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Friday, December 12, 1997

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Friday, December 12, 1997

The Senate met at 10:00 a.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Good morning, honourable senators. Last evening, we had agreed that we would proceed this morning with the proposed motions for adjournment to debate matters of urgent public importance. I advised that we had six remaining from yesterday in the names of the Honourable Senators Phillips, Forrestall, Ghitter, Cohen, Tkachuk, and Oliver.

I wish to advise the Senate that, since then, I have received six further such requests. They are in the names of the Honourable Senators Di Nino, Cohen, Oliver, Stratton, Tkachuk, and LeBreton. Some of these cover the same subject and, according to the rules, will be grouped. We will proceed in that fashion.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, much work has been done since we met last night. I understand that we do have an agreement with the other side that we will proceed with the ordinary business of the day beginning at the top of today's Order Paper, with the understanding that, if a final accommodation is not found, we will revert to the point His Honour has just described.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, to address my agreement with the Deputy Leader of the Government in the Senate, my understanding, is that the adjournment motion today will be for either 2:00 p.m. on Tuesday or for some hour on Monday. The notices to which the Speaker has alluded will be, so to speak, frozen until we reconvene, whether it be Monday or Tuesday.

The notice of motion concerning time allocation will also be in abeyance until that time.

Hon. David Tkachuk: May I be permitted to ask a question, honourable senators, of the two deputy leaders?

As honourable senators are aware, I have raised a certain question of privilege. I wish to confirm that that will be, as Senator Kinsella has described, "frozen" until Monday or Tuesday.

Senator Carstairs: I understand Senator Tkachuk's sensitivities on this issue because there are certain rules governing questions of privilege. I would confirm that any such questions will also be deferred.

Senator Bonnell: Are they frozen?

Senator Gigantès: Where they belong, forever.

The Hon. the Speaker: Honourable senators, we will proceed this morning by commencing with Senators' Statements and going through the Order Paper in the normal fashion.

When we reconvene, whenever that may be, the first order of business, unless there is another agreement, will be to proceed with the six notices I have on hand from yesterday and the six new ones from today, advising of requests for debate on matters of urgent public importance. The two questions of privilege will be dealt with in the normal sequence when we meet again. As well, the time allocation motion for the closing of the debate on Bill C-2 will not move forward until such time as there is a further agreement.

Is that agreed?

Hon. Senators: Agreed.

SENATORS' STATEMENTS

GREEN CAUCUS OF THE SENATE

Hon. Jerahmiel S. Grafstein: Honourable senators, the green caucus of the Senate will hold its first meeting in the New Zealand room, which is adjacent to the Parliamentary Dining Room in the Centre Block, on December 17 at 12 o'clock noon. All interested senators are cordially invited to attend.

ABORIGINAL PEOPLES

IMPORTANCE OF ORAL HISTORY IN TREATY NEGOTIATIONS

Hon. A. Raynell Andreychuk: Honourable senators, yesterday the Supreme Court of Canada made history when it allowed oral descriptions of historical background to be included as admissible evidence in cases before the Supreme Court and other courts.

•(1010)

It is significant to note that the Standing Senate Committee on Aboriginal Peoples also allowed oral history to be taken into consideration. It was on that basis that the committee made its report. The Supreme Court has now validated the procedure followed by our committee.

We trust that this will facilitate continued negotiations between the aboriginal communities and the Government of Canada and we hope a better partnership will develop between the two.

UNITED NATIONS

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Mira Spivak: Honourable senators, I rise to speak to Article 29 of the Universal Declaration of Human Rights. Unfortunately, I was unable to address the matter on Tuesday. Before I do so, I would pay tribute to Senator Jerry Grafstein who, as a great parliamentarian, has moved forward an initiative which I believe will benefit not only the Senate and Parliament, but also our country.

Article 29(1) of the Universal Declaration of Human Rights states:

> Everyone has duties to the community in which alone the free and full development of his personality is possible.

Article 29 reminds us that rights carry responsibilities. It reminds us that everyone has duties to the community. A half-century ago the declaration's drafters could not have imagined the world as we know it, a world where substances released on one continent contribute to health problems on another; a world where the destruction of forests or industrial emissions of greenhouse gases in one part of the globe have the power to affect the global climate. Today, we are more aware than ever that we live in a global village; that community now extends beyond towns, regions and countries. Our duty to the community is nothing short of our duty to care for the environment from pole to pole.

We are beginning to understand the urgent need to care for our global commons; to protect the ozone layer; to rid roads and fields of the scourge of land mines; and to curb private change to care for our forests and the bounty of the seas. The Montreal Protocol on Ozone-Deleting Substances and the International Convention on Land Mines are fine examples of what can be achieved when human rights and human health are respected.

Today, Article 29 is a valid reminder that the dignity and rights of all members of the human family can be preserved if we accept our duty to the global community. By accepting that duty, we will avoid the tragedy of the commons.

FIFTIETH ANNIVERSARY OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Janis Johnson: Honourable senators, I, too, wish to make a statement on human rights.

I speak to the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights.

That declaration enhanced the freedom of peoples around the world. I refer not only to basic freedoms, such as the freedoms of religion and political expression, but to other freedoms such as those of cultural expression.

Artists are the fire-keepers of a nation's culture. This declarations defends their right to express themselves in novels, photographs, songs, plays, films and poetry. In many totalitarian states, artists are among the first victims of repression. Artists deserve the utmost protection of civilized people around the world. Therefore, it is important that we continue to abide by this declaration and give it our full support.

We might also take a moment to reflect on Article 27 which protects not only artistic expression but also copyright. Copyright recognizes that artistic works are owned by their creators. Article 27(2) refers to the issue of copyright when it states that:

> Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

This is of particular importance to us as legislators given that the new world of the Information Highway is threatening the principle of copyright. In this country, authors are fighting a spirited legal campaign to ensure that their moral and intellectual properties are not appropriated without permission. If authors lose this copyright campaign, it will set back principles which were established by this very declaration almost 50 years ago.

Honourable senators, Canada is a leader in the campaign to protect human rights, but, regrettably, there are still many nations around the world that call themselves civilized but trample on these same rights. I am reminded of this continually when I attend writers' gatherings like the eighteenth annual Harbourfront Festival in Toronto. Every year, some authors cannot attend because they have been arrested by dictatorial governments and imprisoned for their beliefs. In some cases, these authors are silenced forever, as is the case of the celebrated author Ken Saro-Wiwa who was executed only last year despite the frenzied protests of writers around the world.

At Harbourfront, I was touched by the presence of the empty chair on stage placed there to honour artists around the world who cannot attend because they are in prison cells for expressing their beliefs.

Let us all champion the Universal Declaration of Human Rights and work towards the day when those artists come to claim the chair that we are saving for them.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I would call the attention of Honourable Senator Tkachuk to a rule in view of the fact that we have agreed that his question of privilege would be "frozen" as we put it. I would draw his attention to rule 43(7) at page 49 of the *Rules of the Senate* which requires him to give oral notice of his motion. If that rule is not complied with, I may have difficulty entertaining his motion, even though notice was given in writing. The rules provide for oral notice.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before Senator Tkachuk replies, perhaps we could unanimously agree to suspend the application of that rule, given the circumstances under which the questions of privilege have been raised. I believe that would satisfy Senator Tkachuk if he wanted to proceed today.

Hon. David Tkachuk: Honourable senators, it was my understanding that application of the rule would be suspended. I also understand that I may have put this question of privilege in some jeopardy and I certainly do not want to do that. His Honour and honourable senators could object if I brought it forward, and I certainly want to deal with it, but I am waiting to see how this sitting of the Senate proceeds. Frankly, I am somewhat confused.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, that was exactly why, when I made my last statement I referred to the rules. I recognize that Senator Tkachuk's question of privilege may be in some jeopardy because such a matter of privilege must be raised at the earliest opportunity. This side is saying that the earliest opportunity will be the next time the Senate sits.

Senator Tkachuk: My concern is that, although there is agreement, another honourable senator could challenge my right to proceed. If oral notice is required, would reading the letter that I forwarded to the clerk fulfil that requirement?

The Hon. the Speaker: If I have the unanimous agreement of the Senate that all matters pertaining to questions of privilege are suspended in relation to the matter which I was advised would be raised by Honourable Senator Tkachuk, then there would be no problem.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I find myself in the same position as Senator Tkachuk because I, too, had raised a question of privilege. However, I am content to rely on the agreement we have reached.

I thank Your Honour for raising the rule but I believe we have agreed that it will be suspended.

The Hon. the Speaker: Is it agreed that all of the rules regarding questions of privilege will suspended insofar as they apply to these two questions presently on hand?

Hon. Senators: Agreed.

[*Translation*]

ROUTINE PROCEEDINGS

CANADA SHIPPING ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lise Bacon: Honourable senators, I have the honour to present the fourth report of the Standing Senate Committee on Transport and Communications dealing with Bill S-4, to amend the Canada Shipping Act (maritime liability).

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day.

(For text of report, see Journals of the Senate *of this day.)*

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

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

[*English*]

•(1020)

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(*h*), I move, seconded by the Honourable Senator Gigantès:

> That when the Senate adjourns today, it do stand adjourned until Monday next, December 15, 1997, at 2 p.m.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

FAMOUS FIVE FOUNDATION

NOTICE OF MOTION TO COMMEMORATE EVENTS BY PERMITTING THE BUILDING OF STATUE ON PARLIAMENT HILL

Hon. Joyce Fairbairn: Honourable senators, I give notice that on Monday next I will move that, in the opinion of this house, the government should consider the request of the Famous Five Foundation to honour the memory of Emily Murphy, Nellie McClung, Mary Irene Parlby, Louise McKinney and Henrietta Muir Edwards, known as the "Famous Five," by allowing a statute commemorating them to be placed on Parliament Hill.

QUESTION PERIOD

NATIONAL DEFENCE

SEARCH AND RESCUE HELICOPTER REPLACEMENT PROGRAM—POSSIBILITY OF REVIVAL OF SECOND WORLD WAR LEND LEASE ARRANGEMENT WITH UNITED STATES — GOVERNMENT POSITION

Hon. Orville H. Phillips: Honourable senators, my question is for the Leader of the Government in the Senate. We are now approaching the stormy season in the North Atlantic, and usually our helicopters are grounded and unsafe for the crews to fly. Sometimes we wonder if they are safe for those who are being rescued.

During World War II, Canada had a land lease arrangement with the United States to acquire aircraft. Would the government consider attempting to revive the land lease arrangement of World War II and beg, borrow or lease operational helicopters so that we may continue on with the search and rescue operations which will undoubtedly be required?

Hon. B. Alasdair Graham (Leader of the Government): That is a very interesting suggestion from a veteran of the Second World War, who knows more about these things than I do. We are concerned with the whole question of search and rescue, and I regret that I have to do this, but I would again ask my honourable friend to have patience because I believe that a decision in this respect is forthcoming. I will certainly bring my honourable friend's suggestion to the attention of those responsible.

Senator Phillips: Honourable senators, I point out to the Leader of the Government in the Senate that we on this side have been very patient, waiting years for an announcement with regard to the purchase of new helicopters. I would remind him, however, that new helicopters are not bought at Canadian Tire. They take some time to be manufactured and delivered.

Senator Graham: I take that as a comment. I shall treat it as such. However, I will certainly bring my honourable friend's concerns to the attention of the ministers responsible.

FINANCE

LETTER FROM MINISTER—REQUEST FOR PARTICULARS

Hon. Colin Kenny: Honourable senators, I have a question for the Leader of the Government in the Senate. I am under the impression that members opposite have received a letter from the Minister of Finance relating to matters that took place last night. Members on this side are not aware — or at least I am not aware — of that letter, or the contents of it. Can the Leader of the Government share that information with us?

Hon. B. Alasdair Graham (Leader of the Government): Yes, I would be happy to do so, with the permission of the Leader of the Opposition. As I understand it, the letter was directed to the Leader of the Opposition.

Hon. John Lynch-Staunton (Leader of the Opposition): This is not a point of order, but I object to my correspondence with anyone being discussed in this chamber by someone who was not even copied on it.

Senator Corbin: That is not a point of order.

Senator Lynch-Staunton: I know, but I still object.

Senator Corbin: It may be embarrassing, but it is not a point of order.

Senator Lynch-Staunton: There is nothing that is embarrassing. However, it is not fitting for the Honourable Senator Kenny to talk about my letter.

NATIONAL DEFENCE

SEARCH AND RESCUE HELICOPTER REPLACEMENT PROGRAM AWARDING OF CONTRACT FOR HELICOPTER PURCHASE—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I wish to bring some sense of urgency to the question asked by Senator Phillips and point out to colleagues that in the last year of full statistics, there were approximately 4,990 search and rescue missions in Canada. By real count, those SAR missions saved 1,517 lives. The number of lives lost is listed as 161. Any knowledgeable person will tell you that it will take less than two years to reverse those figures relating to numbers of lives lost and lives saved unless we move swiftly to replace the Labrador and the Sea King. The quickest way to do that would be to seek another piece of equipment under some arrangement such as that put forward by Senator Phillips a few moments ago.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I take very seriously the suggestion of Senator Phillips, and reiterated and reinforced by Senator Forrestall. Again, I shall make representations in that respect.

ENERGY

SABLE ISLAND GAS PROJECTS—EXTENSION OF PROPOSED PIPELINE TO ADDITIONAL AREAS OF THE MARITIME PROVINCES—GOVERNMENT POSITION

Hon. Eymard G. Corbin: My question is for the Leader of the Government in the Senate. A few days ago, Senator Simard raised a question about the TransMaritime Pipeline and North Atlantic Pipeline Partners and their appeal to the Federal Court of the findings of a federal-provincial review panel. That appeal was rejected in a laconic, one-sentence decision. The Leader of the Government in the Senate does not need to explain to me chapter and verse the process leading to the environmental decision.

However, there is one thing I wish to draw to his attentionin this regard, if this nation is to stand united from coast to coast. For years now, several projects have been proposed to link all of the provinces with a trans-Canada pipeline. For reasons that I am not in a position to fully appreciate, there have been delays, cancellations, abandonment of projects, et cetera.

With the discovery of Sable Island gas, for the first time on the eastern seaboard we have a valuable gas resource. The rest of Eastern Canada would like to be piped into that resource.

•(1030)

I am aware of what the process involves. However, my concern is one of national unity and national interest. The federal cabinet will be making a decision shortly on this project. Senator Simard presumes it will be taken during the winter adjournment.

Senator Oliver: Is there a question?

Senator Corbin: I only appeal —

Senator Stratton: Is there a question?

Senator Corbin: If honourable senators can be patient, I am not abusing the system any more than you are over there. Just hold on a second.

Senator Lynch-Staunton: You did so once. I am glad you learned from that experience.

Senator Corbin: Maybe I should join you and add my own notice of motion for a debate on a national emergency.

Senator Lynch-Staunton: That is an excellent idea.

Senator Corbin: In any case, I ask you to be patient. I think you will agree that the matter I raise is one of national importance.

My question to the Leader of the Government in the Senate is: Before the federal cabinet makes a final decision on this matter, will it consider at the same time making a statement to the effect that those provinces which do not have access to Canadian-owned natural gas will indeed be linked within a reasonable period so that all Canadians, especially those in the so-called have-not provinces, will have a chance in this federation?

I am glad for Nova Scotia. I am glad for the southern part of New Brunswick, which is the part that always seems to have the development. However, there are other areas that do not have a hope of partaking in these opportunities. All I am saying is that the government should give those areas a chance. The only way to do so is to bring the gas to all parts of Canada. Otherwise, you might as well forget your regional development programs.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I recognize the concerns of my honourable friend. It is to be hoped that in the development of the Sable Island gas, and other gas which may be discovered around the whole of the Maritimes area, appropriate measures could be taken to ensure that indeed all Canadians — not just Atlantic Canadians or Maritimers — benefit from these very valuable and beneficial discoveries.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AGREEMENT ON INTERNATIONAL HUMANE TRAPPING STANDARDS—PROVISION FOR INDUSTRIAL ADJUSTMENT PROGRAM—GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, last week, while attention was on the historic land-mines convention, the signing of another humane agreement in Ottawa was postponed. Countries of the European Union, Canada and Russia were slated to sign the Agreement on International Humane Trapping Standards, an agreement which commits Canada to regulating traps and supporting research to develop still more humane traps.

The signing is now expected to take place in Brussels before the new year. However, the 26 northernmost First Nations of Manitoba, and aboriginal peoples in other parts of the country, still have serious concerns about this agreement. The cost of trap replacement in Canada has been variously estimated at between $50 million and $80 million, but there is no provision in the agreement for an industrial adjustment program.

The government has given $350,000 to boost the fur industry's $450,000 contribution to research but nothing is committed to helping trappers replace traps. That makes First Nations concerned that the agreement will extinguish their livelihood and will replace wild fur trapping with fur farms.

Is the government contemplating putting in place an industrial adjustment program to help trappers live with the rules that will be required of them, and to maintain the lifestyle and the industry of aboriginal peoples living in the north?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the Honourable Senator Spivak has raised another important question. It should be of concern to us all. I shall have to determine whether there is an industrial adjustment program either in place or contemplated. I will bring that information back to the honourable senator as quickly as I can.

TRANSPORT

PLAN TO MOVE MARINE ATLANTIC HEAD OFFICE FROM MONCTON, NEW BRUNSWICK—ANNOUNCEMENT OF DECISION—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate, who is also the political minister for the Province of Nova Scotia. I have already given him advance notice that I would be asking it.

My question concerns Marine Atlantic. When the Minister of Transport, the Honourable David Collenette, appeared before the Standing Senate Committee on Transport and Communications on December 2, he indicated that he wishes to take his time on the Marine Atlantic file. He stated:

> Given that there is so much interest in the debate, we do not want to truncate it. We will perhaps let the representations continue. It will give us a better informed decision.

Can the minister tell us when we might expect the decision to transfer Marine Atlantic's headquarters from Moncton to Nova Scotia?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the honourable senator is presuming that the Marine Atlantic headquarters will be transferred from Moncton to Nova Scotia. I hope he is right. I know that discussions have been ongoing. I have had personal discussions with the minister with regard to that very subject on several occasions. I would anticipate that the decision will be made early in the new year.

Hon. Bill Rompkey: Honourable senators, I have a supplementary to that question.

In view of the fact that Marine Atlantic will be serving almost exclusively the Province of Newfoundland and Labrador — because its role of course has been changed dramatically and the people that it serves have been limited almost exclusively to that province — has any consideration been given to moving the headquarters of Marine Atlantic to the Province of Newfoundland and Labrador?

Senator Graham: Honourable senators, I am sure that consideration has been given to that suggestion. The responsibility for that decision, of course, lies directly with the Minister of Transport.

Senator Forrestall: Lost another one.

Senator Graham: I know the Minister of Transport would want to be fair and transparent in all of his decisions, and we will await those decisions which, as I indicated, will hopefully come early in the new year.

Senator Oliver: Honourable senators, there is, as the honourable minister knows, a question of job lay-offs associated with the proposed move. It is not just the movement of jobs and the headquarters from Moncton to Nova Scotia but pending lay-offs in North Sydney that are of concern. Can the minister give us some assurance that no workers will be laid off from North Sydney in the next few months, that the jobs that are there now will stay there, and that he will do his utmost and best to ensure that new jobs from Moncton will come to North Sydney?

Senator Graham: Honourable senators, I am not sure. In answer to the honourable senator's final suggestion, I can assure him that I will be doing my utmost to ensure that jobs remain in North Sydney. I know that negotiations with the unions and employees directly concerned have been ongoing. My honourable friend has made his own representations, and I believe he has expressed his concerns publicly in this regard.

We live in a country where we all want to be fair. There are jobs in New Brunswick; there are jobs in Nova Scotia; there are jobs, as the Honourable Senator Rompkey has suggested, in Newfoundland. What the Minister of Transport will want to do, as I suggested earlier, is come up with a solution that is fair and equitable to all concerned.

NATIONAL DEFENCE

MANITOBA—SOWIND AIR CRASH AT LITTLE GRAND RAPIDS—RESPONSE OF RESCUE TEAM—AVAILABILITY O NECESSARY EQUIPMENT—REQUEST FOR DEPARTMENTAL STATEMENT

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

As all honourable senators are aware, a few days ago there was a terrible air crash in Manitoba, at Little Grand Rapids, in which the lives of four people, including one child of six, were lost.

It had appeared at the time that everything had been done to try to get into the area to rescue those people who were severely injured. However, the government and National Defence were embarrassed when it was reported that a Winnipeg newspaper, *The Winnipeg Sun*, flew a helicopter in ahead of the Armed Forces to rescue those who were injured.

•(1040)

My question to the Leader of the Government in the Senate is: Could he inquire as to why this took place? Defence is taking a hard enough hit as it is, and this is just another embarrassment. In this case, we have a private helicopter rescuing people while National Defence sat back and did nothing. That is the perception.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the crash in Manitoba was a tragic event. Our thoughts are with those involved and with their families.

To say that National Defence did nothing or sat back is clearly inaccurate. We saw heroic efforts on the part of the local community, the chartered helicopter pilot from Winnipeg, and the Canadian Forces in rescuing the victims and evacuating them to safety.

Bad weather was a key factor that hampered everyone's efforts. As I understand, it so happened that the helicopter hired by *The Winnipeg Sun* took advantage of a particular break in the weather at a particular moment in time, which my honourable friend, who flies a lot, would know happens. They happened to be there at the right place and at the right time.

Those responsible would like to have arrived at the crash site earlier, but in mounting a rescue attempt or any effort of that kind, those responsible must ensure the safety of personnel. Those decisions have to be made based on years of experience.

Even so, honourable senators, I want to state categorically that the Canadian Forces, as they always do, made every effort they could. In the end, I believe our personnel delivered nine of the crash victims to safety and, as usual, did a superb job.

Senator Stratton: Honourable senators, my intention is not to embarrass the Armed Forces. I am telling my honourable friend about the public perception. That is my only concern. The public should be advised as to what took place, and I do not think that has happened to date. I will defend National Defence as strongly as does the Leader of the Government. However, I think we have a problem of perception in this instance.

Senator Graham: It may be that the Honourable Senator Stratton and the Honourable Senator Johnson will ask a supplementary question. It may be that we could ask the Department of National Defence to give a complete statement as to the situation — a review or retrospective of what took place — so the public will understand all of the factors that were present at the time.

Hon. Janis Johnson: Honourable senators, by way of supplementary, can the Leader of the Government in the Senate ascertain why we do not have the proper equipment to deal with these situations? I am assuming that if we do not have equipment of this kind stationed in Manitoba, then it is not available in other areas of the country. Perhaps National Defence could enlighten us all as to what will be done about this.

I find it astonishing that, in a province such as Manitoba, with a vast northern territory, we cannot deal with these situations through the Canadian military. I followed the story and I know they were doing their utmost. However, the larger question is: When will we get this equipment?

Senator Graham: Honourable senators, this is an important question and a concern to all Manitobans and to citizens in other areas of the country. We live in such a vast country that I suppose it would be impossible to strategically cover every area.

My honourable friend raises a legitimate question, and I shall attempt to bring forward a further answer.

HUMAN RESOURCES

YOUTH UNEMPLOYMENT—RESPONSE TO PROBLEM—GOVERNMENT POSITION

Hon. Erminie Cohen: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Two years ago, youth unemployment was declared a top national priority, and youth unemployment was to have played a major part in the first ministers' gathering taking place here today. Now we learn from the minister that they are allowing only 30 minutes for discussion.

My question is this: What happened to this national priority to address needs that have reached crisis proportions?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the program for youth employment and attacking youth unemployment is on track. The strategy was announced in February of this year. Statistics Canada indicates that, between February, when it was announced, and November, the number of youths between the ages of 15 and 24 in the active labour force increased by about 23,000. I think that is a sign that more and more young Canadians are optimistic in looking for work.

Some 38,000 more youths began working in that period. The number of unemployed young Canadians has decreased by 15,000, from 406,000 in February to 391,000. Again, this is an alarmingly high figure — too high by any standard.

If the time allocated at this first ministers' conference has been limited to one-half hour, I wish to assure my honourable friend that other talks have been ongoing and will continue to take place outside the context of the first ministers meeting to address this very important problem.

FEDERAL-PROVINCIAL RELATIONS

QUEBEC—PROPORTION OF TAXES RAISED CONTROLLED BY PROVINCE—REQUEST FOR PARTICULARS

Hon. Jerahmiel S. Grafstein: Honourable senators, my question is for the Leader of the Government in the Senate and arises out of Mr. Bouchard's statements yesterday. Could the Leader of the Government in the Senate, at his convenience, advise the Senate as to what proportion of all tax dollars — federal, provincial and municipal — raised within the Province of Quebec are under the direct control of the Government of Quebec?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, I will attempt to get an answer, but that question is of sufficient importance and complexity that I should like to seek a more detailed answer.

THE ENVIRONMENT

REDUCTION OF GREENHOUSE GAS EMISSIONS—COMMITMENT MADE AT KYOTO CONFERENCE—CONSULTATIONS BETWEEN PRIME MINISTER AND PROVINCIAL PREMIERS ON RATIFICATION—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, can the Leader of the Government in the Senate tell us — and if he cannot, perhaps he could undertake to ascertain — what commitment was given by Prime Minister Chrétien earlier this week to Premier Klein and others concerning adjustments to be made in Canada's position on the Kyoto agreement before that agreement is ratified?

Hon. B. Alasdair Graham (Leader of the Government): I do not know that any commitments were made, honourable senators. Certainly, discussions were held between the provinces. Reference has been made to consultations that took place between federal ministers and provincial ministers in Regina last month.

Many provinces were represented at the Kyoto conference. I know there has been much speculation since that conference as to whether the targets that were set should have been higher or lower. However, I am not aware of any specific commitment made by the Prime Minister to any individual province.

Senator Murray: Honourable senators, the minister says he is not aware of such commitments. What I am referring to is an apparent undertaking given by the Prime Minister to Premier Klein and others as to adjustments that would be made in our position before ratification. Again, I ask the Leader of the Government if he will commit to bringing us a report on any undertakings that have been made by the Prime Minister to the Premier of Alberta or others on that matter.

Senator Graham: Yes. That is a question of interest to all honourable senators. It has been the subject of many questions over the last several weeks, and I will be very happy to bring an up-to-date report to the chamber.

ORDERS OF THE DAY

DEPOSITORY BILLS AND NOTES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Poulin, for the second reading of Bill S-9, respecting depository bills and depository notes and to amend the Financial Administration Act.

Hon. Michael A. Meighen: Honourable senators, I am pleased to join the debate on second reading of Bill S-9, respecting depository bills and depository notes and to amend the Financial Administration Act.

As my colleague Senator Hervieux-Payette has ably outlined the purposes of the bill, namely, to facilitate the settlement and clearing of certain kinds of securities for which the investor does not take physical possession, I will not go over the same points today.

I should like to reiterate, however, that this bill creates two new securities, namely a depository bill and a depository note, for use in the debt markets and establishes a legal regime for them.

A depository bill or note is a bill of exchange or promissory note which is intended to be held by a clearing house and traded in the book entry system operated by a clearing-house. The essential difference between a depository bill or note and their equivalent under the Bills of Exchange Act is that a depository bill or note is issued with the intention it will be held only in the possession of a clearing-house and will not be delivered when it is sold to a purchaser.

In a book entry system, only one global bill or note is issued by the borrowers and it is held by the clearing-house. Members of a clearing-house who purchase interests in the bill or note on behalf of their customers do not receive an actual bill or note as evidence of their purchase. Instead, their purchase is recorded in the books of the clearing-house.

This act ensures that in law the purchaser receives the same legal rights, with such modifications as are necessary in the circumstances, as a purchaser of a bill or note under the Bills of Exchange Act, without delivery of the actual instrument.

In short, honourable senators, Bill S-9 allows clearing-houses or depositories to transfer these instruments from seller to buyer through the recording of entries in the books of a clearing house. Bill S-9 sets outs the rights and responsibilities of the parties to a depository bill or note in a way that is compatible with the use of a clearing-house as well as book entry transfer.

To understand the premise from which Bill S-9, formerly Bill C-90 in the last Parliament, originates, I will quickly outline to honourable senators the background leading to the changes being debated today.

Bankers acceptances and commercial paper issued by the private sector are similar to short-term bonds. They can be bought and sold through security dealers through the money markets. The investor rarely takes physical delivery of the security. In other words, no piece of paper similar to a Canada Savings Bond is actually delivered to the investor.

In setting out the rights of parties involved in transactions, however, the existing federal law assumes possession of the security. As a result, these securities are not eligible for the depository and clearing services of the Canadian Depository for Securities Limited, or CDS as it is known. They must be settled on a trade-for-trade basis, without netting in any centralized clearing system. In contrast, securities issued by the federal government can be settled through the CDS.

Honourable senators, the changes proposed under this bill are in response to calls from the securities industry requesting that corporate money market instruments be accepted into the depository and clearing systems. We were told earlier this year that the CDS would be ready this fall to handle bankers acceptances and commercial paper. In committee, we will ask officials of the government if that is the case.

Bill S-9 could be described as another step in the quest for efficiencies afforded by electronic money, since institutional parties will now be able to settle transactions amongst themselves through the use of electronic money.

The Standing Senate Committee on Banking, Trade and Commerce has undertaken to study the issue of electronic money in the larger context of Canadian society and its impact on Canada's financial services sector. It is our hope to be able to hear from a panel of experts next spring on this important subject matter, which will greatly impact on the day-to-day activities of Canadians.

Honourable senators, Bill S-9 is an important bill, supported by the industry it will affect. I, like all members of the Standing Senate Committee on Banking, Trade and Commerce, look forward to studying its specifics.

Hon. Nicholas William Taylor: Honourable senators, may I ask the Honourable Senator Meighen a question?

The Hon. the Speaker: If the Honourable Senator Meighen agrees, absolutely.

Senator Meighen: Yes, I will entertain your question.

Senator Taylor: As the honourable senator has mentioned, this bill facilitates banking institutions and other institutions in the trade. There has been a recent crash in the banking industry in Asia, such as in Korea and some other areas. Worldwide, banks and private institutions have been very stable. However, in the last month, you might say that all hell has broken lose in the Pacific region, and it seems to be spreading.

Does this provision still look like a good idea, in view of what happened recently in Korea?

Senator Meighen: Honourable senators, I do not believe that I am the right authority to give the honourable senator an accurate answer. I have no reason to believe — and I would certainly want to question experts closely on this issue in committee — that this measure poses any greater exposure than the present system. It merely facilitates handling of the instruments electronically.

As the honourable senator says, we have now seen that difficulties far removed from our shores can have a heavy impact upon us, and we want to take great care to ensure that our financial instruments remain as solid as Canadians have been accustomed to having them.

I will put the honourable senator's question to experts when they appear before the committee. That is the only answer I can give him today.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Carstairs, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CANADA PENSION PLAN INVESTMENT BOARD BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill C-2, to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts.

Hon. Mira Spivak: Honourable senators, I wish to touch on the impact on Canadian women of the Canada pension plan reform set out in Bill C-2.

First, it is important to have a picture of the financial realities that women face. That information gives us context for the measures in this bill that will reduce women's financial security. We can also see more clearly what this bill does not do. It does nothing to reduce the large gap between the financial resources available to many elderly women in Canada and what they need to live out their retirement in dignity. In fact, this bill goes in the other direction.

Last year, the Caledon Institute of Policy held a round table on this topic, namely, the gender implications of CPP reform. That conference was sponsored by Status of Women Canada. In preparing for the conference, the institute did a very thorough assessment of data available from Statistics Canada, from Human Resources Development Canada, and from Revenue Canada. It set out graphically, in a multitude of graphs, the financial realities of elderly women.

That picture is not comforting. In fact, it is appalling. More than half of all Canadian women age 65 and older who live alone, live in poverty according to Statistics Canada. Thankfully, poverty among elderly women is on the decline. In 1980, the poverty rate of unattached elderly women exceeded 70 per cent. Now, it is just over 50 per cent. The downward trend is encouraging, but that does not mean that we should accept what continues to be unacceptable. Governments have recognized that Canada has an unacceptable rate of child poverty, estimated at 20 per cent. The federal government has challenged the provinces to work with it on a major initiative to reduce child poverty, but the plight of elderly women seems forgotten. Instead, the federal government and the provinces have agreed on CPP reforms that mean women will receive lower pensions on their retirement.

•(1100)

Of all Canadian women aged 65 and over, more than one-quarter lived in poverty in 1994, again by Statistics Canada measure. That is more than double the poverty rate of elderly men, and it does not take a rocket scientist to understand why that is so.

Women earn less during their working years, although the wage gap between men and women is decreasing. Human Resources Development Canada figures show that the average earnings of women who made CPP contributions 30 years ago were half those of men. In 1993, women's earnings were still less than 70 per cent of men's.

That gap in earnings means a gap in CPP contributions and, ultimately, a painful gap in monthly CPP benefits. Women move in and out of the labour force more often than men. They take time out to have and to raise children, they take part-time work, they take contract work, or they will work as a self-employed contractor from home. They move from job to job when their spouses relocate. They take time out of the workforce to care for elderly parents or an older spouse. Women are society's caregivers. The result is that, when they retire, the vast majority have no private pension.

Less than one-third of all women who retired in 1992 received any pension at all from a former employer. Among women who did receive a private pension, the average yearly benefit was only a little more than $500 a month, or $6,583 annually. By contrast, almost 60 per cent of men received a private pension and those pensions, on average, were $11,000.

It would be comforting to imagine that the situation is changing, that women working today will have a private pension to count on when they retire, but that will not be the case. Two-thirds of all women in today's labour force still do not belong to an employer-sponsored plan. They work in sectors where employers do not offer pension plans. They work in retail trade and restaurants or in other service sectors.

Earlier this month, Statistics Canada released employment data showing that 88.2 per cent of new jobs in November went to women. Most of them were full-time jobs; most of them were in the service sector. CPP is the only pension available to most of these working women. When women do work in jobs where a private plan is offered, they are likely to withdraw their contributions when they leave to have children or move in with their spouse.

Women are far less likely than men to be making RRSP contributions. That is due in part to their lower wages. It is due in part to their movement in and out of the labour force. According to recent statistics, only 26 per cent of all women between the ages of 24 and 65 who had no employer pension plan made any contribution to an RRSP. Among those who were able to contribute, the amount was much lower than the amount contributed by men.

Does it matter that women make smaller CPP contributions, have no private pensions, and cannot rely on savings through RRSPs? Canada does, after all, have Old Age Security and Guaranteed Income Supplement programs to help retired women, programs the government also proposes to change. Yes, it does matter, because we know that the so-called "OAS-GIS safety net" is in fact a poverty trench. Figures for 1995 show that single seniors who received the maximum OAS-GIS benefits of $10,264 were living below the poverty line, whether they lived in a major city, a village or in a rural area of the country. Those who live in large urban centres received some $6,000 less than they needed to live with any comfort and dignity.

For elderly couples who received the maximum of $16,642, that meant living below Statistics Canada's poverty line in every part of the country except rural areas.

Another point we must remember is that women live longer than men. Women who marry generally outlive their husbands. Women who are widowed, stay single or divorce, face many more years alone in retirement than men; many more years during which they need an income.

Putting it all together — women's life expectancy, women's work patterns, their lower contributions to CPP and little retirement income from other sources — we find exactly what we might expect to find: too many women living on too little.

Many of the figures I have given are based on averages. Averages are easy to discount. We might optimistically assume that there are few people suffering at the lower range, but that is not the case. In 1995, the vast majority of single, widowed or divorced women in Canada aged 65 and over had incomes in the $10,000 to $15,000 range. There were more than 400,000 of them. In 1994, almost one-quarter of married and single senior women lived in poverty. That is almost one-half million sisters, mothers and grandmothers who struggled to survive. Their numbers have not declined in almost two decades.

This picture tells us that a secure, reliable Canada Pension Plan that provides adequate benefits is even more important to women than it is to men. It is very important that women have one pension plan that they can contribute to no matter where they work. It is very important that the plan be fully portable regardless of a woman's employer. It is important that it be available when she is self-employed. In fact, the portability aspects of the CPP are becoming increasingly important to both men and women.

It is also important that the CPP should does not penalize women for living longer, either in setting contributions or in paying benefits. There has been debate in the other place about scrapping the CPP and replacing it with a scheme that would make RRSP contributions mandatory. I would say that the party that makes this suggestion is not noted for its devotion to the rights of women.

In addition to other flaws in that plan, it would disadvantage women. They would either need to make higher contributions during their working years to receive the same pensions as men, or they would have to accept lower pensions on retirement. No individually funded plan will pay the same monthly cheque to women for a greater number of years.

Last February, the Department of Finance looked at gender implications of the existing CPP and the reform measures as a whole, as it was required to do. All legislation is now subject to a gender impact analysis. The department concluded that women receive better value for money as the plan exists and will continue to do so with these reforms. It gave these examples: If the plan stays as it is, a young woman starting work today would contribute $103,750 over her working life and receive $272,100 in benefits, or $2.62 for every dollar she contributed. A young man starting out today would contribute more and receive less than the woman; only $1.34 for every dollar he paid into the plan.

With the proposed changes, both will pay less into it; the young woman $9,000 less and the young man $16,000 less. However, the loss to the woman on retirement will be far greater. She will lose almost $30,000 in benefits while he will lose something short of $20,000. She will receive $2.56 for every dollar paid in. That is 6 cents less on the dollar. He will receive $1.36; 2 cents more than he would receive if these reforms are not adopted.

These figures tell us, from two perspectives, that the plan is heading in the wrong direction. Remembering the poverty rates among the elderly, it is clear that both young men and young women need to be contributing more, not less, toward their retirement. Remembering the over-representation of women in these poverty groups, it is clear that the plan should recognize this. Based on the analysis of the Department of Finance, in the year 2030, women overall will be receiving 9.7 per cent less in benefits than they would if we do not pass these reforms; and men overall would receive 8.9 per cent less.

These bald facts, I suggest, have been lost in all the rhetoric about rising CPP premiums and the Chicken Little predictions that the sky will fall on CPP if we continue to fund it on a pay-as-you-go basis.

I will address the question of contributions, but first, I will touch on the question of changes in benefits.

Women will lose benefits as a result of measures that verge on being gender specific. They will lose as a result of the sizeable reduction in the death benefits from $3,580 to $2,500. Because women outlive men, these benefits typically go to women on the death of their spouse. In March 1996, for example, 73 per cent of more than 9,000 death benefits were paid on the death of a male contributor to CPP. They will lose in the recalculation of survivors' pensions combined with retirement benefits. Again, because women live longer, it is they who will lose as the combined payment is reduced. Perhaps more important, when the new seniors benefit is put into effect, they will lose as a result of the new calculation based on family income, not the woman's income alone.

Many women who turn 65 after the new system starts in 2001 will lose all or part of their benefits because of their husbands' incomes.

•(1110)

On the contribution side of the ledger, women, like men, will be paying more, not only as contribution rates rise but also because of the freeze in the basic portion of earnings exempt from CPP premiums. For women, this is a double-edged sword. Over time, the freeze of $3,500 in the yearly basic exemptions means that it is likely that more low-wage, part-time workers who now earn $3,500 or less will be brought into the plan and eventually receive some meagre pension. On the other hand, it may discourage employers from hiring those part-time workers if it means paying the employer's share of CPP. As inflation reduces the real value of that basic exemption, all women will have to pay more in the contributions. For the self-employed in particular, the very large increase in premiums between today and the year 2003 will be a hardship. On a modest income of $35,800, a self-employed woman will be required to pay almost $3,200 in CPP premiums, and on an income in excess of $46,000 she will pay $4,267. That leaves virtually no room at all, and far less disposable income, for investing in RRSPs.

I wish to address the question of premiums from another perspective, one that sounds almost radical in today's political climate. We have heard from the C.D. Howe Institute, the Fraser Institute and *The Globe and Mail* for so many years that the CPP is facing a financial crisis that it is accepted as gospel. We have heard that, if we do not fix the CPP, if we do not abandon the pay-as-you-go basis of funding, if we do not dramatically increase premiums now, by the year 2030 combined employer and employee premiums will skyrocket to 14.2 per cent of insurable earnings. We need to regain perspective. We must ask ourselves whether this is really an astronomical rate.

In the United States in 1995, the combined employer and employee contribution to the American social security program was 15.3 per cent of insurable earnings. In that year, when we capped insurable earnings at $35,400, the U.S. collected premiums on incomes of up to $61,200, more than $85,000, Canadian, at today's exchange rates.

The Hon. the Speaker: I regret having to interrupt the Honourable Senator Spivak, but her 15-minute time period has elapsed.

Senator Spivak: May I have leave to continue?

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Spivak: Honourable senators, the result was that U.S. citizens who retired at age 65 in 1995 received maximum pensions of $14,388, U.S. — think of it as roughly $20,000 Canadian, — while our maximum pension was less than $9,000 for men or women. The truth of the matter is that CPP is a very modest public pension plan. We do supplement it with OAS and GIS benefits, soon to be the Seniors Benefit and soon to be clawed back at a great rate for middle-income Canadians if the government proceeds as planned.

Many credible analysts suggest that CPP can be more generous in its benefits and still be viable without bankrupting the country. OECD analyses, for example, showed that Canada's ratio of pension expenditure to GDP ranks at the bottom of the G-7 countries. Our pension outlay is approximately 4 per cent of GDP. The U.S. is spending 5 per cent, and Japan, Germany and the United Kingdom are in the 6-per-cent range. France spends closer to 9 per cent, and Italy's spending puts its ratio at almost triple ours. According to the OECD, Canada will stay below the 10-per-cent ratio throughout the next century, while some countries expect to see pension spending soar to 15 per ent or 20 per cent of GDP and higher.

The OECD's projections of our demographics also places Canada in mid-range among the G-7 in terms of the ratio of retired people to those in the labour force, even during the peak years of the baby boom retirement.

The Caledon Institute made the point several times at its conference: What exactly is the CPP crisis? It is a crisis of perception.

A parliamentary task force saw the need for change almost 15 years ago. It recommended a CPP homemakers' benefit to recognize women's work as caregivers. It recommended mandatory credit-splitting on retirement and marriage breakdown. It recommended other changes to help women. None of those bold steps was taken. We should ask ourselves what difference these steps might have made in the pensions of women retiring today. Among women who retired in March of last year, the average monthly CPP cheque was $293, which is barely enough to pay the heating bill and to buy groceries.

Canadians have been persuaded that the CPP is in crisis. The first step must to restore public confidence. That is the political reality. Ken Battle of the Caledon Institute put it well when he said:

> We will have to wait for a more favourable economic and political climate in future to achieve needed improvements to Canada's far-less-than-perfect retirement income scheme.

As we debate this bill, I hope we will keep in mind that we are taking small steps in the wrong direction towards giving Canadian women the retirement incomes they need to live in dignity. When public confidence is restored, I hope we will begin again to look at the improved benefits that women need and deserve.

On motion of Senator Kinsella, debate adjourned.

CANADA COOPERATIVES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Catherine S. Callbeck moved the second reading of Bill C-5, respecting cooperatives.

She said: Honourable senators, I rise today to introduce Bill C-5, respecting cooperatives, which will be entitled, the "Canada Cooperatives Act."

Bill C-5 is a product of a process initiated by two cooperative associations, the Canadian Co-operative Association, CCA, and the le Conseil canadien de la coopération, CCC. Federally incorporated, non-financial cooperatives, as well as other non-financial cooperatives interested in expanding operations outside of a single province, believe that they are operating at a competitive disadvantage under the existing legislation. The Canadian Cooperative Associations Act was originally enacted in 1970. The business environment in which cooperatives operate has changed considerably since 1970, but the legislation has not. Cooperatives were forced to operate under an outdated corporate governance structure, expensive and cumbersome incorporation procedures, and lacked mechanisms for accessing new sources of capital with which to expand and develop.

New cooperative legislation for non-financial cooperatives was originally introduced as Bill C-91 in the Thirty-fifth Parliament, but it died on the Order Paper when the 1997 federal election was called. Non-financial cooperatives include cooperatives in the agriculture, consumer, fishing, forestry, health, child care, housing, and community development sectors.

Bill C-5 will enable non-financial cooperatives to compete effectively in today's competitive marketplace.

First, Bill C-5 modernizes the corporate governance structure of non-financial cooperatives. It will offer cooperatives some of the tools obtained in the Canada Business Corporation Act, the CBCA. These include corporate arrangements such as mergers and amalgamations. It will allow cooperatives to compete on a level playing field with other business cooperatives. A cooperative can now add some outside expertise to its boards of directors because up to one-third of directors may now be outside directors. Bill C-5 makes directors subject to a statutory duty of care and fiduciary duty. It introduces the natural person's power which will provide the cooperative the ability to engage in a range of business activities. It also includes incorporation as a right, not subject to ministerial discretion as was the case under the existing legislation.

Second, Bill C-5 allows cooperatives greater flexibility with regard to capitalization and equity financing. Cooperatives can now issue non-voting investment shares to non-members. They can also issue shares at non-par value. This will allow cooperatives better access to financing while maintaining control of cooperatives in the hands of members.

•(1120)

Members may decide to authorize investment shareholders to elect no more than 20 per cent of the directors.

Third, Bill C-5 updates, broadens and strengthens the definition of "cooperative basis." This will make the definition of "cooperative basis" consistent with the Statement of Cooperative Principles adopted by the International Cooperative Alliance, the ICA, in 1995.

The definition of "cooperative basis" includes the principle of open membership. A further principle is that, to the extent possible, members provide the capital required by the cooperative. The principle of using surplus funds for community welfare, or to further cooperative activities such as the creation of new cooperatives is added under Bill C-5.

The principle of educating the public and employees on the principles of cooperative enterprise has also been added to the legislation.

Significantly, Bill C-5 mandates a cooperative basis test to ensure that cooperatives are organized and operate on a cooperative basis.

Fourth, Bill C-5 strengthens membership rights. Members will now have the right to dissent on fundamental changes such as amalgamation or changing the fundamental nature of the business. Members now have the right to apply to the courts for an oppression remedy. Members also have the right to put a proposal to a meeting of the cooperative. These rights were not available under the existing legislation.

Honourable senators, there was general support for Bill C-5 among all members of the House of Commons Standing Committee on Industry, as well as from witnesses appearing before the committee. Only one substantive issue was raised. It concerned the ability of a cooperative to pay a member out who dissents on a proposal for a fundamental change or a change to the articles.

Members of the cooperative sector, particularly the Alberta Wheat Pool and the Manitoba Pool Elevators, raised concerns that the time-frame for payout of members' capital in the case of dissent is too short. This could potentially jeopardize the capital base of a cooperative.

The bill provided directors with the ability to delay payout to a dissenting member for a period of time to a maximum of five years if the payout would result in an adverse effect on the financial well-being of the cooperative.

Therefore an amendment was made to Bill C-5 to permit a cooperative to set out in its articles a time period for payout to a dissenting member that exceeds five years to a maximum of 10 years. The amendment also changes the rate of interest to be paid on all moneys subject to this extended payout period from 10 per cent per year, as was set out in the bill, to rates to be prescribed by or calculated in accordance with the regulations.

This amendment allows for flexibility in terms of setting a more appropriate rate or rates of interest to be paid. Two national associations representing the cooperative sector agreed with this amendment and several other technical amendments to the bill.

Many businesses that would not otherwise have been established have been able to start up because of the cooperative movement. To give you some idea of the scope and the magnitude of the cooperative movement throughout Canada, the Canadian Co-operative Association members, the CCA, have assets in excess of $56 billion.

The CCC represents the francophone cooperatives in all regions of Canada with almost $90 billion in assets.

The Agri-foods International Co-operative, the Federation Co-operative Limited and the Co-op Atlantic are examples of cooperatives covered under Bill C-5.

Honourable senators, the cooperative movement has been very active in my region of Atlantic Canada. The first cooperative store in what is now Canada opened at Stellarton, Nova Scotia, in 1861. In my province of Prince Edward Island, the cooperative movement continues to play a leading role. There are 108 cooperatives on Prince Edward Island with 455 full-time and 971 part-time employees. The non-financial coops on Prince Edward Island had a payroll of $8.2 million in 1995.

Honourable senators, for Canada's aboriginal peoples, aboriginal cooperatives play a pivotal role in the economic development of aboriginal communities. In 1995, these communities had more than 20,300 members, and they were the most important source of employment in the north after government.

These non-financial cooperatives generate jobs and opportunities for Canadians in all regions of our country. Bill C-5 will enable non-financial cooperatives to develop and to expand in an increasingly competitive business environment. At the same time, Bill C-5 preserves essential characteristics of cooperatives and strengthens the rights of cooperative members.

In conclusion, honourable senators, I urge your support of Bill C-5.

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

LEGAL AND CONSTITUTIONAL AFFAIRS

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

Leave having been given to revert to Notices of Motion:

Hon. Lorna Milne: Honourable senators, I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit while the Senate is sitting on Monday, December 15, and Tuesday, December 16, 1997, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

QUEBEC

LINGUISTIC SCHOOL BOARDS—MOTION TO AMEND SECTION 93 OF CONSTITUTION—DEBATE CONTINUED

On the Order:

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

Whereas the Government of Quebec has indicated that it intends to establish French and English linguistic school boards in Quebec;

And whereas the National Assembly of Quebec has passed a resolution authorizing an amendment to the Constitution of Canada;

And whereas the National Assembly of Quebec has reaffirmed the established rights of the English-speaking community of Quebec, specifically the right, in accordance with the law of Quebec, of members of that community to have their children receive their instruction in English language educational facilities that are under the management and control of that community and are financed through public funds;

And whereas section 23 of the *Canadian Charter of Rights and Freedoms* guarantees to citizens throughout Canada rights to minority language instruction and minority language educational facilities under the management and control of linguistic minorities and provided out of public funds;

And whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

CONSTITUTION ACT, 1867

1. The *Constitution Act*, 1867, is amended by adding, immediately after section 93, the following:

"93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec."

CITATION

2. This Amendment may be cited as the *Constitution Amendment,* year of proclamation (Quebec).

Hon. Dalia Wood: Honourable senators, I only have 15 minutes in which to inform you once again of my position on this important constitutional amendment, one that will have repercussions on the people of Quebec for the rest of their lives. This is in no way sufficient, however I will do my best.

I rise to remind each and every one of you of the importance of the task before us. Since debate on this resolution started, I have been repeating the same message. I intend to say it a few more times before I am finished speaking today.

•(1130)

The Government of Quebec told its citizens that everything would be fine. They would get to keep their denominational schools. The only change would be regarding school boards. The Government of Quebec has also told its English-speaking minority that the changes being made would be to their benefit. Unfortunately, honourable senators, this is obviously not the case. I am from Quebec and I will give you a sense of what has transpired there.

The people of Quebec are only beginning to understand the possible consequences of this complex constitutional amendment. Their government has not made the task any easier, couching every statement in terms of language, a motherhood issue in the Province of Quebec. The PQ government states that they want linguistic school boards. Honourable senators, almost everyone in Quebec would like linguistic school boards. This is not where we have a problem. The problem is that the Government of Quebec has promised parents that they would have the right to retain confessional schools. Expert after expert has testified before the joint committee that if the confessional rights contained in section 93 of the Constitution Act, 1867 are eliminated, the PQ government will not be able to keep its promises. In fact, the Government of Quebec will have limited its ability to legislate in education with regard to denominational school rights.

Honourable senators, as it currently stands, the denominational education rights contained in section 93 are protected from the full application of the Canadian and Quebec charters of rights and freedoms. The governments must therefore legislate so as to allow for Catholic and Protestant schools, even if this would normally be considered discriminatory.

Governments are not limited in any other way. They are free to legislate to give other denominations similar schools. The Government of Quebec has done so in the cases of the Jewish and Armenian faiths. However, this liberty to legislate is put into jeopardy by the removal of section 93. If section 93 is removed, the provisions of Bill 109, which allow for Catholic and Protestant schools, become subject to both charters. The contents of Bill 109 are currently shielded by the notwithstanding clause that is contained therein. However, this notwithstanding clause comes up for review in 1999. The Government of Quebec has not informed the public that in 1999 no longer will there be any protection for Catholic and Protestant schools. If denominational schools are challenged, they will likely be deemed unconstitutional on the grounds of equality. All faiths are at risk: Catholics Protestants, Jews, Armenians, everyone.

Honourable senators, let me be blunt. All publicly funded religious schools will cease to exist. The people of Quebec are unaware of the danger. Instead of properly informing its citizens, the Government of Quebec has been secretive and dishonest throughout, and I will give you an example.

Honourable senators, when I spoke regarding the report of the Special Joint Committee on November 27, I mentioned the Catholic Committee of the Superior Council of Education's opinion to Quebec's education minister. Minister Marois received this opinion on November 10. She has not yet seen fit to respond. As a matter of fact, this document was only made available to the public this past Friday. Before then, it enjoyed a very limited release. Because of its explosive contents, the opinion was only sent to six people. The importance of this document lies not only in its content but in its source.

For those of you who do not know, the Catholic Committee of the Superior Council of Education is an advisory board to the Government of Quebec, the result of the 1966 Parent Commission. The Catholic committee has close links with Quebec's Catholics bishops and often, if not always, expresses opinions which are in sync with those of the Catholic bishops.

For example, before the joint committee's examination of the proposed amendment, the Catholic bishops expressed their support of linguistic school boards. Once again, I will read from the famous letter. However, in a short letter to Mr. Dion they add the following to their endorsement:

> Our approval for changing the status of school boards has always been accompanied by one condition: that the denominational guarantees established by Bill 107 be maintained. The rights clearly recognized under that legislation are at the heart of our historic heritage.

The Catholic committee had also expressed its support of linguistic school boards before the joint committee started its examination of the amendment. It stated that it was not opposed to an amendment to section 93 of the Constitution, provided that regarding religious education and school status, the government "clearly maintain its commitment to respect parents' and the general public's freedom of choice."

The Catholic committee has revised its position following the joint committee's examination of the proposed amendment. Senator Lynch-Staunton has already read parts of it to you in his speech of December 9, but this document is so important that I will quote it further. The Catholic committee confirms my position regarding what the people of Quebec have come to understand regarding this amendment. It states as follows:

> What people basically learned from information they were sent is that the constitutional amendment was intended only to facilitate the establishment of linguistic school boards in Montreal and Quebec City. If the findings of some expert analyses prove to be valid, people might well realize, to their utter amazement, that the process made it impossible to preserve even the religious education they hold dear when they had been under the impression that the guarantee of religious education was confirmed in the new Education Act.

The people of Quebec have not been informed of the serious risks they are taking by allowing the government to proceed to the implementation of linguistic school boards by the removal of section 93. In order to rectify the situation, the Catholic committee suggested the following:

> If the government wants to proceed in a transparent way with the delicate task it has undertaken, if it wants to avoid the undesirable effects described above, it should spell out to the public the foreseeable consequences of the constitutional amendment it is seeking and state in equally clear terms that it intends to protect its legislative authority over denominational schools. Otherwise, the outcome of any future debate over religion in schools will be determined ahead of time by the Charters alone and will lead to nothing but bitter disappointment.

The Catholic committee concludes its document by strongly urging the Government of Quebec to find a solution that will allow them to meet the reasonable expectations expressed by the public in Quebec. They urge the Quebec government to do this so that a genuine democratic debate can be had regarding religious education in Quebec's public schools so that society can decide where it wants to go before the courts decide for them.

Honourable senators, I asked Minister Dion what he thought of the revised position of the Catholic committee. He answered that its content was not new, as this opinion had been stated by many witnesses before the committee. The significance of this change in position has eluded the minister and may have eluded many of you. The committee felt safe with the government's assurances. It was only after they revised the testimony presented before the joint committee, and had it verified by their very own legal counsel, that they became concerned. Maybe the rest of the population would feel the same way if we gave them the opportunity to study the question in the absence of the notion of language.

The Quebec government's reluctance to share information with its population is telling. No constitutional amendment should be passed if the people affected do not know what such an amendment may mean to their everyday lives. I do not think we are doing the people of Quebec a service by ratifying such actions, and neither do the thousands of people who have written to me stating their opposition to the removal of section 93.

Honourable senators, I am passionate about this issue because I am passionate about my province. I am deeply concerned that the people of Quebec are not being allowed to express their views and opinions regarding this important amendment. Senator Grafstein, in his speech of December 9, stated that all viewpoints had been expressed, that everyone had been heard, but by his own admission he recognized that the joint committee had heard almost exclusively from the elites of Quebec society, the ruling class.

Honourable senators, the question of who really represents whom is difficult to answer.

In my last speech, I noted several instances where individuals could not have their voices heard by those in positions of power. Another important example of this phenomenon has crossed my desk just this week. I wish to share it with you. The Quebec Federation of Home and School Associations wrote a letter to the Fédération des comités des parents de la province de Québec on October 21, 1997, asking them if they had gone to their membership to ask their opinion. They got not response. On October 27, Gary Stronach, the president of the federation, came before the joint committee. When asked the question, he responded that he had not consulted the parents to ask them if they were for or against the amendment to section 93. I can hardly believe that, honourable senators. This federation is mandated by the National Assembly to represent all parents and all schools in Quebec, yet this association supported the elimination of denominational rights without asking its membership. It does not appear that the voices of Quebec parents have been heard on this issue to date.

Honourable senators, when I speak in this chamber today, I speak on behalf of the citizens of the province of Quebec, those whose rights are being directly affected by the amendment before us. I can speak for them because I have received 3,714 individual signatures emphatically opposing the removal of section 93 because it puts the existence of denominational schools at risk before a debate has been held in that province. These individuals are also very passionate about this issue. They even overcame a mail strike to have their letters arrive at my office in time to be counted. Their dedication to this cause and to the values they hold dear is noteworthy. I commend them and I urge all honourable senators to do the same.

Honourable senators, I ask for leave to table these signatures in recognition of their efforts. I find this evidence compelling.

•(1140)

Honourable senators, I would also ask for leave to table a document with 265,000 signatures. These 265,000 citizens of Quebec are expressing their opposition to the removal of section 93 of the Constitution Act, 1867 in that they want confessional schools to be maintained and linguistic school boards to be implemented for those who want them. These signatures are evidence of the feelings of the citizens of the province of Quebec on this issue. They should not be overlooked.

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

Hon. Senators: Agreed.

Senator Wood: Honourable senators, the more we look at this educational reform, the more it looks like an attempt at social engineering — in both the area of denomination and language.

Even before the resolution was introduced in this chamber, Quebec politicians were saying that the educational reforms were going to strengthen the English school system in the province. That assertion made its way into the House of Commons debates and into the debates of this Chamber and remains unchallenged to date. The joint committee's witnesses said that linguistic school boards were a better reflection of Quebec society. It was almost as if we parliamentarians were being asked to amend the Constitution so that Quebec could better accommodate its English-speaking community on the one hand and its growing multicultural society on the other.

Honourable senators, the English-speaking community in Quebec does not seem to be benefiting from this reorganization. As a matter of fact, the Government of Quebec is not giving its English-speaking population anything by shifting to linguistic school boards.

English schools will be able to pool their resources, but in exchange for this small advantage, the English school system may choke under the weight of the regulations imposed upon it. We all know how easily frustrated the exercise of a right can be. Look at the never-ending blockade of regulations surrounding the right of English-speaking people to health care in their language.

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, I see that the petitions referred to by Senator Wood are being laid on the floor. In my opinion, that is disrespectful. The petitions ought to be laid on the Table of the Senate.

The Hon. the Speaker: A point of order has been raised that the petitions should be on the Table. Is there room on the Table?

If it is the wish of the Senate, they can be placed on the Table. The Clerk advises me that the group of documents on the Table are symbolic. If it is your wish, honourable senators, we can do that.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I suggest that it be deemed that the petitions are on the Table.

The Hon. the Speaker: Is it agreed, honourable senators, that the petitions be deemed to be on the Table?

Hon. Senators: Agreed.

The Hon. the Speaker: Please continue, Senator Wood.

Hon. Dalia Wood: Honourable senators, the PQ government understands the "Divide and Conquer" philosophy, constantly picking apart the community supports that have allowed the English minority to survive in Quebec. The writing is on the wall, honourable senators. One need only consult the Statistics Canada census figures released last week. English-speaking Quebecers are now a minority within a minority. As well, Alliance Quebec's brief to the joint committee states that, since 1970, enrolment in Quebec's English school system has declined 60 per cent, and that 34 per cent of this system's schools have been closed.

Senator Grafstein tells us that he is appeased by the fact that Ministers Brassard and Marois came before the joint committee and admitted that they were bound by the Constitution Act, 1982 — that English-speaking Quebecers would be protected by the Constitution. However, that offers no consolation to me or to English-speaking Quebecers.

For those of you who are unaware, section 23 of the Charter grants minority education rights. Due to a political compromise, section 59 of the Constitution Act, 1982, subsection 23(1)(*a*) of the Charter will not apply in Quebec until the Government of Quebec decides to allow its application. How this exemption got there and why are not our concern here today. Our problem is that it exists and that people are suffering because of it.

If the Government of Quebec really wanted to help its English-speaking population, it would enact section 23(1)(*a*) of the Charter. That, honourable senators, will not happen.

Quebec's Minister of Intergovernmental Affairs, Jacques Brassard, clearly testified before the joint committee that section 23(1)(*a*) will never see the light of day in Quebec. A choice had been made in that province, and successive provincial governments have never questioned the sections of Bill 101 that restrict access to English schools.

Under Bill 101, only children whose parents are Canadian citizens and who were educated in English in Canada can be enrolled into English schools. Ninety-nine per cent of children whose parents are not Canadian citizens do not have access to English schools.

I encourage honourable senators to read chapter eight of the Charter of the French Language, Bill 101. That is the section that deals with language of instruction.

In his testimony, Mr. Brassard was of the opinion that the historic rights of the English-speaking citizens of Quebec were in no way infringed upon by this limitation — that these rights were being fully respected. I do not think this is the case.

The Hon. the Speaker: I regret to interrupt the honourable senator, but her 15-minute time period has elapsed.

Honourable senators, is there unanimous consent to allow the honourable senator to continue?

Hon. Senators: Agreed.

Senator Wood: Honourable senators, I also do not think that we are respecting the educational rights of new Canadians to have their children educated in the language of their choice. Canada has signed international treaties with regard to education, treaties that denounce discrimination in education.

The Quebec government had the perfect opportunity to correct this discriminatory practice. It did not and it will not. The federal government had the perfect opportunity to ask that this discriminatory practice be abolished. It did not. Whether it is convenient or not, honourable senators, we have a duty to protect the English-speaking minority in Quebec before it is too late.

Honourable senators, the federal government has a duty to act responsibly in considering this amendment. It must act to protect all its minorities from an erosion of their rights. We have been told many times that we are not setting a precedent when we proceed in the cases of Quebec and Newfoundland. I profoundly disagree. *The Ottawa Citizen* has already started reporting murmurs in Ontario. We must, therefore, act cautiously in considering the circumstances of the amendment — why we are being asked to amend the Constitution.

In the case before us, every witness who appeared before the committee supporting the amendment stated the same basic reason. They approved the change because the rights protected by section 93 complicated the establishment of linguistic school boards and were administratively inconvenient. This does not justify the outright removal of denominational education rights. We all know that the task of governing is a difficult one. However, rights are entrenched into Constitutions to protect them from incursions of the state. If we allow the state to remove constitutional guarantees when, in its opinion, it is too inconvenient or expensive for it to manage, who knows what rights will next find themselves subject to amendment.

Never had I thought that I would see the day where rights would be eliminated from the Canadian Constitution because of administrative inconvenience. To make matters worse, honourable senators, many witnesses justified the removal of these constitutional rights because, in their opinion, the right was discriminatory. The protection of Catholic and Protestant rights to denominational education was no longer acceptable in a tolerant and multicultural society. I can see where a tolerant society would like to eliminate favouritism and allow for a greater diversity in the choices offered to parents when it comes to their children's education. However, I cannot see a tolerant and diverse people removing denominational education rights. We should be expanding or modifying these rights to better reflect society, but we should definitely not be pushing society into a change that it may not yet be ready to make. We do not know what changes Quebec society is ready to make when it comes to the issue of religion within the schools. This debate has not occurred yet. It will only occur in 1999, when the notwithstanding clause contained in the Education Act comes up for renewal.

Honourable senators, we cannot consider taking away constitutional rights before a public debate has been held on the question. It sets a very bad precedent.

Honourable senators, the stakes are high. We are being asked to balance competing interests: the interests of provincial governments and the interests of Canadian citizens. How this debate is conducted — the standards we accept in this instance — will determine how future debate is conducted in constitutional matters.

Honourable senators, these are monumental decisions we are making.

•(1150)

In his speech in this chamber, Senator Kirby stated that he did not feel comfortable amending the Constitution in these instances because he did not like having to rely on circumstantial evidence to come to his conclusions. In my opinion, in the absence of clear proof of the population's support of a constitutional amendment to minority rights, we should not be deciding. Senator Kirby is right to suggest that the Standing Senate Committee on Legal and Constitutional Affairs should proceed to establish the ground rules for future changes of this magnitude. However, with all due respect, I do not think he is right in suggesting that we should pass the two amendments that are now before this chamber — that is, the Quebec amendment and the second Newfoundland amendment — before examining how we should be dealing with such requests.

Honourable senators, our primary duty is to the Canadian citizen. As the protectors of minority rights, we must never forget that the rights entrenched in the Constitution of Canada do not belong to governments; they belong to Canadian citizens. Never should the rights contained in the Constitution of our country be sacrificed to accommodate the administrative concerns of the provinces.

After the House of Commons voted to pass this resolution, many politicians said that it was a great step toward national unity; that that decision meant that federalism works. Honourable senators, nothing could be further from the truth. When the Constitution of Canada becomes a tool in the negotiations between different levels of government, no one wins — least of all the citizens who must live with the consequences of the decisions that are made.

Honourable senators, because of the changes to the Constitution in 1982, the Senate cannot kill the resolution before us. The most we can do is invoke our suspensive veto. Honourable senators, by refusing to pass this resolution we would be giving the people of Quebec six months to inform themselves of the implications of this change. The public debate on the question of denominational school rights could begin immediately, before the resolution is readopted by the House of Commons.

If the people of Quebec are in agreement with what has been decided, fine. The House of Commons will be able to pass the resolution once more and the change can take place. However, if the people of Quebec decide that this is not what they wanted to accomplish, then the Government of Quebec and the House of Commons could decide how best to proceed. However, honourable senators, the citizens of that province should be given a chance to understand and participate in the debate. We owe them that much.

Senator Corbin: Honourable senators, would Senator Wood entertain a question and a comment?

Senator Wood: Yes.

Senator Corbin: Senator Wood, you tabled in the Senate 250,000 petitions. I am sure you have examined those. Can you tell me if collectively they represent the views of one group? Do they come from one region? If they are broadly based, do they represent various religious faiths? If you have had an opportunity to examine them, in your opinion what does that action represent? Let me hasten to say that I am sure you did not solicitor those petitions, and that they came to you spontaneously.

Senator Wood: First, I should like to make a comment about the 265,000 signatures that I have in my possession. There was an attempt made to table them with the Quebec government. The Quebec government refused them; they would not look at them, so the petitioners came to me with them. There are also approximately 4,000 letters that have been sent to me almost on a daily basis, and they are still arriving. These petitioners and correspondents say that they did not have a voice. These letters come from all over the province of Quebec.

Senator Corbin: Are you telling me that an attempt was made at the Quebec legislature to have a member table them, and that that was refused? Are there no provisions in the rules of the Quebec National Assembly to table petitions?

Senator Wood: They were offered to Minister Marois, and she refused to accept them. In fact, she refused to meet with the petitioners — not once, but twice. That is how the petitions arrived at my office.

On motion of Senator Beaudoin, debate adjourned.

NEWFOUNDLAND

CHANGES TO SCHOOL SYSTEM—AMENDMENT TO TERM 17 OF CONSTITUTION—CONSIDERATION OF REPORT OF SPECIAL COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Fairbairn, P.C., seconded by the Honourable Senator Hébert, for the adoption of the Report of the Special Joint Committee on the Amendment to Term 17 of the Terms of Union of Newfoundland, deposited with the Clerk of the Senate on December 5, 1997.

The Hon. The Speaker: Honourable senators, I wish to repeat that we have agreed that the second person speaking on this constitutional amendment has the right to 45 minutes.

Hon. C. William Doody: Honourable senators, I do not think I will take that long, but I appreciate the consideration.

The joint committee report that we have before us now was addressed quite comprehensively last evening by Senator Fairbairn, and I congratulate her. Her speech was filled with quotations from the many witnesses who appeared before the committee. However, it was not heavily laden with quotations from Archbishop MacDonald, or from Pastor Baston of the Pentecostal faith, nor was it overburdened with quotations from Dr. Fagan of the Roman Catholic Education Committee nor Dr. Regular of the Pentecostal Education Committee. Nevertheless, it was a comprehensive dissertation.

Honourable senators, it is not my intention to take up too much of your time in explaining my reasons for dissociating myself from the report, and in opposing it and opposing the resolution.

When the resolution came before us to set up the joint committee to examine the proposed amendment to Term 17, I explained in some detail at that time why I felt it was wrong. I felt strongly then, and the evidence that was presented to the committee has reinforced my misgivings.

Honourable senators, I might add that my opinion with regard to the value of joint committees dealing with this sort of matter does not serve the purposes of the Senate as I see it. For senators to be submerged, in terms of numbers, by the overwhelming majority of members of the House of Commons does not give the Senate an adequate opportunity to examine the matter in a way that allows the Senate to fulfil its responsibilities in matters of this nature. I urge honourable senators to think carefully before agreeing to what appears to me to be an enlarging pattern in the establishment of joint committees.

With regard to the testimony that we heard at the committee, anyone who attended the hearings, or read the transcripts, or examined the referendum returns, cannot help but be convinced that a large majority of the Pentecostal minority and a majority of the Roman Catholic minority did not vote to give up their denominational educational rights as guaranteed to them in the Confederation bargain of 1949. That is what this is all about, honourable senators. It is about minority rights and, more important, about how Canada honours its commitment to minorities.

These minority rights were guaranteed in a solemn bargain between Canada and Newfoundland in 1949. Mr. Dion, the Minister of Intergovernmental Affairs for Canada, insists that fundamental rights are not affected by these amendments. But "fundamental" to whom? Religious education rights are certainly fundamental to thousands and thousands of Newfoundlanders. The position of the leadership of the affected minorities has been amply and forcefully demonstrated in the testimony given to the joint committee. The Roman Catholic hierarchy made it quite clear, in the brief by Archbishop MacDonald, on behalf of his three fellow bishops in Newfoundland and Labrador, as well as the Pentecostal Assemblies and the Seventh-day Adventists, that they did not accept this extinguishing of their rights by the proposed amendment which is before this chamber.

The authority of the Roman Catholic archbishops in matters of faith and morals was described forcefully by Senator Joyal in his speech on December 10. I need not go further, but I thank him for his speech. The authority and responsibility of the Roman Catholics in Newfoundland is no less and no more than the authority and responsibility of the Roman Catholic bishops in the province of Quebec.

•(1200)

Honourable senators, I should like to describe in a brief and imperfect way the demographics, the geography of my province. The situation of the Pentecostal Assemblies in this regard is somewhat different from that of the Roman Catholics in that they are a smaller group and they are more dispersed throughout the province. This is even more true of Seventh-day Adventists. Nevertheless, no one has seriously suggested that the congregation of the Pentecostal Assemblies showed any significant support for the proposed change to Term 17. Quite the opposite is true. However, in the case of the Pentecostal Assemblies who represent only 7 per cent of the population, this is a small minority. This is even more true of the Seventh-day Adventists. I fear they are being lost in the shuffle.

The numbers compiled by the pastors and other officials of the Pentecostal Assemblies clearly indicate that the vast majority of their people were not in favour of giving up their constitutionally protected minority rights.

Let me go back to the geography. A large part of the Roman Catholic population, as opposed to the populations of Pentecostal Assemblies or Seventh-day Adventists, is located on the Avalon Peninsula. There are many other Roman Catholic communities scattered throughout the island. There are large blocks of Roman Catholics on the Port au Port Peninsula, in the St. George's Bay area, in Bay d'Espoir, St. Brendan's Island and Bonavista Bay. There are some small communities on the Great Northern Peninsula, and there are some larger communities on the Burin Peninsula. However, a large part of the Roman Catholic population is concentrated on the Avalon Peninsula.

There are dozens of communities stretching up the southern shore from St. John's, through Witless Bay, through Bay Bulls, south of Trepassey and St. Shotts, around the coast of St. Mary's Bay, the Cape Shore, Placentia, and that part of Conception Bay which is known as Harbour Main, which runs roughly from the Town of Holyrood through to Brigus, roughly the area I represented in the House of Assembly for many years.

These dozens of towns and villages are all predominantly Roman Catholic, and have been for generations. They are all, to quote from the Term 17, "a single school system with opportunities for religious education and observances." That is pretty close to the referendum question language. They have been situated like that for many years, and that is how they want to remain. In fact, honourable senators, the truth is that in February 1997, 24,000 Roman Catholic children were registered by their parents to be educated in Roman Catholic schools. Some 4,000 Pentecostal children were registered by their parents to be educated in Pentecostal schools. This was a process set up by the Government of Newfoundland.

In 1993, some 50,000 Roman Catholics petitioned the government to be allowed to continue the education of their children in Roman Catholic schools. The 24,000 children who I just mentioned represent about 60 per cent of the Roman Catholic population. The other 40 per cent are either distributed through communities where their population is too small to support a unidenominational school, or their parents prefer that they go to a multidenominational school for convenience sake, and there is no problem with that.

Be that as it may, some 24,000 Roman Catholic children were registered by choice, and the choice was afforded to them by the Government of Newfoundland last February. What I said in my remarks at the beginning of this debate was that the Government of Newfoundland discarded the wishes of these people and went on to this unilateral removal of all denominational rights in the school system of Newfoundland.

Currently, in the province of Newfoundland and Labrador, 73.2 per cent of the students today attend a single community school, either a joint services school, which is a school which serves at least two denominations, or a single denominational school. This number represents almost three-quarters of the school population of the province.

I should point out that the Roman Catholics and the Pentecostals do not present a unique demographic structure in Newfoundland. Many communities in the province, in Bonavista Bay, Trinity Bay, the south coast, the Northern Peninsula, et cetera, have predominantly Protestant populations who attend the integrated school system. They also attend single community schools. However, that does not in any way diminish the fact that the large blocks of Roman Catholics, or whoever, present the opportunity for unidenominational, viable, economical school units. The population concentrations are such that it is no problem to present the people with a unidenominational school if they so desire, and many of them expressed that desire.

The 73.2 per cent of the students who attend a single community school, along with their parents, would see a "yes" vote in the referendum as a continuation of the system that they currently enjoy. Seventy-three per cent of them already go to single community schools where an opportunity for religious education and religious observances is provided. Therefore, they voted "yes." Many saw no need to vote because of this and because of the February 1997 registration which I mentioned a few minutes ago. The question on the ballot paper reflected the system that was already in place. Let me read the question to honourable senators:

> Do you support a single school system where all children regardless of their religious affiliation attend the same schools where opportunities for religious education and observances are provided?

That question, honourable senators, reflects precisely the system that has been in place for almost three-quarters of the school population of the province, certainly since Confederation, and for many, many years prior to that. It would seem, then, that the 73 per cent "yes" vote, and the 47 per cent who declined to vote, may not be such a surprise after all, given the make-up of the many communities and the system which currently serves them and to which they have become accustomed over generations.

Having said that, I would like to point out the enormous difference between the question which I have just read and the proposed Term 17 which was released to the public for their consideration, literally, on the eve of the advance poll, one week before the referendum date. It reads:

> 17.(1) In lieu of section 933 of the Constitution Act 1867, this section shall apply in respect of the Province of Newfoundland,
>
> (2) In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education but shall provide for courses in religion that are not specific to a religious denomination, and
>
> (3) Religious observances shall be permitted in a school where requested by parents.

This seems to me to be a quite different arrangement from that which was posed as the question on the referendum ballot. However, honourable senators, that was the question on which the Newfoundland electorate were asked to vote. But where did the question come from? Was it arrived at by a series of consultations between the affected classes of people and the government, or by concerned representatives and the denominational committees and the government? No. The system used to arrive at the question is one that is now dear to the backroom boys all across the country.

Four or five questions or variations of questions make a short list. A PR firm is hired. Focus groups are assembled. The questions are run by the groups. Transcripts of the discussions are carefully examined. The selection of questions is narrowed down to one, and this one is polished and massaged until, with the help of the testing on the panels, the final question is eventually decided upon. The question is crafted in such a way as to offend no one and to ensure, through polling, et cetera, that the government will get the result it wants. Indeed, Premier Tobin predicted before referendum day that he was sure of a 70 per cent "yes" vote. This process was financed by public funds, funds which were denied to the supporters of the "no" side.

Honourable senators, the population was asked to confirm a system already in place. However, the proposed term, unlike the question, does not guarantee the existing system will remain in place. Quite the contrary, it guarantees that there will be a state-crafted religious course taught to all students who wish to take such a course, and certainly not a denominational religious course. This concept of a state design, state interpreted and state taught religion I find absolutely repugnant. It is a concept which has no place, in my opinion, in Canada, and certainly not in Newfoundland.

•(1210)

Honourable senators, some people in prominent positions feel that there should be no religion taught in schools. One committee member told us, "We need to get religion out of our lives, except on a personal basis, and that should be outside of the general schooling that we give our children." Honourable senators, this is a breathtaking concept. It is an amazing statement which flies in the face of the tradition, history and culture of my province.

Some people are of the opinion that there need be no religious instruction taught in schools. The Government of Newfoundland is going far beyond that. They themselves intend to devise a course on religion which will be taught to all students in the province, or at least all of those who feel they should have one.

This will be a government-devised, government-written and government-taught course, and that is quite startling. In other words there will be constructed, at the direction of the government of the day, a one-size-fits-all religious program which can be slanted, skewed or spun in whatever direction the drafters of the course feel is appropriate at any time.

Many of the schools in Newfoundland were built, in whole or in part, with funds provided by religious orders, the congregations of various denominations, and the parents of the children who attend these schools. Furthermore, many of those schools are built on church-owned property. To date, to the best of my knowledge, no offer of compensation has been made by the Government of Newfoundland in this regard. The government has simply declared all of these schools to be multi-denominational or, more precisely, public schools, and they will be used by the province for education purposes at the discretion of the province. I hope that, in the event that the Government of Newfoundland proceeds with its plans to abolish the denominational system, it will deal with this situation in an honourable way.

I will conclude by going to the heart of the matter: that is, the solemn compact agreed to by representatives of Newfoundland and Canada in 1949. In the debates at the national convention of 1947-48 called to decide the future course of Newfoundland, a solemn commitment was made by Mr. Smallwood in reply to an address by Major Cashin. Major Cashin was one of the prominent leaders of the Responsible Government faction of the island at the time. This quotation is vintage Smallwood. I am sure that Senator Petten, Senator Lewis and perhaps others will recognize the style. He said:

> Major Cashin tells us that Confederation will be a threat to our educational system and that we would have a non-denominational school forced on us. Now nothing said at this convention since the first day it opened is so untrue as that one. There is not one single word of truth in it, not a syllable, not even a letter of truth in it. It is completely and utterly false, definitely and finally false. Wholly and undeniably false.
>
> I challenge any man in Newfoundland, do you understand, sir, any man in Newfoundland to show that our school system, our denominational school system, is in the slightest danger from Confederation. I challenge any man on this island to show that all existing rights of all denominations are not absolutely safeguarded and protected under the terms of Confederation. I say here and now that no denomination, not one denomination, has the slightest reason for uneasiness on this point. All existing rights have been fully guaranteed and protected just exactly as they stand today. Any denomination that wishes to go right on with its own separate denominational schools, paid for out of public funds, can do so under Confederation exactly as they can without Confederation. Confederation will not make a particle of difference in our school system. It is false and unworthy and mischievous to say that it will, or even hint that it will.
>
> If there is in this island any denomination with separate school rights at the present time that fears that its rights will be put in danger, let that denomination speak out or take the proper steps, and it is the simplest and easiest thing in the world to copper fasten the matter. I know what I am talking about. I know in great detail, in intimate detail, I know what I am talking about sir and there are others that know too. I say here and now that if any person of authority shows me that our denominational school system is in any danger whatsoever, I will drop all further support of Confederation. I will go further. I will oppose Confederation just as ardently as up till now I have supported it. So now, if Major Cashin wants me to oppose Confederation, let him get busy and produce his proof.

That is a direct quote from Volume I of the Newfoundland debates, page 1442, January 28, 1948.

There is no doubt at all that the people of Newfoundland thought that their denominational rights would be protected. That is not to say that any denomination that wanted to opt out of this provision were not entitled to do so. Indeed, many have. However, three minorities — the Roman Catholics, the Pentecostals and the Seventh-day Adventists — did not opt out. They are still entitled to the protection of the Constitution until they decide, by a vote held for their particular classes of people, that they want to opt out. If they themselves say they want out, that is fine with me. You will not hear another squeak out of me. However, in the meantime, they are not to be railroaded by the majority, which is what is happening.

That was my position a few years ago when Premier Wells phoned looking for support for the previous Term 17 amendment. It has been my position ever since, and it will continue to be my position. In the meantime, it is possible that, had the House of Commons shown the same good sense that the Senate did in accepting the amendment of "where numbers warrant," this current mess might not be before us.

Honourable senators, we have come to this. We have demonstrated to ourselves, and to the world, how well we honour our commitments to our minorities. In 1949, we in Newfoundland were convinced by Mr. Smallwood, Mr. St. Laurent and others that we had entered into a solemn contract, a lasting agreement. Sadly, we were wrong. We have been shown that a constitutional minority protection is worthless. It is subject to the votes of the majority.

This agreement, the Confederation compact, was not endorsed by a massive or even a large majority of Newfoundlanders. Indeed, barely more than 51 per cent voted in favour of Confederation. Today, one cannot help but be impressed by the scepticism of Newfoundlanders at that time.

In the meantime, I think I have made my case. You probably suspect that I will not be voting either in favour of the report or of the proposed amendment.

Hon. John B. Stewart: Will the Honourable Senator Doody help me by answering a question?

Senator Doody: I will try, sir.

Senator Stewart: I want to thank Senator Doody for an eloquent and succinct statement of his position. The question now before the Senate is a difficult one. I assume that the Government and the Legislative Assembly of Newfoundland did not take lightly the position that they have taken.

Does Senator Doody see any shortcomings in the prevailing educational regime in the Province of Newfoundland and Labrador? If so, what are those shortcomings, and what remedies would he prescribe?

I raise this not as a debating point but as a serious question. I assume that the proposal before the Senate has not been brought here for trivial reasons. There must be difficulties or shortcomings that the Government of Newfoundland proposes to attempt to remedy.

Are there such difficulties, Senator Doody, in your view? If so, what remedies would you apply?

Senator Doody: Honourable senators, of course there are difficulties. I find it hard to imagine any system that does not have difficulties in it. You must remember that shortly after Confederation, and in the years immediately following it, there were over 400 school boards in the Province of Newfoundland. Through cooperation, amalgamation and advances in transportation, that was reduced to 27, I believe, when we had the last debate on Term 17. That has subsequently been reduced to 10. I think there will be 11 school boards when the French-language school board is established soon.

That still presents some problems because there is still some duplications. There were two communities mentioned during the hearings which each had two high schools where it was believed that one would be sufficient. They are undoubtedly right. However, the Roman Catholic and integrated boards, in one case, and the Pentecostal and integrated boards, in the other, have not been able to resolve their differences. I believe that there are 400 students involved in this case.

This process seems to me to be a pretty draconian solution to solving an administrative problem. Simply because these recalcitrant people refuse to cooperate, we need not roll out a hydrogen bomb to demolish the whole system.

Other duplications do exist. There was a time when all school boards were given a per capita grant depending on the number of people in their congregation, and they were responsible for building their own schools. If you gave one denomination a dollar, you had to proportionately give a dollar to another denomination, whether they needed another school or not. It was an absurd system. Now a joint construction board has been established, and this construction board will decide where schools will be built and whether they are necessary. It will not be done by the denominations themselves.

•(1220)

Over the past several years, tremendous progress has been made in rationalizing and modernizing the system. It is not perfect at this point, but I assure you that it will be closer to perfection than the state-run organization which they plan to put in place now.

Hon. Eymard G. Corbin: Would the Honourable Senator Doody accept a question?

Senator Doody: Yes, of course.

Senator Corbin: I cannot help but be impressed with the argument you make on behalf of the rights of the minorities. You said just now that it is expected that a separate French-language school board is to be established. Is that in any way, shape, or form linked with the passage of the resolution by the Canadian Parliament?

Senator Doody: No. It is my understanding that the present administration in Newfoundland has agreed with the French-speaking people — there were two different groups, one on the west coast of the island and the other in the Saint John's area — that they will have their own separate school board quite unrelated to this legislation. The French-speaking people were never given a school board before. In the various areas in which they lived, they were looked after, for example, by the Roman Catholic school board on the west coast, and by whatever school board existed in the Saint John's area. They will now have the right to look after their own affairs and their own board matters.

Senator Corbin: Is that French-language school board tied or connected in any way, shape or form with the denominational system, or is it completely aside from these considerations?

Senator Doody: It is my understanding that it is completely aside from these considerations. They will have an autonomous school board to run their own affairs as they see fit. As a matter of fact, if this amendment goes through, it will be very similar to the other 10 school boards inasmuch as there will be no denominational involvement.

Senator Stewart: Honourable senators, I do not intend to be persistent, but I know Senator Doody is an authority on this subject and on Newfoundland politics.

Given the answer that you just now provided to me, senator, which said, in effect, that the difficulties with the present system in Newfoundland are minor and could be dealt with by some administrative cooperation, how do you explain, knowing Newfoundland politics as you do, the vote in the legislature? Was it an accident? What happened?

Senator Doody: It certainly was not an accident. I am sure each individual member of the House of Assembly had his or her own good reason for voting the way they did. The only thing I can tell you for sure is that if I were still in the Newfoundland legislature, there would have been one dissenting vote.

Hon. Jean B. Forest: Honourable Senator Doody, could you clarify for me whether or not, under the present situation, without a change to Term 17, non-denominational boards could be established if that were the wish of the parents, boards which were not attached to any denomination?

Senator Doody: There are boards under the current system called the integrated board system. They are representative of four or five Protestant denominations. There are boards which are responsible for the Roman Catholics and for the Pentecostals and for the Seventh-day Adventists. Under the system as it now stands, some of the members of these boards are elected and some of them are appointed by their denominations. To change that situation, you would need to ask, I suppose, the churches to stand aside from the boards. I am not aware of what advantage that would have.

The parents still have their representatives on the board. As a matter of fact, they have a majority of the representatives on the boards. The Roman Catholic school boards, at least in the Saint John's area, have at least one clergyman on the board. There may be a member of some teaching orders represented on the boards. In the Saint John's East board, there may well be members of the Sisters of Mercy or the Presentation Order or the Christian Brothers. I cannot tell you exactly. However, I do know that the system of board appointments, when compared to the way that it was when I was more intimately involved, has changed radically. It is now a more democratic system than it was.

You must think of this whole situation in the context of its development. The Government of the United Kingdom, which ruled the colony for so many years, was not only not interested in providing education for the people who lived there but were rather strictly opposed to it. In fact, there are pictures and drawings of schools being torn down by the British. The priests were holding religious instruction out in the woods. Today, you can go to priest rocks where they used to say Mass out in the woods where the British authorities could not catch up with them. You find those in many areas.

The first school was built by Canon so and so from the Anglican faith, or by some Methodist preacher who came over from Britain or Ireland, who set up a church and then built a little school. From that system evolved this denominational system. It is hundreds of years old and has been evolving ever since.

In the 1960s, when then-member and later Premier Clyde Wells raised this subject in the first attempt to eliminate the denominational system in the House of Assembly, he was chided by the then premier, Mr. Smallwood, who said, "This is an evolving process, Clyde. It has taken years to get this far, and it will take another few years to do it properly, but it will evolve. Leave it alone." Well, Clyde did not listen to Mr. Smallwood, and so we now have this mess.

Senator Forest: I asked the question because the first time around when we were discussing this, we heard discussion around the people who do not want any religious education in the schools. My understanding at that time was that it would be possible under the present situation to accommodate the wishes of those people, too. I want to clarify that that is so.

Senator Doody: That has always been the case, senator. Many people from one denomination attend a school of another denomination, and people of no denomination also attend the school. If they want to go to school, they must go to a denominational school. However, no one is forced to attend religious instruction classes.

It has often been the case that a principal will ask that a letter be brought from the parents of a student to exempt them from a religious education class. That practice is frowned upon in some circles under the Charter because it is discriminatory. You are making some students separate and different than the majority of the students in the school. I am told they would have a Charter problem with that. I am glad to say that I voted against the Charter, too, in 1982.

[*Translation*]

Hon. Serge Joyal: The honourable senator referred to the position of the Catholic and Pentecostal bishops. Could he tell us how to reconcile the result of the referendum with the positions taken by the hierarchy of each of the churches? In other words, have you analyzed the referendum results to find out how the membership of these churches voted in the referendum in Newfoundland? Is there any relationship between the religious leaders and the position taken by the church membership that would enable us to decide whether we should give the referendum real credibility?

Yesterday, in response to a question from Senator Lynch-Staunton, Minister Dion said that the situation had to be assessed in its entirety and that the positions of the church leaders should not be considered alone. Could the honourable senator give us some details?

[*English*]

Senator Doody: Honourable senators, I attempted to do so in my remarks. I explained the single community schools, single denomination communities and the denominational communities that are stretched across the province.

Many of the people who voted were voting for what they already had. They voted to have a single school system with opportunity for religious education and observances. That is what they voted for, and that is what they thought they were going to get. What they got was an elimination of denominational education.

Hon. Nicholas W. Taylor: Honourable senators, I would request permission to ask a question of Senator Doody.

Under the system that now exists, did any of the boards or schools have the right to turn down a non-believer who wished to attend the school? A particular school might be the only school around for a number of miles. Would a school board be compelled to accept any child with the proviso that the child would not have to take religious classes? Were there some children who had to travel many miles just because a school would not accept them?

Senator Doody: In my experience, there has never been a case of a constituent who has been turned away from a school because of a religious denominational qualification.

Hon. Philippe Deane Gigantès: Honourable senators, I really should not participate in this debate since I am an agnostic, and therefore a member in good standing of the Church of England.

The Hon. the Speaker: Is that a question, Honourable Senator Gigantès?

Senator Gigantès: I should like to ask Senator Doody how he manages to be so likeable?

Senator Doody: Perhaps it is because I am not an agnostic.

Hon. P. Derek Lewis: Honourable senators, Senator Doody gave quite a clear explanation of the situation at the time of Confederation. I presume that he did not participate in that vote, because he would have been too young at the time.

Senator Doody: I bow to my seniors.

Senator Lewis: Senator Doody has described how the rights of the church schools were enshrined. Is it his considered opinion that those rights could never be changed, even if the vast majority of people wished to change them?

Senator Doody: Honourable senators, I made that point during my remarks, but I am glad Senator Lewis is giving me an opportunity to reinforce it. None of these rights is enshrined forever. However, in my opinion, rights can only be changed with the permission of the people affected. If you wish to remove the rights of the Pentecostals and take away their schools, then you should ask the Pentecostals to vote on that issue. If they say "Yes, we want to get rid of our schools," then they would be eliminated. If they say, "We had this right in 1949 and we wish to keep it," then they should be allowed to keep it. It is as simple as that.

Senator Lewis: However, the Pentecostals had no rights then.

Senator Doody: Pentecostals owe a debt of thanks to the Honourable Senator Lewis who spoke on their behalf in 1987.

Senator Lewis: Is the honourable senator suggesting that the resolution may come down to a degree of the majority? Is it a question of 50 per cent; or does it have to 100 per cent? Is it a matter of numbers?

Senator Doody: That debate has been going on for a long time. Even those who run this wonderful country of ours, the duly elected government, cannot seem to decide what is a majority, if it is 51 per cent or 65 per cent or whatever. It is a moving target depending on the mood in the provinces at any given time.

In Newfoundland, the debate never reached that point. The Pentecostal people were never asked to vote on their options regarding future education. They were subject to the whims and the wills of the majority. They were subject to the majority of the people in Newfoundland who decided they did not need denominational schools. They have their own system worked out and it is fine. No one is arguing with them, they can do what they want because they want to do it. However, the Pentecostals and the Seventh-day Adventists cannot do what they want to do. They are being told what to do by the majority, despite the fact that it was enshrined in the constitution.

Senator Lewis: If you were to limit the vote to a particular group or groups, you would then have to identify the members of those groups.

Senator Doody: That would not be a major challenge. A person could go into a polling booth and register as a Pentecostal and he would get the ballot. It would be similar to the American system where people identify themselves in the primaries.

Hon. Lowell Murray: Honourable senators, I should like to ask Senator Doody, at the committee of which we were both members, as his attendance was better than mine, whether he heard any evidence to contradict the testimony that was placed before us to the effect that, while the overall turnout was small, 53 per cent, the turnout of Catholics was higher than the provincial average, and that 61 per cent or 62 per cent of the Catholics voted "no" in the referendum? Second, does he recall the evidence that the turnout of Pentecostals was in the order of 70 per cent, of whom as many as 82 per cent or 83 per cent voted "no"?

Senator Doody: These numbers, honourable senators, are exactly as I remember them. The Pentecostal witnesses provided us with information and, indeed, with a very comprehensive brief which I would recommend for reading by members of the Senate. We also had a brief presented from the Catholic community in which their opinions and concerns were outlined.

At no time was there any indication that there was substantial support for the proposed term from these people.

Hon. A. Raynell Andreychuk: Honourable senators, I would ask a question of clarification from Senator Doody.

It is my understanding of good democratic principles that a majority would rule, including the majority of a minority. However, one should not infringe minority rights if there is another way to accomplish what the majority wants to do.

Following that reasoning, does Senator Doody believe that there was, and still is a way that the Government of Newfoundland could accomplish all the things it wishes to do without making this constitutional change which does take away the rights of some minorities who have voiced that they do not wish to lose these rights?

Senator Doody: If it was the intention of the Government of Newfoundland to improve the quality of education in the province, it could be done. As has been happening over recent years, it could be done through cooperation, administration and improvements in the system.

If the intention of the Government of Newfoundland was to remove denominational education from the schools, particularly the Pentecostal, Roman Catholic and Seventh-day Adventist schools, then the only way to do it was through this draconian legislation.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, how has the primarily Catholic francophone minority in Newfoundland been treated under the present system?

Would it not be treated better as a result of the amendments proposed today?

[*English*]

Senator Doody: As I just explained, there are currently 10 school boards in Newfoundland which operate the various schools. Shortly, there will be an eleventh board established to administer the French-language schools in the province. Francophones have been agitating for this for quite some time, and they have at last been successful. I congratulate them because they deserve it. They feel they will better off with their own school boards. It is their decision, their recommendation, and they are getting what they requested.

However, honourable senators, I am not about to defend the system. I am not very enthusiastic about the Newfoundland education system as it operates right now.

On motion of Senator Kinsella, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

CONSIDERATION OF SEVENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration (*the use of Senate resources by Senator Thompson*), presented in the Senate on December 9, 1997.

Hon. Bill Rompkey moved the adoption of the report.

He said: Honourable senators, this is not a pleasant business for any of us, but one that we considered necessary. A joint subcommittee of the Standing Committee on Internal Economy, Budgets and Administration and the Standing Committee on Privileges, Rules and Orders submitted a report on the subject of Senator Thompson.

On the basis of the recommendations contained in that report, the Standing Committee on Internal Economy, Budgets and Administration has recommended that, in view of the chronic absence of Senator Thompson from all of his duties and responsibilities, the support services he would normally enjoy should be suspended. That would include his budget — one that all senators receive — for secretarial services, travel, telecommunications and inventory.

If Senator Thompson has difficulty with the report or if he contests this decision, the report suggests that he be invited to appear before the committee. As much notification as possible was given of this.

Honourable senators, this is a culmination of a series of events. This process did not start recently, but began last August when Internal Economy, under the chairmanship of Senator Kenny, dealt with the issue and denied an increase that Senator Thompson had requested in his budget.

Subsequently, Senator Kenny met with Senator Thompson in his official position as Chairman of Internal Economy and indicated to him the dissatisfaction felt by the committee members and shared by many senators. Senator Kenny also indicated to Senator Thompson some of the contemplated actions. Those actions, I think, are reflected in the report before you today.

Senator Thompson, I would say, is in a class by himself. I think he has shown disrespect for the chamber and disrespect for those of us who sit in this chamber, who take our jobs seriously, who work at our jobs, and who try to do them as best we can. It is incumbent upon us, as occupants of this chamber and as people who have respect for this institution, to take this particular action.

Hon. Lowell Murray: Honourable senators, I do not have very much to say about the particular case of our friend Senator Thompson. He might have done what several senators have done in the past and several senators are doing presently — that is, to pay a financial penalty once his absences have exceeded the maximum number permissible under our rules. As far as I am aware, he did not do that. He might also, at some point, have availed himself of the provisions for long-term disability if this is a health problem, but to the best of my knowledge, he did not do that either.

Honourable senators, action on this matter is long overdue. It is to be regretted that Senator Thompson has not taken action himself. That being the case, it is appropriate that the Senate act.

I would add only that I trust our colleagues on the Standing Committee on Internal Economy, Budgets and Administration have fully satisfied themselves that we should be on solid legal and constitutional ground if we implement the recommendations contained in this report.

The purpose of my intervening at this point, honourable senators, is to address very briefly the broader question of attendance and absenteeism in the chamber. Let me state at the outset that I have no mandate to speak for anyone but myself. These are strictly my personal views.

I trust that very early in the new year, we will have before us, perhaps from the Rules Committee — if not from the Rules Committee, then from the government; if not from the government, then from some other senator or group of senators — a set of proposals to resolve some of the problems that we all know exist on the matter of attendance and absenteeism in the chamber.

It is an open secret that these matters are and have been discussed privately at considerable length among senators on both sides, and the time has come to bring the discussion into the open. The time has come to place a set of proposals before the Senate and to refer them, in my view, to Committee of the Whole and to have a recorded vote taken on those proposals.

Honourable senators, I believe that we owe the people of the country at least that minimal standard of accountability.

Hon. Senators: Hear, hear!

Senator Murray: Let me refer briefly to some of the areas that I believe we should resolve.

First, the present state of affairs is that an honourable senator can miss 21 days in any session of Parliament without an excuse. In my humble opinion, that maximum ought to be drastically reduced. It ought to be applied to a calendar year so that we would have a better method or a better standard of judging and measuring the question of attendance and absenteeism.

•(1250)

Among the reasons that I think are legitimate for a senator to be absent are participation in a Senate committee or a parliamentary body that is travelling outside of the capital when the Senate is sitting. However, I do not accept for a moment the suggestion that has been circulated in some quarters that it should be possible to equate attendance at a committee with attendance in the chamber. Not to put too fine a point on it, I do not think it should be possible, as I have heard one or two people suggest, for an honourable senator to fly into Ottawa in the morning to attend a committee, then return to his or her home and miss the afternoon sitting of the Senate and have the attendance at the committee count as attendance in the chamber. That kind of arrangement does not strike me as being right or proper at all.

Second, there is the state of affairs concerning invoking the excuse of public business for absence from the chamber. The present state of affairs is that an honourable senator can invoke public business as a reason for his or her absence from the chamber as often as he or she wishes. There is no definition of "public business." There is no requirement in the rules to state the nature of the public business that has kept an honourable senator away from the chamber. That is wrong. "Public business," as an excuse, is a loophole big enough to drive a truck through, and that must be stopped.

It has been suggested that the committee, or the government, or honourable senators should try to define "public business." Perhaps that is possible. I think it will be quite difficult. I am prepared to be persuaded by an adequate definition. However, if that is not possible, it is my opinion that a cap should be placed on the number of times that an honourable senator, except for a minister of the Crown who may frequently have business outside of the city, can invoke public business as a legitimate excuse for absence from the chamber.

The penalty for exceeding the maximum should also be revised. It has not been revised for many, many years. Our friend Senator Robertson, who was a chairman of the Rules Committee, tried in 1991 to have those sanctions increased and did not succeed. She was voted down in that attempt. That matter must be revisited by the Senate.

I hear some people responding to criticism of absenteeism by invoking not only public business but also the good works that they are doing in their regions and here and there in the country, as well as in the volunteer organizations with which they are associated and all the rest of it, as a reason for being absent from their duties in the Senate. I certainly hope that all of us are doing what we can by way of advocacy for the people of our region and by way of volunteer work for worthy organizations; but, honourable senators, let me place on the record the number of days that the chamber itself has been sitting from 1989 to the present. I am speaking of calendar years. In 1989, the number of days the chamber sat was 48 days; in 1990, it was 170 days. That was the year that the GST was before us. In 1991, the Senate sat for 69 days; in 1992, 71 days; and in 1993, 47 days. I point out that Parliament was dissolved for an election in the fall of 1993. In 1994, the chamber sat for 62 days; in 1995, 72 days; 1996, 67 days; and in 1997, as of today, I believe we have sat 62 days.

It must be clear to everyone, honourable senators, that, with such a schedule of sittings, there is ample time for anyone to do his or her good work — in fact, to do all kinds of work. There are 200 or 300 days left to do work on behalf of the region or to engage in worthy volunteer activity.

Finally, the question which I broach with the greatest hesitation is the question of illness as a legitimate reason for being absent from one's duties in the Senate. I approach it with great hesitation, because we all know that, among those who are off sick presently, are some of our most respected and valued colleagues. I think of Senator Ottenheimer, Senator Balfour, Senator Jean-Robert Gauthier and Senator Lucier. One approaches this subject with considerable hesitation. I do not know whether or not that excuse is being abused by other honourable senators. Someone would have to find out.

It has been suggested in some quarters that a special medical officer be appointed to provide a certificate in certain cases. I find those kinds of suggestions somewhat distasteful. If I have the misfortune to fall ill — and, it could happen to any of us — I do not want honourable senators, and still less the media, holding my x-rays and my blood work up to the light. I am reluctant to support a suggestion of that kind. I do think that we might revisit or reconsider whether the arrangements for long-term disability are adequate. We could do what is done in many other fields of employment. After a certain number of sick days, one would be obliged to go on long-term disability. One could then return from long-term disability and resume one's normal schedule in the Senate.

Honourable senators, those are three areas — others, I am sure, will think of more — which I believe should be addressed, and should be addressed soon.

One thing is certain: This is more than an Andy Thompson problem that we are facing here. This is a problem that concerns the Senate, our place in the parliamentary system, and the respect which is properly due to this place. I am now in my nineteenth year here. It is my humble opinion that the past four years or so have been a more constructive time for the Senate in the parliamentary process than any time that I have been here. Yet, public attention tends to be distracted by the matters which Senator Rompkey was obliged to bring to our attention today. I think we should address the larger problem. I think that it is most timely that we address it immediately upon our return in the new year.

Hon. John B. Stewart: Honourable senators, I hope Senator Murray will not be saved by the clock.

Senator Kinsella: There is no clock!

Senator Stewart: It is reassuring to be told that there is no time limit on Fridays.

Senator Murray raised the whole question of new limits on absence. Has he considered the problem raised by the size of the country? I come from eastern Nova Scotia. I find that travelling one way, to Ottawa, takes approximately 4.5 hours; not all that much, but in total one day a week. There are senators from Newfoundland who must spend longer than that travelling. The senators who come from the western extremity of the country, a part of the country which is becoming increasingly important, as those of us involved in studying Canada's trade realize almost daily, must spend many hours travelling.

•(1300)

My point is this: We come here from the extremities of the country. We often find that the menu of work that has been planned for a week is minimal. That is all very well and good for a senator who lives in what I would call the "TOM area" — Toronto, Ottawa and Montreal — especially those who live in Ottawa or are nearby, to nip in here, register their presence and then depart, to put their feet up, as they used to say in the House of Commons when they were advocating the abolition of evening sittings. However, it is far from satisfactory for the members from the eastern and western extremities of the country.

Has Senator Murray taken into account the fact that a simple attendance requirement, which may be satisfactory for a senator living in the "TOM area," is not satisfactory for a member who lives in St. John's or in Vancouver? If he has taken that into account, has he any suggestion as to how the work of the Senate could be organized so that when a senator comes here from, let us say, St. John's, or from Vancouver, that the public expense involved in travel is justified?

Senator Murray: Honourable senators, I am aware of the problem. I do not have a specific suggestion to make as to how we can reorganize our business in such a way as to take the problem fully into account. The fact of the matter is that we are dependent to some considerable extent on the flow of business coming to us, government legislation in particular, from the House of Commons. I am aware that there are suggestions, and our friend Senator Kenny has been working on this, with regard to a fixed schedule, as I understand it, which would be two weeks on and two weeks off. I have some difficulty with the concept because when government legislation comes here from the House of Commons, my personal view is that we ought to be here to deal with it — not to rubber stamp it, but to deal with it.

Second, I have long been astonished at the physical beating that parliamentarians who live in Western Canada take. Many personal acquaintances of mine, not just in caucus but in cabinet, made it — and I think still make it — a practice to go home every weekend. Going home involves not just a relatively comfortable flight on a scheduled airline to Saskatoon, Regina, Calgary, Edmonton or Vancouver. In many cases it involves a further air connection to somewhere north, south, east or west of those places, or a three-hour or more automobile drive. The physical beating that some of these people take is quite remarkable. One of them said to me some years ago that one is in a constant state of jet lag.

I do make the point, as I have made to colleagues here, however, that our situation in the Senate is no different and, if anything, is better, than the situation of our friends in the House of Commons. We insist, and I would be the first to insist, on reasonable parity in terms of pay, expenses and so on, as well as adequate compensation for those — of whom I am not one — who have extra living expenses by reason of having to come to Ottawa to work here. I would be open to any reasonable suggestion that would make life easier and prolong the life expectation of our western friends.

That is the short answer to the honourable senator's question.

Hon. Willie Adams: Honourable senators, I believe I, while still living in Canada, live farther away from Ottawa than anyone else who sits in this chamber.

I do not agree with everything Senator Murray is saying with regard to attendance by senators in the Senate. I am not quite satisfied with what has been said about senators doing work outside the chamber here in Ottawa, not only in committee but in terms of other business. While we are members of the Senate, which is in Ottawa, our responsibility is also for those who do not live here. For instance, Senator Watt was in Newfoundland two weeks ago at the invitation of certain organizations. I did not have an invitation to attend, but I went anyway, because they were discussing Canada.

As soon as I was appointed to the Senate, I realized that if I had an invitation to some place, even outside Canada, I would go as long as it was in the interests of Canada, and even if it was not on Senate business.

If someone is sick, that is not our business. It is a doctor's business. I do not think we should really have to go to Senator Lucier and ask him, "How sick are you?" He cannot attend the Senate. The fact is that he has been sick for over 10 years.

I do not know about Senator Thompson. I cannot go to him and ask him how sick he is. When I was appointed by the Prime Minister in 1977, he told me, "Senator Adams, sometimes you do not have to be here if you do not want to be here, or if you have business or something else you have to do."

At any rate, I believe that we do a good job in the committees. I do not know why we have to have so many regulations, as long as the person is not sick. All someone has to say is, "I am not really happy in the Senate. I want to quit." That is up to him.

That is my concern, honourable senators.

•(1310)

The Hon. the Speaker: I thought Honourable Senator Adams was going to ask a question. He was making a statement.

Are there any other questions of Senator Murray?

Hon. Anne C. Cools: Honourable senators, obviously Senator Murray has been doing some number crunching on Senate attendance performance evaluations. I must ask, however, whether he has taken two factors into his calculations. First, how often is quorum called in the Senate chamber and how often is it called in the House of Commons; and what are the comparative attendance performance rates between the two chambers?

Second, how does the Senate's average attendance performance rate compare to that of the House of Commons? My information is that, for the most part, senators are good attenders comparatively as far as other legislatures and Parliaments go.

We must be very careful that we do not diminish and demean ourselves, because the question before us is how we deal with the particular matter of Senator Thompson, not the attendance of every senator.

Senator Murray: Honourable senators, in my time here I believe I recall quorum being called in this place once, although it has probably happened more often than that. I also recall one occasion, in my experience, when quorum was called in the other place.

There is no way of knowing how we measure up against the House of Commons. How we measure up against other legislatures, I simply do not know. I do know that we have a way of measuring attendance in the Senate in that we are in a unique situation. We have not been elected. We are not required to go to constituents periodically to be re-elected and explain our attendance or non-attendance in Parliament, in the constituency, or with regard to other activities. We are not accountable in that sense.

That being the case, I think it is proper and understandable that the public, and even the media, examine the way in which we are using the undoubted privilege that we have to serve in Parliament. I agree that the majority of senators attend to their duties conscientiously. However, that does not relieve us of the responsibility to put into place rules that will ensure that some minimal performance is enforced.

Senator Cools: In the time I have been here, I can recall only one occasion on which quorum has been called. With respect and commendation for senators, I think that is a remarkable record, one which I sincerely believe we should uphold. Even though we have one-third the members of the House of Commons, the numbers required for quorum are quite similar; the Senate requiring 15, and the House of Commons requiring 20.

Senator Murray answered my question by saying that he was not too sure about the House of Commons quorum. I believe that I have heard their quorum-calling bell quite often. Perhaps Senator Murray could confirm that.

Senator Murray: Senator Fairbairn is more conversant with these matters than am I, but I believe that the whips there can press a button which causes little bells to ring in members' offices reminding them that there is a quorum problem and that members should proceed to the House as soon as possible. This is especially true on the government side because the government is responsible for maintaining quorum.

As honourable senators are quick to observe, there is also the excellent work done in committees.

On the basis of my experience, I can say that it is a great privilege to serve here, and we have been given that privilege with tenure to the age of 75. It is just not right that the leadership, whether on the opposition side or the government side, should have to go on their hands and knees to persuade some honourable senators to attend here for a vote, to participate in a debate, attend a committee meeting, or whatever.

Hon. Senators: Hear, hear!

Senator Cools: I am frequently reminded of the fact that we are not elected. However, I would be willing to compare the hours that some senators put in, the amount of work that we do, and the number of supporters that we have, with those statistics of any member of the House of Commons. I find it tedious to constantly hear that we cannot do this or that because we are not elected.

Quite frankly, that is a poor excuse advanced much of the time. The issue is that we are a constituent part of Parliament and we have a duty to perform. Honourable senators, I think we should be proud of ourselves. In my opinion, the attendance and work records of most senators are excellent. I say "hooray for us."

Hon. Colin Kenny: Honourable senators, I should like to comment on a few of the remarks I have heard today. I certainly do not want to miss commenting on Senator Rompkey's report, but Senator Murray's comments are always provocative and interesting, and I feel obliged to say a word or two in response.

With regard to his comment on the number of absences to which we are entitled per session, I agree with him completely, although I do not agree in particular with the solution he put forward which was to calculate attendance on the basis of an annual number of days. I believe it would be better to calculate it on the basis of a ratio to the number of sitting days rather than on an annual basis. However, it is not within our competence to make that change; that requires a change to the Parliament of Canada Act, which is something some of us have been lobbying for for some time. In particular, when the Parliament of Canada Act was opened in this session, some of us said that we would like to see an adjustment then, but we were unsuccessful.

Some years ago, this house went to great lengths to have its attendance better reported. You will recall that our attendance used to appear only on the front page of Hansard and that badly under-reported attendance in the house. We then moved to the system which described the different ways in which a senator could be in attendance.

I cannot see from here whether there are any members of the press in the gallery, but it is a fair guess that there are not.

Senator Carstairs: I see one.

Senator Kenny: I stand corrected. I will not comment on the press attendance in this place; it would not be fair.

I must say that the press have not been reporting the other work that is done in the Senate. That has been recorded and made available to them on every occasion on which they have asked the Clerk for attendance records. That includes attendance at committees in Ottawa and other places, attendance at public business, and attendance as part of a parliamentary delegation. The media reports to date have been restricted to attendance in this chamber.

•(1320)

All of us know that attendance in this chamber is only a partial measure of attendance and work in this Senate. That is an issue which needs to be addressed, and it needs to be addressed thoroughly and carefully. If we move to alter the way in which we report our attendance, that might be suspect. However, having said that, it is clear that the matter of attendance in this chamber is simply the tip of the iceberg.

Those of you who deal directly with a private member's bill, as I have recently, have a chance to stand up for 45 minutes in this chamber and speak about it, but you may have taken 45 days to prepare that piece of legislation — and, believe me, that counts as attendance, as sure as anything else.

Coming back to Senator Murray's comment about attendance with a committee counting in place of attendance here in the chamber, I quite agree if the committee is meeting here in Ottawa. However, if the committee is meeting outside of Ottawa, that counts as attendance just as well as in this chamber, and I am sure Senator Murray meant to say that when he was making that reference. If we have a committee meeting in Vancouver, studying some piece of legislation or studying for a report, that also counts, and those senators are serving the people of Canada just as well as the people who are sitting in their chairs here.

As to the requirement about public business, I, too, have some disquiet about it but I believe the solution is a fairly straightforward one. Senators must make some connection between their public business and the work of the Senate. If you are not preparing for a piece of legislation or a speech or for some committee work, then it should not count as public business in relation to what you are doing here in the Senate. It should not be counted as a day off.

On the other hand, if you are doing something away from the chamber that relates to the work you will be doing in the chamber, then that should count as public business and, of course, in my view, public business should be public.

There is a record, Senator Murray, of public business. The Clerk is provided with it. Senators must indicate to the Clerk the nature and location of their public business.

Senator Murray: There is no such requirement.

Senator Kenny: Who is saying no? Stand up and tell me that it is not true.

Hon. Orville H. Phillips: What rule are you quoting?

Senator Kenny: It is fairly simple. I have seen the reports go in. The Clerk can verify that people who are on public business report to him as to where and when they are on public business. It is there and it is in the *Rules of the Senate*. I do not have it in front of me, but it is a fact that that happens. If you have not reported public business, then you have been docked a day. It is as simple as that.

I am suggesting that if your business is public business, and if you are declaring it as such, then it should be open to the public to see. Now there is a hook, a problem, and that relates to the partisan activities.

Senator Phillips: Senator Kenny, you invited me to stand up and I asked you what rule you were quoting. My understanding is that the only requirement is that you state you were on public business. I do not think it is right that a senator who may be fairly active politically should tell the Clerk, for placing on public record, what he or she was doing politically. Furthermore, I disagree entirely with your interpretation of public business, and I will have more to say about that later.

Senator Kenny: I thank the honourable senator. I welcome his comments. As always with Senator Phillips, I will listen to his comments very attentively. I suspect we are not too far apart in our views.

I was saying that public business divides itself into two categories. The first category is public business which relates to the work of the Senate and, if someone is away, it is appropriate that they be away if the work they are doing relates to something on which they will follow up in the Senate.

Before you rose for the second time, I was about to move to the second section which relates to partisan activities, and I was about to suggest that that is a different matter altogether. On questions of partisan activities, it should be sufficient that a senator can simply say that they were away on partisan activities. I do not think it would be appropriate for us to describe the details of what we were doing in that regard, but I think there are two separate areas there that relate to public business.

As to the question of an increase in fines, I would be in favour of seeing an increase in fines once I saw an increase in pay, but I think that will take some time, and therefore I am not in favour of increasing the fines at this time.

If I may, honourable senators, I would like to move to Senator Rompkey's report which is the item we are discussing now.

Senator Stewart: May I ask you to deal with the question that I raised with Senator Murray? That is, the problem of relating attendance requirement to the different implications of the size of the country for senators from Ottawa on the one hand, and Vancouver or St. John's on the other hand?

Senator Kenny: Senator Stewart, I am pleased to address that issue. It is a vexing issue which affects a significant number of our colleagues. It is one that I have spent a lot of time considering. Senator Murray referred to the paper that I prepared and circulated to all senators this summer addressing a scheme, if you will, of trying to minimize the number of trips one had to take to come to Ottawa.

The virtue of that particular plan was that it would save the Senate money. It would decrease the number of trips required to come to Ottawa, and it would mean the Senate would be working five-day weeks, instead of three-day weeks, which I thought was significant. It would mean that the number of hours available to the government in the chamber would be significantly increased, and it would mean that the number of hours available for committee work, which in my view is the heart of the Senate work, would almost be doubled.

I thought that paper had some value and some merit. Another feature that is worth mentioning is that the savings accrued from the reduced number of trips could then be applied to accommodation for senators coming from afar, so that they would have their housing taken care of. It is a travesty that senators come here and do not have some sort of allowance as do the members in the other place. This was an effort to try to accommodate that concern when people come here.

Basically, it was a suggestion that people come and be here for 13 days in a row, with two five-day sitting weeks. In that way, we would reduce the amount of travel for senators. It is an imperfect solution; it still would mean they would be away from their families for nine or ten weekends a year, but I thought it was worth more discussion. As yet, I am waiting for my first response, either criticizing or commenting on my report. The silence, perhaps, tells me something about the level of enthusiasm that the report has engendered.

To comment on Senator Rompkey's report of the Internal Economy Committee, in the spring of this year there were several informal attempts to contact Senator Thompson, all unsuccessful. On August 12 of this year, the Internal Economy Committee thoroughly ventilated the issue and covered all of the elements included in this seventh report of that committee. The committee determined at that time to limit Senator Thompson's ability to utilize his research budget, and directed the Clerk to notify him that that was the case.

He was also advised that if he was uncomfortable with this decision, he could appeal it by coming to the house, rising in his place, if he so chose, and appealing the decision to the chamber. There is no more appropriate place for him in which to appeal.

•(1330)

I was also directed by the committee to meet with Senator Thompson at the earliest opportunity, and to formally advise him that the committee would be reviewing the matter further in 30 days and was prepared to take action if he did not attend the Senate or explain his continued absence more effectively.

Senator Thompson subsequently requested a meeting with me just prior to the Speech from the Throne. We met that day for over an hour. During the course of the meeting, I advised him that senators on both sides of the house wanted him to return and attend the Senate. I told him he would be welcomed in the Liberal caucus, and I told him that many members of the staff had fond memories of the quality of his speeches, and that he would be well received if he came back and took his place.

He asked me if the committee had the competence to limit his discretion over his research budget, and I advised him that if he was in doubt about it, he was welcome to rise in his place and challenge the decision. He then indicated that he was feeling much better, and planned to attend the Senate regularly this fall. We parted on that note.

As we all know, he did not attend, and for that reason I support the report that we are now debating. It is clear to me that if Senator Thompson will not be attending the Senate, he has no need for the tools provided for those who do.

Senator Phillips: Honourable senators, I was a member of the Rules Committee a number of years ago — unfortunately I cannot recall how many years ago — when we started discussing the matter of attendance. We formulated the idea of keeping a monthly record and forwarding that to the Senate. I get rather annoyed when I see that same reporter is saying that the Senate started keeping attendance in 1990. It did not, honourable senators. The Senate kept attendance from the very first day it opened. If that reporter were interested in delving into how the Senate works, he should have taken the time to find out a few facts.

Honourable senators, the problem that we faced in the Rules Committee at that time was that there was non-attendance at times. Another problem was that some people would stick their nose in the door, have their name checked off, and then leave. That has been curbed to some extent, but it still goes on. I think most honourable senators will admit that they have done that occasionally. If they must catch a plane, they will stick their nose in the door, be checked off, and then head for the early afternoon flight.

However, the Rules Committee also intended to recommend the setting up of a committee which would operate very much as a professional committee. The various professional societies have such a committee. If an individual within that society is not living up to a certain standard, they speak to him. That was the intent of our professional committee. Unfortunately, that committee was never established.

I wish to mention the method in which the attendance record is being kept and released to the public, as I think that is part of the problem. No one has ever disputed the fact that when you were on a committee, and travelling, that that was counted as a day's attendance in the Senate. That is only fair. If you were part of a parliamentary delegation to the Commonwealth Parliamentary Association or the Inter-Parliamentary Union, that was counted as a day's attendance in the Senate. If you were ill and had a medical certificate, that was counted as a day's attendance in the Senate. However, when the Clerk's office gives out the information, they give only the days spent in the Senate.

Honourable senators, I, as chairman of the Veterans Affairs subcommittee, attended the ceremonies marking the anniversary of the Battle of Vimy Ridge, and I was marked as being absent from the Senate on those days. I am still corresponding with the Clerk's office to try to have that matter clarified. I have told the Clerk that I am fed up with him, and fed up with the way his staff is keeping the records. Someone must improve that situation. A secretary keeps writing or phoning, saying, "Well, what did he do at Vimy Ridge?" We sent them the program. Can they not read it? Can they not correct that?

Senator Gigantès: They are probably too young to know what Vimy Ridge was.

Senator Phillips: That is probably part of the problem. They have probably never even heard of Vimy Ridge, Senator Gigantès.

There is also a great deal of demand for a senator who represents a rural area. My leader is from Montreal, and I do not imagine he receives too many invitations to attend trade fares or the openings of buildings. However, in a rural area you do, and you are expected to attend. There must be some allowance made for that.

The question arises as to what is public business. When I came here, I asked that question of Walter Dean, the then Director of Administration and Personnel, a very common-sense individual. He said, "The way I describe public business is this: Were you invited to that function as Orville Phillips? Would you have received an invitation to participate in that function as Orville Phillips? Or did you get that invitation because you were Senator Phillips? Did you attend because you were Senator Phillips?" I think that that is a very common-sense approach to a rule on public business.

•(1340)

Senator Kenny and I quite often agree and we can usually come to some common ground. I support his suggestion of a five-day week. It allows more committee meeting time and less travelling time for those who travel a great distance.

When I was first appointed to the Senate, the Senate used to adjourn for longer periods. For instance, the Senate did not meet during budget debate. We wanted to demonstrate that, as the appointed house, we had nothing to do with taxation. Since Paul Martin Sr. left public life, the Senate has been in session during the budget. That is something I do not understand because we can have no participation in the budget up to the point that the resolutions are introduced in the chamber.

Honourable senators, I request some discretion on the part of my colleagues. When speaking to the press, let us not jump on one another. Let us not behave as a fish gobbling up another fish. If we behave in that fashion, we will not solve our problems but only perpetuate them.

Senator Rompkey is not in the chamber at the moment, however, I understood that, yesterday, he said that the RCMP and Revenue Canada should be called in to investigate Senator Thompson. He later denied making that statement. When I heard that, my blood pressure shot up beyond the safe limit.

No one in politics, in either chamber, should be calling in the RCMP or Revenue Canada to investigate anyone. That was tried in the United States and they were criticized for it. It was a failure. Honourable senators, let us not sink to the level of calling in people to investigate our colleagues in this chamber.

Hon. Eymard G. Corbin: Honourable senators, I move the adjournment of the debate.

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

Hon. Senators: No.

The Hon. the Speaker: Do I hear objections?

Senator Corbin: Honourable senators, I have moved the adjournment of the debate as it is my right. That motion can be refused. However, if it is refused, I shall speak.

The Hon. the Speaker: There is no agreement. I heard some "nay" voices. Therefore, I must call for the "yeas" and the "nays."

Honourable senators, would those in favour of the adjournment of the debate, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Honourable senators, would those opposed to the adjournment of the debate, please say "nay."

Some Hon. Senators: Nay.

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

On motion of Senator Corbin, debate adjourned.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of some visitors.They are a group of members of the Assembly of the Northwest Territories, from Yellowknife. Welcome to the Senate.

THE SENATE

MOTION REQUIRING ATTENDANCE OF SENATOR THOMPSON— DEBATE ADJOURNED

Hon. Colin Kenny, pursuant to notice of December 11, 1997 moved:

> That Senator Andrew Thompson be ordered to attend the Senate in his place when the Senate resumes sitting in February, 1998 following the Christmas adjournment;
>
> That, should he fail to attend, the matter of his continuing absence be referred to the Standing Senate Committee on Privileges, Standing Rules and Orders for the purpose of determining whether his absence constitutes a contempt of the Senate;
>
> That, if the committee is obliged to undertake this study, it be authorized to examine and report upon any and all matters relating to attendance in the Senate and how it specifically applies in the case of Senator Thompson; and
>
> That the committee report its findings and any possible recommendations within two weeks from the day the matter is referred to the Committee.

He said: Honourable senators, I will be brief. The purpose of this motion is to serve notice to our colleague Honourable Senator Thompson, that if he fails to attend in February, a reference will be made to the Standing Committee on Privileges, Standing Rules and Orders.

I presume they will hold their deliberations in public because, if justice is to be done, it must be seen to be done. Senator Thompson may attend with counsel if he chooses or he may simply be represented by counsel. If the committee determines that he is in contempt, they will so report. If this house agrees with such a report, then he could be expelled for the remainder of the session and, if that were the case, he could lose his indemnity and his allowance.

On motion of Senator Carstairs, debate adjourned.

The Senate adjourned until Monday, December 15, 1997, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Friday, December 12, 1997

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend Canadian Transportation Accident Investigation and Safety Board Act to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications					
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	7	97/11/20		
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	3			
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	1	97/12/11		
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04							
C-5	An Act respecting cooperatives	97/12/09							
C-7	An Act to establish the Saguenay–St.Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	92/12/09							

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-16	An Act to amend the Criminal Code and the Interpretation Act	97/11/18	97/12/11	Legal and Constitutional Affairs					
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09							
C-22	An Act to Implement the Convention on the Probihition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31,1998	97/11/26	97/12/04	--	--	--	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to probihit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26							
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03							
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10							

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