issue of the *Debates of the Senate* that includes his speech — with my brief commentary — to the president of the company in question. It would be a lesson on what it means to be Canadian.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to add that I, too, am shocked by this attitude. I suggest that a complaint be filed with the Ontario Human Rights Commission. This is a prima facie case of discrimination. If we prevented a worker from another linguistic group to speak his or her language, for example Swahili or any other language that is not an official language in the country, the Human Rights Commission would look into the matter on the ground of ethnic discrimination. *Mutatis mutandis*, the type of discrimination that the honourable senator described is not acceptable in Canada. It is totally contrary to Ontario's human rights principles.

Senator Corbin: I should like to respond to the comments made by Senator Fraser and Senator Kinsella. I must admit that I did consider asking my daughter to file a complaint with the Commissioner of Official Languages, even though this is not, strictly speaking, his responsibility. As a senator, I did not want, given my privileged position, to get involved in this issue. I left it up to my daughter to decide whether or not she wanted to follow up on this incident. She and her husband decided not to pursue the matter. We will continue to assert ourselves. Perhaps attitudes will change over time. I do not know whether or not I will send a copy of my speech to the company, but I will tell my daughter about Senator Kinsella's suggestion and she will make the decision. This is the best way to proceed. I do not want to be involved in this issue as a senator. I do not want the matter to get out of the personal context. I do not want to initiate a major political debate. All I am asking for is justice.

On motion of Senator Kinsella, debate adjourned.

SITUATION OF OFFICIAL LANGUAGES IN ONTARIO

INQUIRY

Hon. Jean-Robert Gauthier rose pursuant to notice of February 6, 2001:

> That he will call the attention of the Senate to current issues involving official languages in Ontario.

He said: Honourable senators, I should like to say a few words about the situation of francophones in Ontario.

As you know, there could well be some 15 or 16 topics I would like to address here, ranging from manpower training to health and the bilingual status of the capital of Canada. There is no lack of material.

I will start by speaking about the nation's capital, Ottawa, and the need for it to be officially bilingual.

• (1520)

I will then address training in French at colleges in Ontario, an important subject for young Franco-Ontarians. If time allows after that, I will move on to the delivery of health care in French in Ontario, and lastly I will address TFO — Ontario's French-language educational television channel — and its difficulty broadcasting in Quebec.

Let us start with the City of Ottawa. The linguistic future of the City of Ottawa is of interest to all Canadians and since January 1, 2001, the new City of Ottawa has had new council members, as it has become a megacity comprised of 11 municipalities.

This new Ottawa is the fourth largest city in the country and has a population of some 800,000 persons, 125,000 of those with French as their mother tongue. These are good reasons for French and English to have equal rights and privileges.

Honourable senators will agree with me that the linguistic image projected by our capital must reflect that of the country. Canada's linguistic duality, enshrined in the Canadian Constitution, must also prevail in its capital. In my opinion, this is only common sense.

On December 16, 1999, the Senate passed a motion calling on the Province of Ontario to declare the new City of Ottawa officially bilingual. This motion, which I moved, was seconded by Senator Kinsella and agreed to unanimously.

However, the provincial government did not follow up on this proposal, saying that the new municipal administration would be responsible for taking a decision in this regard. Again last week, the Premier of Ontario, Mike Harris, was in Ottawa and he said that this issue did not concern him and that the City of Ottawa would make a decision.

Today, I sent a letter to all the Ottawa newspapers informing them that Premier Harris had been less than honest in saying that it was up to the city to decide what it would do regarding the country's official languages.

Honourable senators, it is up to the Province of Ontario to take such a decision. In 1986, the Ontario Superior Court ruled that a municipality in Ontario did not have the authority to declare itself officially bilingual and that this was not something that was covered by the Municipal Act.

Only the Province of Ontario may designate a city bilingual. Kapuskasing in Northern Ontario tried to declare itself officially bilingual. Someone took them to court and they lost. Based on a declaration that everyone will understand, only the Province of Ontario may declare a city, which is a provincial creation, officially bilingual.

I found it somewhat disagreeable, not to say dishonest, to hear it said that the city will take a decision, when the premier knows very well that it may not. Yes, it may pass bylaws dealing with services during the period of its mandate, but as soon as there is another municipal election in Ottawa, the new council will be able to change the policy.

Since this issue comes up every time there is an election, why not designate the nation's capital an officially bilingual capital, where French and English are equal and where Canadians who visit will be able to obtain services in both official languages?

If the country has two official languages, it would seem essential that the capital be able to reflect this reality and this identity.

[*English*]

Knowing that the Ontario Municipal Act does not grant to a municipality the power to declare itself officially bilingual, the Government of Ontario is less than forthcoming in passing the buck to the new council elected in the fall of 2000. As I told you, in a decision of the Ontario High Court of Justice in October 1986, the Court of Appeal ruled that a bylaw designating a town as officially bilingual, designating French and English as official languages and providing for equality of status of both languages, is *ultra vires* because it is beyond the powers granted to municipalities under the Municipal Act, RSO 1980, chapter 302.

I cannot be more specific than that.

Therefore, under the Ontario Municipal Act only the provincial government has the power to declare the City of Ottawa, the national capital, officially bilingual. I strongly believe that Ottawa, the capital of Canada, should be officially bilingual. The City of Ottawa must provide that the two official languages of our country have equality of status, rights and privileges in the nation's capital.

One may ask what it means to be officially bilingual. That question is asked today in all the newspapers in Ottawa. Does it refer to a federal policy? No, it does not. I looked in the dictionary. The word "official" simply means "derived from authority" — that is the province — "duly sanctioned" — that is the province — "prescribed, authorized" — by the province, et cetera.

The debate on this matter is imminent. The decision will be taken within a week. We all know that it could be divisive and difficult. Some of us will have to argue again and again the need for the capital of our country to reflect and respect fully the two official languages of Canada.

As we all know, municipalities in Canada, according to our Constitution, are provincial creatures. Our Constitution has provisions for linguistic equality that may apply to the nation's capital. If there is difficulty in having that concept accepted and put into law, we may have to look to the federal level for help.

[*Translation*]

Honourable senators, I should like to discuss a matter concerning training in French in Ontario colleges. I spoke of this today during Senators' Statements, and I should like to add to it.

If we want our young people to assume their place in our community and remain competitive, we must understand they need training. In Ontario, there are four post-secondary colleges. There is the Collège de technologie agricole d'Alfred, the Cité collégiale, here in Ottawa, which has some 6,000 students, the Collège Boréal in the north of the province and the Collège des Grand-Lacs in Toronto.

These four colleges approached the Department of Human Resources Canada to get the department to provide more tangible support for their efforts to provide training in French at their institutions.

In 1996, Parliament passed the Employment Insurance Act, which provides for the federal government to withdraw from the purchase of training in blocks as of 1999 and where the client — the student — must assume part of the cost of his or her training.

When this legislation was passed, the Cité collégiale had a good number of programs it had developed since it was opened in 1990. It has existed for ten years, and, before it, there was no post-secondary French-language college in Ontario.

You will see why I am concerned. I am concerned because the number of students in post-secondary institutions is continually shrinking, because there is no agreement between Ontario and Canada on manpower training.

In Parliament, as elsewhere, the subject has been discussed many times. The federal government has agreed to transfer the obligation to the provinces, and Ontario has said it did not want it. What is happening at the moment? Francophones, who otherwise received assistance under the federal government training program, now no longer have access to the funds designated for educating francophones in Ontario.

What is happening is very simple. In the past, the federal government bought blocks in colleges where training was provided. This is no longer the case. Now, the individual receives a contribution and decides how the contribution will be spent. There is therefore a serious problem.

• (1530)

Post-secondary colleges must necessarily have a critical mass of students to provide training in various disciplines, whether it is mechanics, computers or other fields. Here is a typical example. I need stenotypists. Currently, in the Francophonie, there is only one school that trains stenotypists and it will close in the fall, since the only person responsible for that training is retiring. This means that there will not be any training in French available for stenotypists, and heaven knows that there is a demand to do subtitles for television programs and many other jobs. The whole issue is to make communication accessible to all.

Only twelve persons in Canada are qualified to do stenotype work for subtitles in French. There is a problem, in my opinion. I asked the Cité collégiale to provide training in stenotype. I was told that the college does not have the critical mass required to do that. They cannot provide the training because they do not have the money to do so and they no longer have the "federal block" that they used to have. It is the students who are asking for it. It is much simpler for students to take a stenotype course in English in Toronto, in Edmonton, or in Vancouver, than to take it in French. Training in French will no longer exist this fall.

However, I am told that there is a possibility. Last week, I spoke to the Honourable Jane Stewart, Minister of Human Resources Development. I told her that we have a serious problem. She was supportive of the idea, but she asked me to give her solutions. She told me she could not provide solutions, because Ontario refuses to sign agreements with the federal government.

Without agreements, there cannot be any assistance. It is a vicious circle: no agreement, no support; no support, no students; no students, no courses; and vice versa.

It becomes irritating to keep being told "where numbers warrant." If numbers warrant, go ahead and offer the course! Yes, but we do not have the means to offer the course; for reasons of logistics and location, we do not have the necessary funding. The colleges are really facing a serious problem.

Honourable senators, in 1997-98, there were over 360 students in the automotive mechanics program of the Cité collégiale d'Ottawa. Today, there are only 91. Why? Because it is easier for a student living in Ottawa or in Eastern Ontario who is interested in this field to take the course in English at Algonquin College than to enrol at the Cité collégiale, which does not have the required number of students. The number is continually dropping. This is true for all disciplines. It is not that we do not have the students, but that we do not have the means. It is not complicated.

It is extremely frustrating to see that, because a province decides not to sign an agreement with the federal government, students get short shrift. Students are the ones suffering, and training is lacking as well.

How is one to survive in a Canada with so many inequalities? It is difficult. I will move on to another topic.

The Hon. the Speaker *pro tempore***:** I am sorry, Senator Gauthier, but your time is up. Are you seeking leave to continue?

Senator Gauthier: Honourable senators, I have finished.

Hon. Eymard G. Corbin: Honourable senators, I first wish to put a question to Senator Gauthier. I will then give my speech.

The Hon. the Speaker *pro tempore***:** Honourable Senator Gauthier, would you take a question from Senator Corbin?

Senator Gauthier: Yes.

[Senator Gauthier]

Senator Corbin: I wish to thank the honourable senator and congratulate him on his speech which was, as usual, inspirational. As far as bilingualism and the capital region are concerned, does he know whether, on the other side of the river, that is Hull, Gatineau, Aylmer and the little communities included in the National Capital Region, public opinion has already been polled to find out whether the Quebec part of the NCR would be prepared to create a full range of bilingual services on both sides of the Ottawa River?

Senator Gauthier: I thank Senator Corbin for his most apposite question. The National Capital Region was created in 1959 by the Right Honourable John Diefenbaker, with the consent of all of the provinces. It is administered by a federal institution, the National Capital Commission. It is therefore subject to the Official Languages Act.

Within the territory of the National Capital Region, both official languages are used in accordance with the Official Languages Act. The municipalities, being provincial creations, are not subject to that act.

The cities of Ottawa and Hull are located in two separate provinces. They are each governed by their own provincial authorities, not the federal authorities. They are therefore not obliged to respect the federal government's Official Languages Act. The City of Ottawa always has, as has Hull, but there is no obligation.

I should like to see the Ontario legislation creating the new City of Ottawa amended to require the Province of Ontario to assume its responsibilities and to declare the national capital, Ottawa, which comes under provincial jurisdiction, an officially bilingual city.

I am sure that the national capital, which extends over more than 1,800 square miles, encompasses many municipalities under provincial jurisdiction from Poltimore to Stittsville and all the way in between. These are unilingual English or unilingual French, yet signage, information and public services should be provided in both official languages, even more so in the national capital region.

• (1540)

Senator Corbin: The issue of bilingualism in Canada's National Capital Region is one which extends beyond the opinions and points of view of those living there. It is the capital and the capital region of all Canadians. Furthermore, Senator Gauthier has just reminded us that the region was instituted in 1959 by the late Right Honourable John Diefenbaker, with the agreement of all the provinces and presumably of all the citizens of this country.

When I look through the Ottawa newspapers, the English ones, I see the following reaction: Bilingualism at city hall in the new City of Ottawa is fine, but it is not necessary everywhere. Depending on whether people live in what used to be Orleans, Nepean or Kanata, opinions diverge, sometimes widely. However, I believe that, on the whole, people are receptive to institutional bilingualism with respect to municipal services.

Where I have a problem is that this debate seems to be concentrated on the Ontario side. Philosophically, this debate concerns all Canadians. I find it anachronistic that, in this day and age, there is not enough pride in this country to leave behind these jurisdictional quarrels and squabbles.

Do we truly want to be known in North America and around the world for the principles in the Canadian Constitution? Are we truly a bilingual country? Some say that we should not step on people's toes, that goodwill is increasing.

My God! I have been listening to this debate for decades. Are we a modern nation or not? Are we an enlightened people or not? The philosophical revolution, human rights and democracy are not recent concepts. What are we waiting for to act? I believe that the federal government should bring in legislation to declare the national capital region a bilingual region with respect to all its services.

This would have to happen on the Quebec side and in Nepean, Alta Vista, and everywhere else in this region. There are Canadians not living in this region, who would like this to happen. They want it out of a feeling of pride, of belonging. They see it as an absolute anachronism when they come to Ottawa and are not served wherever they go in their language.

A few years ago, I had an accident at the foot of Parliament Hill. I was not at fault, I hasten to add. A person went through a red light and demolished the side of my car. At the police station, where I ended up, I asked to be served in French. I had to wait for an interpreter to arrive. Notes were taken, the interpreter translated, and the policeman made notes in English. The person in the wrong appealed the decision of the police. The matter went to court, I went to court, and there was an interpreter there, too.

At least, I had a semblance of service in my language, but this is not enough. Municipal services must have employees who are truly able to provide services directly in the language required. It is unacceptable that a country as rich as Canada, a region as rich as Ottawa or Hull, cannot, with financial help or other type of support from the federal government, get this issue settled once and for all. This does not concern only the citizens of this city or of the cities across the river. It is a fundamental issue that is directed at the intelligence and the heart of all Canadians. I am looking forward to seeing this issue settled once and for all.

The Hon. the Speaker *pro tempore***:** If no other senator wishes to speak, this inquiry is considered debated.

[*English*]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO HEAR MINISTER OF TRANSPORT ON BUSING REGULATION

Hon. Wilfred P. Moore, for Senator Bacon**,** pursuant to notice of May 1, 2001, moved:

That the Standing Senate Committee on Transport and Communications be authorized to hear the Minister of Transport in order to receive a briefing on busing regulations; and

That the committee report no later than September 30, 2001.

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. A. Raynell Andreychuk, pursuant to notice of May 1, 2001, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk, pursuant to notice of May 1, 2001, moved:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[*Translation*]

ADJOURNMENT

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)(*h*), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, May 8, 2001, at 2:00 p.m.

The Hon. the Speaker *pro tempore***:** Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 8, 2001, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, May 3, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31		
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03	3			
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26		
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12		
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02		
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04		
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01		
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance					
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0			
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02							

C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources					
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce					
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02							
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24							
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce					
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01

COMMONS PUBLIC BILLS

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

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	01/03/28	5			
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							
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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	01/05/02	Privileges, Standing Rules and Orders					

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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				
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S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		Subject-matter 01/04/26 Social Affairs, Science and Technology				
S-22	An Act to provide for the recognition of the *Canadien* Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21						
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