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OFFICIAL REPORT
(HANSARD)

Tuesday, March 26, 2002

THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

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

OFFICIAL REPORT

CORRECTION

Hon. Jane Cordy: Honourable senators, I rise on a matter from Thursday, March 21, 2002, when I spoke on the status of palliative care. I stated that the letter was tabled in the Senate by Senator Kirby on December 5, 2002, which would have been impossible. It was December 5, 2001. I should like to set the record straight.

CORRECTION

[*Editor's Note*]

In Hansard of Monday, March 25, 2002, at page 2515, right hand column, second paragraph, it is stated that Bill C-52 received second reading, on division.

The paragraph should read "Motion agreed to, on division.", in reference to the adjournment of the debate by the Honourable Senator Tkachuk.

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THE SENATE

Tuesday, March 26, 2002

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

Prayers.

SENATORS' STATEMENTS

THE LATE JOHNNY LOMBARDI, O.C., O.ONT.

TRIBUTES

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to the late Johnny Lombardi, founder of the multicultural radio station CHIN, Chief Executive Officer of CHIN Radio/TV International, and an icon in Toronto's immigrant community.

Mr. Lombardi was born in downtown Toronto in 1915 and, like myself, was the son of immigrant parents. He enlisted in the Canadian army in 1942 and was stationed in Normandy, Belgium, Germany and Holland as a Canadian army Sergeant during World War II. He received decorations and honours for the Battle of Britain, the France and Germany Stars, the Defence Medal, the Canadian Volunteer Service Medal and the War Medal 1939-45. In June 1994, Johnny was invited by the Prime Minister of Canada to attend the fiftieth anniversary commemoration of the June 6, 1944, D-Day invasion of Normandy.

After returning from the war in 1946, Johnny established Lombardi's Supermarket in downtown Toronto, equipped with loudspeakers playing Italian music. When a CHUM radio advertising rep approached him about advertising the supermarket, he could not afford it. Instead, Mr. Lombardi convinced the station to sell him an hour of air time every Sunday to showcase Italian music, and he covered the costs by selling his own advertising.

In 1966, he founded the first multicultural and multilingual radio station in Ontario, above the supermarket. To celebrate the beginning of CHIN Radio, which now represents over 30 cultural communities, he organized the annual CHIN International Picnic on Centre Island. Now in its thirty-sixth year, the event attracts thousands of people every Canada Day weekend.

As a tribute to his outstanding contributions to multicultural life in Toronto, Johnny received numerous awards, including: Broadcaster of the Year Award; Toronto Civic Award of Merit; Entrepreneur of the Year - National Council of Ethnic Canadian Business and Professional Associations; Order of Merit from the National Congress of Italian Canadians; Hospital for Sick Children Foundation Award — Sick Kids Telethon; Member of the Order of Ontario; and, in 1981, Member of the Order of Canada.

To quote Moses Znaimer of Citytv:

> He was one of the pioneers of multicultural appreciation in Canada and prophetic to the degree that what was radical and revolutionary when he started doing it is now both commonplace and politically correct.

A true Canadian success story, Johnny Lombardi exemplified what Canadian multiculturalism is all about: Respect, equality and diversity. His advice to new immigrants was to "fa una buona jobba — do a good job."

We extend our deepest condolences to his family. To Mr. Lombardi: "Hai fatto una buona jobba — you did a good job. Grazie."

[*Later*]

Hon. Consiglio Di Nino: Honourable senators, I wish to join my colleague Senator Mahovlich in paying homage to a dear friend, Johnny Lombardi.

Yesterday, in Toronto, a hugely overflowing crowd said goodbye and thanks to Johnny Lombardi, who passed away on March 18, 2002. Many prominent Canadians from all walks of life were in attendance to pay respect to a man who has championed the causes of new Canadians and those who did not have the ability or resources to fight for themselves. I was particularly impressed by the throngs of average Torontonians who came to pay their respect and say goodbye to a real hero of the little guy.

Johnny was a journalist, musician, war veteran, impresario, concert producer and radio personality. In 1966, his dream came true. He won the bid for a new radio station: CHIN, a name famous all over Ontario, and indeed Canada, was born. That radio station has served, and continues to serve, over 30 cultural communities in their own languages. My family and I were part of one of those communities who found comfort and inspiration from Johnny Lombardi during our early years in Canada.

Honourable senators, Johnny and I were friends for some 40 years, and I am sad because last week we lost a good one. To his wife, Lena; his kids, Lenny, Theresa and Donina; his five grandchildren and the rest of his family, I extend sincere condolences. To you, Johnny, "grazie e addio."

THE *BLUENOSE*

Hon. Wilfred P. Moore: Honourable senators, on this day in 1921, a significant part of Canada's maritime culture and the seafaring heritage of Nova Scotia began with the launch of the schooner *Bluenose* from the Smith & Rhuland Shipyard at Lunenburg. During the next 19 days her two masts were stepped, she was rigged by Tom Mader of Mahone Bay, she was outfitted for fishing and, on April 15, 1921, she set sail for the Grand Banks. *Bluenose* was a highliner fisherman and a champion racer, and she has come to represent excellence in ship design, shipbuilding and seamanship.

Since 1994, I have served as the volunteer Chairman of the Bluenose II Preservation Trust, a not-for-profit society and charity of Lunenburg, with the mandate to maintain and operate *Bluenose II*, a replica of the original *Bluenose*. In May 1996, our Trust began its correspondence with the Royal Canadian Mint in an effort to convince the mint that the fully-rigged fishing schooner on the reverse side of the 10-cent coin of Canada is *Bluenose*. On Friday, March 15, 2002, the mint announced that it has officially recognized *Bluenose* as the design on our 10-cent coin.

I am delighted that the work of our trust has resulted in this official recognition of *Bluenose* by the mint. I am especially happy for the family of the late William J. Roué, her designer; for the shipwrights of Lunenburg who built her; for the men of Lunenburg who fished and sailed in her, particularly the family of the late Captain Angus J. Walters, her legendary skipper; for her crew, some of whom still reside in Lunenburg; and for the people of Canada, for whom she proudly sailed victoriously.

The lure and charm of this ship continues. Just last month, Trent Evans, icemaker of Edmonton, placed a dime bearing *Bluenose* to mark the centre ice dot in the hockey rink at Salt Lake City, one half inch below the loonie that he also placed there. Our women's and men's hockey teams won gold medals at those Olympics, buoyed up by the luck of *Bluenose*.

• (1410)

BULLYING

Hon. Lorna Milne: Honourable senators, I rise this afternoon to pay tribute to an Abbotsford, B.C. judge who had the courage yesterday to convict a teen whose bullying led to Dawn-Maria Wesley's suicide.

Honourable senators, this decision is long overdue. For years, bullying has been a silent problem in the schools and the schoolyards throughout Canada. Few have taken the issue seriously.

Bullying is far more widespread than most of us had ever thought, and it is not just happening in elementary schools and in high schools. You only have to ask my own legislative assistant who has urged me to use this example. He can tell you about the long stretch of bullying, physical abuse, emotional abuse and harassment that he suffered from grade school through his recent graduation from law school.

Bullying is part and parcel of the experiences of many students who stand out, either physically or mentally. Some of the students are the brightest children in all schools throughout this country.

It is now obvious that bullying can be criminal, and I applaud the fact that it is finally being treated as such. I hope this decision will open the eyes of teachers, principals and students across the country to the real nature and the unforeseen and lifelong consequences of bullying.

[*Translation*]

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Lucie Pépin: Honourable senators, last Tuesday, March 21, was the International Day for the Elimination of Racial Discrimination, a day reminding us of the need to overcome racism in all its forms and to reaffirm our commitment to foster respect, equality and diversity.

Unfortunately racism, which runs the gamut from social exclusion to ethnic cleansing, is still the source of atrocities and wars about which we cannot remain unmoved. Discrimination, sectarianism, anti-Semitism, and all forms of intolerance constitute a scourge we must work to eradicate at all cost.

Modern-day racism is no longer merely based on a supposed inequality between races. Increasingly, it is based on culture, nationality or religion. This new form of racism, disseminated in large part on the Internet, targets vulnerable social groups such as Aboriginals, new immigrants and refugees, or ethnic religious or sexual minorities, just because of their difference. We all need to speak out more against the dissemination of messages that are obviously hate-mongering.

The new situation engendered by the events of September 11, 2001, calls for more vigilance as well as more tolerance on our part. Peace is built on tolerance, and without peace it is futile to aspire to build anything viable.

We need to focus more on the compassion that lies within every human being. We need to be more sensitive to this human value, which calls upon us to understand and share the sufferings of others. It is only by seeking to come closer to these others that we can succeed in knowing them better and thus respecting them more.

Honourable senators, I could not close my speech without an encouragement to us all to continue to build a more tolerant world and to promote peace. It is my strong belief that a society that draws enrichment from its differences and strength from what it has in common, which is that we are all members of the same human race, will lead us to the dialogue of cultures working toward the "civilization of the universal" so often extolled by the poet and academician Senghor.

[*English*]

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Laurier L. LaPierre: Honourable senators, having lived in British Columbia for 15 years in this incarnation and at least twice in two previous incarnations, I should like to associate myself with the remarks made by Senator St. Germain and our leader regarding the tragedy of the softwood lumber crisis in British Columbia. The softwood lumber crises is affecting not only communities in British Columbia but also communities all across the country, particularly rural communities that have been damaged recently from loss of population and other things that we have recently noted.

I am not, of course, as calm as Senator St. Germain or as calm as Senator Carstairs. I consider this to be an act of unfriendliness of astonishing magnitude. I am very much in accord with Minister de Young of British Columbia that this is a hostile act that will affect communities all across Canada.

I remember in the crisis over magazines that the Americans threatened to create a wilderness in Hamilton and destroy the steel industry through high tariffs if we did not give in on that issue.

By and large, it is well for Canadians to remember that the American government is essentially a bully. Second, the Americans have absolutely no understanding of the meaning of free trade. Their view of free trade is that the world has the right to freely buy their goods while they have the unalienable right to decide what goods the Americans will buy. Third, we must act as a people, not look to our individual, regional or provincial interests to find ways and means whereby we can protect the livelihood of our citizens in dignity and in comfort.

Honourable senators, I always say, even though it is not a nice thing to say, that with friends like the Americans, Canadians do not need enemies.

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, March 26, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament *(formerly entitled the Standing Committee on Privileges, Standing Rules and Orders)* has the honour to present its

TWELFTH REPORT

Pursuant to its Seventh Report, adopted by the Senate on February 5, 2002, your Committee has reviewed the *Rules of the Senate* with respect to the matter of officially recognizing a third party, and recommends the following:

1. That the *Rules of the Senate* be amended in rule 4

(*a*) by adding after subparagraph 4(d)(iii) the following:

"(iv) "Leader of a recognized party in the Senate" means a Senator who is the Government Leader in the Senate, the Leader of the Opposition or the leader of any recognized third party in the Senate.

(v) "Leader of a recognized third party in the Senate" means a Senator, other than the Government Leader in the Senate or the Leader of the Opposition, who is the leader of a recognized party in the Senate or a Senator acting for that Senator.";.

(*b*) by adding after subparagraph (k)(v) the following:

"(vi) Recognized Party in the Senate

"Recognized party in the Senate" means a political party that

(A) initially has five or more members in the Senate and is at the same time a registered party under the *Canada Elections Act*, and

(B) continues without interruption to have five or more members in the Senate, whether or not it ceases to be a registered party under the *Canada Elections Act*.".

2. That the *Rules of the Senate* be amended in rule 17 by replacing paragraph 17(2)(*a*) with the following:

"(*a*) consult the Leader of the Government in the Senate, the Leader of the Opposition, and the leaders of any recognized third parties in the Senate or in all cases, their designates;".

3. That the *Rules of the Senate* be amended in rule 37 by replacing subsection 37(2) with the following:

"(2) The Leader of the Government in the Senate and the Leader of the Opposition shall be permitted unlimited time for debate, and each leader of a recognized third party in the Senate shall be permitted no more than forty-five minutes for debate.".

4. That the *Rules of the Senate* be amended in rule 40 by replacing subparagraph 40(2)(*b*), with the following:

"(*b*) the Leader of the Government in the Senate and the Leader of the Opposition may each speak for no longer than thirty minutes, and each leader of a recognized third party in the Senate may speak for no longer than fifteen minutes;".

5. That the *Rules of the Senate* be amended in rule 85(5)

(*a*) by deleting the word "and" after paragraph (*a*);

(*b*) by replacing the period at the end of paragraph (*b*) with a semi-colon followed by the word "and"; and

(*c*) by adding after paragraph (*b*) the following:

"(*c*) with respect to members of a recognized third party in the Senate, by the leader of that party or any Senator named by that leader.".

Respectfully submitted,

JACK AUSTIN, P.C.
Chair

• (1420)

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

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

CANADA POST CORPORATION ACT

BILL TO AMEND—FIRST READING

Hon. Nicholas W. Taylor presented Bill S-42, to amend the Canada Post Corporation Act (householder mailings).

Bill read first time.

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

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

[Senator Kelleher]

LIFE AND TIMES OF THE LATE DALTON CAMP, O.C.

NOTICE OF INQUIRY

Hon. Norman K. Atkins: Honourable senators, with leave of the Senate and not withstanding rule 57(2), I give notice that later this day, March 26, 2002, I will call the attention of the Senate to the life and times of the late Dalton Camp, O.C., whose death occurred March 18, 2002.

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

Hon. Senators: Agreed.

QUESTION PERIOD

INTERNATIONAL TRADE

UNITED STATES—
RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. James F. Kelleher: Honourable senators, my question is directed to the Leader of the Government in the Senate. We seem to be receiving mixed messages from members of the federal cabinet on what the government should be doing to respond to the softwood lumber crisis. On the one hand, today's *Globe and Mail* reported that Minister of Natural Resources Herb Dhaliwal raised the idea that Canada should be less cooperative with the United States in areas such as energy. On the other hand, it was also reported that the Minister for International Trade, Pierre Pettigrew, has rejected retaliation saying that a tit-for-tat battle would hurt Canada more than it would hurt the United States. Could the Leader of the Government in the Senate please account for the deviating positions of the Minister for International Trade and the Minister of Natural Resources?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. Certainly, the lead minister on this file is the Honourable Minister Pettigrew, who has been clear in stating that we have a $90-billion trade surplus with the United States, and it does not behove us to act in ways that would impact on that trade surplus.

Minister Dhaliwal's response, as the lead minister for the province of British Columbia, was, I am sure, one of frustration because a deal should have culminated last Friday, and it did not.

Senator Kelleher: Honourable senators, the government's representatives are also sending out mixed messages about what the government should be doing to help the people who will be hurt by Washington's decision to impose a 29 per cent duty on softwood lumber. In today's *Globe and Mail*, it was reported that Mr. Dhaliwal wants Ottawa to provide assistance to lumber companies and their employees in light of the duty. However, Mr. Pettigrew is reportedly opposed to such aid on the basis that it would simply result in additional U.S. duties against the Canadian industry. Could the Leader of the Government in the Senate please clarify the government's thinking on this issue?

Senator Carstairs: Neither the government nor the cabinet have met on this particular issue because the House of Commons is not sitting this week. It will obviously make for a lively discussion because we have two ministers taking a somewhat opposite position on the file. As I indicated to Senator St. Germain, no decision could possibly be made until we actually assess the impact of the countervails and anti-dumping applied by the United States.

TRANSPORT

SAFETY OF TRANS-CANADA HIGHWAY ROUTE 185 FROM RIVIÈRE-DU-LOUP TO NEW BRUNSWICK BORDER— POSSIBILITY OF CONSTRUCTING FOUR LANES

Hon. Norman K. Atkins: Honourable senators, my question is for the Leader of the Government in the Senate. Route 185, a stretch of the Trans-Canada Highway from Rivière-du-Loup to the New Brunswick border, is basically a two-lane highway. Over the last 10 years, there have been 89 deaths on this stretch of highway. In view of the fact that it is part of the Trans-Canada Highway, are there any plans for that portion to be developed into four lanes? That way, the Trans-Canada could be four lanes right through to Halifax. It seems critical to me that this highway be reconstructed.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I am sure the honourable senator knows, that particular stretch of highway, which he has indicated as Route 185, is not the only two-lane stretch of the Trans-Canada in this country. There are several government initiatives that could be used for this purpose. There is the highway infrastructure initiative, which allows municipalities, provincial and federal governments to work on highway development, but also there is the strategic infrastructure initiative. I will bring to the attention of the government that the Honourable Senator Atkins would like that infrastructure money spent in that area.

Senator Atkins: Honourable senators, more people than just I would like to see improvements in that area. As I said, there have been 89 deaths and many casualties in the last 10 years. It seems to me that of all the stretches of Trans-Canada Highway across this country, there is no other stretch with the same record of so many serious accidents.

• (1430)

Senator Carstairs: Honourable senators, I cannot verify the honourable senator's statistics regarding whether that has been the area of most accidents on the Trans-Canada Highway. I can, however, indicate that Quebec has proposed that Highway 185 be one of the joint projects that it and the federal government could do together.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in Senate and relates to the softwood lumber issue. In 1985, the Americans put a 35 per cent tariff on cedar shakes and shingles. At that time, the industry was being decimated, as our softwood lumber industry is being decimated today. A decision was made to put an embargo on western red cedar logs, blanks, bolts and blocks which led to an eventual shutdown of the entire American shake and shingle industry per se. There are just a few small cottage industries left.

Is the government giving any consideration — and, perhaps, if they have not had the discussion in cabinet, the honourable minister may consider bringing this suggestion to the table — to put either an embargo on all logs out of Canada or at least a 29 or 30 per cent tariff on logs going out of the country, which may be a solution? Would the minister consider taking that suggestion to cabinet?

Hon. Sharon Carstairs (Leader of the Government): I take everything that honourable senators propose to me in this chamber to my cabinet colleagues and I certainly will take that suggestion as well.

Senator St. Germain: Honourable senators, logically, an action of this nature would be a fairly significant move on our part. With the shake and shingle industry, 90 per cent of the industry was in the riding I represented at the time. However, the softwood lumber issue is much larger. For the benefit of senators, a lot of logs come out of the United States into our market as well.

The reason that I urge the minister to take the suggestion to cabinet is that it would possibly revitalize our logging sector which is devastating not only the shake and shingle industry but also other industries in Canada. There is no logging going on. The surplus from the logs that are used in softwood lumber goes into various other sectors that are also now being impacted. That is why I ask the minister to take the suggestion to cabinet.

Senator Carstairs: I thank the honourable senator for his suggestion. I assure him that it will be brought to the attention of the Honourable Mr. Pettigrew.

Hon. Nicholas W. Taylor: Honourable senators, my question for the Leader of the Government is also on the softwood lumber industry. As the Americans are imposing the tariff in order to keep our logs out of their country, not to raise money for themselves, I am wondering whether the minister could take the suggestion to cabinet that we ourselves put on a 30 or 35 per cent export tax that, in turn, could be granted as a rebate to the Government of B.C., to help the industry.

Senator Carstairs: With the greatest respect to the honourable senator, the rebate could not go just to the Government of British Columbia because there are other provinces that will be affected by the whole softwood lumber issue, particularly the Atlantic provinces, my own province of Manitoba and the province of Quebec, as the Honourable Leader of the Opposition has pointed out.

As to some kind of *quid pro quo*, that was part of the negotiations conducted between the Americans and the Canadians, and they failed to come to an agreement at the end of last week. We should all bear in mind that these countervails and anti-dumping percentages do not come into effect until May. It is hoped that the negotiations can continue until that time, although I think that a cooling-off period at this juncture is rather important from both sides.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to questions raised by Senators Angus, Cochrane and Taylor on March 12, 2002, concerning port security.

NATIONAL SECURITY AND DEFENCE

REPORT OF COMMITTEE ON SURVEY
OF MAJOR SECURITY AND DEFENCE ISSUES—PORT SECURITY

(Response to questions raised by Hon. W. David Angus, Hon. Ethel Cochrane and Hon. Nicholas W. Taylor on March 12, 2002.)

Budget 2001 provided $15 million in additional funds to the Department of Fisheries and Oceans to increase the scope and frequency of its surveillance flights over critical approaches to North America, and increased ship days for Coast Guard vessels, to augment Canada's capacity to identify and address potential marine threats.

A new requirement was levied on all vessels over 500 gross tons, and on carrying or pushing vessels carrying pollutants or dangerous cargoes, to request clearance from the Canadian Coast Guard 96 hours before entering Canadian waters. This affords additional time for a more thorough and vigilant screening of the vessel, crew, passengers and cargo.

Upon giving notice to the Canadian Coast Guard, the vessel is checked against a list maintained by Transport Canada entitled Ships of Particular Interest, which includes vessels known to have links with terrorist activities.

Canadian port authorities have already increased security, with additional patrols and surveillance, and through liaison with local police and U.S. authorities.

The Government has formed an Interdepartmental Marine Security Working Group to review all aspects of marine and port security.

[*English*]

ORDERS OF THE DAY

YUKON BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Christensen, seconded by the Honourable Senator Léger, for the third reading of Bill C-39, to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts.

Hon. Gérald-A. Beaudoin: Honourable senators, I have a few comments to make on Bill C-39, the Yukon Act. This bill is of great importance. Some questions of constitutional law are also involved.

We have in our country 10 provinces and three territories. I should say first that if the provinces are taking directly their legislative powers from the Constitution of 1867 — listed, for example, in sections 92 and 93 — the same is not true of the territories. Their legislative powers, in principle and in general, are delegated powers from the Parliament of Canada.

As stated in clauses 18 and 19 of Bill C-39, their legislative powers are generous, numerous and similar, to a great extent, to the provincial powers, but they do not exceed the provincial powers. However, as I said, they are delegated powers. In law, it means that they may be amended by Parliament and even taken back or enlarged. This is of the utmost importance when we talk about the negotiations between the Aboriginal people and the Crown in right of Canada, or between the Canadian government, the Yukon government and the Aboriginal nations.

[*Translation*]

A constitutional amendment is required in proper form, under the 7/50 formula, according to subsection 42(1)(*f*) of the Constitution Act, 1982, in order to make a territory into a province. That point does not concern us here. What is more, as a reading of sections 38 through 49 of the Constitution Act, 1982, will show, the territories do not play a role in constitutional amendment. This point is not before us either.

As Senator Carstairs has said, Bill C-39 modernizes the legislative framework of the Yukon and transfers administrative powers to the government and legislature of the Yukon.

Section 35 of the Constitution Act, 1982, is not changed in the least by Bill C-39. That section, an important one moreover, remains and retains all of its force. The courts have interpreted it generously, and rightly so, but it is not absolute. This must be pointed out. The Northern Affairs Program Devolution Transfer Agreement sets out a non-derogation clause in section 1.6 of Part 1, which reads as follows:

> 1.6 Nothing in this Agreement shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982.*

This is also reflected in clause 3 of Bill C-39, which states:

> 3. For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982.*

• (1440)

[*English*]

The ownership of the lands is vested in the Crown in right of Canada. The Parliament of Canada may also deal with the property of the land. It is within its powers. However, Parliament may delegate legislative and executive powers to the Yukon government. In my view, the rights of the Aboriginal people are duly protected by section 35 of the Constitution Act, 1982, because that protection is constitutional.

[*Translation*]

I note, however, that unfortunately only the English version of the Yukon Northern Affairs Program Devolution Transfer Agreement is official. The French version of the agreement is a translation only.

This violates the equality of the official languages at the federal level in our federation. It is essential that this shortcoming be mentioned.

I cannot overemphasize the importance of bilingualism in Canada. The federal government and the Parliament of Canada are bound by constitutional provisions on bilingualism. The territories are entities with delegated powers. Parliament, as we know, cannot abdicate its responsibilities by delegating its powers.

[*English*]

Senator Watt has referred to Yukon as a third party, and I understand what he means. That is one way to view the situation. In law, Yukon is a federal territory, as are the Northwest Territories and Nunavut. The Constitution of Canada, including the Canadian Charter of Rights and Freedoms, applies to the territories. Ownership is vested in the Crown in right of Canada, in principle. In all three cases, the "government" is a delegated government. The jurisprudence also provides that the federal authority has a "fiduciary duty" towards Aboriginal peoples.

That concludes my comments, honourable senators, on Bill C-39.

Hon. Charlie Watt: Will the senator take a question?

Senator Beaudoin: Yes.

Senator Watt: Honourable senators, Senator Beaudoin, in a similar fashion, repeated what the Honourable Senator Carstairs, our leader, said with regard to third parties, and classified the Yukon government as a third party. However, does the honourable senator not agree that, although the Yukon government is still part of the federal government instrument, it is being empowered to deal with a third party? Is that not the case?

Senator Beaudoin: Honourable senators, the Parliament of Canada is the federal authority in this country and, as such, it has the right to delegate powers to Yukon and to the other territories. I noted very clearly that most of the provincial powers are very similar to those that are delegated to Yukon, Nunavut and Northwest Territories. There is such a thing as the Yukon government and there is such a thing as the Yukon legislature, but they are a delegated government and a delegated legislature. You may compare their powers with the powers of the provinces, but the distinction between a province and a territory is that a territory takes its power from Parliament itself, usually by a statute, while a province is in a very different situation. A province takes its power directly from the Constitution. Sections 91, 92, 93 and 95 deal with that and, in its sphere, Ottawa is sovereign. Similarly, the provinces, in their field, are sovereign.

We must remember that there is a difference in constitutional law between a province and a territory. The position that is taken appears to be correct, in my opinion. Having said that, however, I concur with the Supreme Court that the fiduciary duty towards Aboriginal peoples is very important. It means that Ottawa should keep in mind the interest of the Aboriginal nations.

I agree with the honourable senator that Aboriginal peoples are obliged to deal with the Yukon government, which is a delegated power, but a very strong one. They may also negotiate with the Government of Canada, because the federal government delegates power and may take it back if it chooses to do so. The power of a territory is not of the same nature as the power of a province. One is delegated, and the other is given by the Constitution.

It is important, however, that negotiations continue between Aboriginal peoples and the Government of Canada. As far as I can see, that is happening.

My only reservation concerns bilingualism. Ottawa has changed its attitude entirely from a few years ago — and, in particular, since 1968 and 1988, when we adopted the Official Languages Act. We should adhere to the provisions of that act.

Senator Watt: Honourable senators, I do not believe that the honourable senator has answered my question regarding the concept of a third party. The premise of my question was: Since territorial governments are empowered by the federal government — and territorial governments are an agent of the federal government — are they empowered to deal with third party interests? That was my question.

Senator Beaudoin cited section 35 in his argument. We are all very familiar with that section. It can be brought to bear to test whether rights should be violated if an interest arises. However, we are dealing here with an unsettled matter that was entrenched in the Constitution in 1870, which goes above and beyond the provisions of section 35. Does the honourable senator agree with that?

Senator Beaudoin: Honourable senators, section 35 is right at the heart of the Constitution. It cannot be better than that. It is like the Charter of Rights, except the Charter of Rights deals with individual rights and section 35 deals with the collective rights of Aboriginal peoples or nations. I use the word "nations" because the Supreme Court of Canada has used that expression in some cases. Section 35, which protects the collective rights of the Aboriginal peoples — and, I repeat again that the Supreme Court has been generous — is always there. It is far more important than anything else because it is the Constitution. Laws must comply with the Constitution. The Constitution is paramount.

• (1450)

In answer to the first question, of course it is a third party, although "party" is not the word I would use. We have the governments of Canada, the provinces and each of the three territories. It is true that by Bill C-39 we are delegating some powers to the Government of Yukon, but we have been doing so for more than a century. While it is true that the Aboriginal peoples may negotiate with that government — with that party, if you prefer — the Government of Canada is always at the table. We have granted those powers, but they may be modified at any time.

The Hon. the Speaker: I regret to advise that the time for questions and comments has expired.

Do you wish to ask for additional time, Senator Beaudoin?

Senator Beaudoin: Senator Comeau has a question. May I obtain leave?

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

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would be prepared to allow another question and another answer.

Hon. Gerald J. Comeau: Honourable senators, Senator Beaudoin mentioned in his speech that Bill C-39 would deal only with translation. This worries me a bit, given the federal government's commitment to the bilingualism and official languages program. This bill being a transfer of powers and not of responsibilities, it is worrisome to note that the government is minimizing the provisions having to do with the application of the Official Languages Act. Could you give us an example or two of the impact of these measures affecting official languages?

Senator Beaudoin: Bill C-39 is drafted in both languages. That is very clear, very precise and very fine. It is the accepted practice.

[*English*]

The French version of the Yukon Northern Affairs Program Devolution Transfer Agreement is a translation. The original English version is the only official version. This is not a law, of course, but an agreement, an accord. However, as the federal authority in this country — the laws, bylaws, regulations, et cetera — has been bilingual since 1982, I would have expected that matters between the territories and the Parliament of Canada are bilingual. It is just a matter of logic. The territories have, I understand, their own Official Languages Act, and we have the Official Languages Act of 1968 and 1988. I am very proud of that statute.

I do not think we should restrict it in any way. That is why I reserve on the question of bilingualism. It is not the bill itself. The bill, of course, is bilingual.

The Hon. the Speaker: I have a senator rising to put a question, but I only have leave for the question of Senator Comeau. Do you wish to ask for further leave, Senator Beaudoin?

Senator Beaudoin: Yes.

The Hon. the Speaker: Is leave granted?

[*Translation*]

Senator Robichaud: Honourable senators, I am bothered by this, since the practice was put in place in order to give senators the opportunity to complete their remarks, and to ask one or two questions if there were time. If I am asked for consent each time I impose a condition, this practice we are trying to inaugurate will not be able to be instituted. Could the honorable senator's question wait?

Hon. Eymard G. Corbin: Honourable senators, I would like to raise a point of order. Senator Beaudoin's question is very important. I am in the process of formulating a question I would like to ask him at the third reading stage of the bill. My question is a fundamental one. I would like to have the benefit of this opportunity. I am not one to let things drag on.

Senator Robichaud: I agree.

[*English*]

The Hon. the Speaker: Leave is granted. Is that agreeable, Senator Beaudoin?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. It is on the record of this house that I oppose this interpretation, although it has been supported by the Chair that a senator can put conditions on the granting of leave. Senator Robichaud has had the opportunity to express the granting of leave. Now we will give him another opportunity. It seems to me, honourable senators, that we continue to have problems with this process. If we are to have open debate, I am in favour of allowing Senator Beaudoin to be questioned. The honourable senator has forgotten more about constitutional law than all us together will ever learn. Therefore, it is an opportunity to enrich our debate.

Honourable senators, what are we faced with? Senator Robichaud will suggest giving Senator Beaudoin another five minutes, and later, if someone makes an argument, he will be given another 10 minutes. There is something wrong with this process.

[*Translation*]

Senator Robichaud: Honourable senators, I do not understand my honourable colleague's intervention. Is he refusing to consent to other questions?

[*English*]

Senator Kinsella: I just do not want you to have all manner of consent.

The Hon. the Speaker: Honourable senators, we could deal with it as a matter of order, although I did not hear Senator Kinsella ask for that. I believe he wanted to make a comment on the discussion as to whether leave should be granted. I believe we now have leave to proceed with questions to Senator Beaudoin, which he has agreed to.

[*Translation*]

Hon. Aurélien Gill: Honourable senators, Senator Beaudoin has indicated that the Government of Canada can delegate its responsibilities to the Territory or Government of Nunavut. If the Government of Canada wanted to delegate its responsibilities or fiduciary role in connection with aboriginal people, could it do so for the First Nations?

Senator Beaudoin: The fiduciary role to which the Supreme Court referred means that, when the government makes legislation, it must keep the interests of aboriginals in mind because they need special protection and possess special collective rights.

• (1500)

As for powers, the federal government may delegate them to the territories. It must not be forgotten that there are aboriginal peoples in the Yukon, but that there are also non-aboriginals. The Yukon legislature will exercise delegated powers and must remember, when making legislation, that aboriginals have collective rights and that it must respect those rights. That is important.

I am not worried for aboriginals because they have section 35 in the Constitution. It must be complied with. I therefore think that we must respect these powers and that any legislation must take this into account. If the rights of aboriginals are not respected, they will take their case to court and they will win.

Senator Corbin: Honourable senators, Senator Beaudoin raised the matter of the French text. Is he not worried that this sort of initiative will set a precedent that will gradually lead to the erosion of the importance of the Official Languages Act as it should be applied in this country?

Senator Beaudoin: As a jurist, I do not like to see important legislation tampered with. We could always improve the Official Languages Act. In my view, section 41 is essential, but that has not yet been decided.

When certain obligations are removed from the Official Languages Act, my first reaction is to say that that is a shame, because it is one of the beautiful things about Canada, about our country. I am scrupulous when it comes to bilingualism, and I say that it must be respected.

I am prepared to wait, because everything cannot be done at once. I think, however, that we must be faithful to this ideal.

This debate on certain sections of the Official Languages Act is already before us, in the Standing Senate Committee on Legal and Constitutional Affairs. I am saying clearly that I have a reservation in this regard and I am stating what it is.

[*English*]

Hon. A. Raynell Andreychuk: Honourable senators, as I understood the discussion between Senator Watt, Senator Gill and Senator Beaudoin, Senator Beaudoin seemed to say that the Constitution has embedded the rights of the Aboriginal people. In fact, certain sections of the Charter and the Constitution address Aboriginal rights and issues. Is Senator Beaudoin saying that that is the sum total of the rights of the Aboriginal people?

When the Nisga'a agreement was before the Senate, the government's position was that there are suspended rights that supersede the Constitution of Canada and that those rights cannot be tampered with or extinguished. If that is the case for Nisga'a, why is it not so for the Aboriginal peoples in this case?

Senator Beaudoin: Honourable senators, I remember very well the debate that we had in this chamber on the Nisga'a treaty. I thought that there was something that was unconstitutional when we said in the statute that the powers that we gave to them were paramount. There is no ruling of the Supreme Court to the contrary, but I have always felt that paramountcy in this country, in case of war or something, lies with Parliament. To give paramountcy to a part of the population is probably unconstitutional.

In this case, some lands are in Yukon, and some are in British Columbia. It is two different things. The lands in B.C. are in a province, and the lands in the Yukon are in a territory. It may be different to a certain extent.

However, if ever this question were raised before a court, I would have no hesitation in suggesting that the court would say that section 35 is above everything and that all laws, regulations and delegated powers should comply with section 35. The collective rights are adequately protected.

Senator Andreychuk: Honourable senators, my question was not about section 35 but about whether the honourable senator is saying that, in his interpretation, section 35 is the sum total when it comes to the rights of the Aboriginal people that should be protected by this Parliament. Surely, that is not what the government was saying in the Nisga'a treaty and that is not what we have said previously when dealing with our fiduciary responsibility. The honourable senator seems to be saying that section 35 trumps all other issues and all other rights. As I understand the Aboriginal peoples, they are saying that their rights are entrenched in section 35 and they must be bound by that section, but that they have other higher rights that were given to them historically. If the Nisga'a treaty proves to be the law of the land and is constitutionally valid, they have suspended rights that go way beyond our Constitution.

Senator Beaudoin: Honourable senators, section 35 speaks about the rights issued under treaties. Of course they have more than section 35; however, the main section is section 35. Section 91.24 empowers Parliament to legislate for Aboriginal peoples. Rights have been given to them in the past by treaties since the days of Governor James Murray. They have those rights. Each time the court is seized with a question, it looks at the rights issued under treaties and interprets those rights. The rulings of the court have the same value as a constitutional statute.

The honourable senator is saying that those rights constitute more than section 35. I agree, but that is the main section. The Charter states that it does not set aside any right of the Aboriginal people. Section 35 is outside the Charter and says that they have collective rights issued by treaties. We have many cases involving Aboriginal peoples and the court has been generous, I would agree. That is all I can say.

Hon. Laurier L. LaPierre: Honourable senators, I am somewhat lost.

[*Translation*]

Senator Beaudoin knows the great respect in which I have held him for many years now.

[*English*]

I would like the honourable senator to tell us whether Bill C-39 abrogates in any way, shape or form the collective rights as entrenched in section 35, or if it weakens that provision of the Constitution in any way, shape or form. Where are we now?

• (1510)

If we vote for this bill, honourable senators, are we endangering the fundamental rights of the Aboriginal peoples of our country? Can we vote for this proposed legislation in pure conscience that these rights will not be abrogated? At the end of the day, if we go to the courts, many people will suffer irreparable damage to their fundamental rights.

As a French-speaking person, I would never allow an act of Parliament to abrogate in any way, shape or form the rights of the French-speaking or of the English-speaking people of Canada. I will not vote for a bill that hinders, insults or harms the rights of Aboriginals in this country. Will Senator Beaudoin assist me in this regard so that I may go to heaven?

Senator Beaudoin: Honourable senators, Bill C-39 respects the division of powers and section 133 of the Constitution. No one raised a question with regard to Aboriginal rights. If someone brings to my attention that the power of Aboriginal peoples has been violated, then I shall not vote for the bill. However, no one has brought such a thing to my attention. Thus, I am inclined to vote for the bill.

If ever a right is violated, it is possible for Aboriginal peoples to go to court to raise that question. If an issue is raised before a vote, I should like to hear those concerns. However, no one has brought such a matter to my attention.

I will vote for the bill. If we are wrong, there is the possibility to go before a court. However, if I were sure that we are violating the Constitution, then I would not vote in favour of the bill. However, that is not the case.

On motion of Senator Kinsella, debate adjourned.

[*Translation*]

COURTS ADMINISTRATION SERVICE BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-30, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts.

Hon. Gérald-A. Beaudoin: Honourable senators, I simply want to say a few words about this bill at third reading.

In the Legal and Constitutional Affairs Committee, we had a most interesting discussion on judicial independence, and more specifically institutional independence; that is to say, the independence a judge must have in the performance of his judiciary duties per se. This independence is protected by the Constitution as interpreted by the courts of justice, the Supreme Court of Canada in particular.

I believe that the creation of the administrative service under Bill C-30 makes a definite contribution to enhancing the institutional independence of the federal courts that are mentioned in Bill C-30.

We examined the scope of clause 5 of the bill as well as the duration of the Chief Administrator's mandate. He is appointed during pleasure for a period of five years, subject to renewal. In my opinion, it is of little importance whether the mandate is extended, be it seven years or nine, because the Chief Administrator is appointed during pleasure, at any rate.

In the Legal and Constitutional Affairs Committee, this matter was debated and comparisons were made with officers reporting directly to Parliament, such as the Auditor General, the Chief Returning Officer and certain commissioners. The Chief Administrator's situation is different from theirs. Granted, this is a very important administrative position, but clause 9 of the bill stipulates that a chief justice may issue binding directions in writing to the Chief Administrator with respect to any matter within the Chief Administrator's authority. In other words, the administrator reports to the chief justices. This clause not only does not run counter to the principle of judiciary independence, but in fact, on the contrary, fits in fully with that principle. It even helps to extend it, and that is very good.

This confirms that the true power is in the hands of the chief justices. The institutional independence to which the Supreme Court refers is preserved and affirmed. I am, therefore, in favour of Bill C-30.

Some Hon. Senators: Hear, hear.

On motion of Senator Joyal, debate adjourned.

[*English*]

APPROPRIATION BILL NO. 4, 2001-02

THIRD READING

Hon. Anne C. Cools moved the third reading of Bill C-51, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2002.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to take advantage of the third reading debate to complete remarks I made yesterday on the report on Supplementary Estimates (B). I did not complete them yesterday because I did not have all of the information at hand.

My concern has to do with what happens to public funds transferred to a foundation in the event the foundation is dissolved. One would assume that the amounts left over, the balance of the grants from the government, would be returned to the public treasury. Unfortunately, such is not always the case. I will give three examples.

The first example is the Millennium Scholarship Fund that was granted a total of $2.5 billion and is living off the interest on that amount. On the winding up or dissolution of the foundation, all of its property remaining after all of its debts and obligations have been satisfied shall be liquidated and the monies arising from that liquidation shall be distributed among all public eligible institutions to be used by them for scholarships, et cetera. The money is simply distributed at the discretion of the directors of the foundation. Not one penny is returned to those taxpayers who granted the money in the first place.

• (1520)

In the case of the Canada Foundation for Innovation, which at the end of March 2001 had $3 billion, it is specified that, in the case of dissolution or winding up, the money shall be distributed among all the eligible recipients that have received grants from the foundation and that are, as of the day the distribution begins, still carrying on research to be used by them for the purpose of that research. Again, at the absolute discretion of the foundation directors, at the time of dissolution, the monies do not return to the public treasury but are distributed to those who were given grants originally.

The last example is the Canadian Foundation for Sustainable Development Technology, which has been the subject of discussion here for some time. It only has $100 million to date, but it has the same clause, which will provide that, in the case of winding up or dissolution, the moneys arsing from the liquidation, after all debts and obligations have been satisfied, shall be distributed among the eligible recipients that have received funding from the foundation. Therefore, if you were lucky enough to have received a grant 20 years before, the foundation is dissolved and any money left over is prorated among those who received grants. If you received funding 20 years before, then suddenly you are in receipt of a windfall.

The question is this: Why was provision not made for the balance of the funds, once dissolution takes place in any of these foundations, to be returned to the Minister of Finance?

Another foundation I happened to look up is called the Asia-Pacific Foundation of Canada. In the event of its dissolution, after making adequate provision for the payment of its debts and liability, any balance shall be transferred to the Government of Canada and the governments of the provinces on a pro rata basis, having regard to their total contributions to the foundation. Why this model of the distribution of leftover funds was not used in regard to the other foundations, is a question someone will have to answer, I hope, before the National Finance Committee. I am happy to say — and I will boast about it — that the Asia-Pacific Foundation was created in 1984 under a Liberal government and, maligned as it might be, it did good things. One was to protect the use of public funds once their original purpose no longer existed.

Honourable senators, I bring this to your attention. The creation of these foundations is to take public funds away from Parliament's jurisdiction, authority and supervision. The distribution of these funds during the lifetime of the foundations is under the sole authority of their directors. Even worse, once these foundations are wound up, the monies do not return to the government, to the Canadian taxpayers, but are distributed at will. The situation is even more scandalous than I thought when I started looking at it originally.

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 third time and passed.

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL BILL

THIRD READING

Hon. Charlie Watt moved the third reading of Bill C-33, respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts, as amended.

He said: Honourable senators, yesterday, I received a phone call from Senator Adams, who is the sponsor of this bill. He wants me to ensure it moves forward after the committee has dealt with an issue that was holding us back.

Honourable senators, I rise to address you on third reading of Bill C-33, entitled the Nunavut Waters and Surface Rights Tribunal Act. On April 1, 1999, the map of Canada was redrawn for the first time in 50 years. The Inuit of the Eastern Arctic effectively achieved self-government within a public government framework. As a result, there are enhanced opportunities for employment, and there has been the establishment of new business, social developments and the protection of the ways of the past while embracing much of what the new economy has to offer.

These are exciting times for the people of Nunavut, but they are also challenging times. Many barriers stand in the way of economic growth and self-sufficiency in Nunavut. As well, a great deal of work must be done to ensure that the new territory has the legislative and regulatory framework needed to function effectively.

The passage of Bill C-33 will provide an important part of that framework. Bill C-33 will establish by statute the powers, duties and functions of the Nunavut Water Board and the Nunavut Surface Rights Tribunal. By providing legislative underpinnings for those two institutions of public administration arising out of the Nunavut Land Claims Agreement, Bill C-33 will provide certainty that decisions made by those institutions have a solid base in law. The work of those institutions will also ensure uniformity and certainty throughout Nunavut on issues related to resource management.

Passage of this bill will also provide certainty for industry. For example, it will set out clear ground rules for the issuance of water licences and for the enforcement of licensing conditions.

The Nunavut Land Claim Agreement had answered all questions about who owns the land and resources in the Eastern Arctic. We now need certainty and a consistent resource management regime, of which water management and surface rights are key elements. This certainty is critical if the new territory is to take advantage of its resource development potential.

In regions where unemployment is a long-standing challenge and where an ever-growing number of young people are looking for work, we must do everything possible to support sustainable development and job creation.

Honourable senators, Bill C-33 will provide another important element of certainty: The residents of Nunavut will be heard on issues related to water, the environment and their communities.

I should like to remind honourable senators that we are not being asked to invent new institutions of government in Nunavut. The primary vision of the water board and the surface rights tribunal was established through the Nunavut Land Claims Agreement, which is performing the functions set out in that agreement. Both institutions are modelled on existing regimes that are working well in other parts of Canada. We are being asked to ensure that those institutions have the full backing of federal legislation and, in the case of a water board, the backing of federal regulations. That is absolutely essential if they are to do their jobs as envisaged in the land claims agreement.

• (1530)

We are also being asked to ensure that Canada lives up to the commitments that have been made to the Aboriginal people.

Honourable senators will also know that from time to time this chamber is asked to consider bills, such as Bill C-33, that contain a non-derogation clause regarding Aboriginal rights. At other times, we are asked to review other bills that may have an impact on regional issues but which do not contain a so-called non-derogation clause. One might be lead to question why such clauses are required in the first place if this chamber cannot agree to remove such a clause.

The Minister of Indian Affairs and Northern Development has provided us with a response. In a letter dated February 4, 2002, the minister informed the Standing Senate Committee on Energy, the Environment and Natural Resources that the purpose of non-derogation clauses has neither been to diminish nor to enhance the constitutional protection of the rights given to Canada's Aboriginal peoples.

Honourable senators will know that it is not possible for a bill such as Bill C-33 to affect this protection — to do so would require a constitutional amendment. In fact, those clauses are meant to be declaratory. They signal to the reader that Aboriginal peoples have protected rights under our Constitution, rights that must be taken into account in exercising legislative authorities. However, as I have previously indicated, they were never intended to impact in any way upon the protection provided to the Aboriginal people by the Constitution Act, 1982.

The minister also explained that generally those clauses are included in bills at the request of Aboriginal peoples who may be affected by the bill. They may take some comfort from having the existence of the constitutionally protected rights flagged by such a clause in the text of the bill.

When Bill C-33 was studied by the committee, the witnesses spoke favourably about its substance. The Mining Association of Canada, for example, indicated that it is an important bill that will facilitate economic development in Nunavut and encouraged senators to support it at the first opportunity. However, a number of witnesses, including Nunavut Premier Okalik and a representative of Nunavut Tunngavik Incorporated, were dissatisfied with the wording of the non-derogation clause. In fact, in his appearance before the committee on December 10, Premier Okalik suggested that he would rather see the bill die on the Order Paper before it proceeded with the existing non-derogation clause. He asked that the clause be removed or replaced.

Honourable senators, the situation we face may be summed up as follows: We have a bill, the positive benefits of which are not in question; the bill contains a clause that has been designated to do nothing more or less than flag Aboriginal rights which are already enshrined in our Constitution; and that clause was designed to provide a comfort to the Aboriginal people of Nunavut, but clearly they feel that it fails to do so.

Given the circumstances of this particular bill, the situation, I am sure honourable senators will agree, was straightforward. Our committee amended the bill by removing the non-derogation clause.

With your support, honourable senators, I am hopeful that our message to the other place that we have amended this bill will be a welcome one and that the bill, as amended, will be adopted quickly so that the people of Nunavut can begin to enjoy, and profit from, its benefits. This is clearly an important piece of legislation for the people of Nunavut.

Hon. Janis G. Johnson: Honourable senators, I rise today to add my own and my party's support to Bill C-33.

Although some difficulties with certain clauses were identified by Nunavut Tunngavik Incorporated, and argued quite eloquently by Premier Paul Okalik of Nunavut, my party believes that the most important of these was dealt with in the amendment that was passed in this chamber yesterday. In hopes of a speedy passage of this important bill, I will make my comments brief.

Honourable senators, speedy passage of this bill will help to stabilize the natural resource development of Nunavut. As the Standing Senate Committee on Energy, the Environment and Natural Resources heard from mining industry officials, there is great commercial interest in this area and considerable surveying and exploration have been done. However, without the stability that Bill C-33 brings by clarifying the mandate and powers of the water board which licences mining development, exploration is as far as the industry is likely to go. No company will take the chance that its licence will be questioned at some point down the road or even invalidated after it has invested valuable time and capital in a Nunavut enterprise.

Although Nunavut did post a budget surplus last year thanks to additional federal funding, this state of affairs is unlikely to last if the territory cannot kick-start or at least facilitate the development of dependable, stable jobs for its people, the opportunity for which lies in developments such as those the mining industry would like to propose.

Nunavut's remoteness disadvantages it economically. It has one thousandth of Canada's population spread over one fifth of the country's land mass. Iqaluit, the biggest city, has just over 4,000 citizens. Goods imported from the south, goods we take for granted in our everyday lives, such as milk, fruit, cloth, glass and wood, the basic building blocks of mainstream society our predecessors worked so diligently, and probably so misguidedly, to establish in the North, are at least twice the price they are here — this, in a territory whose unemployment rates are rivalled only by its suicide rates. We know there are great obstacles to economic development in the North, and it is important now to move forward into the development prospects that await below the soil.

I should like, however, to reiterate my earlier caution to the Nunavut Water Board as it takes its newly legislated mandate. This involves a larger perspective, one in which we are all implicated and in which we will have to rely on the water board's good judgment. Natural resources, water in particular, in Canada are precious. Water in the world is precious. As we plunge headlong — and it would seem sometimes blindly — into this new century, we need to be more cautious than our predecessors, only 50 years ago, would ever have dreamed. We know these resources are finite, as is the life they support. Since time immemorial, Inuit hunters have depended on this wildlife for their own survival. It is critical, in a land where milk, beef and fruit are sometimes hard to afford, that Nunavut's land and ocean wildlife stocks remain vital. They are truly manageable, renewable resources upon which the Inuit have depended for thousands of years.

• (1540)

However, their survival and their usefulness to the people of Nunavut depend on the judicious management of the land that supports them. Poisons in water can be passed through consumption of animals and fish that consumed it, as we are seeing in the increasing levels of mercury contamination in our oceans' wildlife. Critical habitat lost due to bad management practices can rarely be replaced. I encourage the water board to continue to take its environment management role very seriously.

As to the amendment, honourable senators, that was made in these chambers yesterday, and I applaud my fellow senators. The amendment provides a measure of comfort and security to the people of Nunavut in its assurance that the government is not trying to open a door to any possible justification of the derogation of the rights for which they waited so long and fought so hard to have recognized.

In conclusion, I express my hopes for a quick passage of this welcome bill. It will no doubt prove the boon to our newest territory that we perceive it to be.

Motion agreed to and bill, as amended, read third time and passed.

BUDGET IMPLEMENTATION BILL, 2001

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

Hon. Anne C. Cools, moved the third reading of Bill C-49, to implement certain provisions of the budget tabled in Parliament on December 10, 2001.

She said: Honourable senators, I rise today to speak to third reading of Bill C-49, known as the budget implementation bill.

Honourable senators, this bill is part of Minister of Finance Paul Martin's December 2001 budget. Bill C-49 provides the measures that he introduced and proposed to address the immediate concerns of Canadians for their personal and economic security following the tragic events in the United States of America, what the Americans now call 9/11, together with the measures that build on the government's long-term plan for a stronger economy and a more secure society.

Honourable senators, Bill C-49 is divided into six parts. Of the six parts, four parts will be individual acts, which is a little unique. The four acts the bill creates are: the Canadian Air Transport Security Authority Act, the Air Travellers Security Charge Act, the Canada Fund for Africa Act and the Canada Strategic Infrastructure Fund Act.

Honourable senators, we are all pretty clear that Bill C-49 creates the Canadian Air Transport Security Authority to deliver enhanced security services at Canadian airports and introduces the air travellers' security charge to finance and to fund these measures. It is the intention and the hope of the government that both of these measures will come into effect on April 1, 2002.

Honourable senators, this new authority will be responsible for delivering a number of key air transport security services. It will be required to demonstrate that consistent, effective and highly professional service is being delivered at or above the standards set by federal regulations. Is important that honourable senators understand that Transport Canada will continue to regulate the provision of security services.

Honourable senators, the primary job of the authority will be to provide efficient, effective and consistent screening of people and their belongings with access to aircraft or restricted areas in designated airports. The authority will be empowered to recruit and deploy its own screening officers, enter into arrangements for local delivery through security organizations or to authorize airport operators to provide these services. Regardless of who employs them, all screening contractors and officers will have to be certified with the Canadian Air Transport Security Authority. This approach to screening provides the benefit of flexible delivery mechanisms and sensitivity to local needs by creating consistency across the system. Making use of a variety of mechanisms, the authority will be able to put in place a well qualified and well-trained workforce.

Honourable senators, in addition to certification and pre-board screening, the authority will be responsible for the acquisition, deployment and maintenance of screening equipment at airports, including explosive detection systems, contributions for airport policing related to civil aviation security measures and contracting with the RCMP for armed officers on board aircraft.

Honourable senators, I want to be crystal clear and articulate on that point again today because yesterday, at committee, some witnesses from the Airline Pilots Association did not seem to be clear on that particular fact.

With this new authority in place, Canadian air travellers will benefit from effective, efficient and consistent screening at airports. Further, the new Air Travellers' Security Charge will fund these new air security expenditures and help Canada maintain and improve on its record of having one of the safest aviation systems in the world in the years to come. This new charge will be paid by air travellers, the main beneficiaries of the new measure. The charge will apply to flights connecting airports in Canada where the Air Transport Security Authority will be responsible for passenger screening and where security enhancements are planned. All proceeds from the air security charge, including net GST, will be used to fund the enhanced air travel security system.

Honourable senators, as I proceed in my remarks, I will address some of the questions that were raised at our committee hearings, particularly in respect of two aspects of the bill. Many honourable senators raised questions, as did many of the witnesses. There is no secret that many senators were deeply concerned about the level of the air security charge, particularly the quantum, and many senators wondered about how and why the cabinet had arrived at that particular quantum. In particular, Senator Ferretti Barth raised this question repeatedly. I want to give all honourable senators a full insight into what transpired in the committee and the very deep concern of senators. It is important that the record should be clear that senators agreed to pass Bill C-49 in the sincere belief that the bill itself contains provisions to reduce the charge and that the responsible minister has undertaken to review the charge in the fall. The record here should reflect these facts as they occurred in committee.

I would like to begin with a short account of the Standing Senate Committee on National Finance meeting of Wednesday, March 20, 2002, at which the Honourable John McCallum, Secretary of State for International Financial Institutions, and the Honourable David Collenette, the Minister of Transport, appeared. I would like to let honourable senators know that the two ministers were very open and candid, and quite receptive to senators.

During the hearing, the ministers gave assurance that, in the fall, the entire matter would be reviewed. They assured that, during this fall review, they will be looking at the question of the charge.

I quote from the transcript of the committee meeting of March 20, 2002. Minister John McCallum said:

• (1550)

> The government is absolutely committed to review this measure in the fall. If it appears at the time of this review that the revenues are likely to exceed the expenditures over this period of five years, then the government is committed to take action to reduce the charge.

Honourable senators, we are not naive in our belief in the minister in this important undertaking, because this undertaking, accompanied by a provision in Part 1 of Bill C-49, being clause 12, gives the minister the powers to reduce the charge. Honourable senators have taken the minister at his word.

Moving on to another important consideration, a question was raised by honourable senators in respect of what we call, in the vernacular, "organized labour." Mr. Lawrence McBrearty, National Director of the United Steelworkers of America, appeared before the committee. Mr. McBrearty expressed the view to the committee that the United Steelworkers of America are concerned about the membership and the composition of the new board of directors of the new authority, as well as the question of successor rights. They are concerned that their union members could face uncertainty about their jobs and, thus, their job security.

These steelworkers requested that the bill be amended. However, the committee was unable to reach agreement on such an amendment because of sharp disagreement among the members of the committee over the composition of the board.

In any event, I was able to personally undertake communication with the Honourable Minister of Transport, David Collenette, to secure the undertaking that he made before the committee, in the form of a letter.

Honourable senators, this letter is addressed to the Chairman of the Finance Committee, Senator Lowell Murray, who will speak to this issue in a few minutes. I thought I would quote from the letter and leave it to his proper task as chairman of the committee to read the letter in its entirety. The letter, dated today, March 26, is signed by the Honourable David Collenette and addressed to Senator Lowell Murray, the Chairman of the Standing Senate Committee on National Finance. In his letter, the minister said:

> Dear Mr. Chairman:
>
> I am writing regarding the composition of the board of directors for the Canadian Air Transport Security Authority.

In the third paragraph, the minister said:

> The seven federal government directors appointed by the Governor in Council will represent the interest of all Canadians. Among the seven directors, I will recommend to the Governor in Council, after consultation with organized labour, the appointment of at least one person that is sensitive to the goals of labour unions.

Honourable senators, allow me to repeat the minister's undertaking: "Among the seven directors, I will recommend to the Governor in Council, after consultation with organized labour, the appointment of at least one person that is sensitive to the goals of labour unions."

I understand that the remainder of the letter will be read into the record by our chairman, Senator Murray. However, I thought honourable senators should know that their confidence in the government is well placed.

Yesterday, when I sat in that committee, I undertook to discuss this matter with the minister, and I followed through on that commitment. I spoke with the minister at about nine o'clock this morning and he promised that this letter would be in our hands for today's sitting of the house. For that, I am certain all honourable senators thank Minister Collenette.

Honourable senators, I will move on to another matter that was raised at the committee by witnesses from the Air Transport Association of Canada, Mr. Clifford Mackay, President and CEO, and Mr. Ward Everson, Vice-President. Their concerns were interesting and bore merit, and spoke to the question of amortization of the equipment of the authority. In respect of that, Senator Murray received a letter from yet another minister, the Honourable John McCallum, Secretary of State for International Financial Institutions, who said:

> Dear Senator:
>
> I am responding to an issue raised before the Committee on National Finance in the submission of March 18, 2002 from Mr. J. Clifford Mackay...In its submission, ATAC requested that Bill C-49 be amended to enable the Authority to amortize its spending on security equipment over the life of the assets and to borrow to fund the acquisition of such assets.
>
> Let me begin by saying that the capital expenditures of the Authority will in fact be amortized by the Authority in its books and records over the useful life of the equipment. This is consistent with how Crown corporations account for their capital acquisitions and with generally accepted accounting principles used by most private corporations. The Authority will also enjoy all of the powers of a natural person, including the power to borrow.

That power to borrow had been one of their concerns as well, honourable senators. The letter continues:

> There is therefore no need to amend the legislation to address either of these matters.

Honourable senators, that was the minister's response to yet another particular concern raised by committee members. I am certain that honourable senators want to debate these questions.

The rest of Bill C-49 addresses such issues as the Strategic Infrastructure Fund, the Africa fund, amendments to employment Insurance Act and to the Income Tax Act. In general, it goes a long way to addressing the initiatives that Minister Paul Martin had introduced in the December 2001 budget.

Honourable senators, I will take my seat and allow Senator Murray to speak to this bill.

Hon. Lowell Murray: It is always impossible to resist an opportunity or invitation such as has just been extended by Senator Cools, Deputy Chairman of the Standing Senate Committee on National Finance. Honourable senators, I thank her for documenting so well the work of our committee, albeit with her own spin and interpretation of its deliberations. However, as to the factual statements, there can be no argument. I think that her summary of the letters that I received from two ministers of the Crown, which have been circulated to members of the committee, is sufficient for our purpose this afternoon. I will not take your time by reading the letters into the record. I would ask leave, however, to table them in both of our official languages. One letter is from the Minister of Transport. It is undated but I received it today. The other letter is from the Secretary of State for Finance, Mr. McCallum, and it is also undated. They seem to lose track of time over there.

• (1600)

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

Hon. Senators: Agreed.

Senator Murray: Honourable senators, now that the committee deliberations are over, I should tell you that we had three meetings totalling eight hours on this bill and heard from nine witnesses or organizations, which gave us a full range of perspectives on the bill.

Apart from the two ministers who appeared, none of the other witnesses had a good word to say about the bill. Indeed, my own observation as a result of these deliberations and this study is that this bill bears the unmistakable mark of improvisation. I will not go so far as to use the French expression "improvisation en catastrophe," but improvisation it is. Not only the bill but also the government's defence of it is, to put it mildly, somewhat confused and ambivalent.

As Senator Cools has indicated, not only is there considerable indignation in the country about the quantum of the air security charge, but there are also very serious second thoughts taking place within the government as to the quantum and the design of this tax; so much so that not long after it was announced, the Minister of Finance, Mr. Martin, gave an undertaking, repeated today by Senator Cools, that eight months hence it is back to the drawing board with this fee. Short of withdrawing it and making a change now, this is about as far as he felt he could go. As I say, it is obvious that there are second thoughts within the government about the quantum and the design of the fee.

Another issue to which Senator Cools has referred, and which is dealt with to some extent in the letter from Mr. Collenette, which I just tabled, deals with the representation of front-line workers on the board of the new agency. There is a bit more history to this than Senator Cools let on. When this bill was before the House of Commons committee, that committee passed an amendment that would ensure labour representation on the board. Unfortunately, when that amendment got to the House of Commons, it was defeated by the government majority. Therefore, one can easily understand the concern of the workers themselves and of their representatives.

When he came to the committee, Mr. Collenette made the statement to which Senator Cools has referred, to the effect that in appointing the Governor-in-Council representatives to this board, the government would be "sensitive" to labour concerns, or something of the kind. Given that the amendment that would have guaranteed representation by labour on the board had been defeated in the House of Commons, Mr. Collenette's talk of sensitivity was not such as to reassure the workers or their representatives very greatly.

We now have a letter from the minister, to which reference has been made, in which he does undertake to consult with the labour unions. I presume that consultation will take place with a view to appointing to this board a representative of one of the unions that is in place.

Another issue to which Senator Cools alluded has to do with successor rights. This matter was raised by our friend Senator Lawson when Mr. Collenette was before us on March 20. The question was raised as to whether, if the new authority directly employs security officers, public service unions would represent those people and whether there would be successor status. Mr. Collenette agreed that there were no successor rights. There is the other alternative, that being that the authority would hire security firms which themselves would engage other firms, perhaps under contracts. There again, there are no successor rights. Labour has been looking for some kind of "deemed sale of business" clause in order to ensure some rights for those who are or might be members of a union at those airports.

I will not say that Mr. Collenette was at all stubborn or difficult about it. In fact, he said that he would have to defer to Senator Lawson's greater experience and knowledge in labour relations. I got the clear impression, however, that the issue had not really been thought through by the government, and that is such as to give us cause for concern. That is why I come to the conclusion that there is much improvisation involved in this bill.

I understand the pressing circumstances under which this legislation has been put together and why the government believes there is some urgency to all of this. However, if I may be so bold as to offer a caution to the government, this issue of security at the airports and the sense of security of the travelling public is extremely important. We cannot allow a situation to develop in which the airports become a cauldron of bitter labour relations strife. I cannot think of anything that will be more likely to alarm the travelling public and to undermine their sense of security.

As the government prepares to go back to the drawing board on the quantum and the design of this fee, they ought to get busy on these labour relations issues and look ahead and try to solve some of these problems before they rise up and confront us.

There is a Department of Labour in the government. Through my observations around here over a great many years I have learned that this is a small department comprised of very competent and experienced people. They are good at their work. It would be very important for the other departments of government that are involved — notably the Department of Transport — to take advantage of the expertise and experience that exists in our own federal Department of Labour and to get advice on some of these issues. These people have a long nose for trouble; they can see it coming.

• (1610)

Their advice and, if possible, their good offices ought to be used to ensure that this authority gets off to a good start and that the labour relations climate is not poisoned unnecessarily by a casual or careless attitude — as often occurs on labour relations matters in other parts of the government such as Finance and Treasury Board where, frankly, they are not as sensitive as they might be to these considerations. Enough said on that point.

I would like to raise one other issue relating to the establishment of the Canadian Strategic Infrastructure Fund in Part 6 of the bill. I was quite interested in this when I read the bill and when we had the officials before us. This is legislation that we are about to enact "to establish a program to provide contributions for the carrying out of strategic infrastructure projects." Part 6 of this bill then goes on to state that "strategic infrastructure" means the following:

(*a*) highway or rail infrastructure;
(*b*) local transportation infrastructure;
(*c*) tourism or urban development infrastructure;
(*d*) sewage infrastructure;
(*e*) water infrastructure; or
(*f*) infrastructure prescribed by regulation.

The bill goes on to state that the following are eligible recipients: provinces, municipalities or regional governments; a public sector body established by or under provincial legislation under certain circumstances; private sector bodies that carry out or, in the opinion of the minister, are capable of carrying out an eligible project, et cetera.

I am coming to a matter that I raised with the officials, which is whether it would be possible to include universities and post-secondary institutions as eligible recipients under this fund. Honourable senators will recall that, in October 2001, the Standing Senate Committee on National Finance brought down a report on the role of government in the financing of deferred maintenance costs in Canada's post-secondary institutions. Our study heard evidence from the Canadian Association of University Business Officers to the effect that some $3.6 billion in deferred maintenance has to be undertaken at Canadian universities and post-secondary institutions. This is a very serious problem that is obviously not within the financial capacity of most of our institutions and, indeed, is a very great burden on most of our provinces. It occurs to some of us that here is an ideal opportunity to assist universities to tackle some of these serious capital costs that they must bear. Senator Moore got the committee working on this issue a year and a half ago, so he may have something to say.

When Mr. Robert Hilton, Senior Program Advisor, Office of Infrastructure and Crown Corporations Canada appeared before us, I asked him whether universities and post-secondary education would be included and he stated:

> I cannot answer that question at this time. Cabinet must vet the terms and conditions. Until we get clarification from them, we will not be able to specifically identify whether or not post-secondary education will be included as part of this.

I know the responsible minister, Mr. Manley, is not in town at the moment, and therefore we cannot expect a political commitment from officials. Nevertheless, my reading of this bill suggests very clearly to me that there is nothing in this bill that would preclude making post-secondary institutions eligible. After all, among the definitions of "strategic infrastructure" is paragraph (*f*) which is "infrastructure prescribed by regulation." One would assume that the Governor in Council would have the power to list post-secondary institutions under that rubric, and later on under the provision that various bodies established by provincial legislation can be made eligible.

Before we pass this bill at third reading, if that is what we will be doing, I would like to receive a message from the officials confirming that there is nothing in this bill that would preclude universities and post-secondary institutions from eligibility. If they want to confirm that this can be done by regulation, by Order in Council, that will be fine with me. If they want to insist that it is a matter that would have to have the approval of the provinces first, that is fine with me. I would like to see in writing some clarification of this situation, because it will be extremely valuable if post-secondary institutions could be made eligible as possible recipients under this infrastructure fund.

When this government has talked about infrastructure, it has not just talked about roads, sewers, sidewalks and so on; it has taken a rather broader definition of what infrastructure is. Indeed, in the October 1999 Speech from the Throne there was a reference to an infrastructure initiative for Canada that would include knowledge, information, cultural and physical infrastructure. Honourable senators, our post-secondary institutions would obviously qualify under that definition.

While I do not expect a policy commitment from officials, surely they can give us — perhaps by letter to the sponsor of the bill, Senator Cools — some clarification to the effect that there is nothing here that precludes post-secondary institutions from being recipients and that that could be done by regulation.

Senator Cools: Honourable senators, I anticipated Senator Murray's question and I did obtain an opinion. I tried to communicate with Mr. Manley directly, but apparently Mr. Manley is out of town. However, I was able to secure what I thought was a most convincing —

Senator Kinsella: What rule are you following today?

Senator Cools: Senator Murray has raised a question. The frequent accusation is that the government will not answer, so I thought that, by showing my willingness to answer, that response would be satisfactory.

What I was saying is that in anticipation of questions by honourable senators, because earlier today Senator Moore had sent me a note, I attempted to speak with Minister Manley himself. I was unsuccessful. I was able to discover —

• (1620)

Senator Kinsella: Order, please!

Senator Cools: — that universities are, in point of fact, eligible recipients under this fund. If we were to look at clause 2, at pages 110 and 111, and if we were to look at clauses —

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we went through this yesterday. We did not raise the point of order. Consequently, we ended up not having an opportunity to have a bill that was before us properly adjourned. Honourable senators will recall that yesterday the debate in which Senator Cools participated was the debate on the report from the Standing Senate Committee on National Finance. The honourable senator closed the debate and His Honour got up and pointed out that should the Honourable Senator Cools speak on the report, it would have the effect of closing the debate.

Senator Cools: No, no!

Senator Kinsella: That was proper. The Honourable Senator Cools then spoke, the debate was over and the report was adopted.

We then moved on to Bill C-51. Senator Cools got up and moved the adoption of second reading of Bill C-51. She then sat down and, as Senator Tkachuk attempted to move the adjournment motion, Senator Milne rose and said "Oh, no, Senator Cools has closed the debate." We then rose and attempted to say that that is not what happened. The debate was closed at the report stage; we were on the bill stage.

At any rate, honourable senators, we have learned a lesson. The lesson is that we will follow the rules very strictly and very carefully. Senator Murray has spoken. Unless there is a question asked and he agrees to answer it, the debate continues. Although Senator Cools is attempting to speak in the debate, we have other speakers. We want to make that clear. Although His Honour has not warned us that should she speak it would close the debate, we do not want that to happen. We wish to speak. We do not know what rubric Senator Cools is speaking under, but we prefer that the *Rules of the Senate* be followed.

The Hon. the Speaker *pro tempore***:** In my opinion, Honourable Senator Kinsella is correct about yesterday. The Honourable Senator Murray asked a question. I then recognized the Honourable Senator Cools to answer that question. Following that, I was going to recognize the Honourable Senator Tkachuk. She is answering a question.

Senator Kinsella: Under what rule is this occurring?

The Hon. the Speaker *pro tempore***:** She is not a speaker.

Senator Kinsella: Under what rule?

Senator Robichaud: This is on a comment following a speech.

Hon. David Tkachuk: Honourable senators, I will spend several minutes on Bill C-49, in particular, the aspects of the bill that cover the Air Travellers Security Act and the Air Travellers Security Charge.

I was not a member of the committee that studied the bill, but I am always suspicious of governments when they use the opportunity of chaos and insecurity to present a bill in a rush, which is what this government has done with Bill C-49. The government imposed what can only be called a tax on the Canadian people and a tax on the travelling public.

It may not seem like a lot of money, but it is $12 there and $12 back: $24 a trip, return. For example, in the airport in Saskatoon, if 100 people leave on one plane, that is $2,400. In the Saskatoon city airport, we only have two venues for security. We have four people on one side and four people on the other side. We are only open from 6:00 a.m. to probably 11:00 p.m. or 12:00 p.m. at night — 17 or 18 hours a day. That is only one plane. Actually, in Saskatoon we have planes that carry more than 100 people. On planes that will carry 200 people, the government will make $4,800 from the travelling public. How much do they pay these people anyway? What are we buying for the airport? This is one plane in the city of Saskatoon.

The Government of Canada used to actually fund airports. They used to fund controllers. They have abandoned all of that. They gave them all away. We could not sell them, of course. That might be bad because someone might make a profit. We cannot have that, so they gave them away to the municipalities. It is one government to the other and it is all out of the same pocket, yours and mine.

That is fine, too. I cheered that on. I thought that was all right. However, after it was over I did not hear the Minister of Finance saying that the government no longer has to spend the $800 million to $1 billion a year on airports, on airport security and on air traffic controllers because air travellers are paying for it now at the airports, at a cost of $10 here or there. There are costs to operating and maintaining airports and recapitalizing to build airports. The government is charging people in Toronto, in Calgary, in Kelowna and everywhere to pay for airports which Canadians are already paying in tax. The airlines must pay for the controllers, so they charge higher ticket prices so that they can pay them.

That is the way it works. The Minister of Finance did not say to us, "Thank you, Canadian public. We got rid of all that expense and we will give you tax deductions to make up for all that money we have spent on transport, on airlines and on airline security." It amounts to billions and billions of dollars of taxpayers' money that they have abandoned. We are all paying out of our own pockets, and now the government is saying, "We have a problem with airport security because of the September 11 tragedy."

It is amazing how governments can pass on the problem as a result of what happened on September 11. It was not a failure of airport security in Boston. Box cutters were legal. We are told that this security authority will be efficient, effective and consistent, unlike those terrible non-unionized employees currently at airport security. That is a government misnomer. It is a misnomer that we would have solved the problem if we had only paid union employees big money. We all know what happened on September 11. If honourable senators have been reading as I have — and I have read a massive amount of stuff about September 11 — they will know that the events of that day were not due to the failure of airport security. We are now told by this bill that airport security will ensure that air travellers are not blown up with explosives and killed with guns. That is what they are supposed to be doing. That is what they have been doing. That is what they are doing now. We should not have any guns or explosives. If there is a problem with that, we should have known about it long before September 11 because that is what airport security personnel have been checking for over the last couple of decades. There was never a problem before. September 11 rolled around and some people brought box cutters on to airplanes. It was the failure of air transport officials to say that box cutters should be an illegal item. They let the box cutter pass through.

Who failed those passengers and those 3,000 people in the World Trade Center? I will tell you who failed them. The union employee who was at the ticket counter saying, "Glad to take your cash for a one-way ticket all the way to Los Angeles. That is nice. Are you just going one way, paying with cash? No luggage? That is fine, too." Pretty quick. Pretty bright, that lady or that man — whoever it was at the ticket counter — who was a well-paid union employee and an airline official. It was not the people in security who caused the problem.

• (1630)

What happened to the CIA? What happened to CSIS? What happened to the military? Planes are flying up in the air. How long did it take that jet in the United States to climb up there to protect what happened at the Pentagon? It was not the non-union employees at airport security who failed the American people; it was the government and the people at the airline ticket counter. We are told that for a simple $12, we will be safe. Do not believe it. I am petrified that the same people who were in charge before, will be in charge of airport security again. It will be the same people who caused the problem who will now be in charge, and they are trying to tell us that if we pay the money, we will be safe.

I hate to see governments use chaos and fear as a tool. Instead of addressing the issue properly, assessing it and taking the time to find out what actually happened, there will be a rush to pass this bill, just as there was when we passed Bill C-36. We are forced to accept this, and the Canadian people must pay for it.

Honourable senators, this is a terrible bill, it is a terrible burden on the paying public and it will not to solve the problem, just as Bill C-36 did not solve the problem of refugees not being dealt with properly. We know that 20,000 refugee claimants are lost in the system. Now we are told that, for a simple $24, the airport security problem will be solved. I do not think so, honourable senators.

I will move an amendment to delete that clause and eliminate the $24 fee.

MOTION IN AMENDMENT

Hon. David Tkachuk: Therefore, honourable senators, I move:

> That Bill C-49 be not now read a third time but that it be amended
>
> (*a*) on pages 13 to 76, by deleting Part 2;
>
> (*b*) by renumbering Parts 3, 4, 5 and 6 as Parts 2, 3, 4 and 5 and any cross-references thereto accordingly; and
>
> (*c*) by renumbering clauses 12 to 47 as clauses 5 to 40 and any cross-references thereto accordingly.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Once again, honourable senators, is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there agreement between the whips as to the ringing of the bell?

Senator Rompkey: I propose a 30-minute bell.

The Hon. the Speaker: Call in the senators.

• (1700)

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Kelleher
Atkins	Keon
Beaudoin	Kinsella
Comeau	Lynch-Staunton
Di Nino	Murray
Eyton	Tkachuk—13.
Johnson	

NAYS
THE HONOURABLE SENATORS

Austin	LaPierre
Banks	Lapointe
Bryden	Léger
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Milne
Cools	Moore
Corbin	Morin
Cordy	Pearson
Day	Pépin
De Bané	Poulin
Fairbairn	Poy
Ferretti Barth	Robichaud
Fitzpatrick	Rompkey
Fraser	Stollery
Furey	Taylor
Gill	Tunney
Hubley	Wiebe—39
Joyal	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, we now resume debate on the main motion.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in rising to participate in the debate at third reading of Bill C-49 I should like to commence by giving some focus to the part of the bill dealing with the Canada Fund for Africa.

• (1710)

At second reading, I indicated my support in principle for this program. I should like to underscore again my support for the principle of Canadian participation and setting aside designated funds for that part of the world community which needs this kind of assistance from developed countries, particularly a country that is a member of the G8 nations. This bill is going in the right direction.

I have raised my concern at second reading and in committee. Unfortunately, I did not receive very satisfactory answers so I will raise it here again at third reading. It relates to the issue of better control over aid money given to Africa. The record is full of examples of Canadian foreign aid going to various countries on that continent that is not targeted sufficiently enough. For example, if one considers the global tragedy of AIDS that has been unfolding before our eyes, it might well be a time for us as Canadians to become even more specific in the setting aside of funds for Africa. Funds could be targetted to combat AIDS through support for programs that seek to prevent the spreading of that horrible disease as well as through support for the research necessary to find a complete cure.

The second concern I have with reference to the Africa Fund is that no program evaluation is associated with this program in the bill. We put this question directly to the officials who appeared before the Standing Senate Committee on National Finance and received a fairly circuitous response. There should be a professional evaluation or auditing of where the money goes and how it is supervised. We should have complete accountability. Also included in the program evaluation should be some assessment of the results. Objectives need to be set for the money that we send to a given country in Africa and results measured to determine whether the objectives were actually achieved. That is missing from the bill. It is a major weakness.

With reference to the first two parts of Bill C-49 dealing with air travel security, I have a fundamental problem that permeates my analysis of this entire piece of proposed legislation. It is simply this: I believe that air security is a societal responsibility. Therefore, government has the prime responsibility to deal with air security. It is not something that should be left to the private sector; it is not something that should be left to an arm's length organization.

The government has a role to play in a number of areas of societal life and, in the world of the 21st century, I believe that air safety is one of those areas for which the state should have direct responsibility. When honourable senators reflect on the circumstances that gave rise to this bill and consider that if, as the government is attempting to argue, this should be a user-pay air safety system, it simply does not stand on a solid foundation. The safety of planes flying overhead is of great importance not only to those in the aircraft but also to those on the ground over which the airplanes fly.

When one considers the horrific loss of life on September 11, it was the people at the Pentagon or in the World Trade Center who were most affected by the lapse of air safety. That is a concrete example that air safety is not something with which only passengers are concerned. Therefore, the argument that only the passengers should pay for this enhanced air safety does not seem to rest in solid public policy principles, in my view.

Second, honourable senators, when we consider the detail of the method that the government is employing — and we have just taken a decision to not expunge this clause from the bill — why do we not consider doing with the bill what the ministers who appeared before the committee seemed to be suggesting? For example, we heard from the ministers that the amount of money they need to operate this system was calculated. They calculated the number of people who were flying, and that is how they came up with this $12 per screening and $24 for the roundtrip screening. They then recognized that air traffic has picked up significantly since the early days after September 11. They indicated that if they used the numbers of people who are emplaning today, they would generate much more money than required and, therefore, the charge of $12 for screening could be reduced.

There also seemed to be some concern as to how long it would take to set up this new authority and how long it would take for the authority to establish norms or regulations. Many travellers today, maybe some in this chamber, would be able to give testimony that there does not seem to be any common standard of pre-screening for passengers who emplane in Canada. It seems to me that the government should take the time to articulate these standards. If they wish to use this model of a special authority to manage the program, then the new authority should not be the one setting the standards. The Department of Transport should be the one to determine those norms.

In our common will, we have many normative issues to consider that may clash with each other. For example, public health issues cannot be compromised by a pre-screening norm. I give the example of a passenger changing air terminals at Pearson International Airport. If you go via the tunnel, you might well be required to take your shoes off, place them on the conveyor belt that goes through the X-ray machine, and they would end up way down at the other end. The passenger is standing in his or her stocking feet. The officials say, "Walk through." People glance at the floor hoping there is no broken glass there. The floor is filthy, in my layperson's assessment. It is bad enough for most men who might have thicker socks, but most ladies wear nylon socks, which are much thinner. A very serious health risk is being created by that particular practice.

• (1720)

The illustration is made only to indicate that the Department of Transport should have done all of this standard-setting work that would take into consideration other kinds of norms. Other countries around the world have done it. The United States is doing it, and there is no reason why we should not do it.

From a technical standpoint, there is much merit in taking the time to have this new enhanced airport security methodology implemented. However, let us take the time to do it right.

This brings me to the charge of $12 or $24. In the testimony we heard at committee, apart from the principle enunciated a few moments ago, I was impressed by the questioning of our colleague Senator Ferretti Barth, which honourable senators can read in the committee transcript. It was so good that I wanted to put it on the record.

[*Translation*]

What Senator Ferretti Barth said when the two ministers appeared before the committee was this:

> In part two of your submission, you mention the additional cost of airline tickets. I represent Quebec's Italian community, a total of 14,000 seniors who travel four times a year. Today, the majority of travellers are seniors. Did you consider that in addition to the $24 tax travellers must pay to leave Cuba, they are also on the hook for a US$20 airport tax? Senior citizens, who manage their money very carefully, will now be paying an additional Can$100 —

[*English*]

Someone mentioned yesterday that a family of four or five, having saved up for their summer holidays and planning to fly between two of the airports indicated in the schedule, have increased costs. For a family of five, all of a sudden, their ticket has over $100 of tax added to it. There is something wrong about that.

Senator Ferretti Barth was on to something very sound when she focused on the issue of senior citizens. Indeed, it is the practice of the industry to provide a senior's discount in the selling of airline tickets.

I thought it was interesting that the airlines also have a discount for children who are travelling. There is a discount for the airline ticket for children under 12 years of age.

The point of purchasing of the ticket is the stage at which this tax will be collected. From a management standpoint, it would be very easy for an exemption to apply to persons who purchase a senior's ticket or a child's ticket.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would have preferred a different outcome from the one that we had a few moments ago. However, in light of the circumstances, I move:

> That Bill C-49 be not now read a third time but that it be amended in clause 5, on page 14, by replacing lines 39 to 43 with the following:
>
> ii) an individual under twelve years of age or sixty-five years of age or older,".

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there an agreement on the bell? If not, it will be a one-hour bell.

Hon. Norman K. Atkins: Honourable senators, I suggest that we have the vote tomorrow morning at 10:00, following a half-hour bell.

The Hon. the Speaker: The decision of the whips, in accordance with the rules, is that the vote will be deferred. It is further agreed between them that the vote will take place at 10:00 a.m. and that the bells will ring at 9:30 a.m. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The call for a vote stops further debate on Bill C-49 until we have dealt with the motion in amendment.

APPROPRIATION BILL NO. 1, 2002-03

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Taylor, for the second reading of Bill C-52, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003.

Hon. David Tkachuk: Honourable senators, I will spend a few minutes on Bill C-52. I tried to rise yesterday on Bill C-51, and I was ruled out of order, even though there was only one speech on that particular bill. Nonetheless, I will take the opportunity today to address a few of the issues that have arisen from Bill C-52 and related measures.

Senator Lynch-Staunton spoke about the Pierre Elliott Trudeau Foundation and that the federal government has chosen, again, to use a non-profit body to deliver programs. In this particular case, it was a somewhat dangerous precedent because the non-profit organization is, in effect, holding taxpayers' money for its future expenditures in the amount of $125 million and is independent of the government. Once the money is transferred to the foundation, there is no way for Parliament to track the money.

• (1730)

I have been concerned about this process for some time, and I have spoken to the issue before, although not as eloquently as Senator Bolduc. By having agencies and non-profit organizations in place of departments to deliver government programs, Parliament is losing control of the public purse.

Honourable senators, some have said that this is a matter for the House of Commons because the Auditor General, as Senator Cools said, reports to the House of Commons and not to the Senate. We are parliamentarians and we should be concerned about these issues. This is not just a special case. It seems as though the bureaucracy and the government figured out that, by using agencies and non-profit organizations to deliver programs, parliamentarians would be unable to follow the money.

There is a reason for having a consolidated fund. Do honourable senators remember the days when all monies flowed into the Consolidated Revenue Fund? Hence the term "Receiver General," I suppose, because he received the cash; and the Minister of Finance spent the cash. There were parliamentarians and committees of Parliament to look after the cash and estimates, to deal with the issue of expenditures and to hold ministers to account. We no longer hold ministers to account, and we no longer have money deposited to the Consolidated Revenue Fund, in all cases. Thus, when one dollar is received at Parks Canada, we know only that it has gone to some agency called Parks Canada, which administers the parks. These agencies have presidents, vice-presidents and boards, thus likening them to the private sector. Governments are not the private sector.

Honourable senators, every time you go to a national park, reserve a place to stay overnight, and pay your fee of $10 or $15, that money disappears. Although it is public money, it does not go into the Consolidated Revenue Fund but, rather, it goes to the agency. The agency is are now in a money-making business.

The Canada Customs and Revenue Agency is trying to convince us that it is an agency because it is so good at collecting money. The Canada Customs and Revenue Agency claims that it collects money on behalf of other agencies, provincial and municipal.

We tried to point out that that would be a difficult sale to make. Honourable senators can see it now — a salesman for the Canada Customs and Revenue Agency goes to the treasury offices of a provincial government to talk about assisting in the collection of their cash. The official from treasury then goes to the tax collection agencies at the provincial sales office. You can see the bureaucrat blanch as he realizes that someone else will collect their money so that he will be out of a job. In addition, CCRA would collect a commission for their efforts. That is how bad it has become. That commission would then flow into the little agency that would produce an annual report.

Unlike a government department, it is becoming more and more difficult to follow the trail of money from all of these agencies and non-profit organizations.

Why do we need a group of non-profit organizations to deliver research grants? What do we want our large bureaucracy to do? Perhaps they want to escape the authority of the House of Commons and of Parliament; the clutches of the public service union; and the possibility that people will know how much money they are making as presidents of their little organizations, such as the Canada Customs and Revenue Agency.

The Trudeau foundation is an interesting set-up. They have actually taken $125 million and transferred it to a private foundation. You would think that the Canadian Federation of Students would be happy about that, but they were not. They are on to them. They said that the Pierre Elliott Trudeau Foundation introduced today by Minister Allan Rock is a misguided attempt to guide social sciences and humanities scholars in Canada.

These funds should have gone straight to the Social Sciences and Humanities Research Council, which we already have, and that body could well administer these funds; but, no, we give them to someone else, and then we lose, in this case, all control of the money.

It was also said by Mr. Ian Boyko, National Chairperson of the CFS, that the federal government must provide more than just a token recognition of the role of social science and humanities research will play in the innovation strategy, and that equalizing the funding between the research councils needs to be the first step. The University of Toronto newspaper also criticized and called into question the Trudeau foundation.

The *National Post* carried an editorial saying that the Canadian Federation of Students and the *National Post* were both "left." Although the Canadian Federation of Students is recognized by the independent University of Toronto newspaper as being left-wing and the *National Post* as being right-wing, they both agreed that the Trudeau foundation fund should have gone directly to the Social Sciences and Humanities Research Council, which provides scholarships for graduate students and researchers. Now, they will be in competition with each other.

Senator Cools said yesterday that we should have faith in what the government is doing. However, honourable senators, we do not have faith because this is not new to us. Questions of sole-source contracting, setting up foundations, and other such issues have been criticized in the Auditor General's report since 1999. I will quote from the 1999 report about sole-source contracts:

> Based on the 50 sole-source contracts selected for detailed examination, in most instances the decision to contract is not well considered, the requirements are often defined only vaguely, pricing is not done with due regard to economy and often deliverables are not assessed against the original requirements of the contract.
>
> The existing framework of contracting rules, policies and regulations for contracting is basically sound. However, the evidence shows that departments either do not understand this framework or in some instances chooses not to follow it.

On this side, we know on which side of the equation they sit — they choose not to follow it.

Treasury Board, in response to that, said they would train people to better handle these matters because they do not want to be seen as misappropriating money.

However, three years later we have advertising agencies, nine of which, in Canada, are receiving sole-source contracts for replacing government sponsorship for everything from hog to blueberry festivals to ensure that there is the Canadian brand placed on them, and they are receiving 8 per cent of the money.

In the 1999 report, the Auditor General also found that, contrary to the regulations, most contracts had not met the rules for sole-sourcing before the ACAN was posted. The exceptions permitting sole-sourcing were used excessively. In almost 90 per cent of the sole-sources examined, sole-sourcing was not justified under any of the permitted exceptions. These contracts ought to have been competitively tendered.

Honourable senators, I will take you through a little more history, and you will see why we should not believe what the government says.

• (1740)

In response to that, the government says that the Treasury Board's procurement policies, which apply to all departments and agencies, are based on the strong values and principles of competition, openness, equal access, transparency, fairness and the best value for Canadians. The government says that to ensure sound implementation the Treasury Board is committed to developing a program of training and certification for procurement specialists in the department.

Senator Di Nino: Who wrote that?

Senator Tkachuk: This is from the Auditor General's report. This is in response to sole-source contracting.

They have not been trained yet, or they have been trained badly. That is why we do not believe what the federal government is saying about the non-profit agencies that have no relationship whatsoever to the government.

There is more. Six months later, the 1999 Auditor General's report went through a whole list of significant gaps and weaknesses with regard to contracts as well as the millennium scholarships, another wonderful program the government controls. Can you imagine how much control the government will have over the Trudeau scholarships? The report says that there were significant gaps and weaknesses in the design of the arrangement, limited reporting to Parliament on whether they are working, little provision for public input, and lack of guidance to the departments on how to ensure accountability and good governance.

In 2001, the story is exactly the same. Senator Lynch-Staunton quoted at length from the Auditor General's report, and the situation has not changed. The government has been negligent in sole-source contracting. It has been negligent in how it controls agencies such as NAV CANADA, and it has been criticized by the Auditor General for that. Now the government is setting up new non-profit institutions outside of government and they are not controlled by the government whatsoever.

These three organizations will multiply because they see an opportunity to hide their expenditures. Parliament will not be better informed. We will have more difficulty addressing these issues. We do not even know who will be auditing the Trudeau foundation. I do not think it will be the Auditor General. I think it will be whomever they choose. Who will the report go to? As Senator Lynch-Staunton said, as with every other non-profit organization, the foundation will report to the government of the province in which it resides.

This is a very important issue of which we should all be cognizant. I have spoken on this matter many times, as has Senator Bolduc. Others are beginning to speak about it. I do not think we should let this matter go. We should try every conceivable way to ensure that the government is accountable. If the government does not want to deal with this matter, we must, because that is the main reason we are here. If we do not ensure accountability, no one else will.

Hon. Nicholas W. Taylor: Honourable senators, during the 10 years that I was in the opposition in Alberta, one of the things that caused me the most problems is exactly this situation. The government had a penchant for setting up agencies and transferring money to them. I argued that in a parliamentary system the entire house should approve the expenditures, but I was steamrollered out of the way. These organizations were not subject to examination by the Auditor General or by Parliament.

It is quite often said that once the money has been voted we cannot do anything about it. However, that is not the purpose of Parliament. Although there are approximately 300 MPs and approximately 100 of us, the cabinet does have a great deal of power. Anyone who has been in Parliament, on either the government side or in opposition, knows how much power the PMO and the cabinet have. However, our sole purpose is not to sing the praises of cabinet when it decides to do something. We must stand up and demand the opportunity to vote the money the government wishes to expend.

In Alberta, the Alberta Energy Company was set up. Without going to the legislature, this company was given $40 million worth of land and $40 million in cash. For four or five years, I could not even find out what the salary was of the president of that company. Alberta Energy has since merged with CPR, an organization formed about 100 years ago. The federal government formed the CPR and the Alberta government formed Alberta Energy, and they have now merged and become one of the biggest companies in Canada. I do not know whether we can learn anything from that. Perhaps the only way in which we will be able to buy back Canada is to have the cabinet set up such outside organizations.

The point is that these organizations claim to be non-profit. I was Chairman of the Standing Senate Committee on Energy, the Environment and Natural Resources last year when the committee reported that it deeply regretted — I think we even used the word "reprehensible" — the fact that the money to set up the Canada Foundation for Innovation was not only transferred to a group outside of Parliament but was transferred before Parliament had voted the money.

We have to speak up sometime, honourable senators. I will be the first to admit that I will vote for this measure because it is a money bill and I do not want to show a lack of loyalty to the government. However, there is nothing wrong with telling the government from time to time that it can go no further. How much are parliamentarians expected to swallow? Occasionally we must stand up and say, "No further," and that applies to spending money without the approval of Parliament.

• (1750)

This issue goes all the way back to Runnymede and the Magna Carta. At that time, there was taxation without representation, which is what we have when we finance organizations without the approval of Parliament. I am not suggesting that we have another Boston Tea Party, but it is time to talk about the matter and raise a little heck. Maybe it will filter back to the Green Chamber from the Red Chamber that some of the bills they are passing and asking us to pass are just too much. The parliamentary system was not set up to give a blank cheque for whatever cabinet proposes. Parliament still has something to say. Some might say that we have been rewarded with these appointments and should support the government. I came here, and I suppose I am paying a certain price, which is to support the government. However, when it gets to me a little bit, I have to say, "Only so far, only too much."

[Senator Taylor]

The Hon. the Speaker: Honourable senators, Senator Cools is rising to speak. She is entitled to do so. However, I must advise that if she speaks now, her speech will have the effect of closing the debate.

Hon. Anne C. Cools: Honourable senators, I wish to thank the two honourable senators for their interventions and to assure them that their considerations and their concerns will be taken forward.

For the sake of the record, I wish to state clearly that we are now on Bill C-52, which is the interim supply bill. The issue that they were speaking to — particularly Senator Tkachuk — was contained in Supplementary Estimates (B), which is Bill C-51. I do not think it matters, but the record should show clearly that the Pierre Elliott Trudeau Foundation grant is contained in Supplementary Estimates (B) and contained in Bill C-51.

I appreciate that what the senators said was valid and that they wanted to say it. To that extent, I do not have to respond because Bill C-51 was on the order just a few orders back and has already been voted on.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

THIRD READING

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

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

FOREIGN AFFAIRS

BUDGET—STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE—REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Foreign Affairs (budget—study concerning Russia and Ukraine), presented in the Senate on March 25, 2002—(*Honourable Senator Stollery*).

Hon. Peter A. Stollery moved the adoption of the report.

He said: As honourable senators are aware, the Standing Senate Committee on Foreign Affairs has had a reference from the Senate concerning Russia and Ukraine. I believe we have had 17 officially recorded meetings, plus two full days of meetings in Washington. We have had 59 witnesses, 16 of whom have dealt specifically with Ukraine.

As honourable senators are aware, the committee was to have travelled to Russia and Ukraine in October. The World Trade Center tragedy put the trip off because those events made it difficult for the committee to travel.

We have had hearings for some time. We have, if my memory serves me, a draft report of approximately 100 pages. All members of the committee have had copies of this draft report since December. The issue now becomes: Does the committee travel to Russia and Ukraine to complete its work, or does it not?

It is always difficult, of course, to find a date that is perfect for everyone. As chairman, I consulted extensively with members of the committee. I have with me copies of the steering committee meeting that took place on February 6, 2002, in which Senator Corbin, Senator Andreychuk and myself agreed that the first choice for dates would be —

The Hon. the Speaker: Senator Stollery, I am sorry to interrupt. I must draw honourable senators' attention to the fact that it is six o'clock.

Honourable senators, is it your desire that we not see the clock?

Hon. Senators: Agreed.

The Hon. the Speaker: Senator Stollery, please continue.

Senator Stollery: Honourable senators, at the steering committee meeting of February 6, it was agreed that the first choice for dates was May 12 to 24. The second choice was April 8 to 19. I consulted with senators from both sides, and I do not think this is the place to discuss people's personal plans. I kept the notes; I had the staff consult broadly. I can only deal with what I am told. The committee decided on February 20 that we should start our hearings in St. Petersburg on April 15.

• (1800)

I realize that Senator Andreychuk has a difficulty with that date. My first preference was April 8, but I had difficulty getting both April 8 and April 15. In fact, she had difficulty with all of the dates that I proposed. At some point, a decision must be made. The majority of the committee decided that April 15 was the time to do it.

Honourable senators, in my position as chairman — and I speak for a majority of the committee — I feel that we should complete this order of reference from the Senate. We are in a position to do that. It would be much better if we went to Russia and Ukraine and completed our reference in the appropriate manner. I remind honourable senators that committees, as with the Senate, can only operate with the consent of its members. If people decide they do not want to make something operate, then it does not work. There is nothing much anyone can do about that.

Honourable senators, my proposal is April 15. That is where we are right now. Other senators have been very helpful. The Internal Economy Committee has approved our budget. We must get the public's business done. That is the position of the majority of the committee. If we do not go then, we will not be able to go because we have other witnesses in May. We cannot go to Russia on May Day because there are a series of holidays there.

I listen to the advice that I receive from our research staff, and so on. The position of the majority of the committee is that these are the two weeks in which we could travel to Russia and to Ukraine.

Honourable senators, I wish to make one other point. It is hard to change dates when two governments are involved. We have witnesses in St. Petersburg. We have meetings scheduled. If I had heard some other date three or four weeks ago, I would have been perfectly happy to oblige. Indeed, I have tried to oblige members of the committee. These are the dates that I am proposing and that is where we are at the moment.

On motion of Senator Andreychuk, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

ELEVENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled: *Modernizing the Senate Within: Updating the Senate Committee Structure,* presented in the Senate on March 20, 2002.—(*Honourable Senator Austin, P.C.*).

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, I realize the hour is late and that we have been in session for over four hours. At the same time, however, this is an important report in the view of the Standing Committee on Rules, Procedures and the Rights of Parliament. I believe we should move forward with it. The fact that it is important does not mean that it will take a long time to deal with it.

On March 12, 2001, the Senate instructed the Standing Committee on Rules, Procedures and the Rights of Parliament to examine the structure of committees. The order of reference asked, in particular, that we consider human resources issues, scheduling, committee mandates and the number and size of committees.

The Rules Committee has taken over a year to consider the questions that are raised by the operation of committees. In the course of many meetings we have looked not only at the specific issues raised in the order of reference but also at broader issues affecting the operation of the committees of the Senate. In the course of our debate, we asked a large question, namely, what kind of committees for what kind of Senate? That led us to examine the role of the Senate and to compare what we believe the role of the Senate to be with the way in which the committee system operates. Do we meet the express but also the inarticulate objectives of Senate committee operation?

The eleventh report contains a list of recommendations and proposed rules. I would ask honourable senators to look at those recommendations most carefully. The essential focus of these rules is to give honourable senators the opportunity to carry out the two most important tasks of Senate committees. The first is the expeditious and effective consideration of legislation; the second is the work of policy studies.

The committee workload that senators carry was carefully examined. As the report says, the resources of the Senate in the operation of committees are determined by the time available to senators. The committee report has studied the working schedules of senators and compared them with the working schedules in the other place where there are three times more members who can carry out the same work, particularly on the legislative side.

We have been concerned with the question of scheduling and the overlapping duties that some senators have found when committees on which they are members have been scheduled to meet at the same time. When that happens, we find that the work of the Senate is diminished by the inability of senators who may have interest in the committee work but who are unable to attend and therefore to make a contribution to the committee's deliberations. The report seeks to reduce to a minimum the problem of conflicts in the membership of senators on committees.

What we have considered in particular in dealing with the operation of committees, given that the senators' time is finite and the workload ever increasing, both on the legislative and policy side, are two questions: the extension of permanent committee scheduling to Mondays and Thursdays and the total size of the membership on Senate committees.

• (1810)

Under the existing rules, the Senate committees are structured largely as 12-person committees, with the Standing Senate Committee on Internal Economy, Budgets and Administration and the Standing Committee on Rules, Procedures and the Rights of Parliament having 15 members. We looked at the attendance in various committees to determine where the effective working core existed in each of those committees.

Honourable senators, the principal recommendation in this report is to give the Committee of Selection, and therefore the whips on the government side and opposition side, at the beginning of every parliamentary session, the additional duty of assessing what might be the legislative and policy study workload of each of the committees in order to determine, in a scale between six and 12 members, what an appropriate committee membership might be. Some committees could work quite effectively within their mandate with fewer senators than 12, and other committees with a heavier workload might be better served by a larger membership, up to 12.

[Senator Austin]

Our recommendation, therefore, is designed to do three things. First, as I have said, it is to provide for an appropriate membership size in committees it is after assessing their probable workload. Second, bearing in mind the reality of the difference in size between the government side and the opposition side and our desire to make this legislative chamber work as best it can, it is to provide the opposition with a better ability to assign its people, resources and the time they have available to do the work of the Senate by reducing the size of certain committees. Our third recommendation is, of course, related to cost. We have examined what it costs to convene new committees. We have examined the requirement for clerks, translators and research people as the Senate wishes to expand its already quite ambitious committee schedule.

We have had discussions in the Standing Committee on Internal Economy, Budgets and Administration with respect to the budget available to the Senate. The principal consideration is always how much work a specific number of senators can undertake. We caution this chamber about the expansion of the existing committee system. In fact, we do not recommend that committees be added. We are simply asking for extreme caution in so doing because the workload is a heavy one.

Honourable senators, one problem we examined was the existing power of standing committees to create subcommittees on their own motion. When they did, the Senate was automatically compelled to add staff to the clerk, the translators and pages that provide service to those committees. We want to give the control of creating subcommittees and standing committees back to the Senate. Thus, the Senate — that is all honourable senators — will make the determination whether a subcommittee of the Senate, with the resources that it would require, has the approval of the Senate.

There are other recommendations, honourable senators, with respect to name changes of some of the committees to more effectively reflect their mandate and, with respect to the control by the Senate, of the authority of standing Senate committees to subpoena or summons witnesses and to require the production of documents. On the latter point, we are recommending that, prior to a standing Senate committee exercising that authority, the committee give the Senate two days' notice to examine the exercise of the power and the possible consequences of using the Senate's authority in that fashion.

Honourable senators, I recommend a most careful consideration of the report. We were asked by Senator Kenny to recommend block scheduling. That is discussed in the report. It may be the perfect system in avoiding conflicts, but it may not be the perfect system in expressing the interests of senators in committee work. We have asked the Senate to advise whether it wishes us to give further consideration to block scheduling because, in our view, the exercise would be a time-consuming one. On the question of mandates of committees, the view of the Rules Committee is to leave well enough alone.

There are three parts to the report that we call, "Modernizing the Senate From Within: Updating the Senate Committee Structure." The eleventh report deals with operational issues. The Rules Committee has before it a second part that deals with other aspects of committee operations and objectives.

We hope to report at an early date on issues such as a defined procedure for the consideration of petitions, how the Senate would deal with a committee that has tabled a report and wishes a government response, and how the Senate would react to the tabling of a secession referendum in one of the provinces of Canada.

The third part, which will take a while yet to come, will deal with options for broader reforms. The committee has been discussing these reforms for over a year, but it has not completed its consideration. The third part of the report will focus on how to bring the Senate closer to the people of Canada and the people of Canada closer to the Senate.

Honourable senators, that is an introduction to the eleventh report.

On motion of Senator Di Nino, debate adjourned.

• (1820)

INTERNATIONAL DAY FOR ELIMINATION OF DISCRIMINATION

INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of March 19, 2002:

> That she will call the attention of the Senate to the significance of March 21st, the International Day for the Elimination of Racial Discrimination.

She said: Honourable senators, since 1966, March 21 has been recognized as the United Nations International Day for the Elimination of Racial Discrimination. Canada was one of the first countries to support the UN declaration.

In 1989, the Department of Canadian Heritage launched its annual March 21 campaign in response to the need to heighten awareness of the harmful effects of racism on a national scale and to demonstrate clearly the commitment of the federal government to fostering respect, equality and diversity. As such, it is clear that the elimination of racism remains a goal to which Canadians aspire. It is in this context that I wish to consider where we are now in this process and what we still must do to move toward our goal of eliminating racial discrimination.

Before we look at that process, we must consider the significance of this debate. What do we mean when we speak about the harmful effects of racism? Of course, racism is in direct opposition to the ideology of the society we wish to create. It is the antithesis of tolerance, equality and respect for diversity called for in our national policy of multiculturalism.

Reiterating these goals is especially important since September 11, 2001, since some people now feel that they have been given a licence to express racial hatred, even though recent polls have found support for a policy of tolerance remains rock-solid.

However, eliminating racism is far more than ideological. It is also a legal and economic issue. As long as we fail to address these aspects, we will not be true to the intent of the equality provisions contained within the Charter of Rights and Freedoms, nor will we benefit fully from the human capital that is essential to our global competitiveness.

In February of this year, the Canadian Council on Social Development released a report in which it concluded that recent immigrants have not done as well in the job market as previous arrivals to Canada, despite the fact that a large proportion of recent immigrants tended to be highly educated. In fact, in 1998, 72 per cent of immigrants selected in the skilled worker category had university degrees. Overall, in 2000, 58 per cent of working-age immigrants had post-secondary education, compared with 43 per cent of the Canadian population. Nevertheless, according to census data from 1981 to 1996, there was a progressive trend toward lower rates of labour force participation and lower levels of earnings among immigrants compared with the Canadian-born population.

The council concluded that part of the reason is that racial discrimination has, indeed, become more of an issue as new immigrants are increasingly drawn from visible minority groups that are more vulnerable to racism. At least three out of four new immigrants are visible minorities, virtually double the proportion in the mid-1980s.

The lack of recognition, or undervaluation, of foreign credentials and skills by employers also plays a significant role. Whatever the reason for our failure to fully utilize human capital, it is a costly one. Jeffrey Reitz, a sociologist and professor of industrial relations at the University of Toronto, estimates that the net loss to immigrants and to the Canadian economy of this brain waste is several billion dollars a year. Visible minorities earn between 15 to 25 per cent less than most immigrants of European origin, whether in skilled or unskilled labour markets.

What do these numbers mean for Canada's future? According to the latest census figures, immigrants are our future. Immigrants are expected to account for virtually all of the net growth in the Canadian labour force by the year 2011.

Faced with a potential labour shortage, our government has responded by raising the standards for immigration even higher. As long as the dual issues of accreditation and discrimination are not adequately addressed through sound policy initiatives, we will not benefit from our immigration policy because an immigrant's education and skills will not be put to good use.

Consider that even in the early 1990s, when Canada's technology industry was demanding new talent, between 1991 and 1994, 10,279 immigrants arrived in Canada listing civil, mechanical, chemical or electrical engineering as their profession. However, by 1996, only half of those immigrants were practising their professions. In short, there is a disconnection between what Canada sets out to do in its immigration policy and the reality facing new immigrants upon their arrival.

Ratna Omidvar of Toronto's Maytree Foundation sums it up by saying:

> ...we can't be pro-immigration without being pro-immigrant. We want immigration to fuel our economy but would rather not deal with immigrants, especially if they are not white.

Highly skilled immigrants represent a tremendous windfall to Canada. We have not paid a cent for their education and training and we can benefit from their skills during their prime working years. By not taking advantage of their skills, we are losing ground in the global economy.

There has been much rhetoric about the brain drain from Canada to the United States because of higher salaries and lower taxes. It is particularly ironic that a lack of equality of access to employment, and the frustration that this engenders, has become a significant factor in the loss of some of our best minds to our neighbour to the south.

A large part of the responsibility rests with employers. According to a recent CBC report, employers rate foreign education as valued at half of that of a Canadian education and foreign work experience at zero.

It is important that public institutions set an example for the private sector in developing strategies to fully reflect Canada's diversity. After all, one of the benefits of a multicultural society is that we have attracted some of the best minds in the world to our country. Let us develop concrete and specific methods to utilize this strength.

• (1830)

I should like to start with our universities. On paper, most universities, like the public sector, are committed to employment equity. In fact, many universities have signed the Federal Contractors Program that allows them to bid on government contracts, in which they made a commitment to implement employment equity through goals and timetables for the hiring of groups designated as disadvantaged: women, visible minorities, Aboriginal peoples and persons with disabilities. In practice, however, change in the faculty makeup of universities has been very slow, despite good intentions expressed on paper. The composition of student bodies has changed to reflect Canadian society as a whole. Many universities now boast a significant percentage of visible minorities in their student populations.

[Senator Poy]

For example, at the University of Toronto, currently 57 per cent of students in undergraduate studies are visible minorities. In March 1991, the University of Toronto approved an employment equity policy with clearly enunciated goals and timetables for achieving them. However, last year, Professor Shah of the University of Toronto noted that between 1991 and 1999, the percentage of visible minorities in tenure-streamed faculty actually declined from 9.7 per cent to 8.7 per cent.

The new president of the University of Toronto since July 2000 is determined to turn things around. Fresh from the Massachusetts Institute of Technology, or MIT, Dr. Birgeneau sees the need to internationalize the Faculty of the University of Toronto to make it the best in the world. Dr. Birgeneau stresses that the reason for diversity is not to meet quotas, but to further the excellence of the institution. He said:

> ...the watchword of such recruitment must be excellence, since anything less will only serve to harm the future greatness of the University of Toronto, and the people who populate it. Exceptional people will be drawn to our enterprise precisely because they will feel at home in an academic community that respects and celebrates diversity at all levels, and that gives them the tools to do great work. I believe strongly that this will give us an advantage that can ensure the University of Toronto's ranking among the very top public universities in the world.

Dr. Birgeneau's plan calls for diversity at all levels of the university, from senior administration to the faculty level. According to Dr. Birgeneau, the only way to have the best faculty is to be proactive. This means searching the world for the best academics to fill the positions. Dr. Birgeneau says that this strategy worked for the Department of Neurosciences at MIT. He said:

> There, by hiring on the basis of excellence and excellence alone, we were able to move the Neuroscience department from being strong, but not world class, to being well up among the top ten in North America. In doing this, we made about 15 new appointments. Among this group, the distribution turned out to be approximately 30 per cent white male, 30 per cent female, and 40 per cent visible minority.

Employment equity is also espoused in the public service and numerous goals and timetables have been tabled with some results, but many problems remain. Honourable senators have probably heard of Dr. Shiv Chopra who has been a thorn in the side of Health Canada officials for many years. In August of 2001, the Canadian Human Rights Tribunal ruled that Dr. Chopra, who is of East Indian decent, was discriminated against because of his ethnicity. Dr. Chopra has been a drug evaluator in the Bureau of Veterinary Drugs for the past 33 years. In 1990, he failed to win a promotion, despite good job evaluations.

Similarly, in the fall of 2001, Dr. Ranjit Perera won a major suit against the Canadian International Development Agency in which he receive a promotion and obtained a commitment from CIDA for the hiring and promotion of visible minorities.

These two recent cases highlight the need for a more proactive approach to employment equity, as suggested by Dr. Birgeneau, throughout the civil service.

Visible minorities are underrepresented in the civil service compared to the overall representation in the general population, which stands at 11 per cent. Last year, in the five largest departments of the civil service, they made up 5.2 per cent of the total workforce, less than one half of their representation in the general population. At the deputy and assistant deputy minister level, the percentage was even lower, at 3 per cent.

Change will require more than good intentions on paper, more than targets and more than well-meaning efforts. These factors are important, but they will not be effective without a fundamental change in the corporate culture of the civil service so that top management supports diversity. In this case, the government must take a leadership role by educating these top bureaucrats. As the Honourable Roy McMurtry, Chief Justice of Ontario stressed, change is about individuals. He said:

> All the laws in the world and human rights codes count for little if individual citizens are not willing to make a personal commitment to tolerance and fighting bigotry in society...You cannot legislate to what degree a man must love his neighbour, nor even that he must not hate him.

Honourable senators, the current situation that faces many new Canadians has been called a "Canadian-made tragedy" in which, aside from the enormous losses to our economy, we are faced with an incalculable loss in human potential. Bobby Premakamaren, who came here four years ago with a finance degree from Middlesex University in England and five certificates in accounting, knows this well. After sending out 3,000 resumes over the past four years looking for an accounting position —

The Hon. the Speaker *pro tempore***:** I regret to interrupt the honourable senator, but her time has expired. Is there a request for more time?

Senator Poy: I would ask for some time.

Hon. Senators: Agreed.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to know how long the senator would need to complete her remarks, because sometimes a little time becomes a lot.

[*English*]

Senator Poy: I would like three minutes.

Senator Robichaud: No problem.

Senator Poy: Mr. Bobby Premakamaren now cleans office buildings and apartments. He describes his immigration experience in Canada as a "disaster."

Our universities, our government and our corporations must create a level playing field for new immigrants and visible minorities. Ultimately, this will come down to fair-minded individuals in management positions taking the lead to develop new models for our institutions so that all Canadians have a chance to contribute to Canada.

Honourable senators, as parliamentarians, we can help these new models to emerge. The current situation surrounding accreditation needs to be clarified so that employers and new Canadians have the information that they need. Hiring must be based on merit, and merit alone.

At the same time, it is of the utmost importance that we continue to educate Canadians about the reality of race. As recent findings about the human genome revealed, humans share 99.99 per cent of the same DNA with one another, which confirms the fact that there is no scientific basis to support the concept of race. Race is socially, not scientifically constructed. Therefore, racism does not make sense.

Honourable senators, next month we celebrate the twentieth anniversary of the passage of the Charter of Rights and Freedoms. It is important for all parliamentarians to take the initiative to support the true meaning of the Charter, which is equality for all Canadians.

As the Chief Justice of Ontario, the Honourable Roy McMurtry said:

> The challenge of brotherhood, of an experiment that bursts through the limits of nationalism to embrace people of diverse ways and diverse tongues is what it means to be Canadian.

Honourable senators, the elimination of racism is not just about economics or the law, it is a question of the heart.

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

• (1840)

LIFE AND TIMES OF THE LATE DALTON CAMP, O.C.

INQUIRY

Hon. Norman K. Atkins rose pursuant to notice of earlier this day:

> That he will call the attention of the Senate to the life and times of the late Dalton Camp, O.C., whose death occurred March 18, 2002.

He said: I wish to thank honourable senators for their unanimous support of this inquiry because I have a few things to say in honour of Dalton Camp and in honour of my other close friend, Finlay MacDonald. I was not present in the chamber when tributes were made to Finlay.

Honourable senators know that both Dalton and Finlay were very close friends of mine. They were great characters and, quite frankly, real devils. One would have to know them to appreciate that comment.

It is interesting, honourable senators, that Dalton and Finlay met in 1953 during the Nova Scotia provincial election. Senator Carstairs will remember that election because her father was an MLA at the time and he ran in that election.

It was four weeks ago yesterday that I went to Fredericton because Dalton had had a temporal lobe stroke. For those honourable senators who are not familiar with that kind of stroke, it does not affect mobility but it does have an impact on one's mind. Our families sat 24 hours around the clock while he was recovering from the stroke. I was there for several hours each day for six days. It was an incredible thing to watch his recovery from the day I arrived to the day when I had to leave.

The hospital staff were amazed at how well Dalton responded to treatment and was recovering. Finlay, each day, would call the office to find out how Dalton was doing. By the fifth day, I called the office and said, "Call Finlay and tell him that he can call Dalton." We gave Dalton's number to Finlay, and they had a conversation two days before Finlay passed away. Finlay was so delighted by his conversation that he sent an e-mail to Finlay Jr. to say how delighted he was with the way Dalton was recovering.

Lo and behold, two days later, I was sitting at home on a Saturday afternoon when Finlay Jr. called to tell me that his father had just passed away. His father died on a treadmill. It was one of those situations where, on the Friday night, he felt some chest pains and went into the hospital. On the Saturday morning, the doctors checked him over and they felt that his vital statistics were fine. They put him on a treadmill, and he did not survive that.

I then had to travel to Halifax. I went down the next day to help the MacDonald family organize Finlay's funeral. I was the only one outside the family who participated in that memorial service.

When I called Dalton to tell him I was doing that, I also told him that I would read an item from the *New Testament*. Dalton asked, "What are you reading? You have to tell me what it is." I had to read through every line of the verse with him. He made me emphasize the syllables so that I would get it right — that is how strongly he felt about being part of this service. I found out later that Finlay Jr. had run his eulogy by Dalton before the service on the Wednesday.

I came back to Ottawa. Dalton continued to recover, to the point that one week ago Saturday he was allowed to go home. He went home and his energy level was incredible. He wanted to do everything, including, by the way, go to the Sheraton for a martini at the bar. He spent Sunday at his house. On Monday, he insisted that his daughter take him to Fredericton, where he went to the dry cleaner and to the bank. He then had lunch at the Sheraton, including a glass of white wine. In the afternoon, he went to the legislature with his daughter, where they stayed for more than one hour. They then drove back to Cambridge Narrows.

His family made him agree that on Tuesday he would take it easy — that he would slow up and just cool it for the day. It was late on Tuesday that he began to lose his voice and he became unconscious. He never recovered. He had seizures that kept occurring in the emergency ward at the hospital, and by the next Monday — one week ago yesterday — he passed away.

Dalton was a guy who loved life — he never wanted to give it up. He was very close to me because I knew him for over 60 years. Dalton was my hero, my mentor and my employer. We were partners in business. We did it all. I ran two unsuccessful campaigns for Dalton in Eglinton and Don Valley. Of course, I was involved in almost everything that he ever did throughout his political career and in many other ways.

There is no way that I could describe Dalton any better than Robert Stanfield did. In 1953, we were all in Nova Scotia because of Robert Stanfield. He has issued a statement that I will read: "Dalton was a special person and I am extremely fortunate that he was my friend and political companion for almost 50 years. He had a brilliant mind and was a keen observer of the political life of this country. He also played a unique part in the politics of the country. He had the courage to say what he believed to be right. He was thoughtful, sensitive and compassionate. He loved politics — the ideas of the people. He had a remarkable ability to be both a political philosopher and a political activist. His writings over the years reflect how keenly he observed and how much he cared about the political life of this country. I have lost a deeply valued friend, and the country has lost a unique and valued political voice."

The service last week for Dalton was wonderful, as was the service for Finlay. In Finlay's case, his son Finlay Jr. gave the eulogy, and on Saturday for Dalton, it was his eldest son David. David made one comment in his eulogy that I think is so appropriate to Dalton: "In the fight for the soul of this country, Dalton became a radical in search of moderation."

Honourable senators, in the case of both Finlay and Dalton, we have lost great Canadians.

• (1850)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do indeed remember the 1953 election to which the Honourable Senator Atkins refers. I was 11. My father was the Minister of Health running in Halifax North and I certainly knew of the work that was being done to impede him by Finlay MacDonald and Dalton Camp.

Through many of my university years, Finlay MacDonald lived only one street over, so I knew him. I knew him by his dapper dress; I knew him by his friendliness and I knew him by his reputation.

I knew Dalton Camp only through his writing and his obvious public persona in good times and not such good times for the Tories. I knew him as part of the *Morningside* trio and I had great admiration for his skill with the English language. It does not surprise me that he would want Senator Atkins to enunciate very carefully.

What we heard this evening was a tribute to friendship, the friendship that Senator Atkins had for two special men. They obviously thought that Senator Atkins was very special, too, because they clearly made him their friend.

I thank Senator Atkins for sharing his very private moments with us and for the obvious friendship he had with them, demonstrated by his being with them both in times of need.

Hon. Lowell Murray: On that note, honourable senators, no recounting of the life and times of Dalton Camp would be complete or fair without mention of the central role of our colleague, Senator Norman Atkins. As a close observer, allow me to say a word about that.

What began a half century ago as the apprenticeship of a younger brother-in-law became a unique and extraordinarily fruitful full partnership. Norman's organizational skills and his natural talent as "rassembleur" proved to be the perfect counterpart and sometimes the necessary counterweight to Dalton's more visionary, instinctual approach. On top of everything, they were family and dear friends. Dalton's passing brings to an end that wonderfully creative relationship.

Norman was the closest to Dalton of a younger generation of Tories whose political thinking and activity was so much influenced by our association with him. Mr. Diefenbaker once described us as "Camp followers." He did not intend it as a compliment, but we wore it proudly.

On September 18, 1980 — a hard year for the Tory Party — I spoke at an Albany Club dinner marking Dalton's sixtieth birthday and tried to acknowledge our debt to him. I said:

> For many of us who are somewhat younger than 60, and whose youthful zeal seemed in days past unwelcome in the Tory Party, and whose spirit was almost broken by the experience, Dalton Camp gave us a home, sustained our interest, stimulated our thinking, challenged us, organized us, inspired us, most memorably of all befriended us, and encouraged us to carry on. Today we sometimes think he has...despaired of us. But he cannot disown us. His mark is on many of us. It is on the Tory Party. It is on the political history of our country.

I spoke at Dalton's eightieth birthday 17 months ago in his hometown of Woodstock, New Brunswick, offering encouragement to Dalton's passionate advocacy in the words of Disraeli:

> ...in an age of political materialism...that aspires only to wealth, because it has faith in no other accomplishment, toryism will yet rise...to announce that power has only one duty: to secure the social welfare of the people.

Let me give the last word to Dalton. In the introduction to his book of columns seven years ago he described himself as:

> ...a deep believer in party politics and a romantic admirer of those ordinary and sensible people who maintain and assure the vitality of partisanship.

Dalton wrote:

> It is a pity that so few journalists understand the requirement for partisan politics and its role in a democracy. But it is difficult to educate or enlighten people who do not, as we used to say in Carleton County, know their arse from their elbow about politics but who delight in disparaging its practices and defaming its practitioners.

At the Allan J. MacEachen Annual Lecture in Politics at St. Francis Xavier University in February 2000, Dalton assured us:

> ...the parties will return...The time will come when the country will need them...That's why I think we should all continue to invest our time and energy and thought in the business of politics. It was always good to me. It was fun. It was enjoyable. And the blessed thing you got out of it was that if you were in politics you got to know the country, you got to know your neighbours, to know who you were living with and working with. There is no substitute for that experience. I think we should be of good hope and good spirit and watch the tides, because they do change.

Hon. Laurier L. LaPierre: Honourable senators, I also thank Senator Atkins for his remarks and his encyclopedic knowledge of Dalton Camp.

Under the rubric of Senators' Statements, I made some remarks about Dalton Camp, the acquaintance I had with him and the considerable number of glasses of whatever we drank over the years.

[*Translation*]

What strikes me, honourable senator, is that there really are two solitudes. In the course of his career, I often told Dalton Camp he ought to speak French. He also, I suggested, ought to write in French, so that the French-speaking world in general might discover his wisdom, his immense joie de vivre, and his respect for the values of this country. Had he written and spoken in French, he could have reached a considerable number of Quebecers and Canadians for whom politics is a marvellous game.

If you can engage in politics, you can contribute to the development of the country. If you are able to communicate in both of the country's languages, you can contribute to strengthening its values.

For all these reasons, I would like to see this great solitude come to an end and people able to pass from one language to another —

[*English*]

— in order to be able to reach out to each other and to contribute this amazing capacity that we all have in our love of this marvellous, glorious country, and to be able to lift it up even more and to keep it so that it will be able to fulfil the destiny that is the country.

I think Dalton understood that. He was able to illuminate us, entertain us and, above all, to show us how very important it is to love a land that is dedicated to multiculturalism, pluralism and freedom.

• (1900)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Dalton Camp has made his native province of New Brunswick very proud of this distinguished son who has left such a mark on the political, economic and social life of our great country, Canada. Therefore, it was only to be expected that an overflowing congregation gathered at Christ Church Cathedral in Fredericton, led by Her Excellency the Governor General of Canada, to bid a final farewell to, but also to celebrate the life of, Dalton Camp.

Honourable senators, it was interesting to observe that representatives of the four estates were present to honour Dalton's life. Indeed, we might well say five estates, given the presence of so many television colleagues, who were present to remind us of not only *The Fifth Estate* program but also the many television appearances that Dalton made over the years as a political commentator.

The first estate, the Lord spiritual, was reflected in the participation of the Lord Bishop of Fredericton, where the Lords temporal of the second estate were often the subjects of Dalton's columns. Who will forget Lord Almost or Lord Something-or-other?

We know how much Dalton was at home with the third estate, whether at Cambridge Narrows in central New Brunswick or in the midst of the crowds at so many political conventions. However, it was as a leader in the fourth estate of journalism that millions of Canadians came to know and admire this outstanding columnist.

Dalton was a wonderful writer. His command of language was such that he wrote his columns with the pen — in truth, an old Underwood typewriter — but that of an artist. His use of metaphor and analogy was never tautologous for Dalton, his progressive and conservative analysis never a contradiction. His fine mind was clearly refined by his humanist soul.

Dalton was mindful that time is the great equalizer. He knew that there was a time to write and a time to read, a time to reflect and a time to act, a time to work and a time to rest. Dalton has earned his rest, and we trust that he now is at rest in the bosom of Abraham.

Hon. Joyce Fairbairn: Honourable senators, I, too, wish to thank Senator Atkins for taking the opportunity to speak of his friend today. I began as a listener and, as I listened, Senator Atkins' comments opened up a flood of memories that for me go back on this Hill to the 1960s.

When one thinks of Dalton Camp, one cannot help but think of Norman Atkins and the chill that went through Liberal souls to know that whenever we were approaching elections, these two devils would be working their magic for their cause, be it in Ontario or nationally.

What we have heard this afternoon is, I suppose, one of the special things that happens in the Senate from time to time. We are faced with living history in this chamber of a kind that is not particularly valued by many people, but, in the end, we persist in it because it does touch at the foundation of democracy in our country, and that means people.

As a young journalist on Parliament Hill, I had the opportunity, the privilege and the almost constant pleasure of being asked by whomever I was working for to cover Mr. Diefenbaker or Mr. Stanfield. I covered, to a large degree, the Conservative Party during those years. One of the most memorable occasions of drama — today we seem to have fights, but in those days we had drama — was, of course, Mr. Camp's crusade for the possibility of a shift in leadership of the Conservative Party. Schoolmates of mine like Joe Clark were very much involved in this drama, as was a young Brian Mulroney. A young Lowell Murray was involved in many dramas.

In recent days, I have thought often that people who perhaps did not know Dalton always seem to refer to him as a backroom person. He never was a backroom person. My first real memory of him is sitting in a crowded room at the Château Laurier that had been packed early on by a group of people who were strongly supportive of Mr. Diefenbaker and not at all of Mr. Camp. At some moment in this steamy, crowded room, this slight figure walked down the centre aisle and got up in front of this crowd and made his pitch that it was time for new leadership. I thought to myself, "My God, how courageous that is and what it takes to do that."

This was not a person who lingered in backrooms. Dalton Camp was always a person who stood up front and was prepared to say what he had to say and to do what he had to do without any question of fear or any lack of confidence in the rightness of his cause, as he perceived it.

Other senators have mentioned today how Canadians got to know Dalton Camp through the broadcasts of our old friend Peter Gzowski.

The other part of Dalton Camp that many Canadians have discovered in recent years is what a splendid and fearless writer he was. My husband Mike is up here and came in just to listen to Senator Atkins today. A weekend has not gone by in which, if *The Toronto Star* comes and I am out of town, that page has not been kept for me by Mike so that I could read what Dalton had to say. Sometimes I did not want to read what Dalton had to say, but I read it nonetheless.

In the end, there was such a sense of affection and respect for him because as he moved away from the fray, he became a real spokesperson for every man and every woman. He wrote in his columns about the fair chance for citizens in this country, regardless of the politics.

In every contact I ever had with Dalton Camp, he raised his colours high in politics, but never to the exclusion of those of us who carried other colours. He let us be friends. I think that is the finest thing one can say about anyone in public life.

Hon. Senators: Hear, hear!

Hon. Joseph A. Day: Honourable senators, Senator Atkins lost two good friends in the last while. We thank Senator Atkins for his very sincere words in sharing his experiences. I did not know Finlay MacDonald very long. I met him only recently. Senator Atkins introduced me to him in Halifax, when we were down there on committee work. I thought how nice it was that a former senator could be invited out to one of our committee meetings. He sat through the afternoon and we all got to meet him. He seemed to enjoy himself very much on that occasion. I regret that we had more meetings in the evening so I was unable to attend dinner with Senator Atkins and Finlay MacDonald. However, I do appreciate having had the opportunity to meet him on that occasion.

• (1910)

Dalton Camp, I should like to say, was a friend — not as close a friend as he obviously was as to Senator Atkins, but a good New Brunswick friend. I met him on many occasions and at many meetings along the way. I hasten to point out that, at any partisan meetings that I might have attended, I was there as a partisan and he was there as a journalist. We got to know one another quite well.

One of my close memories of Dalton Camp was during one of the federal campaigns, when I attended at his country home in Cambridge Narrows. We sat around his kitchen table having a cup of coffee and talking about politics. Some honourable senators might think that he having me in there and using up my time was designed to keep me from visiting other houses. Any cynic would think that. However, if you had known Dalton Camp you would know that is not the case. He was quite interested in who might be his representative. At the local level, I have no doubt that he would make the right choice from a fundamental political point of view and not necessarily from a partisan point of view.

The people of New Brunswick knew Dalton Camp very well, in particular, the people from southern New Brunswick. Although he was born and spent his early years in Woodstock, in the central northern part of the province, whenever he could he was back at either Robinson's Point or at Cambridge Narrows, both areas very close to where I lived, grew up and represented.

Irrespective of how often Dalton Camp was called upon on national and international matters, whenever he could, he always answered the call from local communities, in Hampton or in some of the smaller towns such as Sussex, to attend the small meetings to help them out in their community halls. I attended many of those meetings. He was always able to captivate his audience, whether it was an audience in downtown Toronto, Montreal, or an audience in a small community where 10 people will pull up chair at, say, Waterford, New Brunswick, and listen to him. He always went back to fundamentals. When he spoke, you knew that he was speaking from the heart in a well-reasoned manner.

Dalton's family, his friends and his children can take comfort in knowing that he was able to achieve something that many of us aspire to but not very many of us are able to achieve to the same level as he was able to do. That is, he led a good life and during that good life he made a difference.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore***:** As no other honourable senator wishes to participate in the debate, this inquiry is considered debated.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TIME ALLOCATED TO TRIBUTES— MOTION TO EXTEND DATE OF FINAL REPORT ADOPTED

Hon. Jack Austin, pursuant to notice of March 20, 2002, moved:

> That notwithstanding the motion adopted by the Senate on December 4, 2001, the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to extend the date for the presentation of its report on the time allocated to tributes in the Upper Chamber from March 31, 2002 to May 31, 2002.

He said: Honourable senators, the motion is for the purpose of extending the due date of a report with respect to tributes.

The Standing Committee on Rules, Procedures and the Rights of Parliament is requesting that the due date be extended from March 31, 2002 to May 31, 2002.

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

Hon. Senators: Agreed.

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 Wednesday, March 27, 2002, at 9 a.m.

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

[*English*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to ask for clarification. Is it the honourable senator's intention that, effectively, we would be operating under Friday-hour rules?

[*Translation*]

Senator Robichaud: Honourable senators, instead of starting at 1:30 p.m., as we normally do on Wednesdays, we will start at 9 a.m. If we were to operate under Friday-hour rules, we should finish at a specific time. Given the work on tomorrow's Orders of the Day, it would be preferable to continue as we do every Wednesday.

[*English*]

Senator Kinsella: That clarification is important. Starting at 9:00 a.m., then, pursuant to the rules, we would end at midnight, if necessary, rather than at 4:00 p.m.

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

Hon. Nicholas W. Taylor: Honourable senators, for more clarity on the motion, we talked about having a vote tomorrow with a half-hour bell. Does that mean the bells will ring at 8:30 a.m. or at 9:00 a.m.?

Senator Robichaud: The vote will be at 10:00 a.m.

The Hon. the Speaker *pro tempore***:** The bells will ring at 9:30 a.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, March 27, 2002, at 9 a.m.

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Tuesday, March 26, 2002