Debates of the Senate

1st SESSION • 37th PARLIAMENT • VOLUME 139 • NUMBER 43

OFFICIAL REPORT
(HANSARD)

Wednesday, June 6, 2001

THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

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

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

Published by the Senate
Available from Canada Communication Group — Publishing,
Public Works and Government Services Canada, Ottawa K1A 0S9,
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 6, 2001

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

Prayers.

SENATORS' STATEMENTS

FIFTY-SEVENTH ANNIVERSARY OF D-DAY

Hon. Norman K. Atkins: Honourable senators, 57 years ago today, I lay sick in my bed, a 10-year old boy with measles. As I lay there that day, I listened in fascination to radio reports about the Allied invasion of Normandy. That day, of course, was D-Day and the images those radio reports evoked have stayed with me ever since.

By June of 1944, Canada, a nation of only 12 million inhabitants, had produced an overseas fighting force of 270,000 soldiers. On June 6, 1944, some 15,000 of these Canadian soldiers, along with many thousands of other Allied soldiers, began the invasion that would ultimately result in Germany's defeat. Our soldiers were supported that day by more than 100 Canadian vessels and 10,000 Canadian seamen who helped protect our troops as they advanced toward the beaches.

The Canadian landing on the Normandy coast was a tremendous success. By the end of 24 hours, our soldiers had not only secured Juno Beach, they had also moved further inland than any other Allied troop. Our success, however, was not without a costly sacrifice. By the end of the same 24-hour period, some 1,000 Canadian soldiers — sons, brothers and fathers — lay dead or injured.

Our soldiers and the rest of the 155,000 Allied troops who landed at Normandy paved the way for all those who followed. Together, these soldiers fought and died to preserve the freedom that we enjoy today.

In 1999, on the fifty-fifth anniversary of D-Day, I had the privilege of being part of a delegation organized by the Department of Veterans Affairs that travelled to Normandy to pay tribute to all of our soldiers who took part in the invasion. It was a moving experience. Visiting the gravesites, the battlefields and the beaches of Normandy evoked the same images of bloody triumph and tragedy as those radio transmissions 50 years earlier.

Honourable senators, we are all grateful for those who fought for our freedom. I hope you will join me today in remembering those who participated in the invasion of Normandy. Thanks to their efforts, the Allies went on to victory in Europe and the defeat of the Nazi regime.

[*Translation*]

ACADIAN GAMES

Hon. Rose-Marie Losier-Cool: Honourable senators, the idea of having a sporting event for francophones in New Brunswick was first touched upon at a symposium on sports in francophone communities in June 1978.

In 1979, the idea was launched throughout the Maritime provinces, when activities were being organized for the 375th anniversary of Acadia. The first sporting event was held at the Université de Moncton in August 1979 and a total of 386 young people from the six francophone regions of New Brunswick took part. These first games were such a success that the decision was made to hold the Acadian Games in June 1980 and invite delegations from PEI and Nova Scotia.

In order to allow the Acadian communities to benefit from the holding of such an event, the Games were decentralized from 1982 on. Their exceptional success soon forced the first Games volunteers to set up a permanent office, which they did in 1981, and to create the Société des Jeux de l'Acadie.

Since their inception, a total of nearly 19,000 young people have participated in the Acadian Games finals, and some 68,000 in the regional events.

Volunteer participation has been the key to the success of the Acadian Games from their beginnings in 1979. More than 3,000 volunteers are involved. Several thousand are responsible for the planning and organization of the regionals and finals. A real army of volunteers contributes its expertise to make these sports, social and cultural events possible.

In this, the International Year of the Volunteer, I wish to congratulate all the volunteers who have contributed to the many successes of the Acadian Games. Their work is exemplary; their generosity has provided thousands of young people with the opportunity to be involved in the development of Acadian and francophone youth of the Maritimes.

This year, the 22nd annual finals of the Acadian Games will be held at Abram Village/Wellington, PEI. From June 27 to July 1, 2001, more than 1,000 young people who have the French language in common will be taking part in this great sporting event. Long live the Acadian Games!

[*English*]

FIFTY-SEVENTH ANNIVERSARY OF D-DAY

Hon. J. Michael Forrestall: Honourable senators, it is difficult to aptly describe the events that occurred so many years ago, 57 to be exact. However, with some humility, I will try to remember those who landed in the forces to free France.

"There is no greater love than this, that someone should lay down his life for his friends," said the Apostle John.

• (1340)

Two years earlier, on August 9, 1942, Canadian troops of the Second Canadian Division tried to seize Dieppe in a grand raid. It was, as we recall, a disaster. Our Second Division was, for all intents and purposes, destroyed. Lessons learned from Dieppe were employed on D-Day by the British-led forces, particularly by Canada. John Keegan, in his monumental work entitled *Six Armies in Normandy*, wrote of this:

> It is illuminating to say of Dieppe — as it was and is often said — that it taught important lessons about amphibious operations as to say...the Titanic disaster that taught us important lessons about passenger liner design.

So it was that the brave Second Canadian Division laid down their lives for their friends and for all of us.

On June 6, after a long, wet, vomit-soaked journey across the English Channel through the dark of night and stormy seas, British, American, Polish, Free French and Canadian troops hit the beaches of Normandy to breach Hitler's "Fortress Europe" in an epic and decisive land battle almost unrivalled in history.

Canada's Third Division was put ashore from some of the very same landing craft that had survived Dieppe. On Juno Beach, arguably the bloodiest beach of the British-Canadian landings, Canadians swarmed ashore, while others perished in chest-high water under direct enemy fire. To seize this beach, Canada's troops were covered by six times the naval firepower that Canada's Second Division had for their ill-fated landings at Dieppe. Canada could not afford to retreat into the sea this time, and they held their ground despite heavy enemy fire, sweeping dramatically inland and making the deepest penetration of the German front on day one. Germany's famous Field Marshall Erwin Rommel called it "the longest day." The North Shore Regiment, the Fort Garry —

The Hon. the Speaker: I am sorry, but I must advise the honourable senator that his three minutes are up.

[*Translation*]

NATIONAL MISSING CHILDREN'S DAY

Hon. Lucie Pépin: Honourable senators, on May 25, we celebrated National Missing Children's Day. The objective of this day was to make us aware of the situation of the thousands of young Canadians who go missing every year. The other purpose of this event was to recognize the exceptional contribution of men and women who work tirelessly to find and recover missing children.

The latest report of the RCMP's Missing Children's Registry is not very reassuring. We learn from it that the number of missing has reached an all-time high. In 2000, the registry listed over 63,712 cases of missing children, either kidnapped by a parent or runaways who were living on the streets. This number is far above the annual average these past 13 years of an estimated 57,000. Although the majority of these cases were resolved and most of the children were found safe and sound, there is still, unfortunately, much to do.

What is the cause? What should we do to make the return of these children easier? My greatest wish is that all of the energy necessary be harnessed to help these thousands of young people. We have to get them out of this situation. It is our duty to give hope to runaway children, who represented, in 2000, 78 per cent of the cases of missing children in Canada.

We owe it to these children, who are often forced to leave their parents' home because of family problems. We also owe it to all the young people who have been kidnapped.

I invite the federal government to further tighten legislation related to cases of parental abductions. Still on the subject of this registry, I encourage the government to consider the recommendations made in 1998 by the Subcommittee on Human Rights and International Development on the question of international abductions of children.

It is more than desirable that the Government of Canada continue to keep the issue of child abductions on the agendas of bilateral and multilateral meetings attended by non-signatory states. If it is not going to work actively to increase the number of countries signing The Hague Convention, the Government of Canada must continue its deliberations on bilateral treaties with countries that have yet to sign the convention. We must continue to work to help these children in distress and families at the end of their tether.

[*English*]

FORTIETH ANNIVERSARY OF AMNESTY INTERNATIONAL

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to call the attention to the fortieth anniversary of Amnesty International. This worldwide organization was founded in 1961 by lawyer Peter Benenson, who launched an appeal for two Portuguese students who had been unjustly imprisoned because they had raised their glasses in a toast to freedom. This proved to be the genesis event that led to the creation of Amnesty International.

Today, Amnesty has over 1 million members, who volunteer their time and energy in the protection and promotion of human rights. Amnesty International frees itself from any governmental, political or religious ideology to ensure impartial protection of individual rights and freedoms is given to all human beings. In the same respect, the organization does not attempt to influence people or governments to follow any particular ideology.

Amnesty International, however, does provide recommendations to governments on how to prevent mistreatment of individuals. With the example of political prisoners, Amnesty calls for trials to meet minimum international standards of fairness. These include, for example, the right to a fair hearing before a competent, independent and impartial tribunal; the right to have adequate time and facilities to prepare a defence; and the right to appeal to a higher tribunal.

Amnesty International also seeks to obtain just solutions to human rights atrocities and present those suggestions to governments in order to help them achieve a more peaceful and righteous political objective.

Amnesty's 2001 report reveals that 144 countries tortured individuals, 63 countries held prisoners of conscience, 72 countries detained individuals without charge or trial, 61 countries committed extra-judicial executions, and 42 countries had armed opposition groups that engaged in killing, torturing and hostage-taking.

At a time, honourable senators, when so many injustices take place across the world against our brothers and sisters, let us hope that Amnesty International's fortieth anniversary, with all the goodwill that will be generated by it, will in fact encourage those free from such injustices to volunteer with this organization, and that those regimes that impede human rights will embrace the spirit of freedom during this year.

ROUTINE PROCEEDINGS

ELDORADO NUCLEAR LIMITED REORGANIZATION AND DIVESTITURE ACT PETRO-CANADA PUBLIC PARTICIPATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, June 6, 2001

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill C-3, An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act, has, in obedience to the Order of Reference of Thursday, May 10, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

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

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

CANADA FOUNDATION FOR SUSTAINABLE DEVELOPMENT TECHNOLOGY BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, June 6, 2001

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-4, An Act to establish a foundation to fund sustainable development technology, has, in obedience to the Order of Reference of Wednesday, May 2, 2001, examined the said Bill and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

(*For text of observations, see today's* Journals of the Senate*, p. 641.*)

Senator Taylor: Honourable senators, I request leave to make a few remarks concerning this report.

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

Hon. Senators: Agreed.

• (1350)

Senator Taylor: Honourable senators, the observation that is appended to the committee's fifth report reads as follows:

The actions of the Government of Canada in creating a private sector corporation as a stand-in for the Foundation now proposed in Bill C-4, and the depositing of $100 million of taxpayers' money with that corporation, without the prior approval of Parliament, is an affront to members of both Houses of Parliament. The Committee requests that the Speaker of the Senate notify the Speaker of the House of Commons of the dismay and concern of the Senate with this circumvention of the parliamentary process.

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

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

[*Translation*]

ADJOURNMENT

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 tomorrow, Thursday, June 7, 2001, at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

ILLEGAL DRUGS

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Pierre Claude Nolin: Honourable senators, I give notice that tomorrow, Thursday, June 7, 2001, I will move:

That the Special Committee on Illegal Drugs have power to sit on Monday next, June 11, 2001, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*English*]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that tomorrow, Thursday, June 7, 2001, I will move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:30 p.m. Monday, June 11, 2001, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MEASURES TO ENCOURAGE FRENCH-LANGUAGE BROADCASTING

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Monday next, June 11, 2001, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report upon 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.

[*English*]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—COST OF EQUIPPING EUROCOPTER COUGAR FOR NAVAL USE

Hon. J. Michael Forrestall: Honourable senators, I have a few questions for the Leader of the Government in the Senate. Government documents have estimated the costs, in 1992 dollars, of "navalizing" the Eurocopter Cougar to be at $500 million. Since costs have doubled, more or less, over 10 years through inflation, that figure will be much higher, perhaps close to $1 billion.

Is this one of the risks of this program that Mr. Alan Williams, ADM, National Defence, Materiel, was speaking of yesterday? If so, who picks up these extra costs?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the question that Senator Forrestall asks this afternoon is an interesting one. However, I cannot give him the answer to it. I will ask the ministry for more details and get back to him as soon as possible.

Senator Forrestall: Does the minister believe that the Eurocopter group will spend between $500 million and $1 billion to navalize the Cougar when it will be awarded a $925 million contract for 28 helicopters? Does the minister realize that if the government were to take commonality savings into account, it could save as much as $700 million on a single competition in addition to saving $400 million in contingency costs, for a total savings to the taxpayer of over $1 billion?

Senator Carstairs: Honourable senators, the reality is that we do not know what the helicopter project will cost since the bids are not in. They are now coming in. When they are received, evaluated and a decision is made, then we will know the exact costs of this project.

FOREIGN AFFAIRS

UNITED STATES—MISSILE DEFENCE SYSTEM—AVAILABILITY OF BRIEFING PAPERS DESCRIBING PROPOSAL—REQUEST FOR RESPONSE

Hon. Douglas Roche: Honourable senators, on May 30, I repeated my request of May 17 to the Leader of the Government to make available to the Senate briefing materials that may have been left behind by the American delegation concerning missile defence. The minister said that she would attempt to get that information, along with the material of intervention the Minister of Foreign Affairs used at the NATO meeting, which occurred the week before. I wonder if she would give me a progress report on that.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have made that request, as I indicated. I have not yet received a delayed answer, which is the normal process by which I receive such information. I will ask staff today to make another follow-up call.

Senator Roche: Does the minister think there is anything strange about the fact that three weeks have elapsed since my first request for what amounts to the transport of material from the Pearson Building to the Senate?

Senator Carstairs: Honourable senators, I do not think that is particularly unusual at all because there are a number of processes that would have to be followed. First, it would have to be determined whether those materials are available. Second, it would have to be determined whether those materials are sharable by both parties, and both parties would have to agree, I would suggest to the honourable senator, before they could be made available. Third, the minister's permission is required, and, as you know, the minister is out of the country. All those things do not make me concerned that there has been a three-week time lapse.

• (1400)

THE ENVIRONMENT

EXPORTING OF BULK WATER—CONFORMITY WITH INTERNATIONAL BOUNDARY WATERS TREATY ACT

Hon. Mira Spivak: Honourable senators, my question is to the Leader of the Government on the issue of bulk water exports. One columnist looking at the situation was led to speculate whether Minister of the Environment David Anderson is really a CIA operative who wants to sabotage the whole event. The latest development was a contract to develop the methodology to value water, which states that there is a need for this work to help governments make decisions on issues such as water exports.

I am aware that there are government initiatives concerning the movement of bulk water out of watersheds. Even the amendments to the International Boundary Waters Treaty Act would apparently prohibit bulk water removal from boundary water, but none of this does anything about water exports.

I have two questions, which are perhaps not answerable today. First, what is the policy of the government on bulk water exports? Second, has the government's little-used power of peace, order and good government ever been contemplated as a way in which the federal government can exercise its power on a matter such as this that is national in scope, if not global, without obtaining the consent of all the provinces, which has never proved to be possible?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator asks some interesting questions. Let us begin with the response that the government has presently before Parliament, which is Bill C-6. That bill prohibits bulk water removals from the Great Lakes and other boundary waters. That is clear. That is the government's position.

To date, the provinces have indicated that they are committed to this legislation as laid down by the federal government. We have heard from the Government of Newfoundland that perhaps it may want to go offside with this particular policy. The government has clearly indicated that it does not have control over all of the water in the province of Newfoundland. It is hoped that the Province of Newfoundland and, more particularly, the Government of Newfoundland can be persuaded that this legislation is good.

The second part of the question was very interesting: Has the peace, order and good government clause been examined? I can assure the honourable senator that I will take her suggestion to the cabinet because I think it raises an interesting possibility.

Senator Spivak: The International Boundary Waters Treaty Act would give the Minister of Foreign Affairs the power to issue licences for such priority uses as power generation, irrigation and sanitation.

As this columnist points out, it looks like a trade lawyer's dream loophole. For example, if water is diverted from one of the Great Lakes to feed farms in the U.S. Midwest, is this not an export? We are treading on dangerous ground. All it would take now, or at least this seems to be the majority opinion, is just one shipment and the horse is out of the barn.

I would appreciate an opinion from the Department of Justice. Could it clarify this issue as it concerns the Great Lakes and what that power actually entails? I would appreciate any other information that the honourable leader could possibly get.

Senator Carstairs: The exemption is allowed for in Bill C-6 because, as the honourable senator and other senators know, most bills have regulatory powers attached to them. They are extremely limited in this case to such things as firefighting and short-term humanitarianism, for which licences can be granted. The whole area of whether the exemption can go beyond that scope is an important aspect of the discussions that must take place when that bill comes over to us and goes before our committee. We want to know the full extent of the bill, and we should seek and get the kind of assurances that the honourable senator is requesting.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this chamber the delayed answers to three questions: Senator Kinsella's question of May 2, 2001, concerning racism on the Internet; Senator Oliver's question of May 1, 2001, concerning Canadian participation in the World Conference Against Racism; and Senator Murray's question of May 17, 2001, concerning the Canadian Broadcasting Corporation.

CANADIAN HUMAN RIGHTS COMMISSION

RACISM ON INTERNET—LIMITATION OF RESOURCES TO RESPOND

(Response to question raised by Hon. Noël A. Kinsella on May 2, 2001)

The Internet offers tremendous economic and social opportunities. It also enables small groups of people, including racists, to make their presence known. Its advent may therefore increase the risk of racism becoming established somewhere on the planet.

The Government acknowledges the public's concern about illegal and offensive content on the Internet and is promoting safe and responsible Internet use as well as addressing issues related to illegal and offensive content.

Canadians are making greater and greater use of the Internet, whether at home, or in the workplace, school or library. By early 2000, one out of every two Canadians was using the Internet.

The Internet can turn a home, a school or a library into a place of unlimited information and communication. However, along with these benefits come risks, including exposure to material considered to be pornographic, violent, hate-filled, racist or generally offensive.

Federal departments and agencies are working with law enforcement, Internet service providers and international organizations to ensure that illegal and objectionable activities on the Internet are dealt with in an effective fashion.

On February 15, 2001, Ministers of Industry and of Justice launched the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use, to equip Canadians with resources to help protect children against the dangers of illegal and offensive Internet content.

MULTICULTURALISM

UNITED STATES SOUTHERN CALIFORNIA PREPARATORY CONFERENCE FOR WORLD CONFERENCE AGAINST RACISM—LIST OF PARTICIPANTS

(Response to question raised by Hon. Donald H. Oliver on May 1, 2001)

The Southern California Preparatory Conference was co-sponsored by the White House Interagency Task Force on the World Conference Against Racism and the Los Angeles County Commission on Human Relations. The L.A. County Commission on Human Relations invited the Government of Canada to participate in their consultation, which targeted South Californian NGOs and local participants. The Preparatory Conference was an opportunity for Canadians to exchange information with U.S. non-governmental organizations and government representatives about our domestic consultation process. A delegation, led by the Honourable Hedy Fry, Secretary of State (Multiculturalism) (Status of Women), participated in the forum which focused on the following four themes:

1) combating racism in the media;

2) community response to hate crimes and intergroup conflict;

3) teaching tolerance: youth perspectives; and,

4) workplace discrimination.

Canada participated at this forum to achieve the following objectives:

to bring Canadian and U.S. NGOs together in the WCAR consultative process which would add a new element of bi/international cooperation;

to expand general Canada-U.S. engagement on diversity issues; and

to demonstrate Canada-U.S. leadership in cooperation and joint efforts in support of the WCAR process.

Half of the following participants represent visible minorities or Aboriginal Peoples:

The Honourable Hedy Fry, Secretary of State (Multiculturalism) (Status of Women), British Columbia

Réal Ménard, Member of Parliament for Hochelaga—Maisonneuve, Quebec

Andrew Cardozo, Commissioner, Canadian Radio-television and Telecommunications Commission, Ontario

Ahasiw Maskegon-Iskwew, Web Editor, Aboriginal Peoples Television Network, Manitoba

Irshad Manji, (Host) Queer Television, City TV, Ontario

Patrice Baillargeon, White Pines Pictures, Quebec

Annmarie Barnes, (Criminologist) University of Toronto, Ontario

Jaime Koebel, National Association of Friendship Centres, Aboriginal Youth Council, Ontario

Maria Yongmee Shin, Filmaker and Producer, "Journey to Little Rock", Ontario

Pascal Charron, Communications Advisor to the Secretary of State, Quebec

Gilbert Scott, Executive Director, Canadian Secretariat, WCAR, Department of Canadian Heritage

Kerridwen Harvey, Senior Policy Advisor, International Relations, Department of Canadian Heritage

Kate McGregor, Manager, March 21 Secretariat, Department of Canadian Heritage

Catherine Drew, Manager, Strategic Communications and Outreach, Canadian Secretariat — WCAR, Department of Canadian Heritage

Paul Pierlot, Senior Policy Advisor, Industry Canada

CANADIAN BROADCASTING CORPORATION

POSSIBLE PARTNERSHIP WITH *TORONTO STAR*

(Response to question raised by Hon. Lowell Murray on May 17, 2001)

The CBC indicates partnership arrangements can enhance its ability to fulfil its mandate and to get the most out of its resources. Strategic alliances are now a formal part of the way the CBC operates.

In January 2001, the CBC announced that it had reached agreement with *La Presse* to take advantage of synergies resulting from complementary activities, notably with the Internet, special events and promotion.

The CBC is said to be discussing similar arrangements with *The Toronto Star*, but no agreement has yet been announced.

The CBC has stated that any such agreement will be non-exclusive and will have no impact on the editorial independence of the CBC or any of its partners. The CBC has also indicated that it will continue to have full control of its content.

For several years now, the CBC has cooperated with private sector media in Canada such as:

The National Post on a series of programming specials;

The Globe and Mail on lecture series and polls; and

Maclean's Magazine, *La Presse* and *The Toronto Star* on polls.

On May 10, 2001, the Standing Committee on Canadian Heritage announced that it will conduct an 18-month study on the state of the Canadian broadcasting system, beginning in September 2001.

This study will provide an opportunity for the Government and Canadians to discuss the implications of an increasingly globalized communications sector including the role of the CBC within this new environment. We look forward to the Committee's recommendations.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Orders, we would like to begin with Item No. 2 before moving to Items Nos. 1 and 3.

[*English*]

CUSTOMS ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government) moved the third reading of Bill S-23, to amend the Customs Act and to make related amendments to other Acts.

[*Translation*]

MOTION IN AMENDMENT

Hon. Raymond C. Setlakwe: Honourable senators, I move, seconded by the Honourable Senator Morin:

That Bill S-23 be not now read a third time but that it be amended in clause 34, on page 16, in the French version,

(*a*) by replacing lines 34 and 35, with the following:

"préférentiel demandé pour le motif que le classement tarifaire ou la valeur d'une matière"; and

(*b*) by replacing lines 38 and 39, with the following:

"marchandises diffère du classement ou de la valeur correspondants de ces matières ou".

[*English*]

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

Hon. Eymard G. Corbin: Explain.

[*Translation*]

Senator Setlakwe: Honourable senators, the Canada Customs and Revenue Agency, the CCRA, has gone a long way in adapting to globalization and changes in trading practices. It must, however, do even more in order to follow the government's program to increase Canada's share of international tourism and trade. The modern system of border management...

[*English*]

The Hon. the Speaker: I believe I heard Senator Kinsella raise a point of order.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I think the honourable senator is speaking to the main motion. An explanation is needed of the amendment that has been moved, which is the matter now before the house.

The Hon. the Speaker: I understand Senator Kinsella's point. I am aware, as all senators are, of a certain liberty in terms of speeches on amendments. I am not sure that Senator Setlakwe will not get to matters that are relevant to that point. If you bear with me, I will listen further to see whether Senator Setlakwe should be interrupted. I am sure other senators will also be listening.

• (1410)

Senator Setlakwe: Honourable senators, it has been noted since Bill S-23 was introduced in committee that in subclauses 34(1) and 42(1) there is some inconsistency between the French and English text of those amendments.

In subclause 34(1), on lines 34 and 35 of the French text, the words "la valeur ou le classement tarifaire" appear. On the left side of the page, at lines 31 and 32, the words "le classement tarifaire ou la valeur" are shown. A similar inconsistency appears within the same paragraph, at lines 38 and 39, on the right side of page, and lines 35 and 36, on the left side of the page respectively. This inconsistency is a technical matter only and has no effect on the interpretation or the application of the provision.

The Hon. the Speaker: Honourable senators, I will put the question.

It was moved by the Honourable Senator Setlakwe, seconded by the Honourable Senator Morin:

That Bill S-23 be not now read the third time but that it be amended in clause 34, on page 16, in the French version,

(*a*) by replacing lines 34 and 35...

Hon. Senators: Dispense.

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

[*Translation*]

MOTION IN AMENDMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Finestone:

That Bill S-23 be not now read a third time but that it be amended in clause 42, on page 20, in the French version, by replacing lines 13 to 18, with the following:

"du paragraphe 59(2) peut, dans les quatre-vingt-dix jours suivant la notification de l'avis et après avoir versé tous droits et intérêts dus sur des marchandises ou avoir donné la garantie, jugée satisfaisante par le ministre, du versement du montant de ces droits et intérêts, deman-".

[*English*]

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

Hon. Lowell Murray: I presume we are on the main motion for third reading, as amended.

The Hon. the Speaker: Yes.

Senator Murray: Honourable senators, Bill S-23, as you know, is a government measure that was introduced in the Senate. It is therefore incumbent upon us to give it both sober first and sober second thought at the same time before sending it along, if that is your wish, to the House of Commons.

This bill received second reading in this place on May 3 and was referred to the Standing Senate Committee on National Finance. For the record, as chairman of the committee, let me say that the bill was considered at four meetings, on May 8, 9, 15 and 16. The witnesses we heard were the Minister of National Revenue and his officials, the Canadian Bar Association, the Canadian Association of Importers and Exporters, and the Canadian Society of Customs Brokers.

At committee, our friend Senator Setlakwe proposed a number of amendments, I think 10 or 11 in all, on behalf of the government. These were approved by the committee and adopted here in the Senate at report stage last Thursday.

Senator Angus spoke at second reading and at third reading, and he took a very important part in the proceedings of our committee. I do want to acknowledge his outstanding contribution to the debate on this bill.

The Hon. the Speaker: Honourable senators, I hate to interrupt. There is quite a bit of noise in the chamber at the present time. I request honourable senators who wish to carry on conversations to do so beyond the bar. I would appreciate it.

Senator Murray: Senator Angus brought his considerable professional background and skills to the consideration of this bill. He was obviously very knowledgeable on it and was very helpful to us in our deliberations. I simply want to acknowledge that fact on behalf of the committee.

He would say, correctly, that there is widespread support for the main thrust of this bill, which is the modernization and streamlining of the customs procedure. What brings me to my feet today, however, is an issue that came up in the course of our committee hearings on this bill. That issue is the expansion of power provided for in the bill to allow the government to open and examine mail.

Under the provisions of the current law, customs officers can open imported goods, including incoming mail weighing more than 30 grams, if they suspect on reasonable grounds that the package contains prohibited, controlled or regulated goods.

The provisions with regard to exported goods are the same, but, under the current law, customs officers cannot open mail of any weight without a search warrant. This bill would change that provision in the following respect: Bill S-23 would extend to exported goods and outgoing mail the same powers that customs officers currently have with regard to imported goods and incoming mail.

The Canadian Bar Association, when they appeared before us on May 15, testified that the powers now held by customs officers with regard to imported goods and incoming mail particularly are already too broad. They state that extending these powers to cover outgoing mail would invade the privacy of Canadians and, in particular, that it would threaten solicitor-client privilege. They are concerned that there is no explicit exclusion for materials for communications that would be subject to solicitor-client privilege.

• (1420)

The Canadian Bar Association points out that at present customs officers conduct random checks of packages, including mail more than 30 grams in weight. They point out what seems to me to be self-evident; that the idea of random checks cannot possibly be squared with the reasonable suspicion threshold that is contained in the law. They say, and I quote from the evidence of Mr. Benjamin J. Trister, Vice-Chair, National Citizenship and Emigration Law Section, Canadian Bar Association:

> I suggest to you that the current practices, in relatively short order, will be the subject of a declaratory action, as we will be seeking the court's view of how the current act is administered.

A bit later, he adds, in speaking about the provision that I am discussing here:

> I would expect that if this provision is allowed to proceed as drafted, that it, too, will become the subject of litigation based on both of the arguments: general privacy rights and Charter rights, as well as solicitor-client privilege.

With regard to solicitor-client privilege, I believe it was Mr. Trister himself who gave us the example of a client who had sent through the mail an affidavit to his lawyer for use in a future court proceeding. The package was opened and its contents examined and read. The affidavit wound up on the file of the government lawyer before the document was presented in court as evidence. That may be one exceptionally outrageous example, but it is something that Mr. Trister testifies has happened in his professional experience.

I may say also that the Privacy Commissioner has been heard from on this general issue of the opening of mail; not on the provision of the present bill, but on the present practice. He suggested that when the customs people believe that there is a package that may contain, for example, fraudulent immigration documents, Canada Customs should send the package along, unopened, to the Department of Citizenship and Immigration. The officials of the Department of Citizenship and Immigration should then obtain a search warrant before they open the package and examine its contents.

I believe it was Senator Kinsella who quoted the present Minister of Citizenship and Immigration, Ms Caplan, as responding to that suggestion by saying they could not do that, that because they open so many, getting a search warrant every time would cause the process to grind to a halt. That will give honourable senators an example of the magnitude of the problem that we may be dealing with here.

The Canada Customs and Revenue Agency officials, and I refer in particular to Mr. Denis Lefebvre, who is the Assistant Commissioner of Customs, responded in a general way to the recommendations and representations of the Canadian Bar Association by saying two things. The first thing they said is that the reasonable suspicion threshold is a low threshold. I infer from that statement that they consider the reasonable suspicion provision validates or permits the present practice, whatever it may be, including, apparently, random checks.

The second thing he said — I am not in a position to contest it and I presume it is true, but it may not be relevant to our present consideration — was that the standard of reasonable suspicion has held up under Charter challenge in the customs context. The Canadian Bar Association has recommended that we move to amend this bill by deleting section 59(4). Alternatively, they have asked that we amend the bill to specifically exclude communications that might be the subject of solicitor-client privilege.

Honourable senators, I hope I have said enough to alert you to the fact that, once again, the Senate is in somewhat of a dilemma. We have a serious and reasoned objection on constitutional grounds by the Canadian Bar Association to one of the provisions of Bill S-23. The government, for its part, has not mounted a considered legal response to the Canadian Bar Association's objections. I say that with all due respect to the officials who testified before the committee.

Our friend, Senator Banks, who was present during all of the testimony, has said that the fault is not really with the law, that there is nothing on the face of it that authorizes random checks. Therefore, the remedy is elsewhere than in an amendment to the law. That is one way of looking at the matter. However, it seems to me that if the Canada Customs people are of the view that the reasonable suspicion threshold permits random checks, then there is clearly some confusion, ambiguity and some need for clarity in the law. The law obviously lacks clarity.

Honourable senators, this brings me back to a conversation that we had in this chamber as recently as May 1, when we were discussing the Judges Act, Bill C-12. It was what started as something of a conversation between Senator Grafstein, the sponsor of the bill, and me, but went on to include a number of other senators. We were discussing the very problem that arises when the Senate has legislation before it about which there is some question as to constitutionality and what we should do. As you know, the Minister of Justice and her officials will not come to testify on that point. Their position is that they advise the Crown, they do not advise Parliament. We have no process built into our consideration of legislation that would let us consider constitutionality as a discrete issue.

• (1430)

Senator Grafstein said, among many other things when we got into that discussion:

> Legislation that lacks clarity is an invitation to judicial activism. That in turn degrades the principle of parliamentary supremacy. So the fault, honourable senators, may lie with ourselves.

Senator Joyal, after he got into the discussion, said:

> It is our duty as parliamentarians to listen to the experts brought forward by the government and various other witnesses who appear before committees and to make up our minds as to whether the bill is in good standing with the Charter or the Constitution.

Senator Grafstein further said:

> Good government requires that we have prima facie satisfied ourselves independently that the law we are passing is constitutionally satisfactory.

Senator Joyal made it clear that, in his view, it was not enough for us simply to accept the certificate of the Minister of Justice and that we had a duty as legislators to look into these matters in a bit more depth.

The question before us, once again, is this: What will we do about this situation.

The Hon. the Speaker: Senator Murray, I regret to advise that your 15-minute period has expired. Are you requesting leave to continue?

Senator Murray: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Murray: Thank you, honourable senators. I will come immediately to a conclusion.

We are in the same dilemma that we have experienced on several previous occasions, where I have had to bring to your attention the reservations and objections raised by the Canadian Bar Association to one of the provisions of this bill.

MOTION IN AMENDMENT

Hon. Lowell Murray: Honourable senators, in order to concentrate your minds on the matter, and perhaps have some discussion of our dilemma, I will propose an amendment. I will propose the amendment that has been recommended to us by the Canadian Bar Association. I therefore move:

> That Bill S-23 be not now read a third time but that it be amended in clause 59,
>
> (*a*) on page 64, by deleting lines 25 to 37; and
>
> (*b*) on pages 64 and 65, by renumbering subclauses (5) and (6) as subclauses (4) and (5) and any cross-references thereto accordingly.

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

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Murray has raised some interesting issues this afternoon upon which I know a number of members of the committee would like to engage him in vigorous debate. However, I will take the adjournment in order that I can perhaps get further clarity on this issue, and I anticipate that we will be able to discuss this amendment in more detail tomorrow afternoon.

On motion of Senator Carstairs, debate adjourned.

FINANCIAL CONSUMER AGENCY OF CANADA BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Watt, for the third reading of Bill C-8, to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions.

Hon. David Tkachuk: Honourable senators, I am pleased to respond to third reading of Bill C-8. Although we had the bill for only a short time, the committee report comes after years of study. My three and half years as Deputy Chair of the Standing Senate Committee on Banking, Trade and Commerce have been spent on this legislation in one form or another. First reporting on the MacKay Task Force report, then the white paper, then Bill C-38, and finally Bill C-8. I do not think that I will miss this bill. However, I anticipate the government will be bringing in new financial services legislation to deal with a number of matters that have not been entirely solved by Bill C-8.

At second reading, our position was clearly stated by Senators Angus, Oliver and myself. In my second reading speech, I discussed the various issues that I would be following. I also stated with regard to Bill C-8 that the devil was in the details.

Without a doubt, the issues studied by the committee pertaining to Bill C-8 have been well studied since 1996. Although Bill C-8 was a new bill, the subject area was well known to the committee. I would add that since I became Deputy Chair of the Standing Senate Committee on Banking, Trade and Commerce, in the fall of 1997, a great deal of the committee's time and study had been devoted to the future of the Canadian financial services sector. I am not unhappy that this bill has now passed committee and is at third reading in the Senate.

It is time for the government to move on with its financial services agenda. The same is true for the entire financial services community that has been tied up in the legislative process for many years, going back even to 1992, when Prime Minister Mulroney began the process of revamping and updating the financial services legislative framework.

The Hon. the Speaker: I would ask honourable senators to observe our rule in terms of conversations within the chamber. If you would carry them on beyond the bar, that would be appreciated, so that we all may hear Senator Tkachuk.

Senator Tkachuk: I am pleased with the committee study of Bill C-8. There are many good elements in the bill, such as the opening up of the Canadian payment system. Access is important for future growth and competition in an industry where the pillars have come down. The lowering of capital requirements to start a bank in Canada may also prove to be a contributing factor to more entrants into the sector.

Honourable senators, it is not that our party opposes Bill C-8, but, rather, that we are uncomfortable with what the bill does not contain. In my second reading speech I reiterated how this bill is important to all Canadians because it addresses wealth, insurance and purchasing of goods and services. This is no ordinary bill and it will have significant impact.

Many of you may have noticed what happened to the bank stocks after Bill C-8 was reported back to the Senate last week. Many of you got considerably wealthier if you had bank stocks or mutual funds that contained them because the markets either foresaw mergers in the industry or alliances with foreign financial service companies. All of this was due to the bill's passage.

The markets are right, there will be mergers, and soon. There will be alliances with foreign financial service companies. I predict that of the banks that exist today, only two will exist in the future, with possibly a third aligning itself with a foreign company. Insurance companies will merge or buy each other. All of this will take place in the names of competition and efficiency.

Companies will say that such alignments will serve the public better and enable them to compete in the global marketplace. That will be true if you are computer literate, educated, young and live in an urban setting. The rest of the country, the poor, the rural and the computer handicapped, will be asking us what happened to their local bank.

Should we not be able to tell these people to not worry, since we have provided the vision and the foresight to encourage new entrants into the marketplace to replace the old ones?

• (1440)

Changes will take place at alarming speed. Only last week, a group visited my office that will be applying for a new bank charter. They are extremely well prepared. Their concern was whether the government will have the infrastructure and the resources to deal with new applicants and reward those who are organized and first out of the gate. They wonder if the government will delay and obfuscate while the big guys merge and rearrange their affairs, leaving consumers in the lurch.

At the very least, the government has agreed to table draft regulations with the Senate Banking Committee before they are gazetted. We urge the government to act with diligence and speed on this matter.

I believe in the marketplace. I believe that if the environment is correct, there will be new entrants. They will act quickly. That is the reason that the free market system, the capitalist system, is the greatest system in the world. We know that is what will happen.

Honourable senators, I am not confident that this bill has accomplished these things. We are troubled that cooperatives and credit unions were not given a complete road map to enter the marketplace quickly. The cooperatives have discussed with the government the possibility of having a cooperative national bank. That is what they want. They want to set up a national bank in a cooperative structure. They have been having these discussions since 1968. Still they will not have achieved their goal after passage of this bill.

We will need to wait as new regulations, and perhaps legislation, will be necessary to create cooperative national banks and credit unions, while the present participants are allowed to make their moves. This puts cooperatives and the consumer at a disadvantage.

The ING bank, which has a presence in this country as a virtual bank, appeared before us. They were not happy with the provisions for foreign bank competition, in particular.

Honourable senators, I wish to discuss what I consider to be a hindrance to the legislative process. This is not exclusive to Bill C-8 in the Senate Banking Committee. I have referred to the problem in remarks on other pieces of legislation that I have had the privilege to speak to you about. We had difficulty getting witnesses to come before us. We could not get any of the separate banks to come.

Hon. Donald H. Oliver: Why was that?

Senator Tkachuk: I will respond to the honourable senator's question shortly. Not one domestic bank came before the committee. The Canadian Banking Association came before us. They knew that the government had no intention of allowing any amendments to Bill C-8.

I do not blame the minister for this step. What minister would want amendments to their legislation? Who is to blame? Where does the responsibility lie? The process is partly responsible. The Senate is partly responsible; the witnesses are partly responsible; and we as a committee are partly responsible. The lengthy process of financial services sector reform contributed to the general will to "just get it done."

True, the issues surrounding reform have been studied for days, weeks, months and years; however, Bill C-8 itself had not been studied. Although numerous recommendations were made during the consultation process, Bill C-8 did not necessarily reflect each and every thoughtful recommendation made. That, in and of itself, is not a problem, nor is it unusual. The government was elected and through legislation makes its position clear to Canadians. If Canadians do not like the government's position, they can throw them out in the next election.

It upsets me that the department, its officials and the minister's staff, exerted an inordinate amount of pressure during the process to ensure that no changes would be accepted. This is challenging Liberal senators to cross the line.

Honourable senators, we all know that members opposite who serve on the committee have problems with this bill. They were stated publicly, and they were stated privately, but not in this chamber. However, Senator Angus did try to state them for others.

I understand why Liberal senators are worried about crossing the line and why they are reticent to do so, but I do not think that the sanctions are as severe as, perhaps, they would think.

The Senate is also responsible for no amendments being permitted. The Senate gives careful consideration to each and every piece of legislation before it. There is partisanship in this place. It has evolved since 1993, and I am partly responsible for it. If we have an ideological difference on this side of the house, we are being partisan. If there is an ideological difference on the other side, it is considered non-partisan. You cannot have it both ways.

Honourable senators, we will have ideological differences. I am a Conservative. You are a Liberal. There is no way that we could be non-partisan about that. We will have these discussions. However, we represent the country. About half of this country is Conservative. They are split up amongst a bunch of different parties, but they are Conservatives.

Senator Taylor: Not once they had their eyes opened.

Senator Tkachuk: The Liberals govern with 38 per cent of the vote. Conservatives, whether we call them by that name or another, hold provincial power in Alberta, British Columbia, Ontario and the Maritime provinces. They will soon hold power in Newfoundland.

Senator Oliver: Now you are talking.

Senator Tkachuk: The Senate would not allow amendments to be made to the legislation once the House has risen for the summer because the Prime Minister would not allow, forgive or understand having to recall the House. That is one of the reasons that we cannot do anything. Gee whiz, all those MPs would need to come back, or we would need to deal with it in the fall.

Honourable senators, I am speaking to both sides of the chamber. We are letting our legislative and constitutional duty slip away. We will not be able to reclaim it.

Major stakeholders refused to appear as witnesses for simple reasons. I return to Senator Oliver's question. Those stakeholders understood that no amendments would be made. They felt that it was in their best interest, considering their use of resources, to focus on negotiating with the department for amendments and to bypass us. They know where the power is around here if they wanted to achieve change, either now or before Bill C-8 was tabled.

I understand their position. If I were a businessman, I would choose the most efficient path for action. They did. I would base my analysis on the path that had the greatest chance of change. They did. The Standing Senate Committee on Banking, Trade and Commerce did not provide this opportunity for change in Bill C-8. I hope that it does so in the future.

Senator Kolber, the Chair of the Banking Committee, ran excellent meetings. He was very amenable to developing lists of witnesses. He was extremely fair. We tried to obtain witnesses to testify. I do not want to leave the impression that it was only the chair and I who were trying to get witnesses. We all were trying. Witnesses would not appear. The committee worked well together on this bill, making this study one of the most satisfying that we have had in a long time.

Honourable senators, we must choose. We cannot continue to battle about these issues. We cannot have it both ways. Every one must give, and that includes senators opposite as well as us. We have differences of opinion on matters of policy. We automatically vote the way in which our party leader wants us to vote.

However, I cannot be told that I am partisan and that senators opposite are not. I think that we reflect the Canadian reality. Once again, senators, it is my old saw about the Senate. You may remind me of my speeches when we hold the majority in this place, which we will someday. I hope that I will not let you down.

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

Some Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

• (1450)

BROADCASTING ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the third reading of Bill S-7, to amend the Broadcasting Act.—(*Honourable Senator Finestone, P.C.*).

[Senator Tkachuk]

She said: Honourable senators, Bill S-7 was retabled on January 31, 2001, and went through second reading on February 2, at which time it was referred to committee for further study. It has passed the committee, which heard from many witnesses, and is now submitted for third reading.

To recap, Bill S-7 will use the same language as the Telecommunications Act. The two acts will be in concordance. Bill S-7 gives the CRTC the power to make cost awards in broadcasting, as they now do under the Telecommunications Act. The CRTC will develop rules of procedure, a criteria of relevance of what will be in the public interest. They will hold a public proceeding to help determine what will be appropriate on the broadcasting side pertaining to the awarding of costs.

When Bill S-7 is passed, the CRTC will use the same section 44 procedure for cost awards as under the Broadcasting Act. The achievement would be symmetry of legislation and symmetry of rules of procedure.

The CRTC is currently able to exempt any party, either non-profit or commercial, from cost awards under the existing rules of procedure. The CRTC cost award process is multi-staged, non-punitive, fluid and adaptable. The process varies according to circumstance.

Most important, the amendment will allow individuals or public interest groups fair payment and equitable representation at CRTC hearings, both full or panel. David Colville, Chair of the CRTC, said:

> The CRTC considers that public participation in their proceedings is an important tool to help them support informed participation in its processes. Such involvement would enrich our decisions and help us to better determine what will be in the public interest.

Honourable senators, I take this opportunity to thank all members of the committee for their hard work in support of this bill. Over the past few months, the committee heard the testimony of various witnesses — government representatives, private for-profit organizations, public interest groups and others. They presented their points of view, which at times differed. Nevertheless, all witnesses agreed on one principle: Increased citizen participation will only benefit our society in the exercise of our democratic principles.

When I sponsored Bill S-7, I was not trying to establish an a priori pool of leftover funds to satisfy the requests of public advocacy groups to cover interveners' costs. Furthermore, allocation of funds is not a task of the Standing Senate Committee on Transport and Communications. Rather, the spirit and intent of Bill S-7 rests with the concept that every democratic society should foster active citizen participation in respect of public issues. Modern democratic life requires an active role by the population and participation from members of the community.

It should no longer be the case that those who are governed act only to elect, and then they are governed without the opportunity to interact with the governing institutions.

By increasing the participation of public advocacy groups in CRTC proceedings through Bill S-7, we render a service to our own institutions, allowing them to make use of precise and valuable information. We also energize the democratic system by creating a permanent connection between the governed, those who govern and corporations. This joint venture permits for more reasoned decisions and a better understanding of the concerns and aspirations of our society. As well, it allows all parties to work cooperatively toward possible solutions.

Citizen participation is inherent to the concept of democracy. For this reason, Bill S-7 represents one more step toward refining our institutional framework in an effort to encourage multi-sector cooperation and to strengthen the capacity and skills of all parties involved in the decision-making process.

I urge all honourable senators to support and to vote in favour of this bill.

On motion of Senator Kinsella, debate adjourned.

[*Translation*]

DEFERRED MAINTENANCE COSTS IN CANADIAN POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Moore calling the attention of the Senate to the emerging issue of deferred maintenance costs in Canada's post-secondary institutions.—(*Honourable Senator Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, the inquiry of Senator Moore is one that I take very seriously because it raises important issues in the area of post-secondary education, at both the university and collegiate levels. Senators Joyal, Kinsella and Moore spoke eloquently on this issue and I will not repeat what they said.

However, I would like to say that today, at the post-secondary level, there are serious funding and space problems. The federal government signed an agreement with some provinces whereby young people have access to a collegiate post-secondary system that provides training to them. In Ontario, there is no such agreement. Therefore, it is difficult for post-secondary institutions to compete in a fair and just context.

The problem has to do with the financial support that governments provide to students at the post-secondary level. I am thinking in particular of Ontario's French-language colleges, which have only existed for a few years. In fact, it has not been more than 10 years since Ontario has had post-secondary colleges that provide training in French.

In Ottawa, there is the Cité collégiale, with between 4,500 and 5,000 students. It provides a range of important services and I believe it has a very good reputation. In the past, the federal government would buy blocks of seats in post-secondary colleges.

• (1500)

Students could choose the training they desired and the federal government provided them with a place in a post-secondary institution. Today, this is no longer the case, and that is the primary difficulty faced by the Cité collégiale. Under the new agreements with the provinces, the federal government gives a student a certain amount of money so that he can take the training of his choice in one of the various institutions. It does not provide money for 100 per cent of tuition fees; the student must assume a certain portion.

However, because the French-language colleges do not have the critical mass, they cannot offer the training young people are seeking. We are told that it will take millions of dollars to be able to accommodate all these young people reaching the post-secondary level. I hope that a solution will be found to the problem, in order to help French-language colleges in Ontario put post-secondary training courses in place.

It must not be forgotten that in Ontario, until next year, I believe, secondary education ends with Grade 13: eight years at the primary level and five at the secondary level, after which students can go on to post-secondary education. Ontario has decided to eliminate Grade 13, so that students will now finish their secondary education with Grade 12. This means that next year, in Ontario, there will be twice the number of students entering post-secondary institutions, both universities and colleges. Do we have enough institutions, buildings and teachers to handle this group of students? The answer is no.

This is not very encouraging. I asked Mr. Giroux, the President of the Association of Universities and Colleges of Canada, to send me some information. I received statistics. It is going to cost billions of dollars to do some catching up so that our young people can compete with the rest of the world. As Canadians, we must rethink our role in the global economy. Today, we are competing with the Chinese, the Europeans, the Japanese and the Americans. Our secondary school students must be just as well equipped to hold their own in the labour market as students from other nations. Otherwise, we are going to lose ground.

This is a very important question. As I said earlier, I have statistics, but I will not share them with you today. Senator Moore has proposed that the Standing Senate Committee on National Finance be authorized to examine and report on the role of the government in funding the costs of maintaining institutions of post-secondary education in Canada. It is an excellent proposal. It will give us a chance to discuss the matter in committee. I hope we will act on this very soon, so that the matter may be given serious study by the senators.

On motion of Senator Robichaud, debate adjourned.

• (1510)

THE SENATE

MOTION TO CHANGE RULE 25—REFERRED TO COMMITTEE

Hon. Jean-Robert Gauthier, pursuant to notice of May 30, 2001, moved:

That the *Rules of the Senate* be amended, by adding the following:

25.(1.1) A senator may request that the government respond to a specific question placed on the Order Paper within forty-five calendar days by so indicating when filing his or her question.

He said: Honourable senators, this motion is not particularly complex. It simply represents continuity in our work. It also denotes an openness to the work of the Senate. The aim of this motion is to make the work of senators more effective.

Indeed, there are several ways of getting information from the government. A parliamentarian can easily rise during question period to ask oral questions of the Leader of the Government in the Senate. He may also, if the question is complex or technical, choose to put it on the Order Paper to get a delayed answer.

While question period provides a degree of visibility, it is sometimes unrealistic to expect a complete answer from the Leader of the Government in the Senate. The minister cannot be familiar with all the government issues. As we know, senators have specific and diverse interests. Therefore, it is perfectly understandable that, in many cases, the minister will take note of the questions, consult her cabinet colleagues and then get back to us with the answers.

It sometimes takes weeks and even months before getting an answer to a written question — I currently have four. This is inefficient. Moreover, in the Senate, there is nothing to compel the government to answer a question; therefore, sometimes, it does not. Questions can stay on the Order Paper for months, and sometimes for a whole session, without being answered.

In the House of Commons, where I spent a few years, the government must provide an answer within 45 days once a written question has been put on the Order Paper. It is perfectly normal for a parliamentarian to expect that his questions will be taken seriously and will be answered quickly.

Yesterday, in the other place, a report from the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons was tabled. On page six of that report there is, for example, a recommendation dealing with these questions, the answers to these questions and a proposal — it is not mine — regarding unsatisfactory answers received from the government or its refusal to reply to certain questions. Under the proposal, these questions could be referred to a House committee.

This is not the proposal I want to make, because we operate differently in the Senate. However, I should like us to discuss this proposal at some point, in the Standing Committee on Privileges, Standing Rules and Orders, so that we, too, can find a way of doing things that is satisfactory to all senators who wish to put written questions on the Order Paper or ask questions in the Senate.

This is a simple and straightforward motion. It would lend greater visibility to the work done by senators in this chamber. When we ask questions, we should expect to be able to get answers. It is completely democratic for Canadians who look to the Senate for serious representation of their regional or minority interests to be ensured that their requests or questions will be studied by the government and will be responded to in a satisfactory manner. If the answer is not satisfactory to them, at least the process will be. An effort will be made — and there is none at present — to ensure that in future a serious answer will be given to any question asked by a senator.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am in total agreement with the principle behind Senator Gauthier's motion. It is in the best interests, not only of Parliament, but also of all Canadians, for answers to questions of concern to be forthcoming.

I should like to point out that I am extremely satisfied with the way in which the Leader of the Government in the Senate and her Deputy have answered questions during this session of Parliament. However, even if I find the principle behind the motion to be a good one, it is recognized practice not to change a Rule before the Committee on Privileges, Standing Rules and Orders has had the opportunity to look at it in greater detail. Perhaps 45 days is not sufficient time, regardless of whether this is for administrative or other reasons. In principle, I am totally in agreement with this motion, but I prefer to see our committee study it in detail.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to propose an amendment before the Senate votes on this motion. I move:

> That the Committee on Privileges, Standing Rules and Orders study this motion and report to the Senate with a recommendation.

[*English*]

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Isobel Finnerty, for Senator Murray, pursuant to notice of June 5, 2001, moved:

> That the Standing Senate Committee on National Finance have power to sit on Thursday June 7, 2001, at 3:30 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

The Senate adjourned until Thursday, June 7, 2001, at 1:30 p.m.

CONTENTS

Wednesday, June 6, 2001

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