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**Wednesday, June 10, 1998**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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

*Debates: Victoria Building, Room 407, Tel. 996-0397*

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## THE SENATE

Wednesday, June 10, 1998

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

Prayers.

### SENATORS' STATEMENTS

#### CANADA'S SPORTS HALL OF FAME

##### REMOVAL TO OTTAWA

**Hon. J. Trevor Eyton:** Honourable senators, I rise to call the attention of the Senate to the recent announcement regarding the moving of Canada's Sports Hall of Fame to Ottawa. Recently, in my capacity as Chairman of the Board of Governors of the Sports Hall of Fame, I had the happy duty of announcing that an agreement in principle had been reached with the federal government and the Regional Municipality of Ottawa-Carleton to make the Government Conference Centre here in Ottawa the new home of Canada's Sports Hall of Fame; happily, with contiguous space for the Special Olympics honouring their very special athletes.

For the past 40 years, the hall has been located in Toronto on the grounds of the Canadian National Exhibition, a site not easily accessible to the public except during the summer months and when the exhibition is in operation. To increase the public's access to the hall it was decided that a change of venue was necessary.

From the beginning, the governors, who come from various parts of the country, had a strong sense that the logical choice for the hall's new home was in the very centre of Ottawa, our national capital. In particular, they noted that Ottawa is Canada's fourth largest urban community, taking in the outlying regions, and that it attracts some 6 million tourists a year, 4 million of whom come with the express purpose of visiting the city's various cultural attractions.

Therefore, the governors got together with local politicians and committed residents and began what has turned out to be a successful search. The goal of the many people who have been involved in this project is to reinvent the Sports Hall of Fame as a dynamic, interactive, family-oriented experience; one that can be enjoyed throughout the entire year and which will inspire and challenge Canadians of all ages, especially young people, to realize their dreams.

To achieve this, we need to build on our first critical step represented by the agreement in principle. In practical terms, this

means that we must now settle the terms of the master lease, which will dedicate the required space to the hall for some 40 years at \$1 per year; proceed with the design and engineering of the hall; and complete a realistic business plan that will provide for the financing and operation of this unique facility on a self-sustaining basis.

The Sports Hall of Fame will certainly fulfill a need as a tourist attraction here in Ottawa, but I believe that it has a greater role to play, that of a symbol of Canada for Canadians.

Sports is a great unifying force in Canada. National sports champions foster goodwill among the people of our different regions. We all feel tremendous pride when our athletes do well in international competition, no matter the sport. Given that, what better or more appropriate place than Ottawa for a new Sports Hall of Fame.

It is our conviction that the hall will help bring Canadians together by showcasing the talent, the dedication and the achievements of men and women from all parts of this great nation, including the disabled and the often overlooked coaches and builders.

The stories of Terry Fox, Sylvie Bernier, Tom Longboat and Sheldon Galbraith are an inspiration to us all — young and old, French and English, Maritimer and British Columbian — for their achievements speak to fundamental values such as hard work, personal courage and commitment to excellence; the same values which helped build this nation and which, God willing, will hold it together in the years to come.

Because the Sports Hall of Fame is a national institution aimed at and comprised of people from all parts of Canada, it will require national support to succeed and endure.

**The Hon. the Speaker:** Honourable senators, I regret to interrupt the honourable senator, but his time has expired. Is leave granted for him to continue?

**Hon. Senators:** Agreed.

**Senator Eyton:** Thank you, senators.

A start will be to form regional groups representing each province and territory made up of senior people from different levels of government, local inductees in the Hall of Fame, and business people. It will be their task to promote the hall, both now and in the years to come.

Honourable senators, this is an important initiative. The people involved need our support. This is not a political issue. There is no agenda at work save building and sustaining an institution dedicated to honouring more than 400 individuals from 54 sports representing the very best of Canadian sporting achievement. Our objective is to build the finest Sports Hall of Fame in the world, a facility that will be a source of great pride to every Canadian.

I urge all honourable senators to support this endeavour and the people who are working to make it happen.

### VETERANS AFFAIRS

#### BEDS UNDERFUNDED AT PERLEY AND RIDEAU VETERANS' HEALTH CENTRE

**Hon. Archibald Hynd Johnstone:** Honourable senators, I rise today to bring to your attention a matter of great concern to veterans.

On Thursday last, Senator Phillips and I, as the Chair and a member of the Senate Subcommittee on Veterans Affairs, visited the Perley and Rideau Veterans' Health Centre here in Ottawa. We found a beautiful facility with many great residents. Unfortunately, senators, the beauty is only skin deep. We also discovered that, due to funding cuts and the violation of a transfer agreement which resulted in this hospital being built, veterans are receiving substandard care.

• (1340)

The subcommittee heard further from veterans groups in a meeting last night. They explained to us the true gravity of the situation. By the year 2003, veterans at Perley and Rideau will only be receiving an average of \$94 per day for the entire cost of their care. Currently, veterans in other hospitals, for example Parkwood in London, Ontario, Sunnybrook in Toronto, or Sainte-Anne-de-Bellevue in Montreal, receive an average of closer to \$250 per day.

To build a beautiful, multimillion dollar hospital like the Perley and Rideau, and then not to fund the beds is somewhat like buying a Cadillac and not being able to afford any gas. The difference in these few dollars per day is whether or not aging veterans — and the average age is 78.5 years — receive proper treatment and have any quality of life in their final years.

I know the subcommittee will continue to examine the issue and will be looking for the support of all members of the chamber to correct the problem.

[Later]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to call your attention to some distinguished visitors in the gallery:

[ Senator Eytton ]

Mr. Wang Zhenmao, the Cultural Counsellor of the Embassy of the People's Republic of China, accompanied by Madam Wang Zhenmao.

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

I notice as well in the gallery the presence of one of our distinguished former colleagues, Senator Stanley Haidasz. Welcome again to this chamber.

**Hon. Senators:** Hear, hear!

### ROUTINE PROCEEDINGS

#### CRIMINAL CODE COPYRIGHT ACT

##### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lorna Milne:** Honourable senators, I have the honour to present the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill C-220, to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime).

(For text of report, see today's Journals of the Senate, Appendix, p. 799.)

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

**Senator Milne:** Honourable senators, with leave of Senate and notwithstanding rule 51(g) of the *Rules of the Senate of Canada*, I move that the report be considered now.

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

**Some Hon. Senators:** Agreed.

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, copies of the report are now being distributed, and we have no objection to granting leave.

**Senator Milne:** Honourable senators, after seven months of exhaustive study and debate, the Standing Senate Committee on Legal and Constitutional Affairs is recommending that the Senate not pass Bill C-220, the private member's bill which attempts to prevent people convicted of a broad range of crimes from profiting from books or other works based on their criminal acts.

Following testimony from witnesses representing lawyers' and writers' groups and the Department of Justice, we have come to the clear conclusion that this legislation is fundamentally flawed for a number of legal reasons and cannot be salvaged. We could not recommend passage of legislation which we believe violates one of the cornerstones of our Constitution; that is, freedom of expression.

The motives underlying this legislation are laudable. We applaud the Honourable Member for Scarborough Southwest, our respected colleague Tom Wappel, for bringing a legitimate issue to the attention of legislators and the Canadian public. It has generated much heated but fruitful debate, which I sincerely hope will not die here.

The issues raised by Bill C-220 deserve careful consideration and further study. The committee has listened with heartfelt sorrow to the accounts of pain and suffering borne by the families of victims of heinous crimes. I want them to know that their message has been heard. They should not be further victimized by convicted criminals, or by a system that may appear to give convicted criminals precedence over them.

However, we are convinced beyond any doubt that this legislation, either as it was originally drafted or with the amendments suggested by the bill's sponsor, is not the appropriate way to approach victims' concerns. The committee believes and feels sure that victims would agree that in order to be effective, legislation intended to benefit victims should respect the constitutional division of powers and be capable of withstanding scrutiny under the Canadian Charter of Rights and Freedoms.

To this end, we will be sending letters to the provincial attorneys general urging them to consider introducing the Uniform Law Conference's model legislation. This model legislation addresses victims' concerns while taking a suitably measured approach in matters of scope and constitutionality. It is restricted to depictions of specified serious violent crime against the person, with proceeds distributed directly to victims through a provincial agency which would determine the harm suffered.

This approach is different from the Ontario and American statutes where compensation is contingent on victims being awarded damages by the court. It also provides for courts, after hearing from all sides, including the victims, to order that some or all of the moneys collected be paid to the convicted person, if withholding those moneys would be an unjustified violation of freedom of expression. This legislation has gained broad-based support among provincial attorneys general and other justice officials across the country. Although we understand this endorsement is non-binding, we are encouraging them to take the next logical step.

The committee has also made a number of other recommendations in the report, such as expanding the definition of obscenity in the Criminal Code. We encourage any parliamentarian to consider bringing forward legislation in this area in the future.

I should like to take this opportunity to outline clearly why we felt we could not support Bill C-220 as it was originally drafted, or with the amendments suggested by the sponsor. This is an extremely complex and sensitive issue, but I will attempt to be both brief and concise.

Bill C-220 recommends changes to the Criminal Code and Copyright Act to prevent people convicted of crimes from

profiting from books or other works based on their criminal acts. The intent is clear. However, after careful scrutiny, we came to the conclusion that the means proposed to achieve this end should not be endorsed.

First and foremost was our concern about freedom of expression guaranteed under the Canadian Charter of Rights and Freedoms, one of the core values cherished by Canadians, and consistently reinforced by Canada's highest courts. We are of the unanimous opinion that the proposals to amend both the Copyright Act and the Criminal Code provisions impact on this basic freedom. Although we are aware that the bill is said to be concerned only with preventing convicted persons from profiting from the writing but not to the stop the writing itself, we question whether expropriating copyright ownership and vesting it in the Crown would not accomplish exactly that.

In our view, the bill would discourage expression by making it more difficult for convicted persons and their collaborators to produce works or to have their works published. This makes Bill C-220 highly vulnerable to constitutional challenge on the Charter's freedom of expression guarantee.

Extending the Criminal Code's definition of proceeds of crime to works created by convicted persons presupposes that writing, in and of itself, is a crime. Writing is not a crime under Canadian law. In addition, this definition on its own would have no real effect under the Criminal Code's proceeds of crime provisions. Even if it were enforceable, the proposal appears constitutionally questionable because, under the constitutional division of powers, regulation of moneys is a matter of property and civil rights which falls squarely under provincial jurisdiction.

Basically, this proposal is recommending that the federal government get involved in something that is clearly the bailiwick of the provinces. Furthermore, we believe that if this legislation were challenged, this, too, would represent a content-based infringement on freedom of expression under the Charter.

Tied closely to our constitutional concerns is the fact that we feel the legislation is too sweeping in nature. Under this bill, an automatic sentencing order would subject convicted persons to possible loss of copyright in any work related to their offence. This would be accomplished by vesting copyright in affected cases in the Crown. I stress that this proposal is not restricted to persons convicted of atrocious or heinous crimes. Instead, it captures all persons convicted of an extraordinary range of offences; that is, any offence that may be proceeded against by indictment.

In addition, the expropriation of copyright would, upon conviction, apply back to the time a person was charged with the offence. The expropriation would remain in effect for the lifetime of the convicted person, irrespective of the actual sentence imposed. This expropriation would last for a lifetime. Convicted persons would be penalized long after they had served their sentences and paid their dues, so to speak.

We were also mindful that under the Canadian justice system, charges laid may not result in verdicts, the finality of convictions cannot be assumed, wrongful convictions unfortunately are not unheard of, convictions may be set aside on appeal and new trials ordered, and convictions may be overturned on technical or constitutional grounds. There are no procedural safeguards to deal with these issues in this bill.

The legislation might also have the effect of restricting the ability of those who are wrongfully convicted to plead their case before the public. Terms such as “substantially based” and “collaboration” are not precisely defined and it is not clear which works would be captured under this bill. For example, it is not clear whether this legislation would prevent stories like those of Donald Marshall, convicted and later absolved of murder, from being told.

Notwithstanding the committee’s belief that the bill would violate the Charter, we considered whether the bill would be effective in responding to a pressing social need. If this were the case, an argument could be made that courts might find such legislation justified. However, the committee did not hear any evidence that this was the case. Our position is that there are viable alternatives to deal with those rare cases of heinous crime where legislative intervention might be required, rather than putting in place sweeping legislation such as Bill C-220.

Another point studied by the committee also relates to expropriation of copyright. We maintain that this proposal conflicts with Canada’s international obligations under the Berne Convention for the Protection of Literary and Artistic Work, as well as the North American Free Trade Agreement and the World Trade Organization’s Agreement on Trade Related Aspects of Intellectual Property Rights. Canada signed these agreements and should comply with them.

Mr. Wappel attempted to deal with these concerns raised in expert testimony by proposing amendments to his legislation. He recommended that the “proceeds of crime” definition be dropped, because he agreed it was unnecessary in light of the bill’s copyright provisions. By vesting the copyright in the Crown, the Crown, in effect, would have control over any moneys resulting from works affected by the bill. As one writer put it, “the state would own the horse.” Mr. Wappel also recommended that the bill be made applicable to indictable offences, and that, although copyright would continue to be vested in the Crown, the Crown would be required to issue royalty-free licences to those wishing to publish expropriated works, provided the convicted person would not benefit.

In our opinion, these changes did not lessen fundamental reservations relating to constitutionality, Canada’s international obligations in copyright matters or the bill’s excessive scope.

To conclude, we felt the legislation would not withstand a constitutional challenge on the division of powers or on Charter grounds. It would be too sweeping in nature, affecting people

convicted of a wide range of non-violent offences; and is in direct conflict with Canada’s international obligations.

Our decision was made after 17 hours of testimony from expert witnesses and of debate where we looked at the options available to us. As a Senate committee, we faced three choices: first, to recommend the legislation be passed as it was first presented to us; second, to recommend the legislation be passed with amendment; or, third, to recommend to the Senate that the legislation not proceed. We had to work with what we had within the parameters of the legislation that we were asked to examine. We were not given the power or the authority to draft completely new legislation, which is what would have been required.

We recognized, however, that there may be viable alternatives to this legislation. As I mentioned earlier, we have outlined those alternatives in our report and are hopeful that they will be given due consideration. Our decision was clear and unanimous, and we believe it has a firm basis in law.

Therefore, it is the unanimous conclusion of the Standing Senate Committee on Legal and Constitutional Affairs that we recommend to the Senate that Bill C-220 not proceed.

[*Translation*]

**Hon. Gérald-A. Beaudoin:** Honourable senators, it is very rare that we do not proceed with a private member’s bill. Some explanations are in order, and the committee’s chair has given them clearly.

I would like to add a few words at this point, because people are wondering why individuals jailed for committing a crime should be able to make money by telling their story all over again. I think the problem has to be put in perspective. To write is not a crime, they always say, but in this case, it would be.

For hours on end, we have listened to experts from throughout Canada, including at least four or five from the federal Department of Justice, eminent lawyers, and criminal law and constitutional experts. We also heard from members of the provincial bars.

On the whole, with a very few exceptions, they are all of the same view. First, this bill, which is no doubt well-intentioned, is contrary to the division of powers, because property rights are being expropriated. Second, it is contrary to the Berne convention on copyright signed by Canada, and we must observe the treaties that we sign. Third, and most fundamentally of all, Bill C-220 is contrary to freedom of expression.

But, one might say, the individual could profit, and so on, from the story. In this regard, I think it is the role of the Standing Senate Committee on Legal and Constitutional Affairs to ensure that the bill before us does not violate the Canadian Constitution or the Charter of Rights and Freedoms, and that, of course, it is consistent with the division of powers.

We have taken this role seriously and, at one point, I heard it argued that this should be left up to the Supreme Court, whose role it is. Well, read the Supreme Court decisions. On three, four or five occasions, it has said that, while the court is the guardian of the Constitution, lawmakers also have a role to play. They must ensure that the laws they pass respect the Constitution.

We have taken this role to heart. We even heard from Mr. Wappel. There is absolutely no doubt in our minds that his intentions are very good. It is the means of achieving them that we cannot accept.

Preventing anyone from writing is truly a violation of freedom of expression. The bill would have denied copyright to an individual who repented of his crime. What if there were a judicial error. That has happened in Canadian law. It is very rare, but there have been cases.

There are famous people, starting with Dreyfus in France, who wrote about their lives. This is very important.

We cannot pass this bill, as well-intentioned as it may be, because the Committee on Legal and Constitutional Affairs said it clearly goes against freedom of expression, copyright under the Berne Convention, and distribution of powers.

Invoking criminal law is fine, but it does not make it right to encroach on ownership and civil rights, which are provincial jurisdictions.

All in all, the committee's decision not to go ahead with this bill is justified under the committee's mandate and every constitutional rule applicable in this instance.

**Hon. Pierre Claude Nolin:** Honourable senators, the two previous speakers have covered pretty much all of our report. I would nevertheless like to draw your attention to the pages at the very end of this report, where we argue against proceeding with consideration of this bill and make other recommendations.

Mr. Wappel suggested that the proposed change to the definition of "proceeds of crime" be deleted, as he recognizes that the provisions in the copyright bill make it unnecessary. He also suggested that the bill apply to criminal acts. Under the proposed changes, the copyright on a work based on an indictable offense would remain the property of the Crown, which would however issue royalty-free licences for publishing prohibited works provided it does not benefit the convicted person.

Let me review the amendments tabled before the committee by Mr. Wappel in order to introduce our suggestions.

Your committee suggests that these changes do not alleviate in any way concerns regarding freedom of expression and Canada's international obligations.

Your committee is also of the opinion that the bill is still too general and addresses far more than just those convicted of indictable offences of such an odious nature as to be morally repugnant to Canadians.

Your committee concentrated on two distinct approaches as far as suggestions were concerned.

The first consists in regulating the proceeds of crime so as to compensate victims' families, and the second is the possibility of recourse to the federal jurisdiction over criminal law when it comes to the depiction of criminal acts.

First of all, we suggest that the provinces pass the Uniform Law Conference's model legislation on the financial exploitation of crime.

In the opinion of your committee, this legislative model makes it possible to allay the concerns of victims while at the same time adopting a measured approach when it comes to application and constitutionality. It would address only the proceeds of certain violent and serious crimes, and the proceeds of such works would be distributed to victims by a designated provincial body which would assess the degree of prejudice suffered. This approach differs from the practice in Ontario and the United States, where victims are compensated only in response to a court decision.

As well, this allows the courts to order that part or all of the sums collected go to the convicted person, if depriving him or her of them would constitute an unjustified infringement on freedom of expression. This model had the general support of the provincial attorneys general, and others responsible for justice throughout the country. While acknowledging that such support is not necessary, your committee encourages the provincial governments to give thought to creating legislation based on that model.

Second, I shall address the intervention under criminal law. In the rare instances of heinous crimes against individuals, the creation of a work based on the offence might cause sufficient prejudice to bring criminal law into play. Your committee therefore suggests extending the present provisions on obscenity in the Criminal Code to those who unduly exploit or glorify acts of crime, horror, cruelty or violence, regardless of sexual content.

In its present form, the definition of obscenity focuses on the undue exploitation of sex or a combination of sex and acts of crime, horror, cruelty or violence.

Finally, your committee also suggests that the Minister of Justice examine the possibility and the means of calling into play the federal jurisdiction over criminal law in order to regulate works based on heinous crimes against individuals.

As well, your committee suggests to the Standing Committee on Justice and Human Rights that the scope of its examination currently focussing on victims and the criminal justice system be broadened to encompass the harmful effects of works based on criminal acts of this nature.

Honourable senators, I propose that you adopt our report.

[*English*]

**The Hon. the Speaker:** If no other honourable senator wishes to speak, I will proceed with the motion.

It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Mercier, that this report be adopted now.

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

[*Translation*]

### CANADA SHIPPING ACT

BILL TO AMEND—REPORT OF COMMITTEE

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

Wednesday, June 10, 1998

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

#### EIGHTH REPORT

Your Committee, to which was referred Bill C-15, An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Wednesday, June 3, 1998, examined the said Bill and now reports the same without amendment:

Respectfully submitted,

LISE BACON  
*Chair*

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

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

### TRANSPORTATION SAFETY AND SECURITY

FINAL REPORT OF TRANSPORT AND COMMUNICATIONS  
COMMITTEE ON STUDY TABLED

**Hon. Lise Bacon:** Honourable senators, I have the honour to table the ninth report of the Standing Senate Committee on Transport and Communications on the state of transportation safety and security in Canada.

Honourable senators, pursuant to rule 97(3), I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-FIRST REPORT OF COMMITTEE PRESENTED

**Hon. Pierre Claude Nolin,** Deputy Chairman of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, June 10, 1998

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### TWENTY-FIRST REPORT

Your Committee has examined and approved the supplementary budget presented to it by the Standing Committee on Aboriginal Peoples for the proposed expenditures of the said Committee for the fiscal year ending March 31, 1999 for its special study on the Royal Commission Report on Aboriginal People.

Professional and Other Services	\$367,900
Transportation and Communication	137,500
All Other Expenditures	<u>6,500</u>
TOTAL	\$511,900

Respectfully submitted,

WILLIAM ROMPKEY  
*Chairman*

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

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



[English]

### APPROPRIATION BILL NO. 2, 1998-99

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-45, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 1999.

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Monday next, June 15, 1998.

### APPROPRIATION BILL NO. 3, 1998-99

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-46, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 1999.

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Monday next, June 15, 1998.

[Translation]

### INTERNATIONAL ASSEMBLY OF FRENCH-SPEAKING PARLIAMENTARIANS

MEETING HELD IN GENEVA, SWITZERLAND—  
REPORT OF CANADIAN SECTION TABLED

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 23(6), I have the honour to present to the house, in both official languages, the report of the Canadian section of the International Assembly of French-Speaking Parliamentarians, and the financial report of the meeting of the IAFSP Development Cooperation Committee, held in Geneva, Switzerland, from March 23 to 25, 1998.

MEETING HELD IN LIBREVILLE, GABON—  
REPORT OF CANADIAN SECTION TABLED

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 23(6), I have the honour to present to the house, in both official languages, the report of the Canadian section of the International Assembly of French-Speaking Parliamentarians

on the Conference on the Status of Democratization in Africa, held in Libreville, Gabon, from March 30 to April 2, 1998.

[English]

### VETERANS HEALTH CARE SERVICES

NOTICE OF MOTION TO AUTHORIZE SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY COMMITTEE  
TO EXTEND DATE OF FINAL REPORT

**Hon. Orville H. Phillips:** Honourable senators, I give notice that on Thursday next, June 11, 1998, I will move:

That notwithstanding the Order of the Senate adopted on November 5, 1997, the Standing Senate Committee on Social Affairs, Science and Technology which was authorized to examine and report upon the state of health care in Canada concerning veterans of war and Canadian Service persons, be empowered to submit its report no later than December 30, 1998; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

[Translation]

### INTER-PARLIAMENTARY UNION

NINETY-NINTH CONFERENCE HELD AT  
WINDHOEK, NAMIBIA—NOTICE OF INQUIRY

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that on Monday next, June 15, 1998, I will call the attention of the Senate to the ninety-ninth conference of the Inter-Parliamentary Union, held in Windhoek, Namibia, from April 5 to 11, 1998.

[English]

### QUESTION PERIOD

#### VETERANS AFFAIRS

PRESENT STATUS OF PERLEY AND RIDEAU  
VETERANS' HEALTH CENTRE—GOVERNMENT POSITION

**Hon. Orville H. Phillips:** Honourable senators, I have a question for the Leader of the Government in the Senate. In 1992, the federal government, via Veterans Affairs Canada, joined with the Province of Ontario and the old Perley hospital to build the new Perley and Rideau Veterans' Health Centre. At that time, Veterans Affairs Canada committed themselves to a \$47-million investment, and was the major partner in the project.

Later, the Ontario government unilaterally downgraded the hospital to a charitable institution. As a result of this downgrading, the Perley and Rideau Veterans' Centre instituted legal action and is attempting to protect the level of care that veterans were promised in the agreement.

Madam Justice Bell, the presiding justice at that time, adjourned the court proceedings on December 16, 1997, to allow Veterans Affairs Canada, as the major partner in the agreement, to participate. Veterans Affairs Canada has now refused to intervene on behalf of veterans. I should add that the case is scheduled to resume on June 30.

I hate asking the honourable leader a question and then putting him in the position of a time limit, but, unfortunately, it is getting close to June 30. I would ask the Leader of the Government in the Senate if he could table in this chamber, or directly with the subcommittee, a letter explaining why the Department of Veterans Affairs feels that they can abandon the veterans at Perley and Rideau Hospital.

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I would be very happy to investigate and to bring forward a report to the Honourable Senator Phillips, who has a longtime and lasting interest in Veterans Affairs.

By way of comment, it might be helpful if the Honourable Senator Phillips would inquire of his friends in the Government of Ontario as to why they chose to downgrade the institution to a charitable institution. Maybe he already knows the answer. However, if there are implications that Veterans Affairs was not prepared to fully participate as originally agreed because the Government of Ontario made the downgrade, I would like to examine that particular aspect of the situation.

• (1420)

If Senator Phillips has further information, I would be happy to have it. Also, if there is a matter of influence with respect to the Government of Ontario, I am sure that Senator Phillips, in his capacity as Chairman of the Subcommittee on Veterans Affairs, could wield it very effectively.

**Senator Phillips:** Honourable senators, last night, before the committee, two major veterans groups gave an indication of the views of the Province of Ontario. I point out to the Leader of the Government in the Senate that the federal government is responsible for veterans' care, not the province. I consider the view of the provincial government to be irrelevant, as this matter is the responsibility of the federal government.

I would also point out that the reduction to a charitable institution reduces the agreed-upon payments per bed, per patient, per day, from \$187 per day to, eventually, \$94 per day. The director and trustees of the Perley and Rideau Veteran's Health Centre say that this makes it impossible for them to continue, and it may be necessary to close the institution.

I would also like to point out to my honourable friend that this is the first time that I am aware that the federal government has relegated veterans' care to a charitable institution. I feel this is the most offensive aspect in the whole procedure. I would ask the Leader of the Government in the Senate to use his good offices to try to persuade his colleague the Minister of Veterans Affairs to assume his responsibility to veterans.

**Senator Graham:** I would be happy to bring forward the representations of Senator Phillips to the Minister of Veterans Affairs.

I made reference to the Ontario government because in the honourable senator's preamble to his question he said that the Ontario government, I believe, downgraded the Perley and Rideau Veteran's Health Centre to a charitable institution. I am not suggesting that the Ontario government was the perpetrator of the offence but, obviously, they were collaborating. Since the honourable senator referred to the Government of Ontario, I thought that there might be some information that would be helpful in determining why the decision was taken by the Department of Veterans Affairs.

I shall endeavour to seek as complete an answer as I can.

PRESENT STATUS OF VETERANS AT PERLEY AND RIDEAU  
VETERAN'S HEALTH CENTRE—GOVERNMENT POSITION

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to follow up on the questions raised by Senator Phillips. The Ontario government, in its deficit-cutting measures, put the Perley-Rideau Hospital into the category of a charitable institution, thereby making it a long-term care hospital as opposed to a regular hospital with a certain level of care. I believe the Perley-Rideau trustees took the right measure by taking court action. The judge in that case requested that the federal government intervene because it was a tripartite responsibility. I understand that the Government of Canada received, from officials in the Ministry of Justice, an opinion that they did not wish to enter into the case and would not join forces with the trustees of the Perley and Rideau Veteran's Care Hospital.

I would ask the Leader of the Government in the Senate to determine whether that is, in fact, the position of the government, that they will take the legal approach to this case, rather than the more political, humane approach of supporting the veterans and, therefore, the hospital, in its court action with the Government of Ontario?

That is not to say that the Government of Ontario is without fault in this case; quite the contrary, they are being taken to court. I wish to know why the Government of Canada would, after receiving one opinion indicating that they need not intervene, take that as the final answer. Why would the government not wish to find some way to join forces with the hospital to ensure that the level of care that the veterans so rightly deserve is given to them?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, first of all, I recognize that the responsibility for veterans is a federal responsibility. There are obviously other issues at play here. For good and valid reasons, I presume Madam Justice Bell has adjourned the case until December 30. I believe that in order to bring forward as complete an answer as possible, I must consult not only with the Minister of Veterans Affairs but with other authorities who may have some responsibility in these particular cases, such as the Minister of Justice and any other ministers or departments that may be involved or have a responsibility. In that way, I can bring forward the best answer possible. Together, with our influence, both here and in the Province of Ontario, I hope we can find a solution that is appropriate under the circumstances.

**Senator Andreychuk:** Honourable senators, at yesterday's hearings of the Subcommittee on Veterans Affairs, we were told that the veterans in this institution are the average age of 78.5 years. They are certainly in their twilight years. They served this country admirably and they are in this hospital as a result of that service to Canadians. That we cannot forget, even 50-plus years later. The Department of Veterans Affairs has served the veterans well by taking responsibility, in 1945, for the care and the welfare of veterans, and I believe has discharged that duty admirably through the years, through various pieces of legislation. Therefore, I am asking that the government not await the outcome of the case in court, although that is certainly one avenue which should be explored, but that, in the meantime, due to the age of these veterans, it find ways and means within the government to assist these veterans.

We were told that these veterans, as I pointed out, of an average age of 78.5 years, are being left in their rooms because there is simply no one to take them out for any fresh air, for any exercise, that there is not sufficient supervision to ensure that they eat adequately, and that there is just not enough staff at the moment.

If the veterans were in another hospital, they would receive the same support services that perhaps citizens who do not expect to receive from government certain hospital or community services and who do not have a military background would receive. These are services already given to veterans through the Department of Veterans Affairs. I suggest that we not stand behind the legislation or the court action, but that we address the real needs of these veterans.

I am sure that my honourable friend would wish to bring this matter to the attention of cabinet and the respective ministers, and would urge them to find ways and means not to abandon these veterans in their declining years.

**Senator Graham:** Honourable senators, I would be very happy to bring the representations of Senator Andreychuk and Senator Phillips, and other honourable senators, with respect to this matter to the attention of those responsible.

As an aside, last evening, I encountered former senator Jack Marshall and former defence minister Barney Danson walking the halls of Parliament together, and you could not get a better reminder than from those two outstanding Canadians of the care that we must provide and must continue to provide for our veterans.

## THE SENATE

COMMENTS BY DEPUTY LEADER OF OPPOSITION  
IN HOUSE OF COMMONS— GOVERNMENT POSITION

**Hon. Edward M. Lawson:** Honourable senators, I have a question for the Leader of the Government in the Senate. I would ordinarily not raise such a question, but in view of an incident which took place in the House of Commons last week, I am provoked to do so at this time.

• (1430)

Recently, the Deputy Leader of the Reform Party compared the upper house, namely the Senate, to the Big House — that is, a federal prison. As we all know, a federal prison would be housed 100 per cent by convicted criminals. According to Hansard, she went on to state:

There are some amazing similarities between the upper house and the big house.

Here are a few of them. It costs about the same to house a prisoner as it does a senator. Both are full of colourful characters who are serving a life term and do you know what, Mr. Speaker —

She was continuing in that same vein when the Speaker cautioned her. She then proceeded with her question.

The Prime Minister dealt with her question about elected senators, but not one MP of the other parties, including the Prime Minister, challenged this despicable, outrageous, cowardly attack on this chamber, comparing all of us in here to convicted criminals.

We are used to attacks from the Reform Party. In fact, we expect them — and of the lowest possible order, including all the challenges and criticism about our attendance. This leads me to what happened yesterday in the other place. A motion was put forward by the opposition. It only required one “Nay” vote to overturn it, but the motion passed because there was not a single government member present in the House of Commons at that time.

My question is: In the long and distinguished history of the Senate chamber, can the Leader of the Government in the Senate determine for me whether or not there has been a single occasion when a motion by the opposition passed because not a single government member was present? Or does this dubious distinction belong to the House of Commons alone?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, that is something which the House of Commons can wear, and I do not need to wear.

I agree with Senator Lawson that those comments were despicable, outrageous, cowardly and very offensive. I do not know that it is appropriate to speak of members of the other place in either chamber. We would need to examine our rules on that score. Perhaps Beauchesne has something to say about that. I hope the Speaker of the House of Commons is listening to what I have to say. I wish to reiterate and support what Senator Lawson has said in reference to the comments by the Deputy Leader of the Opposition in the other place.

With reference to cost efficiency, we have heard time and time again from the Standing Committee on Internal Economy, Budgets and Administration, which is chaired by Senator Rompkey, that, on a per capita basis, the Senate is the most efficient assembly in all of Canada, including the House of Commons and all of the other legislatures.

## FISHERIES AND OCEANS

### REDUNDANCY OF AUTOMATED LIGHTSTATION INSTALLATIONS ON BRITISH COLUMBIA COAST—GOVERNMENT POSITION

**Hon. J. Michael Forrestall:** Honourable senators, on March 28 of this year, in light of the overwhelming support of British Columbians for maintaining a human presence on that province's 27 lightstations, Minister Anderson announced that the federal government was reversing its decision to destaff those lightstations. However, B.C. coast watchers now advise us that the Canadian Coast Guard is still installing automated equipment at a number of sites. This includes automatic lights, foghorns and monitoring systems meant to inform remote sensors at the lightstations of trespassing and other security and logistical concerns.

With staff still on the lightstations, this type of equipment is somewhat, if not completely, redundant. Nevertheless, the Coast Guard continues to install automated weather equipment that, thus far, has proven itself unreliable. Since local radio stations are obligated to use this information as the basis of their weather reports, this equipment represents a potential hazard to users of the coast — both in the air and on the water.

With all of our maritime skills, why is the Coast Guard wasting huge amounts of Canadian taxpayers' dollars by installing equipment that is not only unreliable and unsafe but also redundant, given the extensive training and experience of Canada's lightkeepers?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I must look into that matter more closely. Senator Forrestall made mention of the lightstations on the coast of British Columbia and the reversal of a previous decision by the Minister of Fisheries and Oceans. Senator Carney, who is not with us today, pursued that particular issue relentlessly. I believe

the Leader of the Opposition made reference to that fact several weeks ago when referring to the announcement that had been made.

I shall make further inquiries and return with a more complete answer for the honourable senator.

**Senator Forrestall:** I would suggest that you do that when next we see our colleague from British Columbia. The medical profession have now found out what is troubling her. You will want to have an answer before she returns to the chamber, because she is a little upset about this situation.

Why is the Coast Guard continuing with the installation of equipment obviously geared to the full automation of B.C.'s lightstations when the minister responsible for the Coast Guard, namely Minister Anderson, has clearly announced that the lightkeepers will remain at their stations? In other words, we are to have staffed lightstations, and yet the government is spending hundreds of thousands of dollars to install equipment that is unreliable and has not been demonstrated to perform to acceptable safety standards.

**Senator Graham:** Honourable senators, I am not sure if it is a case of duplication — that is, whether the equipment is checking on the lightkeeper or the lightkeeper is checking on the equipment. Nevertheless, I shall consult with Minister Anderson and his officials and, as I promised, bring forward an answer.

## FORESTRY

### SETTLEMENT OF SOFTWOOD LUMBER DISPUTE— FAILURE OF QUOTA SYSTEM—CONTROL OF INDUSTRY BY U.S. INTERESTS—GOVERNMENT POSITION

**Hon. Gerry St. Germain:** Honourable senators, I have a question for the Leader of the Government in the Senate which relates to the forestry industry. I have posed questions on this particular subject before.

In 1997, the B.C. forestry sector lost \$192 million. They suffered losses in 1996, and it appears that they will be suffering extreme losses in 1998.

My question relates to the lumber quota that was imposed, in agreement with the Government of the United States, as a result of the pressure applied by the Americans due to our exports. They were unable to compete with the efficient, highly productive mills and workers in Canada. I should like to ask the Leader of the Government in the Senate whether any progress has been made in any negotiations to try and rid us of this horrific decision?

As I have said in this chamber before, I believe that the federal government was forced into this agreement by the industry and by the provincial governments, who thought that they would have a special deal with the Americans. However, the Americans now control the management of our resource. That fact has been verified, and I have said it both in this chamber and in the

committee. That is borne out by the statement made by the Premier of British Columbia. When he was to reduce the stumpage rates in the forest of British Columbia, he said, "I will have to consult with the Americans first before I can lower this stumpage rate."

Has any progress been made at all in this file?

• (1440)

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I understand that the negotiations are ongoing and that the Government of Canada has been meeting with representatives of the provinces in the softwood lumber industry to explore various options, including a negotiated settlement with the United States. I am not aware of any options that have been ruled out.

**Senator St. Germain:** I do not know if honourable senators are aware of the horrific job losses and the job opportunities that are being denied as a result of agreeing to this quota system. Delegations are telling us they cannot start up their sawmills. They have been given timber allocations in various provinces, including British Columbia, Alberta, Ontario, Quebec, but mainly in the western provinces. Allocations for timber cuts have been granted and mills have been built, but they cannot start up their operations and the people cannot be employed because they cannot get a quota. This is in the remote areas of British Columbia and Alberta. It is controlled by all the big boys out of Vancouver, Calgary and Edmonton. This system totally denies the ability for any growth, expansion or start-ups in the industry.

Honourable senators, the negotiations are ongoing. Are they negotiations to rid us of this horrific quota, or are they negotiations motivated by a spirit of negotiating and possibly trading off in other areas of trade with the United States?

**Senator Graham:** Honourable senators, it is my understanding that it would be negotiations to get rid of the quota. It is now June 10, and I understand that U.S. Customs must publish its final ruling by mid-June. I will inquire and bring forward any further information.

## CHILD CUSTODY AND ACCESS

SPECIAL JOINT COMMITTEE—ALLEGATIONS OF INTIMIDATION  
OF WOMEN AT COMMITTEE MEETINGS—  
POSITION OF SENATE CO-CHAIR

**Hon. Anne C. Cools:** Honourable senators, I have a question for the Senate's Co-Chairman of the Special Joint Committee on Child Custody and Access.

On June 8, 1998, in the House of Commons, a member of the NDP posed a question, basically saying that across Canada, deliberations on child custody and access have become a forum for the taunting and intimidation of women who report domestic abuse. Women have been booed and hissed at, and the existence of violence against women has been denied.

When our co-chairman was in the chair at these committee meetings, was there booing, hissing, taunting, and intimidation of women?

**Hon. Landon Pearson:** Honourable senators, I should first like to answer the question asked by my honourable colleague yesterday.

My honourable colleague asked whether our meeting on June 3 was a proceeding of Parliament with a properly established quorum and whether witnesses, parliamentarians, and staff present at that meeting were protected by parliamentary privilege.

The short answer to these questions is that yes, the committee hearing on June 3 was a properly constituted proceeding of Parliament, and yes, participants at that meeting are protected by all the normal privileges of Parliament afforded them.

I refer my honourable colleague to paragraphs 760 and 809 of *Beauchesne's Parliamentary Rules & Forms*, sixth edition, which notes that grievances and procedural questions relating to a committee should be dealt with within the committee itself. However, as the technicalities of quorum interest all senators, I will attempt to present them concisely.

On page 727 of the 22nd edition of Erskine May's *Parliamentary Practice*, we read:

A joint committee cannot transact business unless a quorum of the Members appointed by each House to serve on the committee is present.

If we look to paragraphs 280-287 of *Beauchesne*, we find that the Speaker only takes the initiative in the matter of quorum at the opening of the sitting. Once a quorum has been verified, it is deemed to exist until it is proven that it does not exist — that is, until a member directs the Speaker's attention to the fact that there is not a quorum present and the clerk counts the number of attending members.

Paragraph 109 of *Beauchesne* further informs us that:

Witnesses before committees share the same privileges of freedom of speech as Members.... Nothing said before a committee ... may be used in a court of law.

All meetings of the Special Joint Committee on Child Custody and Access have been convened in accordance with the rules on quorum. At no point in the committee's proceedings, including the meeting of June 3, has any member demanded that quorum be verified through a count.

All the hearings of the Special Joint Committee on Child Custody and Access are legitimate proceedings of Parliament. The testimony offered by witnesses is protected by the privileges of Parliament. In this context, there is no question of witnesses or parliamentarians exposing themselves to criminal or civil liability.

As to the other question, I will take it under advisement.

**Senator Cools:** I find this an interesting technique. Members raise questions, and the responsible persons to whom the questions are put choose to respond to them at a later date —

**Some Hon. Senators:** Oh, oh!

**Senator Cools:** No, no — in response to another question. I am well acquainted with the precedents just cited. The issue of quorum is different. Quorum is a different number from the basic bottom number with which a committee may hear witnesses, and I think there is some confusion.

In any event, I do not think that the question I put today is difficult to answer, and I do not understand why some of these questions must be taken under advisement. I do not understand what advice is being sought.

My question was quite straightforward. When the joint chair was in the chair, were women being mistreated? I have seen no evidence of mistreatment.

### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I have responses to questions raised in the Senate on May 7, 1998 by the Honourable Senator Duncan Jessiman regarding the compensation of victims of hepatitis C, safety of blood victims in Canada.

### HEALTH

#### COMPENSATION FOR VICTIMS OF HEPATITIS C—METHOD OF ARRIVING AT COST—REQUEST FOR TABLING OF DETAILS

*(Response to question raised by Hon. Duncan J. Jessiman on May 7, 1998)*

The announcement made by federal, provincial and territorial (FPT) Ministers of Health on March 27, 1998, on Hepatitis C, followed four months of analytical work conducted by external experts and government officials.

The FPT Working Group on Hepatitis C (HCV) Assistance created by Deputy Ministers of Health in December, 1997, was comprised of federal, provincial and territorial officials with particular expertise in law, health policy, ethics, finance and health economics.

This group performed technical and issue based analyses drawing upon some external expertise where appropriate. The purpose of this work was to provide general advice to Ministers of Health. As was made clear by Health Minister in their March 27 announcement, the intent is to work

towards a negotiated solution to a number of class action suits.

In this context, the confidentiality of documents prepared for Health Ministers must be respected. The intent of the government is to make them available as and when it is appropriate to do so.

#### SAFETY OF BLOOD SYSTEM IN CANADA—USE OF INDEPENDENT LABORATORY IN ASSESSMENT OF TOTAL NUMBER OF VICTIMS OF TAINTED BLOOD—GOVERNMENT POSITION

*(Response to question raised by Hon. Duncan J. Jessiman on May 7, 1998)*

The estimates and the methodology for those estimates during the critical period, 1986 to June 1990, were developed by an external expert working group that submitted its report to the Laboratory Centre for Disease Control (LCDC). This working group included expertise in hepatology, epidemiology, and microbiology .

The estimates for the period from 1970 to 1985 were developed by LCDC using the methodology of the working group.

The best data available at the time was used for all estimates, but relevant data on which the estimates are based are limited, especially for the period before 1986.

### ORDERS OF THE DAY

#### CANADA LANDS SURVEYORS BILL

##### THIRD READING

**Hon. Joan Cook** moved the third reading of Bill C-31, respecting Canada Lands Surveyors.

Motion agreed to and bill read third time and passed.

#### NUNAVUT ACT CONSTITUTION ACT, 1867

##### BILL TO AMEND—THIRD READING

**Hon. Willie Adams** moved the third reading of Bill C-39, to amend the Nunavut Act and the Constitution Act, 1867.

• (1450)

Motion agreed to and bill read third time and passed.

## CANADIAN PARKS AGENCY BILL

### SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Moore, for the second reading of Bill C-29, to establish the Parks Canada Agency and to amend other Acts as a consequence.

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, my colleague Senator Tkachuk has some points that he wishes to raise at second reading debate on this bill. He is a member of the Standing Senate Committee on Banking, Trade and Commerce, the members of which are in New York today. This underscores the difficulties of committees sitting, whether in this town or elsewhere, when we are trying to do house business, in particular when those committees are composed of members who are also critics or sponsors of legislation. It is hard enough to get the debate engaged when the government side is only putting up one senator to speak to a bill, and that reluctantly.

We are anxious that this bill be referred to committee. I am attempting to be in communication with Senator Tkachuk to ensure that I understand the points he would have made, or to get him back here to make them. Tomorrow, we will give our comments on the principle of the bill.

Order stands.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to some visitors in our gallery. Let us welcome the delegation from the Trout Lake Indian Reserve. Chief Emile Burntail is leading the delegation and is accompanied by Elder David Star of Peerless Lake, Bob Coulter of Trout Lake, and Bill Cordeban Jr. and Ron Gettling of Prince George.

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

**Hon. Senators:** Hear, hear!

## TOBACCO INDUSTRY RESPONSIBILITY BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Nolin, for the third reading of Bill S-13, An Act to incorporate and

to establish an industry levy to provide for the Canadian Tobacco Industry Community Responsibility Foundation,

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Kenny, that the Bill be not now read a third time but that it be amended on pages 17 to 23 by deleting Part III.—(*Honourable Senator Carstairs*).

**Hon. Wilbert J. Keon:** Honourable senators, I should like to move an amendment to Bill S-13, seconded by the Honourable Senator LeBreton.

I move:

That Bill S-13 be not now read a third time but that it be amended,

(a) on page 1,

(i) by replacing the long title with the following:

“An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation,” and

(ii) in clause 2, by replacing lines 15 and 16 with the following:

““Foundation” means the Canadian Anti-Smoking Youth”; and

(b) on page 3, in clause 4 by replacing lines 3 and 4 with the following:

“the Canadian Anti-Smoking Youth Foundation..”

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

**Senator Keon:** Honourable senators, there is no question that there is very broad-based support for this bill as prepared by Senators Kenny and Nolin. I commend both of them on the enormous amount of time they have spent with the medical and scientific communities in educating themselves and convincing themselves of the good that can accrue from this bill.

I have been requested repeatedly by the medical, scientific and social communities not to oppose or tamper with the bill in case it may imperil its passage. However, as honourable senators know, it deeply troubles me that the tobacco companies are getting a free ride on the backs of the poor unfortunate nicotine addicts who are paying the fare for this foundation.

I feel it is not appropriate for the Senate to go forward in support of the establishment of a foundation called the “Canadian Tobacco Industry Community Responsibility Foundation.” It is more inappropriate that the public health and anti-smoking education of our youth be entrusted to a foundation bearing such a name.

Consequently, I am compelled to move the amendment which I have just moved allowing the name change of the foundation. I am hopeful that this amendment will strengthen the bill and result in the efforts of Senators Kenny and Nolin coming to fruition in the form of this foundation.

**Hon. Colin Kenny:** Honourable senators, I should advise the house that Senator Keon extended to me the courtesy of providing me with a copy of his amendment in advance. As such, I have had an opportunity to review it with legal counsel. As we have just heard from Senator Keon, I, too, am of the view that this measure will strengthen the bill. I am pleased that he has brought it forward.

I believe that the amendment he has placed before us is consistent with a levy for industry purposes. I believe it will prove to be beneficial to us in the long run to have the name of the foundation changed as proposed by Senator Keon.

As a consequence, it is my intention to vote in favour of his amendment.

**The Hon. the Speaker:** If no other honourable senator wishes to speak, I will proceed with the motion.

The question before the Senate is on the motion in amendment moved by the Honourable Senator Keon. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion for third reading of this bill?

**Hon. Senators:** Agreed.

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

## BUSINESS OF THE SENATE

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, I think there is agreement that the rest of the items on the Order Paper stand, something to which the Deputy Leader of the Government will speak later.

However, before she does so, for the benefit of all honourable senators, I wish to ask if the honourable deputy leader could provide us with some information as to what we might expect to be doing over the next couple of days.

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I thank Senator Kinsella for his question. I believe there is agreement on both sides that we stand all other items on the Order Paper at the same position as today, in order that we may proceed with committee meetings this afternoon.

• (1500)

Honourable senators, as usual, there has been enormous cooperation from both sides in this chamber. As a result, there will be no necessity for the chamber to sit on Friday. However, we will be sitting on Monday. If there is agreement on all sides to the suggestion by Senator Lavoie-Roux, perhaps we could sit at 7:30 rather than the usual eight o'clock.

**The Hon. the Speaker:** Honourable senators, is it agreed that all other items on the Order Paper stand at the position at which they are now?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, is it further agreed that we will not sit on Friday, but when we return on Monday, we shall return at 7:30 p.m.?

**Hon. Senators:** Agreed.

The Senate adjourned until tomorrow at 2 p.m.



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