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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, April 23, 2002

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL PLAN OF ACTION ON AGEING

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise this afternoon to report on the Second World Assembly on Ageing, which was held in Madrid, Spain, from April 8 to 12, 2002.

I was delighted to represent Canada and to lead the Canadian delegation at this assembly. The meeting was convened to provide a cooperative forum for governments and societies to plan policies to help to ensure that older persons can continue to contribute to society in a meaningful way and to the best of their abilities.

I was proud to report that Canada was a partner in addressing issues discussed at the First World Assembly on Ageing two decades ago and that its successive governments have helped Canadians to improve their health and financial security in their senior years.

The Canadian delegation in Madrid participated in the development and adoption of a new International Plan of Action on Ageing. This plan aims to ensure that older people fully realize their human rights; achieve secure and poverty-free aging; fully take part in economic, political and social life; and have opportunities for personal development. The plan also focuses on the elimination of violence and discrimination against older persons, gender equality, the importance of families, health care and social protection. The paper provides an overview of issues related to seniors and aging and highlights key federal initiatives being undertaken to promote healthy aging for seniors of today and tomorrow.

The International Plan of Action on Ageing is posted on the United Nations Web site. Specific information about Canada's participation in the second world assembly, including links to the material from the United Nations, is available through the Health Canada's Web site on seniors and aging, which can be located at www.hc-sc.gc.ca/seniors-aines.

The federal government intends to share this plan with all concerned stakeholders. It also notes the great progress Canada has made in terms of reducing poverty among Canadian seniors through improvements to our retirement income system.

The Government of Canada will continue to work with provinces, territories and all stakeholders on such key issues as health care reform, to ensure that Canada remains well-positioned to respond to the challenges of an aging society.

Honourable senators, the demographics of the world are changing. In 2001, one Canadian in eight was aged 65 years or older. By 2026, one Canadian in five will have reached age 65. Worldwide, there are currently 629 million people aged 60 or above. Canada can learn from the experience of others and share its own experience.

We were proud to be able to work in productive partnership with our fellow members of the United Nations to modernize the International Plan of Action on Ageing and to help ensure that we are building a society for all ages.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the international community, including the United Nations, has recognized the contemporary social, economic and political challenges caused by an aging world population.

Recognition of the problems must be matched by concrete government action. We have therefore committed our party to the appointment of a Minister of State for Seniors to ensure that the unique needs of seniors will be properly addressed across government departments.

As our Progressive Conservative platform states:

Policies must also be developed to enable a greater number of Canadian seniors in need of care-giving to remain in their own homes, rather than in more expensive institutional accommodations where their independence suffers.

A Progressive Conservative government would double to \$800 the value of the tax credit currently given to Canadians who care for a low-income elderly parent, grandparent, or infirm relative in their home.

A Progressive Conservative government would not raise CPP contribution rates beyond levels adequate to ensure the long-term viability of the Plan.

A Progressive Conservative government would require that members of the Canada Pension Plan Investment Board have pension fund or investment expertise.

A Progressive Conservative government would appoint the Auditor General as the auditor of the CPP Investment Board.

I would encourage the federal government to look at these suggested policies, put partisanship aside and deal with this fast approaching challenge.

[English]

INTERCHANGE OF CANADIAN STUDIES

YELLOWKNIFE CONFERENCE—NINE DENE LAWS

Hon. Laurier L. LaPierre: Honourable senators, last week, in the city of Yellowknife, 300 Grade 11 students from across the country spent a week discussing culture, language and values in a society in the process of change. They also came to encounter the culture of the North and be introduced to the way of life of the Dene people.

The week-long program was organized by Interchange on Canadian Studies, a 31-year-old organization of teacher-volunteers dedicated to provide opportunities for young people to meet and to listen to other voices.

The territories of the Northwest Territories and Nunavut paid for the rendezvous of the young. Through this experience, the young people came to know the nine Dene laws, the gifts of Yamoria. I pass on these laws to honourable senators because they may be of some use to us.

These nine laws are: share what you have; help each other; love each other as much as possible; be respectful of elders and everything around you; sleep at night and work during the day; be polite and do not argue with anyone — that is one I could follow more closely — young girls and boys should behave respectfully; pass on the teachings; and, finally, be happy at all times.

CANADA BOOK DAY

Hon. Joyce Fairbairn: Honourable senators, today, across this country, citizens of every age are celebrating Canada Book Day, our seventh annual book celebration in this country. Today, it meshes with International Book Day.

We celebrate this day annually in this chamber. It serves to remind us of what tremendous writers we have in this country, writers who produce books that enrich our lives. It also gives us an opportunity to reflect on all those Canadians who have difficulty reading. It helps us to restore our efforts to pursue a learning and literacy culture in this country.

It is also a day when you give a book to a friend. Canada Book Day celebrates libraries, which leads me to believe that Senator John Lynch-Staunton, who is the recipient of my annual book, would love to receive something from one of our finest authors in this country, an author who happens to be the Chief Librarian of the National Library of Canada, Roch Carrier.

With a signature from Roch and all best wishes for another year of reading from myself, I would like to present to Senator Lynch-Staunton *Our Life With the Rocket* by Roch Carrier.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I thank Senator Fairbairn for what has become an annual tradition, which I no longer forget. I take this opportunity to congratulate her on her continuing efforts on

behalf of literacy in this country, which is a problem — even a plague — of which not enough of us are aware. Her efforts and those of others are going a long way to reducing illiteracy, if not eliminating it. I congratulate her again.

In any issue in which the honourable senator becomes involved, success usually ensues. Therefore, I have a book for her, which requires a commitment to which governments over the years have only paid lip service. The name of the book is *Frederick Street: Life and Death on Canada's Love Canal*. It is a story of the Sydney cesspool which contains over 700,000 tonnes of toxic sludge. It is a site 35 times worse than the infamous Love Canal.

While the honourable senator may be surprised by the seriousness of the topic, I am certain that she will be pleased to know that its authors are two people for whom she has great admiration. They are Maude Barlow and Elizabeth May.

The credibility of the book certainly will not be challenged on the other side.

I am only sorry to say that, as I purchased the book, I had to pay GST on it.

Some Hon. Senators: Oh, oh!

Senator Lynch-Staunton: I hope that next year, or in the next session of Parliament, Senator Di Nino's amendment, which was a replica of Senator Fairbairn's at the time, to eliminate the GST on books, will finally be realized. When it is, I will offer her two books on the Canada Book Day immediately following.

[Translation]

RADIO-CANADA

LOCKOUT

Hon. Jean-Claude Rivest: Honourable senators, information is undoubtedly a prerequisite to good democratic life. In Canada, we are lucky enough to benefit from the French and English CBC public networks. The government seems relatively unmoved by the fact that employees of the French network in Montreal and Moncton are on strike. Of course, the government will invoke labour relations laws and procedures, as well as collective agreement provisions.

The Government of Canada should get more involved, since two basic claims made by Radio-Canada employees are related to the very core of the government's choices and policies. Employees in Montreal and Moncton are demanding, among other things, pay equity for women. This government policy is not applied by the CBC's French network. This is unacceptable.

Another demand has to do with equity and equal treatment for employees of the French and English networks. I believe the Government of Canada supports parity and equal opportunities for Canada's two major linguistic groups.

Honourable senators, I do not understand why the government is letting this dispute drag on, considering that it deprives residents of Quebec and Moncton of their right to be informed through Radio-Canada. The government does not seem to care about the outcome and the ramifications of the negotiations, which concern two aspects of its policy. A minister should get involved to inform management at Radio-Canada of the government's position on pay equity and equal opportunities for both linguistic groups.

[English]

INTERNATIONAL DAY OF BOOKS FOR YOUNG PEOPLE

Hon. Landon Pearson: Honourable senators, today, we are commemorating a number of singular events — the birth of Shakespeare, the real birth date of our Queen, the birth of my father-in-law, the late Lester B. Pearson, and Canada Book Day. However, the day I would like to bring to the attention of honourable senators took place at the beginning of the month, when we were not sitting.

On April 2, the International Day of Books for Young People, I was delighted to participate in the launch of The Fun of Reading — *Lire me sourit*, an international forum on Canadian children's literature that the National Library has organized for June of next year, to mark its own fiftieth anniversary and to celebrate books and young readers everywhere.

I would like to share with honourable senators a few words that I said on that day.

The world of the imagination created by children's literature has been described by a French critic as the Republic of Childhood, a world unbounded by language or political barriers. When I was a child, before the Second World War, I came home every week from the local library carrying the whole world with me in the form of myth, legend, fairy- and folk-tale. Thirty years before we went as a diplomatic family to live in New Delhi and forty years before arriving in Moscow, I played with the child Krishna on the banks of the Ganges and had been frightened by Babi Yaga in the depths of the Russian forest. But I had not been able to go very far in Canada.

Now, however, Canadian children's books are among the best in the world and my grand-children have an emotional link to dimensions of this country that were beyond my childhood ken. Of course, both history and immigration over the last seventy years have greatly enriched our national fabric and I am sure that the enlightened policies of the Canada Council, what is now known as Heritage Canada, and the National Library itself have helped to create the bounty of books our children can now enjoy.

However, in June 2003 we're not just going to celebrate all the books that have been written in Canada in recent years, we are also going to celebrate the fun of reading.

• (1420)

And what is the best way to ensure that children love to read? It's is for their parents and other significant grown-ups to read to them as babies and toddlers, holding them in their arms and showing them the pictures and the words. This is what my parents did for me, and what we did for our children and what they (and we) are doing for theirs. When books carry the warmth of a remembered embrace and happy sharing, children learn to read with pleasure and the world unfolds before them. Of course, schools have a vital role to play in teaching children to read but literacy, in the fullest sense of the word, starts in the earliest years with the capture of the child's imagination through evocative images and tales that are read out loud.

Maxim Gorky, the Russian writer, who defended children's literature during the worst of Soviet times, had a lived understanding of books. His own otherwise wretched childhood was redeemed by a loving grandmother who told him stories and gave him access to books. "Like birds out of fairy tales," he later wrote, "books sang their songs to me."

ROUTINE PROCEEDINGS

ACCESS TO INFORMATION AND PRIVACY VERSION OF NATIONAL COUNTERTERRORISM PLAN

TABLED

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, pursuant to rule 28(3), I wish to table the ATIP version of the National Counterterrorism Plan, as requested by Senator Forrestall on March 21, 2002.

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-441, to change the names of certain electoral districts.

Bill read first time.

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

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

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, once again I rise with the honour to present 370 more signatures from Canadians, in the provinces of British Columbia, Alberta, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia, who are researching their ancestry. I also have signatures from 177 people, in 12 states of the United States and from 16 people in the United Kingdom who are researching their Canadian roots. A total of 563 people are petitioning the following:

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

I have now presented petitions with 17,617 signatures to this Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this important matter of Canadian history.

Honourable senators, it will not stop.

QUESTION PERIOD

JUSTICE

OATH OF ALLEGIANCE— AMENDMENTS TO CONSTITUTION

Hon. Lowell Murray: Honourable senators, my question is for the Leader of the Government in the Senate. Our discussions last week on a specific case involving the Oath of Allegiance have given rise to a number of inquiries and questions. Therefore, could the honourable senator obtain from her cabinet colleague, the Minister of Justice, a response to the following questions: First, which of the amending formulas would apply to any amendment to section 128 of the Constitution Act of 1867; second, would the same amending formula apply to schedule five of the Constitution Act of 1867, which contains the actual wording of the oath?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I received a letter in my office shortly before I entered the chamber to indicate that Senator Lavigne had taken the oath in the office of the Clerk of the Senate this morning. That aspect of the earlier questions has been resolved.

In respect of the honourable senator's question about which amending formula would apply — either 7/10 or unanimity — and which formula would apply to schedule five, I do not have that information at my fingertips. However, I will try to obtain the information for him at the earliest opportunity.

NATIONAL DEFENCE

AFGHANISTAN—DEATHS OF SOLDIERS—SUPPLY OF SURFACE-TO-AIR IDENTIFICATION DEVICES

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. There is information available that the U.S. Air National Guard F-16C that mistakenly fired on Canadian units in Afghanistan, killing four soldiers, carried a cockpit data system designed to reduce such identification errors on the battlefield. However, our Canadian troops may have lacked key radio devices, that are widely issued to U.S. troops, to transmit their locations automatically to a display inside the pilot's cockpit. Could the Leader of the Government in the Senate provide honourable senators with some definitive information about this?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I appreciate the question that has come from the Honourable Senator St. Germain this afternoon.

It is important for us to recognize that inquiries into this tragic event began in Canada yesterday and will begin in the United States tomorrow, and that we should not prejudice the inquiries. There is much speculation about what might have been available or about what was not available. However, at this stage it seems to be speculation. Canadian troops would be best served, and we would be best served, if we were to wait until these inquiries are completed.

I believe the honourable senator is making a specific reference to a piece of equipment called the Enhanced Position Location Reporting System, also known as the EPLRS. It is true that Canadian Forces do not hold the EPLRS in their inventory, and it is also true that U.S. ground forces do not have it in their inventory.

Senator St. Germain: Honourable senators, I do not think it is a question of prejudging or trying to usurp the inquiry. We currently have troops on the ground in Afghanistan, and there is nothing to ensure that we will not have a recurrence of the same unfortunate incident. I am not speculating. My understanding is that there is a piece of equipment called the Situation Awareness Data Link. This issue is not meant to grandstand or sensationalize, but rather this issue is of key interest in the spirit of creating a safer environment for our troops. I cannot see that it would be a costly acquisition, and if something can be done, let us do it right away. We should not wait for an inquiry because we may have another accident in the interim. That is the point of my question for the Leader of the Government in the Senate.

• (1430)

I am aware of the piece of equipment to which she referred. However, another piece of equipment is available that provides information to pilots as to the location of troops on the ground and even in the air. It is called the SADL. Does the honourable senator have any comment on that?

Senator Carstairs: I do not have any comment on the particular piece of equipment to which the honourable senator refers. I will not comment any further on what is occurring within this inquiry, as I am not a military expert. Quite frankly, even if they gave me very detailed information, I am not that sure I would understand all of it. I will wait until this inquiry comes down with its interim report, which will be in 19 days.

AFGHANISTAN—DEATHS OF SOLDIERS— UNITED STATES AND CANADIAN INQUIRIES

Hon. John Lynch-Staunton (Leader of the Opposition): Canada will have an observer and a participant on the inquiry that the Americans are setting up. I have read that the Canadian officer there will be able to ask questions of witnesses. Could the minister tell us, or find out if she does not know, whether the United States asked to have an observer on the Canadian inquiry, and if not, did Canada invite the United States to have an observer? It would help both sides to have a representative on the board of inquiry of the other.

Hon. Sharon Carstairs (Leader of the Government): My understanding is they, too, will share information. They will also be able to participate in our inquiry. We will have more details on their inquiry tomorrow, at which point we will know the manner in which the two inquiries are working.

Questions have been asked about the pilot and whether he will be a witness. He may make the decision not to be a witness. He can make that decision under the American Constitution.

[Translation]

FOREIGN AFFAIRS

ORGANIZATION FOR PROHIBITION OF CHEMICAL WEAPONS—DISMISSAL OF DIRECTOR GENERAL

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. This morning, we learned that the campaign led by the United States for over two months to have José Bustani, the Director General of the Organization for the Prohibition of Chemical Weapons, dismissed, has unfortunately been successful. At a special meeting of the OPCW held on April 21 and 22 in The Hague — a meeting organized at the request of the Americans — delegations from 115 countries were to vote on a U.S. resolution calling for the dismissal of Mr. Bustani. Yesterday evening, Mr. Bustani was officially relieved of his duties after 48 countries voted in favour of the U.S. proposal, seven voted against, and 43 abstained.

Some of you will perhaps be surprised by this news. However, I would remind you that we all received an e-mail late last Thursday afternoon describing the dubious diplomatic manoeuvring being done by the U.S. delegation in order to get around the OPCW's senior management.

Since this is the first time a director general of an international organization has been dismissed during his term of office, would the Leader of the Government in the Senate inform the members of this chamber as to the position taken by the Canadian delegation with respect to Mr. Bustani at the special meeting of the OPCW? Would she tell us on what criteria Canada based its decision?

[English]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right. Mr. José Bustani of Brazil, Director-General of the Organization for the Prohibition of Chemical Weapons, or the OPCW, was indeed dismissed by a vote last evening. Canada supported that vote, as we considered it in the best interests of the organization. In our view, an immediate change of leadership was the only realistic way a clearly emerging crisis could be quickly and effectively resolved.

[Translation]

Senator Nolin: Honourable senators, less than two years ago, members of the OPCW, including Canada and the United States, unanimously renewed Mr. Bustani's mandate for five years before his term of office expired. What is the explanation for this last minute about-face? I can understand that your answer must be as diplomatic as the position taken by Canada yesterday, but in my view, this is an example of an important about-face in international law and international politics. This is only one part of a long saga and we will certainly have the opportunity to come back to it.

According to reports in the European media since last Friday, the United States pressured a number of delegations taking part in the special meeting of the OPCW to support their proposal. So that we can better understand the Canadian position in this affair, would the Honourable Senator Carstairs tell us whether conversations took place between U.S. and Canadian diplomats concerning the dismissal of Mr. Bustani before yesterday's vote?

[English]

Senator Carstairs: I cannot tell the honourable senator whether the Canadian and American delegations have spoken to one another, although it is logical to assume they have. However, I can tell him that Canada raised concerns almost 20 months ago with respect to his leadership not being conducive to the smooth functioning of the OPCW. We could not get support at that particular time. Our specific concern was that he seemed to be incapable of fostering a positive and constructive relationship between the technical secretariat, the executive council and the states party to the CWC.

[Translation]

Senator Nolin: Based on the information provided by the minister, we will be able to verify the facts and review the string of events in order to understand what happened. The Americans are using their economic might to influence the course of world history. I have nothing against a country acting in this way, but if it does so against the interests of Canada, we must oppose it in a subtle and effective manner.

Honourable senators, yesterday's decision may well have a negative impact on the activities and credibility of the OPCW. It could also undermine the enforcement of provisions of the Chemical Weapons Convention at a time when, now more than ever, it is necessary to prevent terrorist attacks using such devices.

Since Canada was one of the main architects of the Chemical Weapons Convention, can the Leader of the Government indicate to the members of the chamber if Canada's commitments toward this treaty have been changed as a result of yesterday's decision? In other words, will Canada continue to defend the principles of this treaty and the existence of the OPCW internationally in order to prevent the proliferation of chemical weapons?

[English]

Senator Carstairs: It was due to our concern that this organization be active and working in a positive direction that we voted the way we did. It appeared that there was a breakdown between the actions of this particular individual and the committees with which he had to work. I can also assure the honourable senator that although there may have been a request by the United States government to the Brazilian government, we made no such request to the Brazilian government.

[Translation]

Senator Nolin: I have one last question, honourable senators. In this chamber, we need not be diplomatic, so we will be blunt. As long as Mr. Bustani required the convention signatories to be efficient when asking for assistance during the inspections carried

out by the organization in these countries, there were no problems. The problem arose when Mr. Bustani required the same inspections on American soil and when he made requests concerning American chemical weapons storage facilities. That is when the Americans dug their heels in and decided to request Mr. Bustani's dismissal.

Does the minister not see this as an imminent danger, the fact that there is a double standard when it comes to enforcing a convention that is so dear to Canadians?

[English]

Senator Carstairs: Clearly, I cannot answer for the American government's decisions and the actions they may have taken based on those decisions. I want to reiterate that this entire file has been of concern to Canada for almost two years, and that we raised the concerns first prior to his re-appointment.

We could get no support at that particular point. The problems continued. That is why we voted as we did last evening.

• (1440)

FISHERIES AND OCEANS

NORTHWEST ATLANTIC FISHERIES ORGANIZATION— SURVEILLANCE AND INSPECTION

Hon. Ethel Cochrane: Honourable senators, the Canadian fishing industry is being gravely undermined by the loose inspection and surveillance regulations of NAFO, the Northwest Atlantic Fisheries Organization. An article in *The Telegram*, the St. John's daily paper, on Thursday past, said that sources in the fishing industry say that foreign factory freezer trawlers, which are ships that process fish at sea, are given a full day's notice by the patrol boat *Kommandor Amalie* before on-board inspections are carried out.

The article also indicates that it is the crew of the foreign vessel that selects the fish to thaw for inspection. Interestingly, and I would suggest far more effectively, here at home Canadian patrol boats are not required to give, nor do they give, advance notice of boarding to domestic fishing vessels.

In March, the Russian trawler *Olga* docked at Conception Bay South in Newfoundland. When inspectors boarded, they found 49 tonnes of cod, which allegedly were caught illegally. It is worth noting that one month earlier the same trawler, *Olga*, refused to allow Canadian inspectors on board. Eventually, *Olga* left port without being charged and with the questionable cod still on board. After all, NAFO rules dictate that it is up to the home country of the vessel to lay a charge.

My question to the Leader of the Government in the Senate is this: What is the government doing to ensure that NAFO develops adequate surveillance and inspection measures that need to be — to borrow Minister Gerry Byrne's words — “enforceable and concrete”?

[Senator Nolin]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator Cochrane for her question. Clearly, it is an issue that is of particular concern to the East Coast, but also, on occasion, to the West Coast.

With respect to the NAFO rules, for lack of a better word because the rules seem not so concrete in terms of their application, the Canadian government raised the issue at a meeting held in January 29 to February 1, 2002. At that point, we exposed the non-compliance by a number of foreign vessels, including Spanish and Portuguese, during the last three years. We will continue to push with NAFO for stronger rules and regulations that would be more in line with our domestic rules.

NATIONAL DEFENCE

ATTRITION RATE OF CREWS OF HMCS *PRESERVER* AND HMCS *HALIFAX*

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. Can the Leader confirm that 90 of the 300 plus crew of the HMCS *Preserver*, as well as 40 to 45 of the 250 plus crew of the HMCS *Halifax*, have asked to leave the military after their Operation Apollo tour of duty is completed?

The minister will recognize this as a very significant attrition rate. If it is true, I would appreciate knowing how many releases have been sought from the crew of these two ships, and are there any other applications?

Hon. Sharon Carstairs (Leader of the Government): I am sure the honourable senator would know that I would not have that kind of detailed information at my fingertips. He has asked a serious question, particularly if the attrition rate numbers are as great as he has indicated for those crews having served in the Apollo mission. I will try to get him that information as quickly as I can.

AFGHANISTAN—SPECIAL DUTY AREA PENSION ORDER—REQUEST FOR UPDATE

Hon. J. Michael Forrestall: Honourable senators, I would be grateful if the Leader of the Government in the Senate would give the chamber a further update on the status of the government amendment to the special duty area pension order to include Operation Apollo in Afghanistan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think that it would surprise Senator Forrestall that I specifically asked that question of staff yesterday. Like him, I am concerned that this order be put in place.

I am told that the Department of Defence and the Department of Veterans Affairs are working together on this Order in Council. However, I have not yet been given a firm date as to when it will be achieved.

AFGHANISTAN—SOLDIER RECIPIENTS OF UNITED STATES BRONZE STAR MEDAL— POSSIBILITY OF OPERATION APOLLO MEDAL

Hon. Michael A. Meighen: Honourable senators, my question is also to the Leader of the Government in the Senate. I am sure that the minister was as distressed as I was to read reports this morning in the media that allegedly, the day before Bronze Star Medals were to be awarded to five Canadian serving personnel by the American authorities, the presentation was blocked, and the medals were not awarded.

My information, subsequent to reading that article, was that the decision to block the presentation has been reversed, or that the first report was incorrect. In any event, the five Canadians who distinguished themselves so well in Afghanistan will be able to receive the awards that Americans grant to members of foreign Armed Forces serving alongside them. Could the minister please confirm that the awards will proceed?

At the same time, could she also indicate to honourable senators whether the government is planning to create a unique Canadian medal for members of our Armed Forces serving in Operation Apollo?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know if a particular medal will be struck for this operation. We have done such in the past, and I would assume we might well do it in the present and in the future. I have no information to that effect.

The matter of the recipients of the American Bronze Stars, as you know, was somewhat complicated by one of the individuals having been returned to Canada and possibly facing a court martial for inappropriate behaviour, regrettably. It is my understanding that the presentation was delayed because of that possible court martial. However, the medals have now been granted to those soldiers in good standing.

Senator Meighen: Honourable senators, I have a very brief supplementary question. I understand from the minister that the report that the blockage was caused by reasons of "Canadian protocol" is not correct, but rather was caused by questions arising regarding the possible inappropriate behaviour of one of the proposed recipients who had to be returned to Canada?

Senator Carstairs: From my understanding and information, which I will give here, there had been no recommendations forwarded from the theatre, so there was a protocol problem for a period of time. However, there was the additional problem of the behaviour of one possible recipient.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Hon. Senator Forrestall on March 21, 2002, concerning the national counterterrorism plan.

SECURITY AND INTELLIGENCE

COUNTERTERRORISM PLAN

(Response to question raised by Hon. J. Michael Forrestall on March 21, 2002)

The National CounterTerrorism Plan is the Government of Canada's primary mechanism for ensuring a coordinated policy and operational response to a domestic terrorist incident. The Plan details roles and responsibilities, and notification procedures for alerting federal authorities and for accessing specialized federal resources. The Plan carries a "For Official Use Only" security designation to facilitate distribution of the Plan to those who need to know, particularly the police.

The Plan contains sensitive information, particularly information that describes how Canada is structured to respond to terrorist incidents, and response times and operational capability of specialized resources such as Joint Task Force 2 and the Joint Chemical, Biological, Radiological, Nuclear (CBRN) Response Team. The disclosure of this sensitive information could jeopardize public safety as it would give terrorists the information they need to circumvent counterterrorist arrangements in order to carry out terrorist acts to maximum destructive effect. For this reason, the Plan has been vetted for disclosure.

[English]

ORDERS OF THE DAY

OFFICIAL LANGUAGES

EIGHTH REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Joint Committee on Official Languages entitled: *The Official Language Minority Communities Told Us...*, tabled in the Senate on April 18, 2002.—(Honourable Senator Maheu).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to.

• (1450)

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fifth report (final) of the Standing Senate Committee on National

Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(Honourable Senator Lapointe).

Hon. Douglas Roche: Honourable senators, the Canadian flag over my home in Edmonton is at half-mast today in honour of four Canadian soldiers accidentally killed by a U.S. bomb. My heart goes out to the families and friends of Sgt. Marc D. Leger, Cpl. Ainsworth Dyer, Pte. Richard A. Green and Pte. Nathan Smith. My prayers are with the eight other Canadian soldiers who were injured. They were doing their job. They deserve our gratitude and respect.

There is no doubt that Canada must work to rid the world of terrorism, but we must ask ourselves the following questions: Has the Government of Canada made the right decision in sending Canadian Armed Forces into combat in Afghanistan? Why are Canadian Forces not assigned to stabilization operations rather than combat? Are we getting ourselves into a never-ending war by our desire to show the United States that we support their war on terrorism? Is the Canadian military being integrated into U.S. defence operations? These are questions that cry out for answers, but there has not been a full debate in Parliament to search out the answers.

At least the tabling of the report entitled "Canadian Security and Military Preparedness," issued by the Standing Senate Committee on National Security and Defence, affords us an opportunity to explore Canadian security with a view to strengthening it in a post-September 11 world. The Senate committee should go on with its work, but to be truly effective, it needs to address the root causes of terrorism and political violence as well as concentrate on the proper ways to control it.

The response of the U.S. to terrorism, which Canada quickly joined, has been deeply flawed. Bombing and other forms of violence have made the situation worse. Unless core issues of marginalization and disempowerment in regions of conflict are addressed, an expanded cycle of violence lies ahead.

That is why a better response is needed in this chamber of sober second thought. Let us look at the Senate report with appreciation but also with the desire to strengthen the committee's important work.

There are, certainly, aspects of the report that I applaud. It calls for a probe into the alarming level of criminal activity at Canadian ports of entry. We should support suggestions that there be more information and intelligence sharing, joint police exercises and better technology. All of these suggestions address the new threats posed by globalization. Canada cannot afford the repercussions in trade if countries are afraid to ship goods through ports infiltrated by criminal elements.

The report ought to have been a catalyst for re-ordering Canada's security priorities and preparing its military for the new security environment, but it offers too little and resurrects a logic more in tune with the militarization and narrow focus of the Cold War than with the reality of globalization today. Much of the report rehashes language and ideas that should have fallen into disuse along with the Berlin Wall.

The report states that "...a credible foreign policy is dependent upon a robust defence capability..." and that "Canada requires conventional war fighting capabilities to respond to all types of threats..." At page 89, the report ends by stating:

In the real world, an ongoing military premium must be paid...to maintain peace.

Let us talk about the real world, honourable senators. For several decades, even before the end of the Cold War, the world has been undergoing dramatic changes in the way it operates. These changes have been quite contradictory. On the one hand, worldwide connectivity has widened markets, expanded trade and finance, and facilitated transportation. On the other hand, this global circuitry, along with a relaxing of border controls, has widened the gap between the rich and poor, fuelled civil conflict and fanaticism, and enhanced the predatory power of illicit arms, drug merchants and money launderers. That is the dark underbelly of globalization.

The only thing that is certain in this era is that nothing is purely domestic or international any more. The world cannot be neatly divided between East and West, North and South, or between those who are "with the terrorists" and those who are not. It cannot be tamed through buying more guns and building higher walls.

No study of security against terrorists is complete without examining how non-military forms of intervention can be more effective in dealing with the root causes of terrorism. The Senate committee report is silent on this, when it should have been calling for greater investment in democracy building, election monitoring, civilian peace monitoring, violence containment, security sector reform and restorative justice.

Is the consequence of September 11 to be a never-ending war? That is the question the Senate committee should have focused on. A proper study of security policies in the new age demands the views of experts in far more fields than just the military.

The increased threat of terrorism is just one of the many perils of living in a global village. Treating terrorism as if it were some country to be guarded against — by increasing military spending and the size of the army — will do little to address a challenge that pays little regard to national boundaries. In the global village, someone else's problems sooner or later become our own problems, no matter how high we build the wall.

Such is the case with poverty, which serves as a breeding ground for terrorism. That was the main message of the International Conference on Financing for Development in Monterey, Mexico, last month. However, the Senate committee report is the latest in a long line of Canadian responses to the current security situation mired in the kind of short-range thinking that the Monterey conference was trying to bury.

Since September 11, Canada has lifted its sanctions on Pakistan for its 1998 nuclear tests, tightened its immigration and refugee laws, limited civil rights, and sent our largest military force since the Korean War to Afghanistan, not as peacekeepers but as part of the U.S. force and without a UN mandate. The Senate report comes out in favour of NATO expansion and is demanding an immediate \$4-billion increase in defence spending.

Many Canadians — I am one of them — oppose such an unwarranted increase in defence spending when there are so many unfulfilled social needs at home, such as more federal money for the federal health care system. Also, there are many valid arguments to oppose the further expansion of NATO, which would bring still more nations into a nuclear weapon-armed Western military alliance. These arguments need to be heard clearly, as I trust they will be in the forthcoming government reviews of Canada's foreign and defence policies. At least the Senate committee got it right when it said that defence policy should flow from foreign policy and that a foreign policy review should precede a defence review.

• (1500)

The report states that Canada must "play catch-up." What are we catching up to? The United States has shown its disdain for international treaties, backing out of the Anti-Ballistic Missile Treaty, the Comprehensive Test Ban Treaty and the Kyoto Protocol. The U.S. is now considering not only opposing the Rome Treaty, which set up the International Criminal Court, but removing its signature altogether. This attitude is undercutting efforts both by other countries and civil society groups to strengthen the international rule of law.

It is natural for Canadians to respond with sympathy and shock to the tragedy of our neighbours, but the Canadian response has been consumed by a whirlwind of U.S. decision making that shows no signs of abating. We need to stop for a second and think about where we want to go as a nation. Such has been the spirit behind my efforts in this chamber to study the national missile defence issue. Although I introduced a motion to study NMD well over a year ago, it has been an uphill battle just to have it considered.

In preparing for its report, the committee met with U.S. congressional and administrative leaders, including the Secretary of Defence, and was able to talk openly about missile defence. I searched in vain for balanced views of those who would have warned that a missile defence system would ignite a new nuclear arms race and be the first step in the weaponization of space. Such a balanced view was expressed in the chairman's factual summary of the two-week, non-proliferation treaty conference of the United Nations, which I attended last week. I quote from that report:

Concern was expressed that the decision by the United States to withdraw from the ABM Treaty, and the development of missile defence systems, could lead to a new arms race, including in outer space, and negatively affect strategic stability and international security.

I repeat, honourable senators: That quotation is from a report of the United Nations that was agreed to by all parties at the conference.

We need to understand how this issue and the others I have mentioned fall into the broader security context and see if what is currently unfolding is to our liking and in tune with Canadian values. These values are clear and have been actively promoted for decades. They can still be found on government Web sites: support and trust of the United Nations as the guarantor of international peace and security, multilateralism and working through international consensus; compassion and humanitarianism; the rule of law; and sustainable development to achieve common security. However, this policy, marked by long-term thinking and peace-building, appears to be giving way to one marked by short-sightedness and militarism.

September 11 was a wake-up call for globalization. We need to see terrorism for what it is and adjust our focus accordingly. Canada has come to a juncture and faces a choice: Do we continue with the U.S. down the current path, marked as it is by uncertainty and over which we have little control, or will we take responsibility for our own policies and make them our own? In effect, the choice is one of driving or being driven.

The fact is that Canada has been a pioneer since the mid-1990s in understanding globalization and preparing the international community for it. From Canada's efforts to ban land mines, to creating an international criminal court, to its work on debt forgiveness, our country has demonstrated the skill and knowledge to adapt to this new era.

We need to develop the political will and leadership to lift up the international policy formation process and build a truly global security architecture. However, first we must shed the fortress mentality that has dominated our policies since September 11 and start thinking in terms of cooperation and involvement. We must build bridges, not walls.

Hon. Michael A. Meighen: Honourable senators, at the outset of my remarks, I congratulate my colleagues on the committee, particularly the chair, Senator Kenny, and deputy chair, Senator Forrestall, as well as the staff of the standing committee for producing what I think is a comprehensive and carefully considered report.

I also appreciated very much listening to Senator Roche. I am sure that he will agree with about as much of my speech as I agreed with his, and that is not saying it is inconsiderable. There was much in Senator Roche's speech of which I approve and much that I think is not mutually exclusive to the thrust that I should like to put forward. I do not think it is a question of one or the other, but rather of both approaches at the same time.

[Senator Roche]

Honourable senators, we have firmly entered a new century, and with it, unfortunately, have come novel and brazen and very real threats to our security as Canadians. This unanimous report of the committee is significant if for no other reason than it is among the first attempts to describe and come to grips with those threats. In doing so, the report offers 19 unanimous recommendations that go to the heart of Canada's national security and defence policy.

How the government responds to those recommendations will determine what kind of Canada we will live in as the century unfolds. Will we live in a country that shouts about international responsibility, only to then duck it? Will it be one that proclaims the importance of democratic values and then shrinks from defending them? Will Canada become a country that, when it comes to international security, is heard but not seen? If present trends continue, the answer to many of those questions will be a resounding and disappointing yes. Soon we may become known around the world as the nation that — with apologies to Theodore Roosevelt — talks lofty and offers a leaky ship.

Let me be clear. I have nothing but admiration for the way our soldiers, sailors and airmen and women have acquitted themselves in the war. They have done us proud time and time again, but now is the time, honourable senators, for us to do them proud. How much longer can we expect them to carry out an ever-increasing number of tasks without providing them with the wherewithal in personnel and equipment to undertake them?

[Translation]

Senator Forrestall has given us a detailed description of the committee's findings on the most significant shortcomings in Canada's defence and security policies and programs. I will not go into much detail on what he has so skilfully presented already. I want to support what he says. The Canadian defence and security policy is in a state of emergency at this time, and this cannot help but worsen under a government that is denying the situation. Not only do our forces suffer from a lack of personnel, equipment and resources, but all the other components of our security framework are in the same sorry state.

[English]

Senator Forestall mentioned our significant ports, where crime, as Senator Roche noted, if you will excuse me, is indeed a significant problem. The government seems to deny this, yet witness after witness who appeared before our committee told another story. Union representatives spoke of systematic intimidation of container inspectors by criminals. Intelligence analysts spoke of infiltration in the ports by a wide range of organized crime groups from the Asian Triads through Russian gangsters to narco-terrorists. Customs officials complained that they were understaffed and underequipped, both in the quantity and quality of technology available to them. The federal police who used to patrol these ports have long since been disbanded.

Honourable senators, the situation in our significant ports is nothing short of a disaster waiting to happen. However, the government seems determined not to see this, just as they do not see why we need an expanded foreign intelligence gathering capacity. Here again, they seem to be in denial, with the Deputy Prime Minister recently indicating that it is enough for Canada to cooperate in intelligence-sharing with its allies. In other words, Canada will continue to seek a free ride. How much longer can we expect to do so without contributing our fair share?

• (1510)

Honourable senators, this government's propensity for denial is at its most egregious when it comes to denying our men and women in uniform the support they so desperately need, while at the same time sending them overseas more frequently and into areas of conflict of greater intensity than at any time in recent memory. In other words, the operational tempo of our forces — the number of missions they are asked to undertake at any one time — is exceedingly high; unacceptably so, given the number of personnel under arms.

This tempo includes operations at home, such as responding to the ice storm or to the Manitoba flood, along with those undertaken abroad. We also need to factor in the fact that even when they are at home, however briefly, our troops are often away from their families for lengthy periods of time, whether on courses or undergoing training.

[Translation]

Let us take the example of the navy. In most NATO countries, sailors spend 50 per cent of their time at sea and 50 per cent on land. In Canada, the ratio is 60-40. This means that they spend 60 per cent of their time on board ship, far from their family, and 40 per cent at home. That is the official figure. Unofficially, we have been told that they spend even more time at sea than these figures would indicate.

[English]

During the 1990s, honourable senators, the operational tempo for our forces was higher than at any time since Korea; this at a time when personnel levels were dropping steadily, to a point where today they are below the mandated level of 60,000. Honourable senators, let me ask you again: How long can this go on? Not long, according to the experts.

Referring to the army, the most overtaxed of the three services, Denis Stairs of Dalhousie University outlined the problem lucidly in a speech last year. He noted the constant expectation of the political leadership in our country that Canada will be there every time we are called upon to fly our flag, no matter who the call comes from, whether it is from the United Nations, NATO, or the United States, and no matter where they ask us to go. As a result, we are overextended to the point where there is no possibility that we can sustain our contribution to Afghanistan for more than a relatively short period.

How does the government react to this? The Prime Minister seemingly promises even more troops that he is prepared to send to the Middle East, should we be asked. Speaking as one with some memory for this approach, I would like to counsel him that a philosophy of "aye, ready, aye!" is not always a successful one. Perhaps, that policy should be rethought in the present circumstances.

[Translation]

In my opinion, this is inconceivable and unreasonable. The burden is already becoming intolerable for our soldiers, who work an average of 80 days more a year than the average Canadian. Naturally, we expect our soldiers to work harder than the average person and to accept more difficult working conditions. However, we are pushing the limits, honourable senators, particularly when these difficult conditions are partly due to a serious discrepancy between what the government requires of our troops and what it is prepared to give them, which is not a lot.

In 2000, Canada stood seventeenth among the 19 NATO countries in terms of percentage of GNP spent on defence — seventeenth — and we are a G8 country.

[English]

Honourable senators, I ask you, what more can we reasonably ask of our forces and their families? What more can we ask, without providing additional personnel and resources? It is not only the army that is bearing this intolerable burden, but the navy and the air force as well. The navy is so short of personnel that a ship preparing for deployment can only be brought up to full strength by borrowing sailors from another ship.

Operational tempo is the most common source of discontent among our forces. It is having a discernible impact on their morale, on their family life, on their health, and on their group cohesiveness; indeed, on their quality of life in general. It is small wonder then that one of the most frequently referred to reasons for leaving the forces, according to a military study, is family reasons.

Add the high and increasing operational tempo together with the lack of personnel and resources, and the Canadian Forces are not far from the breaking point. Combined, these two factors are having a devastating effect on both equipment and personnel. Outdated equipment continues to deteriorate. Exhausted personnel continue to leave or suffer from health problems such as post-traumatic stress disorder. If present trends continue, the situation will only get worse. If you do not believe me, you have only to ask the Auditor General, who, in her report last week, predicted a mass exodus from our forces within two years.

A further complicating and, indeed, somewhat discouraging factor, one for which admittedly I have only anecdotal but, I believe, reliable evidence, is that the processing of enlistments — not to mention re-enlistments — is proceeding at a snail's pace, resulting in many of those applying to serve becoming discouraged and eventually giving up in frustration.

It is this dire, or perhaps even desperate, situation that prompted our call in the report for an immediate and substantial boost in defence budget expenditures of \$4 billion and a determined effort to increase troop strength to 75,000.

What is the government's response? The response seems to be that the defence budget has been increased every year for the last three years, and that last year alone it provided a \$1.2 billion infusion to be spent over five years. It sounds good but, regrettably, it is not nearly enough. The prestigious and independent International Institute for Strategic Studies recently reported that the government had reduced the defence budget by 23 per cent between 1994 and 1998, and that military personnel were cut 24 per cent over the same period. Therefore, \$1.2 billion over five years is simply not enough, and our committee is not the only one to say so. We are joined by Auditor General, the Conference of Defence Associations, the Federation of Military and United Service Institutes of Canada, and the Council for Canadian Security in the 21st Century. All are in agreement that the Department of National Defence needs more money, generally in the order of \$1 billion, and not just this year but next year, the year after that, the year after that, and the year after that. A total of \$1.2 billion spread over five years just will not cut it. According to the Auditor General, it would not even cut it for one year.

Honourable senators, it is appropriate that the baseball season is upon us, because now is the time for our government to step up to the plate, instead of sending our Armed Forces personnel out to play hardball time and time again, without the benefit of a bat, a helmet or a full complement of players to back them. If we continue to do so, we will have abrogated our responsibility not only to our men and women under arms, but to our friends, our neighbours and our allies, who expect Canada to do its share to ensure a stable and peaceful world. We owe it to them and to ourselves.

As the committee's report points out, and as Canada's 1995 White Paper on Foreign Policy confirms, it is in our national interest to work with like-minded nations to ensure a peaceful, stable world. Otherwise, we will not continue to enjoy either security or prosperity.

While Canadian territory may not be under direct threat, Canadian national interests most certainly are, as recent history has shown us. If anything, the world is a much more dangerous and unstable place than it was 10 years ago. Just look at the crisis in the Middle East. Look at the recent past, at the hostilities that took place in Kuwait, in Rwanda, in Bosnia, in Somalia and in Kosovo. In each one of those situations, Canadian interests were at stake and Canadian Forces were involved.

While the terrorists of September 11 targeted the United States, they did so as it represented the Western democratic way of life, a way of life that we share with the United States and with many other countries. Therefore, no one should think for a minute that we are exempt from such threats. That is the surest way to invite them.

Honourable senators, last week in New York the Prime Minister recognized how important it is for developed countries to invest in Africa. It is important because it is the squalid conditions in underdeveloped countries that lead to acts of terrorism such as those that took place in September. Should we invest in Africa to remove these conditions? "Simply put," the Prime Minister said, "we cannot afford not to."

• (1520)

This report makes it plain that the same holds true for investments in defence and security. The only question I ask is this: Who is listening?

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

[Translation]

OFFICIAL LANGUAGES

SEVENTH REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Callbeck, for the adoption of the Seventh Report of the Standing Joint Committee on Official Languages entitled: "*Good intentions are not enough*", tabled in the Senate on February 21, 2002.—(Honourable Senator Robichaud, P.C.).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am pleased to take part in the debate on the adoption of the seventh report of the Standing Joint Committee on Official Languages, entitled: "Air Canada: Good Intentions Are Not Enough." The members of the Standing Joint Committee on Official Languages examined the services offered in both official languages by Air Canada. The report presents a series of recommendations to encourage Air Canada to clearly fulfill its linguistic obligations, and to do so in a timely manner. In other words, the recommendations set out in the report ultimately seek to improve the situation, which has deteriorated in recent years, and more particularly since the Crown corporation was privatized.

Honourable senators, I have no intention of enumerating each of the recommendations here. I would simply like to express my support for the conclusions of the standing joint committee's report. I would also like to remind everyone that we must not forget the importance of citizen participation in the enforcement of the Official Languages Act. It is one of our individual responsibilities to demand that companies like Air Canada provide services in both official languages.

There is often a tendency to assume that these companies will automatically provide services in both official languages. I think we must be vigilant and ask to get these services in both official languages.

Honourable senators, if there is no demand for services, these services disappear gradually and, unfortunately, rather quickly. Francophones who are members of a linguistic minority know exactly what I am talking about. There is no need to belabour the point. We must be vigilant to ensure compliance with the Official Languages Act.

[Senator Meighen]

We must not hesitate to ask for services in the official language of our choice. We should not hesitate to use available tools to ensure compliance with the act by public and parapublic bodies, such as Air Canada. We must ensure that the institutions and corporations that are governed by the Official Languages Act fulfill their linguistic obligations, and that they not only comply with the letter of the act, but also with its spirit.

Honourable senators, I support this report and I feel that it proposes major recommendations for Air Canada and for the Department of Transport. I hope that similar measures will be adopted by the other privatized companies, which are not fulfilling their linguistic obligations as they should. Compliance with the Official Languages Act is a matter of respect and dignity.

Motion agreed to and report adopted.

[English]

STUDY ON ROLE OF GOVERNMENT IN FINANCING DEFERRED MAINTENANCE COSTS IN POST-SECONDARY INSTITUTIONS

REPORT OF NATIONAL FINANCE COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on consideration of the ninth report of the Standing Senate Committee on National Finance (study on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions), tabled in the Senate on October 30, 2001.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I am pleased to have the opportunity to speak in this debate on the problems that our Canadian universities are facing in maintaining their buildings.

Today, our universities are facing accumulated deferred maintenance costs of potentially more than \$3.6 billion. According to the facility condition index, the average condition for all Canadian universities is ranked at 11.3 per cent. Normally, 5 per cent is considered the cut-off point above which facilities are deteriorating excessively.

Were this the only cost universities were facing, it would be daunting enough. However, universities are also facing the need to invest in expensive new technologies and in an expected growth of student enrolment of more than 20 per cent over the next 10 years.

[Translation]

Honourable senators, I do not intend to go into details on building maintenance. There are many people who are much better qualified to do so than I am. However, I would like to focus on how to reduce financial pressures on our universities, so that they can allocate more resources to maintenance — I am referring here to indirect costs relating to research.

[English]

Government of Canada support to researchers in Canadian universities comes in many forms. There are three federal granting agencies: the Canadian Institutes of Health Research, or CIHR; the Natural Sciences and Engineering Research Council, or NSERC; and the Social Sciences and Humanities Research Council, or SSHRC. These agencies provide operating grants, salary support and training awards to researchers throughout the country.

The Canada Foundation for Innovation underwrites the cost of research infrastructure while the Canada Research Chairs Program provides support both to researchers at the beginning of their career as well as to those at the pinnacle.

Further support comes from the National Centres of Excellence, Genome Canada and other targeted initiatives.

[Translation]

The extent to which a university attracts investments from these federal programs is an excellent indicator of the excellence of the institution in question. As a result, it can attract more talented people and thus embark on a cycle of innovation.

[English]

Nonetheless, there is significant cost associated with attracting federal investment — the cost of sustaining a research environment. Research is becoming a far more complex affair, requiring dedicated facilities, more sophisticated equipment, increased safety requirements and higher ethical standards for both animal and human subjects of research.

The indirect costs of research include operation and maintenance expenses, library and research archiving expenses, ethical review of research proposals, technology transfer and commercialization services, and even the provision of teaching assistants so that researchers can devote more of their time to their research. These costs create a burden on universities that they can ill afford; yet all of these indirect costs are important functions.

Technology transfer and commercialization of basic research conducted in our universities, for instance, are the fuel of economic growth and job creation. Many universities have set up offices to protect intellectual property and to help transfer discoveries to the market. However, many do not have the resources necessary to recruit people with sufficient expertise to carry out this very important task.

[Translation]

If the universities are not reimbursed for these indirect costs of research, they will have to recover them from other sources of revenue, generally those earmarked for teaching and maintenance.

• (1530)

[English]

Honourable senators, research is a critical part of the mission of our universities. Indeed, it is even more important here in Canada than many other countries because of the relative weakness in industrial research in Canada. If Canada is to achieve its goal of becoming one of the top five countries in the world for research and development performance by 2010, then we must focus on our investment in our universities where that performance will take place.

At the same time, we must recognize that teaching is also an essential function of our universities. We do not want to see funding diverted from this area in order to support research.

In the last federal budget, the Government of Canada created a one-time \$200-million fund to provide money equal to about 25 per cent of indirect research costs based on each university's share of funding from CIHR, NSERC and SSHRC. This investment is helping universities strengthen their research programs and attract and retain talented researchers. It is also helping smaller universities to become more research oriented by providing them with proportionally higher levels of funding for their indirect costs. The existence of this one-time fund recognizes that we cannot attain our federal objectives of creating and transferring new knowledge without supporting the university research environment along with the direct costs of research projects.

In establishing this fund, the federal government has followed the model of the United Kingdom and the United States, both of which support indirect costs.

The government has agreed to work with the provinces, some of which are already providing assistance with indirect costs, and with the Association of Universities and Colleges of Canada, to develop a permanent program. The Prime Minister's Advisory Committee on Science and Technology recommended such a program in its report on this subject in September 2000.

A permanent program to cover indirect costs of research would have to overcome the challenges that have faced similar programs in other countries. Funding of indirect costs cannot come at the expense of funding for the direct costs of research. I know this is a fear that many researchers, myself included at one time, have held. In addition, such funding must be clearly earmarked, and cannot be permitted to disappear into larger budgets where it will not be used for its intended purpose.

One way in which that can be accomplished is by adopting the model of the Howard Hughes Medical Institute in the United States. This is a non-profit medical research organization that employs hundreds of biomedical scientists working at the forefront of their fields. It is unique in that, when it funds a scientist, it funds all aspects of his or her work, including both direct and indirect costs of research. Imagine such a program here in Canada, where our best researchers could, for instance, receive funding for a CIHR lab in their area of specialty, funding that

would cover the costs of salaries, research assistants, space, equipment and the operation of a lab — in fact, everything from start to finish.

Honourable senators, universities need federal research dollars to participate fully as partners in Canada's innovation agenda. Canada needs university-based research to participate fully in the knowledge-based economy of the 21st century.

[Translation]

If the government were to develop an ongoing program for covering indirect research costs, this would make a great contribution to solving the problem of concern to us here, namely the costs of maintaining our universities.

[English]

The ongoing availability of a competitive research environment is a necessary condition for the success of other federal programs that sponsor research. Without this necessary investment, we face the very real prospect that our considerable investment in supporting research in Canada, our very real investment in our future, could fail. The costs to our country, to our economy, would be far greater than those associated with the costs of supporting indirect costs of research.

On motion of Senator Kinsella, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(Honourable Senator Comeau).

Hon. Gerald J. Comeau moved the adoption of the report.

He said: Honourable senators, this report, which was tabled on February 19, sketches out what committee members heard during a series of informal meetings that took place in the years 2000 and 2001.

With its 2 million lakes and rivers that cover almost 8 per cent of the land mass, Canada has the world's largest freshwater system. Some 60 per cent of Canada's freshwater flows towards the Arctic. In turn, the Arctic accounts for about two thirds of Canada's maritime coastline.

Because of the sector's expanse, diversity and the many government jurisdictions involved, committee members limited the scope of their study to Lake Winnipeg and three areas of Canada's Arctic region, namely, Nunavut, the Northwest Territories and Nunavik in northern Quebec. Informal discussions took place in boardroom-type settings and in the form of on-site visits. Recorded hearings were later conducted in Ottawa.

[Senator Morin]

The committee had last considered the freshwater and northern sector in 1986. A northern visit was long overdue.

[Translation]

The report addresses such matters as the health of the Lake Winnipeg ecosystem, transboundary pollution in the Canadian Arctic, co-management, sustainable development in the North, scientific research, and fish stocks near Nunavut. The report contains 12 recommendations.

[English]

A major recommendation is on the pressing need to expand the work undertaken by the Freshwater Institute in Winnipeg. There, in May 2000, we met with DFO officials to learn about the activities and programs of the department's Central and Arctic Region. Bounded by 71 per cent of Canada's coastline, the Central and Arctic Region encompasses two thirds of Canada's marine waters, two thirds of Canada's freshwater and 20 per cent of the world's freshwater. As such, committee members were briefed on a wide range of subjects, including DFO's activities in the Arctic.

[Translation]

Although overshadowed by the much larger fisheries on the Atlantic and Pacific coasts, fishing in the North generates economic activity where there are few other opportunities, and where most fishers are of Aboriginal origin. Fishing is a significant contributor to household economies, a traditional way of sustenance, and a pursuit that is deeply rooted in the northern cultural heritage. There are a large number of fisheries; some are very small, but all are locally important. Another important characteristic of fishing is its isolation and the high costs of transporting products to southern markets.

[English]

While a sense of "northernness" is an important aspect of the Canadian identity, we were told that getting northern issues on the political agenda is always difficult. This region faces many challenges — high unemployment, accelerating social change, and a young and rapidly growing population dependent on the renewable resource base. Industrial development is also expected to put increasing pressure on wildlife, including fish and their habitat. At the same time, Aboriginal people deeply wish to maintain their traditional way of life.

Many northern communities are looking to the fisheries for the economic benefits they generate. However, comparatively little scientific information exists on northern ecosystems and fish stocks. It is important to note that northern waters are particularly vulnerable to pollution because the cold climate slows chemical and biological processes that affect their ability to recover. Fish are also vulnerable to overfishing because of their slower growth rate.

The committee concluded that a more sizeable investment in research for stock assessments, scientific studies and on-going monitoring, is essential if safe harvesting levels are to be set, fish habitats preserved, and emerging fisheries are to proceed in a sustainable manner. The acquisition of an icebreaker dedicated to serving the needs of the research community in the Arctic would be an invaluable tool for advancing Canada's conservation networks in that region.

• (1540)

Honourable senators, our study was tabled in February. More recently, on April 7, 2002, *The Edmonton Journal* reported the following on page A-1:

"Embarrassing, pathetic and scandalous" are the words that —

— University of Alberta scientist John England —

— used to describe Canada's commitment to Arctic science in recent years. The federal government, however, has found it hard to fight back. The United States, for example, spends \$300 million U.S. a year on polar research. In contrast, the Natural Sciences and Research Council of Canada spends less than \$3 million of its \$500 million budget on polar science. Sweden spends more than four times that much.

On April 11, 2002, the *Toronto Sun* reported that Canadian scientists have been "concerned about the uncertainty of project funding...the lack of equipment and their future as researchers." Many of them have left for the United States, some of whom are "known worldwide." They are lost to us now. These are reportedly people at the peak of their careers, who "conduct valuable research into fish stocks, climate change and the use of chemicals."

Honourable senators, scientific research is critical if Canada is to fulfil its international commitments to protect Arctic ecosystems. A steward of one quarter of the world's northern circumpolar region, Canada has a major stake in conserving renewable resources and protecting the Arctic environment. Canadians claim sovereignty in the region, and it is incumbent on us to conduct research within our own territory. In the North, the issue of contaminants — or transboundary pollution — is a very serious one for Canadians living in the region because traditionally harvested "country food," including marine mammals and fish, make up the substantial part of their diet. The impact of global warming on ecosystems, wildlife and animal migrations was raised in every community we visited. Time and again we were told that climate change is well under way. We heard that animals were appearing in areas where they had not previously been seen and that coastlines were changing due to the melting of the ice.

[Translation]

Obviously, contaminants in the Arctic and global warming are international problems. A single department or country will not resolve them; it will take a concerted and sustained international effort, and international co-operation.

It will also take ecosystem-oriented multidisciplinary approaches, and we must make use of traditional ecological knowledge — the precious knowledge which Aboriginals have acquired over the centuries by living in close harmony with the land and the sea.

[English]

While in Manitoba, we heard a great deal about Lake Winnipeg, the largest and most economically important body of water west of the Great Lakes and the world's tenth largest freshwater lake. Its surface area is greater than that of Lake Ontario. The economic and aesthetic values of Lake Winnipeg are equally considerable. Fish are an obvious source of wealth. The lake supports the largest commercial freshwater fishery west of the Great Lakes. However, in spite of its significance, comparatively few studies have been carried out on this very important body of water.

Research on Lake Winnipeg is critically important because of a number of worrying trends, such as significant changes in water transparency, biological species composition, productivity and sediment chemistry. We learned that the lake is on a path of degradation through nutrient enrichment not unlike what had been seen in the lower Great Lakes during the late 1960s. There has also been a recent invasion by rainbow smelt, which could alter the structure of the lake's food web.

To address the pressing need for research, the Lake Winnipeg Research Consortium was formed in August 1998. In May 2000, in Gimli, committee members met with representatives of the consortium, who described the activities they undertake to: facilitate multidisciplinary scientific research; encourage the sharing of information among stakeholders; and assist in the coordination of specific research ventures involving universities, governments and private interests.

The committee recommended that government actively encourage and financially support the formation of organizations, such as the Lake Winnipeg Research Consortium, that promote public and private partnerships as well as collaborative, cooperative and multidisciplinary research.

In Nunavut, an area near and dear to Senator Adams' heart, we had the pleasure of a great host. Senator Adams seems to know everyone there. A major fisheries issue is the territory's disproportionately small share of the overall quota for turbot — also known as Greenland halibut — in the Davis Strait fishery when compared to the amount of fish allocated by the fisheries minister to southern fishing interests. Our discussions centred largely around the concept of "adjacency" — a politically-charged policy when allocating fish in the Atlantic commercial fishery. Adjacency is generally understood to mean that those who reside next to the resource should have priority access to that resource.

On Nunavut's share of the total allowable catch for turbot and other species, committee members concluded that the territory's disproportionately small allocation of fish was a glaring inconsistency in the application of the principle of adjacency. In February, your committee recommended:

That the Minister of Fisheries and Oceans adopt a fair and consistent policy with respect to Nunavut's access to its adjacent Atlantic fisheries resources, including turbot. Quotas should be set in accordance with the spirit and intent...of the Nunavut Land Claims Agreement.....

Many honourable senators may already know that a few days ago, on April 5, the minister released the report of the Independent Panel on Access Criteria, otherwise known as IPAC, for the Atlantic fisheries. The panel reached the same conclusion and said:

The Panel found that Nunavut does not enjoy the same level of access to its adjacent fisheries as do the Atlantic Provinces. In keeping with the spirit of the Nunavut Land Claims Agreement, and fair and consistent application of the adjacency principle, the Panel therefore recommends that: No additional access should be granted to non-Nunavut interests in water adjacent to Nunavut until the territory has achieved access to a major share of its adjacent fishery resources.

In the North, we also heard a lot about co-management. With the settlement of land claims, Aboriginal people now have co-management responsibilities for an area larger than four Atlantic provinces. From what was said, co-management appears to be working well as a means of sharing decision-making and in responding to the values, priorities and needs of the Aboriginal communities. The use of traditional ecological knowledge is widely supported by fisheries stakeholders and government officials alike. However, there were comments made to us on the inadequate DFO staffing levels in the region, making it difficult for the department to live up to its responsibility as a co-management partner.

Canada's North has undergone enormous change over the years. The future will likely see even greater change. Demographically, the most startling feature of the Aboriginal population in the North is its youth — about half of the population is under 25 years of age. This sets the stage for an increasing need to create jobs in the region where unemployment is much higher than it is in the rest of the country.

In Nunavut, the people we met stressed the fact that the population is expected to double within the next two decades. By national standards, northern communities possess very modest physical infrastructures. Lack of capital was a recurring theme. Without economic development agreements with the federal government, officials of the Government of Nunavut told us that Canada's three territories would be unable to make much progress.

On a community scale, we were made aware of relatively small projects that show good potential for development in the North. For example, last June a small group of committee members travelled to Nunavik and visited Canada's first fish ladder, or "fish way," in the Arctic.

[Senator Comeau]

The committee recommended that governments encourage and help to fund local river improvement projects in the North, that help to achieve a net gain in the productive capacity of fish habitat, as was demonstrated by the small project. Senator Adams and I were quite impressed with the work that had been done with very modest sums of money.

• (1550)

I wish to thank the committee members for their hard work. I also wish to thank the many individuals, groups and government officials who so generously made time available to us. We were very impressed by the deep passion displayed by those who spoke to us about the fishery. Also, I wish to give a special thanks to the dedicated staff of the Freshwater Institute in Winnipeg for their time and expert guidance.

In closing, Olayuk Akesuk, Nunavut's Minister of Sustainable Development, described the committee's report as "a clear and unbiased perspective on northern fisheries." I could not have said it better. On March 6, 2002, he wrote:

This report is a true reflection of the time and effort both you and your colleagues have put into this project over the past couple of years. The report will go a long way towards the establishment of some much needed recognition for the sustainable development of Nunavut's fishing industry. As I have stated on many previous occasions, half our battle is educating southern Canada...I strongly feel that this report will bring us a step closer to that understanding and recognition...please extend my regards to your Honourable colleagues that contributed to this publication.

On a more personal note, I had not visited the northern regions prior to this visit. I came away a much more enlightened southerner, sensitive to the needs of our Aboriginal communities in the North. Each one of us should make an effort to be as informed and sensitized as our northern colleagues were with our committee members.

I thank everyone who contributed to the work, and I thank this chamber for your kind attention.

Hon. Nicholas W. Taylor: Is there enough time to ask a question?

The Hon. the Speaker: No there is not, unless Senator Comeau requests leave for an extension of his time.

Senator Comeau: I am open to questions. I request leave, should it be the agreement of the house.

The Hon. the Speaker: Is leave granted?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would give leave for the honourable senator to ask one question and get one answer to his question.

[English]

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

Hon. Senators: Agreed.

Senator Taylor: I am intrigued by your statement that 60 per cent of Canada's freshwater flows north. On the Prairies, it is 80 per cent. In that regard, the Prairies, as are several parts of Canada, are running out of water, whether due to global warming or not.

If we look at other Arctic areas like Siberia, northern Russia, Archangel, Sweden, Finland and northern Norway, they have managed to use their north. High-tech and other industries are moving in there; those areas are no longer only reserved for farming.

Over here, we have a fascination with the bottom line. Projects must make money. In line with that philosophy, the CPR would never have been built, Air Canada would not have been established and the trans-Canada pipeline would never have been built. In other words, the things that bind Canada together were against the flow of short-term gain.

How would you develop the Arctic, not only in terms of jobs for the Aboriginal people who live there but for all of society, to reach the levels the Arctic areas of Asia and Europe have reached?

Senator Comeau: I would not even pretend to be able to answer that question in the short time that I have, but I would like to say this: As a start, I should like to provide the kind of tools that would, at least, allow Nunavut to tap into, as we have in the south, resources right off its shores.

We go up there with our trawlers and fish those areas. Why not look at providing northerners access to their own resources, by aiding them with vital infrastructure so that they themselves can obtain vessels? For example, we do not provide them with the wharfs that would allow them to land there. Even if they had the boats, they could not land at their own processing facilities.

Rather than going with Cadillacs, to coin a phrase of a past prime minister, why not try the Volkswagen approach and provide them with access to the resource and facilities where they can land the fish, and then proceed from there? They are looking to run before they walk. We need to understand that, before we can move on to much greater things.

Hon. Bill Rompkey: I did not take part in the committee deliberations; however, my memory was twiggled about a couple of items when I heard about Arctic fishing. One was the Kirby report.

I do not know if the committee looked back to the 1980s and the restructuring of the East Coast fishery. When the Kirby committee filed its report on the East Coast fisheries and created Fishery Products International, among other things, to restructure the companies who were at the point of collapse, one of the recommendations was the formation of a northern fisheries development corporation.

The committee recommended that for a number of reasons, one being the lack of capital that is invested in the North. No matter where we are in the North, we suffer from that same lack; certainly Labrador has. The only things that have worked there are cooperatives. That is not unusual; that is the way some Aboriginals do business. Senator Adams is not a very good example of that, as he is the exception to the rule. However, generally speaking, Aboriginals work best in collectives.

Cooperatives have worked on the Labrador coast. One of those is in shrimp, which brings up the case in point. Aboriginals have joined forces to fish the allocation of northern shrimp, whether in Labrador or across the Arctic.

Could there be more examination of what Kirby recommended in the 1980s, and why, with a view to resurrecting that idea of a northern fisheries development corporation? Secondly, could we look at the experience Aboriginal co-ops have had in the North, particularly in joining forces and fishing the shrimp allocation given individually to each of the cooperatives by the Government of Canada?

It seems to me that a government-supported corporation could do many things. It could address the issue of infrastructure that you talked about, while, more important, addressing the issue of capital, which is what is needed to develop the fishery in the North.

I just make those few comments, as I thought they would be appropriate at this time.

On motion of Senator Adams, debate adjourned.

• (1600)

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier, calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I am grateful to Senator Gauthier for having brought to our attention the question of how important our culture is to us, and to Senator LaPierre for his wise words on the subject. I will talk about economics, which does not have much to do with art per se, but it does in an important, if incidental, way.

Honourable senators, the most important thing about art in our lives is its intrinsic aesthetic value — it makes life better. My ex-colleagues and I, in what Statistics Canada calls the arts and cultural industry — musicians, actor, writers, publishers, producers, distributors, directors and the like — are all involved in a continuous never-ending fight for our industry to also be taken seriously in the incidental but important economic landscape of Canada.

Everyone understands the “quality-of-life” arguments for the arts and culture. We know that and it is known by all levels of government. We see that on the glossy front covers of practically every economic development brochure for practically every town, city and province. There are pictures of theatres, ballet dancers and symphony orchestras, along with the pictures of glass office towers, rail yards and airports, because small “c” culture is fundamentally important to the mix in any civic, provincial or national infrastructure.

The arts, as well, are a huge, thriving and growing industry in our country. That is not the important thing about the arts and culture. Those aesthetic values are the most important thing. Civilization’s past and present are known to historians, and to their contemporaries, not so much by their bank accounts as by their culture. It is hard to find anyone who did not know that Mozart was important, however, it is hard to find someone who could tell you who in the 18th century was the largest pipe manufacturer in Austria.

Economic importance does count, however. Partly because of the free trade agreements, the arts and cultural industries in Canada — that is what they are — have been under intense scrutiny over the past 10 years or so. Why are the Americans so insistent about them? Economists and politicians have suddenly realized that here is an industry, with comparatively very low levels of support from government, that is one of the most labour intensive, cost-effective, efficient areas of the business sector, and one which deals primarily with a constantly renewable resource and with a huge potential for growth.

The Government of the United States has, after many years, been awakened by the irrefutable statistics, awakened to the economic importance of its arts and culture industries. They do not call them that but that is what they are. They can no longer ignore the fact that for the past 20 years their largest economic export commodity was the airplane. However, their second largest was not cars or computers or information technology, it was show business.

Some Canadian governments are beginning to wake up to those economic facts because the blunt fact is that arts and culture is one of largest industrial sectors. Taken as a manufacturing industry, which is how Statistics Canada describes it, the arts and cultural industries are among the largest employers of any manufacturing sections of the industrial sector in Canada. In 1993-94 it earned nearly \$30 billion. That is more than petroleum, refining, coal, rubber, and plastics and textiles combined.

In 1991, which is the most recent year for which I have precisely and directly comparable figures for all of the industrial sectors from Statistics Canada, the cultural sector contributed 2.99 per cent of the GDP of Canada. That does not sound like much until you realize that the agriculture sector contributed 2.3 per cent, telecommunications 2.7 per cent, mining 1.2 per cent, and logging and forestry 0.6 per cent.

Honourable senators, in those years there were 894,000 workers in the cultural sector. That is seven times the entire workforce of the forest products industry, and 6.9 per cent of total employment in Canada. In the four years between 1990 and 1994, the Canadian GDP increased by 8 per cent. In that same period, the cultural sector's input increased by 9.9 per cent. Total employment in Canada in those four years decreased slightly. In the cultural sector it increased by 5.5 per cent.

The cost of creating a new job in light industry is approximately \$100,000; in heavy industry it is approximately \$200,000. In the cultural sector it is approximately \$20,000. What is more important these days than job creation? For every \$100 it takes to create a job in conventional light manufacturing, five jobs can be created in the arts — five taxpaying, full-time employed workers.

Honourable senators, it makes sense to invest in an industry like that, especially when the cost of sustaining the traditional ones is so high. We must maintain and nourish an environment in which the arts can and will flourish, and in which they are held in respect, both as enhancing our quality of life and as an important part of our economic structure.

I should like to take a moment to dispel some mythical nonsense that has got into our collective psyche, which is that cultural industries are slurping at the public trough while other industrial sectors are full of people and enterprises standing on their own two feet and depending on only themselves. I will tell honourable senators who are the true example of pure personal entrepreneurship — artists and creators. If they do not show up for whatever reason, it is too bad, they are gone, they do not get paid. If they are sick, too bad, they do not get paid. If they did not get it done today, they will finish it tomorrow. Not in that business. Unemployment insurance? You must be kidding. Need a bank loan to get you through the next book, the next record, the next show? You must be joking.

The arts do not want or need a lot more money. They just want all people to understand that, by comparison, it is they who rely on themselves. It is they who stand or fall based solely on their own efforts, and those efforts make a significant economic contribution and are not a drain upon the economies of our cities, our towns and our country.

Honourable senators, we must not consider the arts as secondary, superfluous and outside of Canada's economic mainstream, but rather as they are, a major player in our economy and a serious participant in our future, not as a sinkhole for government and corporate funds, but rather as a real growth

industry from which every dollar invested is returned to our economy doubled, tripled and quadrupled; not as an area where indulgent artistes pursue their personal fantasies, but rather as a labour-intensive, efficient, lean industry with a proven and increasing market.

However we treat the arts, they will always be a major force in any civilized society. When man discovered fire, there was already painting and dance. The ancient Greek wrote plays that we produce and perform today. We listen to and rejoice in music performed by the ancient peoples for the ancient kings and queens. When oil was finally put to a productive use, the opera houses of Europe were already hundreds of years old.

Honourable senators, because the arts change, they are essentially always the same. They are the means by which we communicate our highest and most noble ideas. They have survived every scourge known to man. In many cases they have been instrumental in effecting positive world changes. They will continue to survive because our need for self-expression, creativity and beauty will remain, however much the externals of our world may change. The arts are significant and vital in every respect of our society. If we treat them with respect and with pride, then no matter what economic or social transitions we face, the spirit, the soul and the vitality of our country will thrive.

On motion of Senator Banks, for Senator Lapointe, debate adjourned.

• (1610)

THE HALIFAX GAZETTE

MOTION IN CELEBRATION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Buchanan, P.C.,

That the Senate of Canada celebrates with all Canadians the 250th anniversary of Canada's first published newspaper, the *Halifax Gazette*, the publication of which on March 23, 1752, marked the beginning of the newspaper industry in Canada which contributes so much to Canada's strong and enduring democratic traditions.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I am speaking on Senator Graham's motion to commemorate the two hundred fiftieth anniversary of the publication of the first newspaper in Canada, what is now the *Halifax Gazette*, which first appeared on March 23, 1752.

I have no prepared text. At my age, I find it more and more difficult to sit down and write a speech. I now do what I have seen a number of my colleagues do over the years, including Senator Joyal and others: display their notes on their desks and pick them up from point to point. I intend to proceed in that way today.

As was so well pointed out by Senator Graham, there is not much in the first number of issues of the *Halifax Gazette* in 1752. It is mostly comprised of shipping news and old news. There was, as Senator Kinsella pointed out, a report of a guy who threw a stone at the Pope in September of the previous year. There was news from London of September 18 from the previous year.

I thought I would look, just for the heck of it, at what news the first Canadian paper missed. I went to the *Chronicle of World History*, which labels itself as the ultimate record of world history. I reviewed the year previous to 1752, to see what news the *Halifax Gazette* either missed or did not have sufficient space for.

I found an article regarding a complaints box at the shogun's castle gate in Japan, in 1751. The article reads as follows:

The shogun Tokugawa Yoshimune, who has controlled Japan for the last 29 years, has died at the age of 67. A forceful and capable man, he used the practical experience he gained as a feudal ruler drastically, but quietly, to redress some of the worst injustices of shogun rule.

One of his innovations was to put a *meyasubako*, a complaints box, at a gate of his castle in which the people could deposit suggestions for his personal attention, by-passing the bureaucracy.

Honourable senators, I find that item interesting. In fact, I think that we should have a suggestion box at the door of Parliament for the chief politician to dig into, from time to time.

In Beijing, during the same year, 1751, the following is reported:

Work has been completed on restoring the Hall of Prayer for Good Harvests in the Temple of Heaven.

I am sure that this is of particular interest to senators from Western Canada. The article continues:

The round hall, which rests on a triple-layered marble terrace, is 30 metres across and has a roof shaped in three cones covered by brilliant blue tiles. It is surmounted by a golden sphere. Perhaps the most remarkable fact about this beautiful building is that it is made entirely of wood, yet not one nail has been used in its construction.

It is here that the emperor comes to give homage to the heavens and to make sacrifices and pray for a good harvest. It is set in a large park forbidden to the people.

From England, in 1751, the following was reported: "The poet Thomas Gray composes his *Elegy written in a Country Churchyard*." If honourable senators would like to hear the full text, we could ask Senator Rompkey to recite it for us.

Senator Rompkey: Not now.

Senator Corbin: In Paris, in 1751, the following:

The Sorbonne —

— that famous university —

— condemns 14 propositions on evolution in Georges Buffon's *Natural History*. To avoid theological controversy, Buffon signs a declaration abandoning anything in his work that might be contrary to the account of Earth's origins given in Genesis.

Honourable senators, that is incredible. Buffon could have been the recipient of all the fame you know who Darwin got for his theory of evolution.

I somewhat regret that Senator Di Nino is temporarily absent from his seat. From Tibet, in 1751, the following:

The Dalai Lama has been forced to acknowledge that he is the vassal of the Emperor of China after an abortive revolt by the Tibetans against Chinese rule. Two commissioners and many Chinese were killed in the revolt, but it was easily put down by a Chinese expedition.

Emperor Qianlong has heaped honours on the Dalai Lama, making him head, both spiritual and temporal, of Tibet and putting the Ministerial Council under his command; but there is no doubt who rules in Lhasa now.

Honourable senators, I could go on and on. It is obvious that what we are commemorating is not so much the content of the first *Halifax Gazette* as the initiative for a free and unshackled press. We do not know to what point the paper was unshackled. However, we do know that the publisher needed to be very careful in his news coverage in order to continue to receive government advertisements.

One item is notably absent from that 1752 newspaper. On March 19, 2002, at page 2463 of the *Debates of the Senate*, Senator Graham, in his speech on this subject, said the following:

In John Bushell's day —

— Honourable senators, John Bushell was the paper's publisher —

— the town of Halifax had been in existence for only three years. It was, as Ronald Rompkey of Memorial University — the younger brother of our own esteemed Senator Bill Rompkey — tells us, a small British garrison established to offset the fact that the Treaty of Aix-la-Chapelle of 1748 had compelled Britain to give the Island of Cape Breton back to France, hence finding themselves strategically exposed.

However, what the *Halifax Gazette* does not say is that the majority of the inhabitants of Nova Scotia, namely the Acadians, were the ones who were strategically exposed. A few years later they were expelled from Nova Scotia. Of course, there is not an inkling of a word about the Acadians in this original *Halifax Gazette*.

It is said that if the *Halifax Gazette* were the success it was for the duration of its life, it is due to the daughter of the publisher, Elizabeth Bushell, who was a swift and correct compositor, according to Stephen Kimber who produced a small notice on the occasion of the two hundred and fiftieth anniversary of the *Halifax Gazette*.

Certainly, we all agree today that women reporters and editors, all women engaged in the publishing industry, play a much greater role than in those days. They play an important role. Some women have owned major newspapers. I believe the *Washington Post* was owned by a woman. I think due notice, due recognition, is given to Elizabeth Bushell, the daughter of the publisher, for the production of that first Canadian newspaper, the first of many women to be actively engaged in the publication industry.

• (1620)

The main thing I wish to say about the *Halifax Gazette* and the preservation of its first edition — which is, by the way, in American hands and is on loan to Canada for the occasion — is that currently we do a poor job in Canada of preserving the world's largest collection of Canadian newspapers. I had the occasion recently, because I had requested it, of visiting — I do not know how to describe it — a cement block and tin-roofed shed where Canada's and the world's most important collection of Canadian newspapers is stored. They are stored on shelves eight- to ten-feet high. They are turning yellow because of the obvious acid content. Most newspapers are still printed on acid paper, as if they were meant to self-destruct.

The collection that we have in Ottawa, in the area that used to be known as Nepean, is under threat of destruction by fire, quite possibly, as the area is surrounded by storage tanks — gasoline, tar, propane. The biggest concentration of such materials is next door to the building where we keep Canada's most important newspaper collection. In the summer, when the temperature rises, the heat in there builds up to the point where fire alarms go off. In a heavy downpour, water seeps into the building, and electronic devices tell central that the place is being flooded. This is no way to treat that collection. I was personally amazed that it has been kept in relatively good condition, even to this day, but I do not think it will keep much longer if something is not done about finding a better building for it.

Honourable senators, this collection of newspapers is important not only as a keepsake. People actually use the collection. It has all been microfilmed. Researchers can start their work by reading the microfilms, but microfilms are imperfect tools. Pages and columns and borders are missing, so one has to refer back to the original print material. That is done, I am led to understand, quite often.

It would be a bloody shame if, on the occasion of our commemorating the two-hundred fiftieth anniversary of the publication of the first Canadian newspaper, we were to lose that vast collection of contemporary newspapers.

Just for fun, I pulled out the August 2, 1934 edition of *La Presse* because August 2 is my birthday. I also remembered, from my study of history, that on August 2, Hindenburg died and Hitler took power in Germany. That was the beginning of the end for many people. It is that sort of thing that one can find in newspapers that sometimes makes one's blood bubble, literally.

Honourable senators, I have raised this matter previously in the Senate by way of a statement and then by way of a question to the Leader of the Government. I also raised the matter in the National Finance Committee before Treasury Board officials. I asked for more detailed budget information for the National Library. I can well understand that it takes time — and I understand by a certain signal that my time has lapsed. With the indulgence of the house, perhaps I could be given two more minutes?

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

Hon. Senators: Agreed.

Senator Corbin: Honourable senators, I hold in my hand at this moment a report submitted to the Honourable Sheila Copps by Dr. John English and consultants Jane Beaumont and Dr. Marcel Caya. It is entitled: *The Role of the National Archives of Canada and the National Library of Canada*. Our esteemed colleague Senator LaPierre has had something to do with this report, and perhaps he will take it upon himself later in this debate or on some other occasion to give us his thoughts on the report. I will not go into detail at this moment, but one striking table stands out, and that is the one that deals with the budget of the National Library. I think that from your seats in this place, even though technically we are not supposed to display material in the Senate, it is very easy to see that the budget of the National Archives peaked for the year 1993-94, and it is now much lower. The figure in the last column is for 1997-98. It is lower than the one for 1988-89. That is the drama that is being experienced by both the National Archives and the National Library. After all, they are the repositories of our collective memory, of all that has happened before us, of all of the government records, newspaper records, and whatever donations Canadians on their own wish to make to these two institutions.

The National Archives has been pretty well served with a new building, but the National Library has recurrent crises. I happened to see the restoration area. The first thing one notices in the restoration area are rubber boots by the door because they do not know when the water pipes and the sewer pipes will start dripping on precious documents and collections.

I am pleased and happy to commemorate this important event, but the pitch I wish to make is that we must dedicate ourselves with greater passion to the preservation of our national heritage and give a helping hand to the National Library so that it is fit, as its mission states very clearly, to preserve its collections and especially its Canadian newspaper collection.

The Hon. the Speaker *pro tempore*: Does the Honourable Senator LaPierre wish to ask a question or to speak?

Hon. Laurier L. LaPierre: I wanted to adjourn debate in my name and also to offer the document by John English to all honourable senators.

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Corbin accept a question from Senator Murray?

Senator Corbin: Certainly.

• (1630)

Hon. Lowell Murray: Honourable senators, I admire, as he knows, Senator Corbin's persistent advocacy on this question. As he noted, he raised the matter on several occasions in the Standing Senate Committee on National Finance. I think the situation calls out not only for remedial action but also for an inquiry into the causes of the present state of that building.

There are many older government buildings in the city that are not falling down around our ears and that have not sprung the kind of leaks that this building seems to have done. Does the honourable senator know whether there were defects in the original construction? Is it lack of maintenance in this case, or is there some other reason for the present condition of the building? Whether he knows or not, does he not agree it is a question we should look into? The government should hold an inquest.

Senator Corbin: I thank Senator Murray for the question. As well, I thank him for the content of the report he tabled with the Senate some time ago. The comments were quite appropriate and, as far as I am concerned, satisfactory, but the matter should not stop there.

I was talking about two buildings. The newspaper collection is preserved in what I would call a shed — cement blocks with a tin roof — and is surrounded by garages, including a welding shop that caught fire not too long ago. That was of great concern to the conservator of the National Library.

The main building on Wellington Street was opened on the occasion of the centennial of Canada in 1967. I do not know specifically why pipes burst in that building. However, I was taken down to what was the first or second basement, and I can vouch for the fact that I have never seen so many overhead pipes in all my life in an area where I think there should be no overhead pipes because the material on the shelves is unique. That is the kind of material that is damaged constantly. Apparently, a welder fixing a pipe underneath a fire extinguisher with a propane torch set off the last crisis, when of course the system was triggered. Things like that should never happen.

I welcome the suggestion that the Senate should undertake an inquiry of this matter. I do not know which committee is best equipped to do that. Perhaps Senator Murray's own committee. It would not take long. I think in three sessions the committee could clear the air on the matter and come back with solid recommendations.

Look at it this way, honourable senators. If all that material was worth keeping for the last 80 years or so and if it is worth continuing to collect unique material, we ought to get cracking on it pretty soon.

Hon. Joan Fraser: Perhaps I could ask one short question.

The Hon. the Speaker *pro tempore*: Would the honourable senator take one other question?

Senator Corbin: Yes.

Senator Fraser: Honourable senators, I should like to congratulate Senator Corbin on his concern and initiative. I agree wholeheartedly that if there is any place that should be looking into the institutional memory of the country, it is this chamber.

My question, however, is much more mundane. Do the budget figures he quoted refer to the National Archives or the National Library?

Senator Corbin: They are figures for the National Library for the years 1988-89 to 1997-98. I would be pleased to provide the honourable senator with a copy of the figures.

Senator LaPierre: Honourable senators, I move adjournment of the debate in my name.

If members of the Senate are interested in the English report that was quoted, this is one of the most important documents referring to the National Archives and the National Library in the last 25 years.

On motion of Senator LaPierre, debate adjourned.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Inquiry No. 40:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy calling the attention of the Senate to the status of palliative care in Canada. (*Honourable Senator Morin*).

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I ask that this item remain in the name of Senator Morin once I have finished my remarks.

Honourable senators, I wish to thank Senator Cordy for her inquiry and for this opportunity to report on what I think is a year of remarkable progress in advancing national action on end-of-life care.

[*Translation*]

Today, I will review the major achievements since our last report was tabled. They are the direct result of many of the priorities set out in the sub-committee's brief. I also intend to take a closer look at the government's follow-up to certain recommendations.

[English]

• (1640)

Perhaps the most significant evidence of progress has been my appointment as Minister with Special Responsibility for Palliative Care. The fact that Canada now has a voice at the cabinet table for palliative care is a reflection of the federal government's resolve to help people obtain access to quality end-of-life care.

There is a growing awareness that the strength of our health care system must be measured by the quality of care it provides to the most vulnerable Canadians. This federal commitment to palliative care will make it easier to allow Canadians to continue life as free as possible from physical, emotional and spiritual stress.

Equally encouraging was the creation last June of the Secretariat on Palliative and End-of-Life Care. The secretariat is mandated to provide support to the minister with special responsibility to coordinate the development of a national strategy on end-of-life care and to organize initiatives across federal departments. It is also working with various stakeholders to identify shared priorities. The creation of the secretariat is a key step in Health Canada's work to support the creation of this national strategy.

Another promising development was the inclusion of palliative care on the agenda of the annual conference of health ministers last September. I believe this represents a step forward toward launching a national strategy because for the first time, federal, provincial and territorial governments were able to share information on current initiatives. We began preliminary discussions about areas of interest where we might work together for the benefit of terminally ill Canadians. I have continued to meet with provincial and territorial ministers of health.

My colleagues on the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Kirby and which includes Senator Cordy, recently submitted a report on the state of health care in Canada. In the "Issues and Options" report, it was suggested that an organized national palliative care service be given consideration as part of a comprehensive health care system.

Mr. Romanow recently tabled his interim report on the future of health care in Canada. The government will review this report and the preliminary suggestions on palliative care with great interest. I look forward to Mr. Romanow's continued public consultations and to hearing what Canadians think about palliative care.

The most recent step in this ongoing process took place in early March at the National Action Planning Workshop on End-of-Life Care organized by the Health Canada Secretariat on Palliative and End-of-Life Care held in Winnipeg. Over 140 key stakeholders and experts in end-of-life care met to determine how to move forward on these priorities.

I was very pleased by the contributions made by the workshop participants — I was there for the full meetings — whose expertise and experience are fundamental to devising an effective strategy. Thanks to these efforts, we understand which issues require further consideration, including the availability and access to services; ethnic, cultural and spiritual considerations; increased education for health care providers; supporting research and surveillance; providing assistance to family and caregivers; and increasing public education and awareness.

We made important progress in creating a solid action plan for providing quality end-of-life care for all Canadians. Perhaps equally important, we were able to benefit from bringing together people from across the country, including our Aboriginal communities, to share information and approaches on improving care at the end of life.

Clearly, we have made great strides in a very short time. Much of the credit for this success rests with the work of this chamber. Our groundbreaking work here set the stage for these advances. These activities also demonstrate the Government of Canada's rapid response to some of our recommendations in the subcommittee's report to develop a national strategy and five-year implementation plan in collaboration with the provinces and territories.

On home care and pharmacare, we have covered considerable distance. Federal, provincial and territorial health ministers took important first steps toward home and community care at their September meeting. They received a report on a common vision, guiding principles and core program components. One of the core program components is end-of-life care to serve the needs of people who wish to receive such services in the community, including palliative care. Health ministers agreed to forward the report to first ministers for further consideration.

With regard to income security and job protection for family caregivers, the Government of Canada in the last Speech from the Throne made a firm commitment to take steps to enable parents to provide care to a gravely ill child without fear of sudden income or job loss. After we have acted to develop a federal interdepartmental strategy, the Secretariat on Palliative Care has developed an inter-branch working group within Health Canada. This working group's function is to ensure that palliative care is taken into consideration in all relevant policy initiatives. An interdepartmental working group has also been created to coordinate initiatives and to share information related to end-of-life care across government.

Other federal organizations are also involved. The Canadian Institutes of Health Research is comprised of several institutes whose work focuses on various aspects of end-of-life care. I have met with a number of the institutes' scientific directors as well as the president to discuss this issue. I am most encouraged by their responses.

The Institute of Aging, for example, funds research to promote healthy aging. Some of its activities include addressing the causes, prevention, screening, diagnosis and treatment for a wide range of conditions associated with elderly Canadians. Similarly, the Institute of Cancer Research supports research to help individuals and their families with everything from prevention strategies to psychosocial supports and palliation. The Canadian Institute of Cancer Research along with the Canadian Institute of Population and Public Health recently launched a request for applications for grants in priority research areas.

Honourable senators, palliative care has been identified as one of the top three priorities. The collective findings from this research will be invaluable in the work of family physicians, home support workers, nurses and institutional caregivers.

[Translation]

These important advances signal the beginning of a new era in quality end-of-life care for Canadians. It confirms that we have done more than merely examine the challenges. We have taken tangible action and achieved results.

[English]

Honourable senators, this week is National Volunteer Week. I would like us to reflect for a moment on the contributions Canadians make to improving the lives of others and to improving our communities. Our country would be a very different and much poorer place if it were not for the efforts of countless volunteers who work for higher rewards than remuneration alone.

Canadian Heritage reports that 7 per cent of Canadians do more than 73 per cent of the volunteer work in this country, and that group is almost all older adults. While employer support for volunteering is increasing, we need to do more to promote awareness of the importance of volunteering and the very real difference it can make both in the lives of those we are helping and in our own lives as we learn new skills, expand on our talents, and earn the appreciation of our communities.

Few endeavours rely more heavily on the work and support of volunteers than does palliative care. It is volunteers on the front lines of care who are framing this new structure that benefits all of society.

In honour of National Volunteer Week, I wish to extend my heartfelt thanks to all of the volunteers who make quality palliative care a reality. It is not an exaggeration to say that without them, any hospice palliative care program might never get off the ground. It is impossible to express enough appreciation for their work, which contributes to the lives of others in their most serious time of need. We owe them and volunteers in other endeavours our sincere gratitude. We know that further work is required to achieve our ultimate goal of ensuring that all Canadians who face end-of-life challenges are able to have access to quality care.

[Senator Carstairs]

I would like to thank all senators for the contributions they have made in bringing this issue to the fore in discussions of national health priorities. I look forward to continue working with honourable senators on this issue, which is so important to all Canadians.

Honourable senators, as you know, this is not just an area for which I have ministerial responsibility — it is a passion. Over the last year, I have visited palliative care units in hospitals coast to coast to coast. I have visited hospices. I have visited volunteer hospice organizations. I have given speeches. I have been so touched by the human experience that I have had in amazing circumstances. Let me give honourable senators some examples of things that I have learned.

I visited one hospice in Prince George, British Columbia, in which I learned that every single member of the staff made apple pies every night. They went home and made apple pies. This is a small, eight-bed hospice. Why? They did it because one of the patients who was dying did not want to eat anything else but apple pie. Therefore, they all went home and made their homemade pies so that that individual would be able to eat his homemade pie. They tracked down the recipe of a grandmother in New York City for tomato soup because another client within the hospice only wanted to eat his grandmother's tomato soup.

I visited the children's hospice in Vancouver. Some of my colleagues have heard me tell this story. It was an incredible moment for me when a child was brought in to die, and died in the rose garden of that hospice while I was there. The outreach from everyone involved, volunteers and staff alike, was quite remarkable. That kind of care is going on in communities, in homes, in hospices, in hospitals and in palliative care units throughout this country.

Perhaps one of the most poignant moments for me was visiting a personal care home. I had not thought of palliative care being particularly delivered in a personal care home, but as it was explained to me, if people have moved to that personal care home and that is where they have decided to live their last days on earth, that becomes their home. They do not want to be moved to the hospital in order to die. They want to remain in that personal care home.

I visited Riverview in Winnipeg. They have beautiful baskets. I asked them what these beautiful baskets were. The baskets are given to each family at the moment they know the end is very near. They are filled with wonderful things: Kleenex, obviously, but CDs of very positive music so that there can be a listening experience. They are filled with aromatherapy products. They are filled with books, such as the Bible, the Old Testament or the New Testament, depending on the individual's particular religious persuasion. It was a recognition that palliative care is for the living. It is to enable someone to live well to the very end, but it is also for families. It is to help them through this very difficult time with their loved ones.

• (1650)

The remarkable work going on across this country is truly inspiring. I hope that because of the work of the Senate and those senators who participated in the subcommittee and on the original committee we can move this agenda forward. Canadians, no matter where they live, whether it is up North, whether it is in an Aboriginal community, a big city or a rural southern community, can die with all the support they need, emotionally, physically and spiritually.

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

NATIONAL CAPITAL COMMISSION

PROPOSAL TO SELL MOFFATT FARM—INQUIRY— DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of April 18, 2002:

That she will call the attention of the Senate to:

- a) to the public's need for the Senate and the Parliament of Canada to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 dwelling housing development on that riverfront parkland, a matter well reported in the media;
- b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;
- c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arms length crown corporation but is a commission a peculiar constitutional entity, intended to perform a public duty;
- d) to the current land use designation zoning of Moffatt Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;
- e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about

the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

- f) to Ottawa City Council's unanimous decision on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;
- g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;
- h) to another motion overwhelmingly adopted by Ottawa City Council on April 10, 2002 expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;
- i) to that same City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has until 1999, been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses;

AND WHEREAS the Moffatt Farm has no 'right of development' at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities of which the Moffatt Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;

k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interest in the proper land use of unique, historical, heritage parklands and properties; and

l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic lands.

She said: Honourable senators, this inquiry is about the destiny of our national capital city's parklands, the vocation of parkland to serve Canadian mothers, fathers and children's needs to interact with nature, Ottawa's greenspaces and the historic Rideau Canal. The Rideau Canal, its waterfront parklands, greenspaces, historic locks, bridges and stonework are part of the heritage and beauty of our capital city, Ottawa. This inquiry is

about an important national issue, Ottawa's national capital parklands, public lands, Her Majesty's lands, vested in Her Majesty, who appoints commissioners as stewards, trustees, of these lands to protect these parklands. They are commissioned by the Queen to protect her subjects' interest, the public interest, in these heritage parklands.

Honourable senators, the Moffatt Farm is public parkland. It is about 85 acres, a third of which is environmentally and geologically sensitive land. This Rideau River property is part of the historic Rideau Canal system. The Moffatt Farm has been for over half a century a parkland, so zoned and used for recreation. After expropriation around 1946 by the Director, the Veterans Land Act was transferred to the National Capital Commission in the 1960s. It has been leased by an agreement in principle to the City of Ottawa for about 30 years. Ottawa's official plan, the zoning regulatory framework, designates it as waterfront open space, the designation for land in public ownership, prescribed for public recreation and environmental conservation.

Honourable senators, this inquiry is also about greed, profiteering, land speculation against the public interest. It is about the corruption of a public purpose, and the unconstitutional and unparliamentary conversion of a public purpose to a private one, one that is not fitting or desirable to a constitutional entity, a commission. Further, this purpose and role was never countenanced by Parliament; neither was it ever intended or authorized in enacting the National Capital Act. Parliament has never intended that the National Capital Commission should place itself into hostile conflicts with Canadians and with Ottawa's own elected mayor and city councillors.

Honourable senators, this inquiry is about the National Capital Commission and its endeavours to sell a national capital parkland, not at parkland prices that are low prices, but at residential land prices 20 times the value of parkland prices. This is about the NCC's efforts to drive up land prices, from about \$400,000 to about \$10 million. This is the National Capital Commission's bizarre attempt to hijack the citizens of Ottawa so as to obtain an inflated value for the Moffatt Farm.

The current value of the Moffatt Farm as zoned parkland is about \$400,000. This low parkland value has been the basis of the government's "grants in lieu of taxes" paid to the City of Ottawa by the federal government for the last many decades. The NCC is essentially proposing that the City of Ottawa rezone the Moffatt Farm from parkland zoning to residential zoning so that Moffatt Farm can fetch a higher market price, approaching \$10 million, so that the City of Ottawa may be forced to purchase it from the NCC at that elevated price in order that after that purchase the city can then turnaround and restore the zoning back to parkland to make it a city park for public recreational use. The result would be that Ottawa taxpayers would have paid the federal government an extra \$9.6 million, and also that the city would have collected the government's "grants in lieu" at the lower land value rate for decades.

City council could not justify this to Ottawa taxpayers. Why should the federal government, through the National Capital Commission, engage in this kind of unfair enrichment and attempt to enlist the Ontario Municipal Board's complicity in the NCC's scheme? Such distortion of land values is not a public purpose. Such distortion of land values should be roundly condemned.

Honourable senators, the National Capital Commission has its origins in the constitutional concept known as Crown lands commissioners for the management of the possessions and land revenues of the Crown. The safekeeping, protection, conservation and husbanding of Her Majesty's lands is the purpose of such a commission, whose commissioners are sworn by oath to do so.

The NCC's origin is the 1899 Ottawa Improvement Commission, a body corporate. Its constituting act of Parliament was called "An Act respecting the City of Ottawa." It received Royal Assent on August 11, 1899. This act defined Parliament's clear intention that the commission cooperate with city government. Its section 3 said, in part:

3. The Commission shall consist of four Commissioners, of whom three shall be appointed by the Governor in Council...and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the Corporation") and shall hold office for the period of one year from the time of such appointment, or for such period, not exceeding three years, as shall be determined by by-law duly passed by the Corporation: ..."

The act's section 7 said, in part,

7. The Commission may —

(a) purchase, acquire and hold real property in the city of Ottawa...for the purpose of public parks or squares, streets, avenues, drives or thoroughfares;

(c) co-operate with the Corporation, or with the Board of Park Management of the City of Ottawa, in the improvement and beautifying of the said city, or the vicinity thereof...

Again, this act stressed cooperation with the city government, now a protocol. In time, the Ottawa District Commission became the Federal District Commission. On April 14, 1927, Royal Assent was given to The Federal District Commission Act, 1927.

Honourable senators, the Federal District Commission in turn became the National Capital Commission. On September 6, 1958, the first National Capital Act received Royal Assent. This act bears a quick review, to reaffirm the expressed purposes of the National Capital Commission, being the safekeeping and protection of Her Majesty's lands.

Section 4 of the act defined the public character and purpose of the NCC. The National Capital Act, 1958, sections 4.(1), (2) and (3) said:

4.(1) The Commission is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of her Majesty.

(2) The Commission may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Commission.

(3) Property acquired by the Commission is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Commission.

Section 10(1), headed "Objects, Purposes and Powers," said:

10(1) The objects and purposes of the Commission are to prepare plans for and assist in the development, conservation and improvement of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance.

Under the heading, "Property," section 14 and 14(a) said in part:

14. Except with the approval of the Governor in Council, the Commission shall not

(a) dispose of any real property for a consideration in excess of a value of ten thousand dollars...

Further, section 21 described its charitable organization features, to receive bequests, et cetera.

Section 22 enacted its public ownership feature by enacting that the Auditor General of Canada is its auditor.

• (1700)

Honourable senators, my notice of inquiry, paragraph (h) and (i), informed the Senate of a motion passed overwhelmingly by Ottawa City Council on April 10, 2002. This motion is one of many events between the NCC and Ottawa City Council about the NCC's application asking city council to amend Ottawa's official plan and zoning bylaw so as to change the Moffatt Farm's designation from parkland zoning to residential zoning. The NCC attempted to compel Ottawa City Council to alter its planning, land use regulatory framework, to change the zoning of Moffatt Farm from parkland to residential. The NCC had asked the city to rezone it so that the NCC could sell this land, not at the parkland price, but at the highest price zoning, that is, residential. Further, the NCC agent in these planning regulatory proceedings is a private developer called DCR Phoenix. Ottawa City Council unanimously rejected the NCC/DCR Phoenix application, refused to change Moffatt Farm's designation from parkland to residential, and vetoed DCR Phoenix's proposal to build a 244-unit housing development on the rezoned Moffatt Farm. Having rejected the rezoning application, Ottawa City Council passed this motion on April 10, 2002, reciting the rejection, also offering to buy Moffatt Farm, and asked members of Parliament for help. The last two paragraphs of Ottawa City Council's motion read:

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and

BE IT FURTHER RESOLVED that the City request the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB.

City council asked members of Parliament to urge the NCC to respect council's decision and withdraw its appeal to the Ontario Municipal Board, an appeal they launched even before the City Council process was completed.

Honourable senators, some weeks ago, Minister of Canadian Heritage Sheila Copps had assured me of the extant protocol that the National Capital Commission should defer the decisions of Ottawa City Council in planning matters. Far from upholding the protocol, the NCC has announced that it will proceed with its appeal to the Ontario Municipal Board, a creature of the provincial legislature.

Honourable senators, our constitutional framework never intended that the provincial legislature's creature, the Ontario Municipal Board, should decide the destiny of Her Majesty's federal national capital parklands, especially at the request of a private developer, as an agent of the NCC who wishes to purchase this parkland. The NCC is not a private developer or a private entity. It simply cannot shed its role as Crown commissioners and don the garb, purpose and character of a private entity, private developer. These are public lands. They are not the private land holdings of a private developer to do with as a developer sees fit. That this question is even being placed before the Ontario Municipal Board is a constitutional perversion, since this matter is no longer a planning issue but one rather of the NCC seeking to recast its statutory and constitutional purpose from that of public servant commissioner, conforming with the local city planning authority in stewardship of the lands, to an unaccountable private land owner, land speculator. That the NCC seeks to recast itself as a land privateer, extolling the exclusivity of private property, is not fitting. The NCC is asking the Ontario Municipal Board to rezone federal parkland from parkland to residential zoning, therein to force the NCC's private will, their privateering will, over the will of Ottawa City Council's elected representatives and over the will of the very public who already owns the parkland. This is not proper. This is an unconstitutional and unparliamentary recasting of the NCC's role from public commissioners to private developer, a supplicant before the Ontario Municipal Board.

Honourable senators, this is constitutional vandalism and constitutional corruption. Commissions and commissioners have no parliamentary or constitutional authority to conduct themselves as to overcome and defeat the public interest and

the fact of public ownership. Public ownership of public lands, parklands, acquired on the strength of tax dollars appropriated by Parliament in supply and appropriation bills is a public and a parliamentary matter.

Honourable senators, it has been decades since a parliamentary committee looked at the operations of the National Capital Commission. I wonder when last anyone has examined the actual commission. Honourable senators must examine the National Capital Commission. The burgeoning public unhappiness about the destiny of the national capital parklands and historic land sites and the public's antipathy to the NCC is palpable. The public has great affection for Moffatt Farm and other parklands, like Vincent Massey Park and Hog's Back Park which are similarly zoned and similarly at risk. The public fears that many other public parklands, like the Experimental Farm and the Arboretum, are on the NCC's list for sale. The public has great angst about the NCC's corporate culture and its lack of transparency, process, public input and scrutiny. If public lands are to be sold, they should be sold in a public process, with public bidding. The NCC deals are secret, even their choice of the proposed recipient buyer. Interestingly, this Moffatt Farm agreement of purchase and sale is not only secret but is protected by cabinet secrecy. This is a national issue because the NCC's current course is changing the face and character of our capital city.

Honourable senators, I am calling the attention of the Senate to this issue because Parliament, in a Senate committee, should study the National Capital Commission. Perhaps it is even time for a royal commission or perhaps a parliamentary commission; I am not sure, but an ample review of the National Capital Commission in its totality is needed. Parliament must study the purpose, role, corporate actions and operations of the National Capital Commission. Parliament must study the systems and processes, or lack thereof, for the National Capital Commission's disposal of lands and land transfers to private developers for the purposes of private development on these public lands. Parliament must examine whether these land transfers are in the public interest and must also ascertain Parliament's interests in these matters, particularly the questions of its own appropriations, to ensure that Parliament's appropriations have been utilized for the public good and not the benefit of private developers. Parliament must inquire into the public disenchantment with the National Capital Commission regarding land deals and dealings converting public lands to private ones.

I ask honourable senators to uphold and support Ottawa City Council's decisions and, further, to ask the NCC to uphold their own protocol of deference to city council in planning matters, and that the NCC not offend Her Majesty's federal principle of land trusteeship by asking a provincial tribunal, the Ontario Municipal Board, to decide the destiny of Her Majesty's federal public owned parklands.

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

BANKING, TRADE AND COMMERCE**COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE**

Hon. E. Leo Kolber, pursuant to notice of April 17, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. on Tuesday, April 30, 2002, even though the Senate may then be sitting, and that the rule 95(4) be suspended in relation thereto.

Motion agreed to.

**ENERGY, THE ENVIRONMENT AND
NATURAL RESOURCES****MOTION TO AUTHORIZE COMMITTEE TO MEET
DURING SITTING OF THE SENATE WITHDRAWN**

On Motion No. 130 by the Honourable Senator Taylor:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 1:00 p.m. on Wednesday, April 24, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is the honourable senator asking for leave to withdraw the motion?

Hon. Nicholas W. Taylor: I ask leave to withdraw the motion.

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

Hon. Senators: Agreed.

Motion withdrawn.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the bells are scheduled to ring at 5:15 for a vote at 5:30. I would ask whether the bells should begin to ring now.

The Hon. the Speaker: Is it agreed, honourable senators, that we call in the senators now for a vote at 5:30, as agreed to earlier by the Senate?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

**FOREIGN MISSIONS AND
INTERNATIONAL ORGANIZATIONS ACT****BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT NEGATED**

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable

Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act,

And on the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, that the Bill be not now read a third time but that it be amended:

(a) in clause 3, on page 4, by adding after line 19, the following:

“(1.4) An order made under subsection (1) does not grant immunity in any civil or criminal proceeding respecting the commission of an act of terrorism, torture or genocide, an enforced disappearance, a summary execution, a war crime or a crime against humanity.”; and

(b) in clause 5, on page 6,

(i) by adding, after line 39, the following:

“(3) Where the Royal Canadian Mounted Police proposes to control, limit or prohibit access to an area under subsection (2), the Commissioner shall publicly announce a description of the delineated area before the later of

(a) 30 days after the dates of the intergovernmental conference are publicly announced; and

(b) 30 days before the first day of the intergovernmental conference.”; and

(ii) by renumbering subsections 10.1(3) and (4) as subsections 10.1(4) and (5) and any cross-references thereto accordingly.

• (1730)

Motion in amendment negated on the following division:

**YEAS
THE HONOURABLE SENATORS**

Andreychuk
Angus
Atkins
Beaudoin
Bolduc
Carney
Cochrane
Comeau
Di Nino
Doody
Gustafson
Johnson

Keon
Kinsella
LeBreton
Lynch-Staunton
Murray
Nolin
Oliver
Prud'homme
Roche
St. Germain
Stratton—23

**NAYS
THE HONOURABLE SENATORS**

Adams
Austin
Bacon
Baker

Kenny
Kolber
Kroft
LaPierre

Banks
Biron
Callbeck
Carstairs
Chalifoux
Christensen
Cook
Cools
Day
Fairbairn
Ferretti Barth
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Grafstein
Graham
Hervieux-Payette
Hubley
Joyal

Léger
Losier-Cool
Maheu
Mahovlich
Milne
Moore
Morin
Pearson
Pépin
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Taylor
Tunney
Watt
Wiebe—50

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

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

Hon. Consiglio Di Nino: I move the adjournment of the debate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

Motion agreed to, on division.

[Translation]

NOTICE OF MOTION FOR TIME ALLOCATION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I regret to inform the chamber that we were not able to come to an agreement to complete third reading of Bill C-35.

Accordingly, I hereby give notice that tomorrow I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act;

That when debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

The Senate adjourned until Wednesday, April 24, 2002, at 1:30 p.m.

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