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—

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, May 15, 2001

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

Prayers.

SENATORS' STATEMENTS

PRINCE EDWARD ISLAND

CONGRATULATIONS ON APPOINTMENT OF HIS HONOUR LIEUTENANT-GOVERNOR LÉONCE BERNARD

Hon. Elizabeth Hubley: "He is a man of the people. She is a woman of the people." These words have been used so many times to describe people whose lives are intimately connected with their communities, individuals who have aspired to leadership and put community service before personal gain or ambition, fellow citizens who distinguish themselves by giving rather than taking.

Honourable senators, according to this definition, Prince Edward Island's newly appointed Lieutenant-Governor, Léonce Bernard, is truly a man of the people, and as such I believe that he will carry out his viceregal duties and responsibilities with great spirit and dignity. He is a great Islander.

In his home village of Wellington, and throughout the Évangeline region of Prince County, there are few organizations or service groups that Léonce has not been actively involved with over the years. Indeed, to the Acadian people of Prince Edward Island in particular, Léonce Bernard has been an inspired and tireless worker, an example to others, and a loved and respected political representative.

His education and professional background is in business and accountancy. Following several years of service with the Royal Canadian Air Force, he became manager of the local Évangeline Credit Union in 1970. Looking for a bigger stage on which to promote his cooperative philosophy and ideas for community economic development, Mr. Bernard contested and won a seat in the provincial legislature in 1975. He was re-elected five times as the MLA for 3rd Prince and served in the administration of the late Premier Joseph A. Ghiz, first as Minister of Industry and Chairman of the P.E.I. Development Agency, and then as Minister of Fisheries and Aquaculture and Minister of Community and Cultural Affairs.

Honourable senators, Léonce Bernard returned to his home community after retiring from provincial politics in 1993 and once again took up the challenge of community development, managing the Credit Union for a second time, then helping to establish La Coopérative Le Village Acadien Ltée, a unique and successful venture in cultural tourism.

Mr. Bernard's work as a community developer and "cooperator" is known and respected both in Prince Edward Island and across Canada. He has served as President of the Council of Cooperatives of Prince Edward Island, member of the National Council of Cooperatives, and member of the advisory committee to the federal minister responsible for cooperatives. He is a man of honour and humility, a man who believes passionately in Canada, a man who enthusiastically embraces its living ideals of justice and equality, and a man who encourages and inspires others to act for the betterment of their communities.

Honourable senators, Léonce Bernard will be sworn in as Prince Edward Island's Lieutenant-Governor on May 28, succeeding the Honourable Gilbert R. Clements. I have no doubt whatsoever that Mr. Bernard will distinguish himself in his new role. I know that all senators will join me in conveying to him and to his wife, Florence, and their children best wishes as they prepare to make Government House their new home.

THE LEAHY

TRIBUTE

Hon. Norman K. Atkins: Honourable senators, I wonder how many members of the Senate have had the opportunity of hearing a musical group called "Leahy." They played here in Ottawa at the opening of Tulip Festival last Friday night to a wildly enthusiastic audience.

The remarkable thing about this group is that they are all members of one farming family from Lakefield, Ontario. They have deep and rich Celtic roots. Their mother is a Cape Bretoner and their father is from sixth generation Irish descent. Their original homestead is in Peterborough County, where the parents still live. There are 11 children, nine of whom are currently performing together, five women and four men, who range in age from 22 to 35. They all have incredible talents, which they use interchangeably. They all play several instruments, ranging from fiddle to piano, guitar and saxophone. They all sing and they all step dance.

Honourable senators, the members of Leahy are part of the rebirth of the traditional Celtic music movement. The music they play demonstrates the incredible talent each member of the family possesses. Collectively, they put on a spectacular performance. They write a lot of their own material and they have produced several albums, the next to be released this summer.

While there are a number of talented groups in Canada playing Celtic music, I believe Leahy deserves special mention as a remarkable Canadian family, sharing their talents with all of us.

[Translation]

ANNUAL REPORT OF CANADIAN INSTITUTE FOR HEALTH INFORMATION

Hon. Yves Morin: Honourable senators, last week the Canadian Institute for Health Information produced its annual report on the health of Canadians and the health system.

This institute brings together the ministers of health of the provinces, with the exception of Quebec; of the territories and of the federal government, and is doing a remarkable job that serves as a model in this field for all other countries.

Honourable senators, I must express regret at the inexplicable absence of Quebec from this institute, an absence that is extremely harmful for the health of Quebecers.

[English]

• (1410)

There is also, honourable senators, good news in this report. For example, life expectancy has again increased in Canada, to 79 years, and we are now second in the world, right behind Japan. As a matter of fact, if the health status of our First Nations were similar to that of other Canadians, we would be by far the healthiest country in the world.

Finally, health care costs increased last year by 7 per cent to \$95 billion. This increase is a very serious issue that the Standing Senate Committee on Social Affairs, Science and Technology intends to address in the coming months.

ALBERTA

LETHBRIDGE—THE LATE JESSICA KOOPMANS

Hon. Joyce Fairbairn: Honourable senators, I am sure that all of you will share the grief of the family of Jessica Koopmans at the loss of their beautiful child who went missing over a week ago in my home town of Lethbridge, Alberta. This is an overwhelming tragedy in every sense of the word which has touched the hearts of families and communities large and small all across this country.

Jessica was a beautiful, happy little girl, just five years old, much loved by her mother, Sylvia; her father, Darren; and her sister, Sierra, who is seven. I know her grandparents, Tony and Marie Bouw, who adore these two children.

Honourable senators, Lethbridge is a lovely small city in the southwest corner of Alberta, a friendly, peaceful place where the well-being of families is top priority. Jessica trotted off to play with a friend just a short way down her street on May 4 and completely disappeared until the body of a youngster was found in a field not far from Lethbridge, last Friday morning. The

identity of that body was officially confirmed today, and the family and the entire community is in mourning for Jessica.

Honourable senators, this is the ultimate nightmare of any parent, any relative who has had the joy and privilege of sharing a child. The outpouring of support from every part of the community and through the Internet from all around this country has been extraordinary.

The Lethbridge City Police and their colleagues from Calgary, Edmonton and the Royal Canadian Mounted Police went beyond every possible effort to find Jessica. We expect that strength from our police forces, but sometimes we forget that they, too, have families and feel the same grief and pain as the rest of us in such situations. Now they will focus their strength on finding whoever is responsible for this crime.

Honourable senators, the departure of any child is a tragedy, but to have to say farewell this way is unthinkable and unspeakable. For now, I am sure you will join me in offering our sympathy and prayers to Jessica's family as they focus their memories on the happiness and laughter and love she brought to their lives.

[Translation]

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, May 16, 2001, at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

[English]

CANADA SHIPPING BILL, 2001

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-14, respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts.

Bill read first time.

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

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

[Translation]

TOBACCO TAX AMENDMENTS BILL, 2001

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-26, to amend the Customs Act, the Excise Tax Act, the Customs Tariff Act and the Income Tax Act in respect of tobacco.

Bill read first time.

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

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

[English]

INCOME TAX AMENDMENTS BILL, 2000

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act.

Bill read first time.

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

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

[Translation]

BUDGET IMPLEMENTATION ACT, 1997 FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-17, to amend the Budget Implementation Act, 1997 and the Financial Administration Act.

Bill read first time.

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

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

[English]

• (1420)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO SIT DURING SITTING OF THE SENATE

Hon. Nicholas W. Taylor: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit at 4:30 p.m. today, Tuesday, May 15, 2001, for the purpose of hearing the Minister of Natural Resources on its study of Bill C-4, to establish a foundation to fund sustainable development technology, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, is there an understanding that the Minister of Natural Resources is available at that time?

Senator Taylor: Yes. The Minister of Natural Resources is coming. That was one of the few times that we could arrange a meeting, so the committee is asking for leave to sit a little earlier than normal.

Senator Kinsella: Honourable senators, that is the kind of exceptional circumstance for which we grant leave. I think the flexibility of this rule is wise.

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

Hon. Senators: Agreed.

Motion agreed to.

ASIAN HERITAGE

NOTICE OF MOTION TO DECLARE MAY AS MONTH OF RECOGNITION

Hon. Vivienne Poy: Honourable senators, I give notice that on Tuesday, May 29, 2001, I will move:

That May be recognized as Asian Heritage Month, given the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian community, and its present significance to this country.

AGRICULTURE ISSUES

NOTICE OF INQUIRY

Hon. Jim Tunney: Honourable senators, I give notice that on Thursday next, May 17, 2001, I will call the attention of the Senate to Canadian agricultural issues, specifically grain, dairy and hemp.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to the next item on our Order Paper, I wish to draw the attention of honourable senators to the presence in the gallery of members of the Mohawk Council of Kanesatake led by Grand Chief James Gabriel.

Welcome to the Senate.

Hon. Senators: Hear, hear!

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— ORDER TO PROCEED WITH PROJECT

Hon. J. Michael Forrestall: Honourable senators, I have a question or two for the Leader of the Government in the Senate. Now that things seem to be moving off centre a little bit, the word “soon” might take on an entirely different connotation.

My question relates to the helicopter project. Can the minister confirm that a meeting in fact was held between senior officials and officers within the Department of National Defence and the Maritime Helicopter Project Office yesterday and that, despite problems with the process, the Maritime Helicopter Project Office was issued an order to get on with the Sea King replacement? Can she confirm that? I am sure that would be welcome news in many circles. If so, can the leader give us some indication of just what “get on with the project” means?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as so often happens, the honourable senator has information at his disposal that I do not have at mine. I hope that the meeting took place yesterday. Certainly, I would be enthusiastic if an order to “get on with it” had been issued because I should like to be able to answer all of the honourable senator’s questions. Thus far, I have not been batting very well.

Senator Forrestall: Honourable senators, the honourable leader is just slightly ahead of the Toronto Blue Jays.

Can the minister confirm that senior officials in the Department of Public Works and Government Services Canada

have now asked for written instructions from the minister as to how to proceed with this controversial Sea King replacement project that makes the Government of Canada the prime contractor?

Senator Carstairs: Honourable senators, I cannot confirm whether the Department of Public Works has asked for a written instruction as to who will be the primary contractor. Like my honourable friend, I just hope they get on with it and that we can, as much as possible, meet the deadline of 2005 that has been set by the Department of National Defence.

Senator Forrestall: Does the minister have any reason to believe that such an instruction may very well have been issued?

Senator Carstairs: Honourable senators, I must say that I have no idea whether such an instruction was issued. I have not been given an update as to the status of the project as of this date.

COMMENTS BY PARLIAMENTARY SECRETARY WITH REGARD TO FORMER SENIOR MILITARY OFFICERS

Hon. Norman K. Atkins: Honourable senators, my question is directed to the Leader of the Government in the Senate. Yesterday, the Parliamentary Secretary to the Minister of National Defence stated, in reference to four of Canada’s distinguished soldiers, Generals Dallaire, Belzile, Addy and MacKenzie, that:

... it seems that as soon as one becomes a retired general one receives with the first pension cheque some type of conscience that one did not have when in the CF.

This comes on the very heels of the Liberal Member of Parliament for Scarborough denying help to an 81-year-old blind veteran.

Is it the policy of the Government of Canada to criticize and denigrate former senior military officers with impeccable reputations and international stature if they disagree with government policy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am presuming that the honourable senator is reading from yesterday’s Hansard in the other place, which would indicate what exactly the Parliamentary Secretary may have said.

It is clear that we have had distinguished generals in Canada. They are distinguished while they are generals and, in my view, they are distinguished after they are generals.

Senator Atkins: Honourable senators, could the leader tell me if any steps are being taken by the government now to apologize to these distinguished retired generals for impugning their characters and their right to express freely their views on current government policy?

Senator Carstairs: Honourable senators, I have no idea whether apologies are in order or if apologies are being made. I simply would reiterate my earlier words that all of these men have served Canada with great distinction and I think they are deserving of respect now as they were in the past.

Senator Atkins: Does the leader not believe that they deserve an apology for the comments that were made in the House of Commons yesterday?

• (1430)

Senator Carstairs: Honourable senators, the other place clearly will be asked similar questions, I would presume. It would be more appropriate if those answers came from the Parliamentary Secretary who made the statements or from the Minister of Defence.

THE SENATE

POSSIBILITY OF HEARING INFORMATION COMMISSIONER IN COMMITTEE OF THE WHOLE

Hon. Marcel Prud'homme: Honourable senators, my question is directed to the Leader of the Government in the Senate. The Senate has twice received and heard Mr. Bruce Phillips, the former Privacy Commissioner, speak in the Senate. That is my recollection.

We have also heard Mr. George Radwanski, the Privacy Commissioner, speak to us in the Senate. I disagreed with Mr. Radwanski then and I certainly continue to disagree with him now. I voted against the ratification of his appointment, but he is the commissioner. I accepted the outcome because we live in a democracy.

However, honourable senators, we have never received in the Senate, to the best of my knowledge, the Information Commissioner. Is it possible that the government may consider inviting him to speak before us? I am not part of any deal between the opposition and the government, but perhaps it would be possible to hear from him on the floor of the Senate.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. Not only have we heard from Mr. Phillips and Mr. Radwanski, but we have also heard from the Commissioner of the Human Rights Commission, just two weeks ago. On each of those three occasions there has been a very positive interaction between the members of this chamber and the appropriate commissioner.

If the honourable senator is asking me to make arrangements to have a Committee of the Whole, at a time in the future, to hear the Information Commissioner in the Senate, and if the request were supported by other members of this place, I would be delighted to do so.

Senator Prud'homme: Honourable senators, for my supplementary, I will listen to the answer to the first question, unlike the members in the House of Commons, where they do not listen to the answer to the first question.

Honourable senators, although I am not involved in the deliberations, may I say that if this is ever put to the honourable leader, or if she ever puts it to the opposition, she will not need to consult with me? I will be more than happy to give my full support to hear the commissioner, especially in light of the unfortunate situation developing between two appointees of Parliament. It is detestable to see this exchange of public views between two people who have been appointed by Parliament and who are responsible to Parliament. That behaviour does not enhance the image of any member. It is not unlike having a fight between the Chief Electoral Officer and the Commissioner of Official Languages, who are also officers of Parliament.

Honourable senators, I find it repugnant to hear such an exchange. In all fairness, I wanted it on the record that I do not need to be consulted; I am in my corner if this deliberation were to take place.

Honourable senators, I am pleased by the leader's response because it indicates that she is open to suggestions.

Senator Carstairs: Honourable senators, I hope that I am always available. If I see Senator Kinsella rising on the other side, I would think that he is, in fact, standing in support of your request.

I would put only one caveat on the request. Currently, the case that involved an interaction between the two commissioners last weekend is a matter before the courts. Personally, I should like to see the matter settled before we invite the individual to the Senate; or I would prefer the restriction that we not deal with that particular case, should the Information Commissioner appear before us.

Senator Prud'homme: Honourable senators, I will only add that Parliament is the ultimate court of appeal. It has had much coverage in the paper lately. There are those who should follow the good example that we set here and not comment on a matter that is pending in court. That advice should have been followed by the commissioner last week when he started to debate the issue publicly.

Now, everyone is joining in, and I find it rather strange that the only people who have not talked about it are those who made the appointments. The ex-commissioner, Mr. Phillips, has joined the debate. They are not limiting or restricting themselves at all to the fact that the matter is pending in court. I believe that the Senate is the right place to restore some sanity to this debate.

Honourable senators, the press will comment for and against, but it will not serve the intentions that we had when we created this new employment.

Senator Carstairs: Honourable senators, it is a time-honoured tradition in this place that we not debate and discuss matters that are before the court. We should respect that tradition.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in the Senate the delayed answers to three questions: the question raised by Senator Lebreton on May 1, 2001, concerning appointments to the Immigration and Refugee Board of Canada; and questions raised by Senator St. Germain on April 3 and 4, 2001, concerning the United States and lumber exports.

IMMIGRATION AND REFUGEE BOARD

APPOINTMENTS

(Response to question raised by Hon. Marjory LeBreton on May 1, 2001)

Ministerial Advisory Committee (MAC)

The Immigration Act stipulates that members of the IRB be appointed by the Governor-in-Council. In March 1995, the then Minister of Citizenship and Immigration established a Ministerial Advisory Committee (MAC) to assist in the selection of Board members. In his report of December 1997, the Auditor General endorsed the establishment of the MAC as it allowed for the selection of qualified candidates. The Committee was given the mandate to assess candidates and to recommend a list of qualified candidates to the Minister. The MAC is comprised of a chairman, six members and the IRB chair, who are appointed by the Minister on a voluntary basis.

Member Selection Process

A comprehensive process has been put in place by the Ministerial Advisory Committee to ensure that qualified candidates from all walks of life are selected to serve on the Immigration and Refugee Board. The selection process includes the following steps:

- Initial Screening
- Written Test
- Reference Check
- Interview

The Committee uses a competency-based approach to assess candidates. Candidates must demonstrate that they possess the following competencies:

- Analytical reasoning and thinking skills
- Decision making and judgement
- Action management
- Communication skills
- Interpersonal relations
- Professional ethics

Different steps are followed to assess candidates, each competency being assessed more than once.

Initial Screening

Each candidate is reviewed based on the following criteria: the candidates must have a degree from a recognized university, or equivalent professional qualification and a minimum of five years of professional experience.

Written Test

Candidates who have been screened in are invited to a written test. The simulation verifies the following competencies: communication skills, analytical reasoning and thinking skills, decision making and judgement, and finally, action management.

Reference Check

Candidates are then asked to provide two professional references. In a telephone interview, each referee is asked to report on past achievement and performance in the following areas: analytical reasoning and thinking skills, decision making and judgement, action management, interpersonal relations and professional ethics.

Interview

Candidates are then convened to an interview by a member of the Ministerial Advisory Committee to explore the following areas: analytical reasoning and thinking skills, decision making and judgement, action management, interpersonal relations, professional ethics and communication skills.

Any person interested in applying to be appointed an IRB member should send his or her resumé to:

Director,
Secretariat Services
344 Slater Street
Ottawa, Ontario
K1A 0K1

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—EXPORT/IMPORT OF LOGS

(Response to questions raised by Hon. Gerry St. Germain on April 3 and April 4, 2001)

Log Export Controls

Canada's federal log export controls have been in place for over 50 years. Log exports are controlled for the purposes set out in Section 3(e) of the *Export and Import Permits Act* (EIPA):

“to ensure that there is an adequate supply and distribution of the article in Canada for defence or other needs.”

Federal export permits are required for log exports from all provinces and territories. These controls are administered by the Department of Foreign Affairs and International Trade (DFAIT).

British Columbia maintains the most extensive restrictions on log exports, dating back to the 1900's. British Columbia approves or denies all proposed exports harvested from provincial Crown lands based solely on whether the logs are surplus to domestic requirements. To administer these surplus test requirements, the Province had established, many years ago, the Timber Export Advisory Committee (TEAC). TEAC determines whether logs proposed for export are surplus to domestic needs. The Province advertises the logs within the province. Processors have the opportunity to place non-binding bids on these logs. If TEAC determines that the prices offered reflect “fair market values” (FMV), then the Province refuses to issue provincial export approval and recommends that the federal export permit be withheld issuance as well. In those cases where no offers are made, or where the offers do not represent FMV, the logs are deemed surplus to domestic requirements and the Province issues provincial export approval. An application for a federal export permit is then submitted for approval.

For proposed exports from federal or private lands in British Columbia, the Federal Government has in place an MOU with the Province which lays out the terms of surplus testing. Under these terms, the Federal Government has established the Federal Timber Export Advisory Committee (FTEAC). This Committee operates in a similar manner as the provincial TEAC. FTEAC recommends to DFAIT whether proposed exports should be approved or denied. As in the provincial process, recommendations are based on whether the logs are considered to be surplus to domestic

requirements. Upon receipt of the recommendations, the Federal Government reviews all facets of the proposed export and takes into account other factors. For example, the Federal Government would consider whether similar logs were offered for sale but the purchaser only placed bids on the private logs. After this review, a determination is made on whether to issue the federal permit or not. In those cases where no offers are made, federal export permits are normally issued.

[English]

ORDERS OF THE DAY

KANESATAKE INTERIM LAND BASE GOVERNANCE BILL

THIRD READING

Hon. Joan Fraser moved the third reading of Bill S-24, to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence.

She said: Honourable senators, you will recall that Bill S-24 is implementing legislation for a historic agreement that provides the first legal recognition of a land base for the Mohawks of Kanesatake, as well as law-making powers over those lands.

[Translation]

When I spoke at second reading of Bill S-24, I tried to explain its historical importance. I did an overview of the agreement with respect to Kanesatake governance of the interim land base, which Bill S-24 will implement.

I also gave a glimpse of the progress made in recent years in negotiations between the Government of Canada and the Mohawks of Kanesatake. Since then, I have had the opportunity to hear the witnesses who have appeared before the Standing Senate Committee on Aboriginal Peoples and to further review the bill.

I am now more convinced than ever that Bill S-24 deserves our support. Let me explain why.

[English]

Honourable senators, as some of you know, I have an abiding concern for women's rights in Canadian society. That includes the rights of women, both Aboriginal and non-Aboriginal, in Aboriginal communities. In the case of Bill S-24, my questions related specifically to residency and to the division of matrimonial property upon the breakdown of a marriage.

I am somewhat reassured by the fact that Bill S-24 will be subject not only to the Canadian Charter of Rights and Freedoms but also to the Canadian Human Rights Act. In this respect, Bill S-24 goes one step further than the Indian Act, which is now exempted from the application of the Canadian Human Rights Act.

Legal rights, however essential, are not the only consideration. When a woman faces eviction from her home, the fact that she can seek to enforce her legal rights through the courts may be cold comfort indeed.

Honourable senators, I am reassured by the history and culture of this First Nation. The Mohawks of Kanesatake have a long history of inclusion, not exclusion. They have welcomed women and their descendants, who were reinstated as a result of Bill C-31 amendments, and, as a result, the community has nearly doubled in size since 1985.

• (1440)

They have not discriminated against non-Aboriginal women or men who have made their homes with individual Mohawks in Kanesatake.

Honourable senators, I and some other senators questioned the silence of Bill S-24 on the matter of matrimonial property, but the fact is that Bill S-24 does not address the matter of matrimonial property because it does not deal in any way with interests in land, which is a matter that is, of course, generally engaged upon a division of matrimonial property. This matter will need to be addressed in future negotiations with respect to interests in land.

[Translation]

Like many of my colleagues, I was surprised at the close result of the ratification vote in Kanesatake. I wondered what this result meant — a victory margin of only two votes — and whether or not the process leading to the vote, or even the voting process itself, was flawed. However, I believe that the consultation and ratification process conducted by the Mohawks of Kanesatake was as comprehensive and inclusive as could be.

In the months preceding the vote, the council held two public meetings and over 50 small workshops to reach all members, both on and off the reserve. The council also informed the members of Kanesatake on a regular basis regarding the timetable and impact of the ratification vote. The council did not even prevent opponents from picketing in front of the polling stations.

[English]

Some Kanesatake members have criticized their council for having conducted only two public meetings. However, the

[Senator Fraser]

council opted for the informality and inclusiveness of workshops as a better vehicle for explaining the agreement than large public meetings.

Some members have criticized their council for according non-resident members the same voting rights as resident members. The council had chosen to accord every member of voting age an equal right to participate in the ratification decision. This practice had been followed in previous elections for grand chief and council, and the council saw no reason to depart from it on a vote as important as the ratification of the agreement. I think that was a sound decision. Here again, honourable senators, it seems to me that the council followed the path of inclusion, not exclusion.

Some Kanesatake members have criticized their council's decision to seek an independent legal review of its ratification process. That review was conducted by the Honourable Lawrence A. Poitras, a former chief justice of the Quebec Superior Court. Those who are critical allege that, because the council hired him, Mr. Poitras' opinion could not have been an impartial one. However, upon review of Mr. Poitras' opinion, it becomes evident that the council had indeed provided him with all material pertinent to the ratification process, including the materials that had been circulated in the community by those who opposed the agreement.

Honourable senators, Mr. Poitras, having reviewed the material and the process, concluded that the Mohawk council of Kanesatake "left no stone unturned in informing the Community of the...vote and the significance of the Agreement." As parliamentarians, I think that we should applaud them for their commitment to openness, equality and inclusiveness. We should respect the results of Kanesatake's democratic ratification process, however close the numbers, just as we would respect the results of any other democratic vote in this country.

[Translation]

Honourable senators, Bill S-24 represents an opportunity for the Mohawks of Kanesatake to return to their rightful place in our great society. The Kanesatake and Oka region is magnificent, offering its inhabitants a whole range of opportunities. However, sustainable economic development can occur only in a stable environment in which people know the laws and know they will be applied.

In settling disputes that have dragged on over several decades on the legal status of the lands and legislative powers of the Mohawks of Kanesatake, including their limits, Bill S-24 establishes the framework of such an environment. It will allow this community to turn its considerable energies and talents toward the future and will encourage its neighbours to join the Mohawks of Kanesatake in drawing on the region's enormous potential.

[English]

The mayor of the Municipality of Oka, Mr. Yvan Patry, spoke eloquently in favour of the bill before the Aboriginal Peoples Committee. He and his council have established a dialogue with the Mohawks of Kanesatake to address a wide range of issues of mutual interest to their respective constituencies. It is heartening and moving to think that Bill S-24 and the agreement it implements have provided the impetus for these two communities to come together in partnership. Both Mr. Patry and Grand Chief James Gabriel recalled the dark days of the Oka crisis in 1990, and both of them spoke movingly to the committee of their determination never to see such confrontation again.

Honourable senators, I would like to conclude by sharing with you my impressions of the vision that Grand Chief Gabriel expressed to the committee for his people. He evoked a future in which the Mohawks of Kanesatake mature as a democracy without losing sight of their traditional values and culture. In that vision, the community is open to new relationships with the world beyond while continuing to seek a just resolution of the grievances of the past. Above all, in the vision of Grand Chief Gabriel, we can look to a time when Kanesatake Mohawk children will grow up in a secure and prosperous community with all of the opportunities that they deserve.

It is an inspiring vision, and this bill will help to make it a reality. I urge you to join me in supporting it.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I should like to stress, as my colleague has just done, the very great importance of Bill S-24 for the Mohawk community of Kanesatake and for the people living in the Oka area. This bill is a step toward greater autonomy for Aboriginal Peoples, and, in this case, the Mohawks. It is a limited agreement, which illustrates very clearly the general change in attitude that has occurred country-wide on the native issue, which, unfortunately, has long been marked by indifference and by a lack of concern. This has given rise, in a number of regions in Canada where First Nations live, to crises that everyone regrets. We feel today with the implementation of this type of agreement, of which there are a growing number with the Government of Canada and very many provincial governments, that, with the support of the Canadian public and the determination of all of the First Nations, their rights and privileges are fully recognized within Canada. We see that progress is possible and that they clearly argue in favour of improved living conditions and greater aspirations for all Aboriginal Peoples.

Honourable senators, this agreement is necessarily limited with respect to territorial unity because a precise territorial demarcation was negotiated. Essentially, honourable senators will have understood that the Canadian government and the Mohawk nation concluded that there would be a certain number

of areas of governance that the Mohawks are obtaining for themselves in respect of this territory in order to give their community of Kanesatake the basic elements for taking control of their own future and of the future development of the community.

As Senator Fraser pointed out, one of the most interesting aspects of this agreement is the open-mindedness of the Aboriginal community, the Mohawk community, and the surrounding population; this must be reiterated and emphasized. Because of the Mayor of Oka's receptive attitude, the Mohawks will listen to and take into account the concerns of the mayor and of surrounding municipalities in any decisions they take for and by themselves concerning plans they have for their community. Although this is not included in the agreement, I am sure that, in their decisions, the municipal and local authorities in Oka will bear in mind the plans and ambitions of the Mohawk nation within the framework of this bill.

• (1450)

As has been noted, this bill is limited. It was the subject of intense discussions within the Mohawk nation, and the result of the referendum was extremely fragile. In many respects, this agreement falls outside the scope of the Indian Act. This legislation still exists. There is a desire to reach significant and practical agreements, which requires going beyond the Indian Act and, fortunately, Bill S-24 is designed to implement this agreement, as well as others signed in Canada.

Honourable senators, it bears repeating the importance that Canada's First Nations attach to the overhaul, or the repeal, it does not matter which, of the Indian Act so that Canada's Aboriginal Peoples know where they stand with respect to this legislation. They have made this point on many occasions. First Nations representatives across Canada do not want the federal government to act unilaterally. They want to be involved in the process when the federal government reviews the Indian Act.

At second reading, certain questions were raised concerning the statutes of Quebec. I have had some very worthwhile meetings with officials of Indian and Northern Affairs and have followed all the deliberations. The Government of Quebec, through its officials, has given full support to implementation of this agreement, which is important for the Mohawk people.

Despite ongoing concerns in the community, this agreement is absolutely essential for the Mohawk. Regardless of whatever reservations there may be, they must be given the chance to conclude this negotiation, which is aimed at one of the primary concerns of the Aboriginal Peoples: taking charge of their own destiny. This decision by the Mohawk community of Kanesatake is in line with the concerns of all Quebecers, since this territory is within Quebec. All Canadians support all of the efforts and all of the progress that are leading to the promotion and valorization of the so valuable presence and vitality the Aboriginal Peoples can bring to the Canadian identity.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Gill, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[English]

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey moved the second reading of Bill C-18, to amend the Federal-Provincial Fiscal Arrangements Act.

He said: Honourable senators, I am pleased to be able to make some comments on Bill C-18. The bill is relatively straightforward. It honours the Prime Minister's commitment to remove the equalization ceiling provision for 1999-2000. He gave the undertaking at his meeting with the first ministers last September.

The current equalization arrangement is set out in the Federal-Provincial Fiscal Arrangements Act. The program provided by Parliament in March 1999 covers the fiscal years between 1999-2000 and 2003-2004. The 1999 legislation established a ceiling for payments in any given year. The ceiling limits the total amount payable in any specific fiscal year to the seven provinces receiving equalization.

Here is how the ceiling works. The current equalization program, like its predecessor, runs for five years. The first year of the program, 1999-2000, was taken as the base year. The ceiling for that year was \$10 billion. The amount was set early in 1999 at a level that would allow for substantial yet affordable growth in equalization payments between the last year of the former arrangement and the first year of the new one. The starting point, then, for the annual calculations is \$10 billion.

For the four years after 1999-2000, the equalization ceiling will increase each year by the cumulative growth in nominal GDP. For example, if GDP grew by 8.4 per cent in 2000, then the ceiling for 2001, the most recent fiscal year, would be \$10.84 billion. The ceiling rises annually, assuming that the GDP rises.

Equalization is a fiscal transfer. Seven provinces receive payments under it, all except Alberta, British Columbia and Ontario. The three territories do not come within the plan. As honourable senators know, Parliament makes provision for their financial support by other means. Each of the so-called receiving provinces — Newfoundland and Labrador, Nova Scotia, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan — receives an amount calculated on the basis of its population. When taken together with its own standard yield revenue, this payment gives each individual province the same amount it would have received had its own sources generated

taxes equal to the average per capita revenue received by the five provinces that are the benchmark, and they are Ontario, British Columbia, Manitoba, Quebec and Saskatchewan.

In a phrase, equalization takes money that the Government of Canada has collected in taxes from every Canadian and uses it to ensure that every provincial government receives the same total revenues it would have earned at benchmarked tax yields had its own taxpayers been able to pay that much. In a simplistic but accurate description, it is a form of guaranteed annual income. Any province that taxes its residents at the average national tax rate is assured of per capita revenues equal to the average of the five provinces.

The ceiling is triggered when the total of the entitlements of the receiving provinces exceeds the ceiling amount for the year in question. The calculated entitlements are then reduced on an equal per capita basis for every one of the receiving provinces until the total amounts no longer exceed the ceiling. This is a straightforward and very effective way of limiting the amount that the Government of Canada will be required to pay as equalization in any one year. It ensures that starting from the base year, the year-over-year increase will be no greater than the growth of the economy.

A ceiling is not a new concept. It was first put in place in 1982 and has been triggered four times in the last 20 years. It is a real and present fiscal reality, one that is very much in the mind of finance ministers of every one of the receiving provinces.

This bill, then, is not complicated. It simply removes the ceiling for the fiscal year beginning on April 1, 1999. The effect of the change is quite straightforward. Removing the ceiling will allow the federal government to pay approximately \$792 million to the receiving provinces for 1999-2000 on an equal per capita basis. Based on the current fiscal estimates released on February 27, 2001, each receiving province will receive \$67 per capita. That means that each province will receive the following amounts: Newfoundland and Labrador, \$36 million; Prince Edward Island, \$10 million; Nova Scotia, \$62 million; New Brunswick, \$50 million; Quebec, \$489 million; Manitoba, \$76 million; and Saskatchewan, \$69 million.

• (1500)

Honourable senators, this is a very important piece of legislation and I ask for your support. The Prime Minister's decision to remove the equalization ceiling was an integral part of an agreement struck with the first ministers when they met last September. That agreement renewed health care, improved support for early childhood development programs and strengthened other social programs. The Government of Canada, as we know, committed \$23.4 billion to the action plan. This bill implements the other part of the Prime Minister's commitment. The September agreement was a significant step forward in the enhancement of the services that the Government of Canada and the individual provinces provide to our fellow Canadians. It was also a significant step forward in the evolution of relations between the provinces and the federal government.

The bill is a good one, but I cannot leave the issue there. Equalization is so much a part of the very warp and woof of Canada's federal structure, and so integral a part of the very fabric of our life as Canadians, that I must take the discussion further.

Honourable senators, the present equalization arrangements are innovative and they go a fair distance to satisfying the needs they are intended to meet, but they do not go far enough. The national interest demands that the plan be taken further. As good as it is, it is still not good enough. I acknowledge readily that the case I am about to put is one that will hold to be an argument in favour of the provinces, because it calls for an improvement and a refinement of the equalization program. Part of our role, as senators, is to speak for our regions and our provinces.

The changes I advocate will cost money, but I make three points in support of putting them forward now. First, the Government of Canada can afford to increase the amounts paid to individual provinces. Second, there are serious systemic flaws in the present program that must be addressed and corrected. Third, and most important, the interests of all Canadians, as well as those of the federal and provincial governments, demand that these problems be resolved.

I do not need to say much about the fiscal situation. Canadians responded strongly and readily to the leadership of the Prime Minister and the Minister of Finance and their colleagues on this issue. Our national finances were in a perilous state in the early part of the 1990s. Canadians tightened their belts and swallowed strong medicine. The result is that our country's finances are now strong once again and the Government of Canada can afford to spend the money needed to address the most pressing national priorities.

Honourable senators, it is the provinces that need help now. They, too, have tightened their belts and asked their taxpayers to swallow strong medicine. Many of them, however, are still in straitened fiscal circumstances. This comes to pass because of the huge, constant and continuous increase in the cost of providing health and education services that Canadians expect and demand.

Every province is struggling with these issues, including the wealthiest: Ontario, Alberta, and British Columbia. The burden lies heaviest on the seven provinces that receive equalization. They are the ones least able to bear these costs. It is not their governments who go short because of this problem, it is their citizens, and they are our fellow Canadians. They deserve help.

The systemic flaws in the present system are the second reason I advocate further changes in equalization. Every senator knows that our Constitution holds out the promise of equalization. It is found in section 36(2) of the Constitution Act, 1982, and here are the words:

Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

Honourable senators will note that the Constitution sets down two standards by which equalization payments are to be measured. First is the promise of sufficient revenues to the provincial governments. The sufficiency of those revenues is determined by comparing the levels of taxation levied by each province. That is reflected in the present equalization principle, which is based on filling the gap between each province's per capita tax yield and the tax yield of the five benchmark provinces. That satisfies the first of the Constitution requirements.

The second, however, is lacking. Section 36 promises that the provinces will be enabled to provide reasonably comparable levels of services. That is where the present equalization arrangements fall short. That is why they must be improved. To give you an example, a study done by federal finance officials in 1994 showed that Newfoundland and Labrador's per capita expenditure on primary and secondary education was 122 per cent of the national average. The provinces' schools are good, but no person will argue that they are 20 per cent better than the average across Canada. The extra money spent by the provincial government is the cost of trying to provide comparable education services to our people and, even then, in too many cases, the services are still not enough.

There is a straightforward and appropriate way to remedy this deficiency. All that is needed is a method to measure the quantity of services provided by each provincial government to the women, children and men who live within its borders. While it may be difficult to measure the quality of the services, it is certainly not beyond our ability as a nation to measure their quantity.

Does a child in Newfoundland and Labrador have access to the same education as a child in the benchmark provinces? Does a Canadian living in Nova Scotia, or Quebec or Saskatchewan who needs medical help receive comparable assistance as that provided to one living in Ontario or British Columbia? We can answer those questions, and we should do so. That done, we can go on to determine the cost of providing a reasonably comparable level of public services in each province. That is the amount the federal government should provide to the government of each equalization-receiving province. The precise amount to be paid for services to a particular province will be decided by the same methodology; one that compares each province's per capita tax yield at standard rates with the cost of providing comparable services at the comparable national level. The equalization of revenues will continue.

Honourable senators, this is a simple solution but it is not simplistic. It will carry the constitutional promise forward into reality. It will help to ensure that every Canadian, no matter where he or she lives, will receive reasonably comparable services in return for the payment of reasonably comparable taxes.

I must say a few words about the so-called clawbacks. This is a subject that is getting much attention in my province at the present time; particularly as we anticipate a number of major developments, not the least of which is one of the richest nickel mines in the world in Northern Labrador. It is also important in Nova Scotia, and in lesser measure to several other equalization-receiving provinces. The issue is an easy one to describe. The money a province earns from the development of its resources is deducted from its equalization entitlement because natural resource revenues, including royalties, are part of the equalized revenues.

I acknowledge that the present equalization formula contains special provisions that reduce the effect of the clawback of resource-generated revenues, including the special arrangements for Hibernia and other offshore projects. Every dollar that the Newfoundland and Labrador government receives in royalties from Hibernia, for example, reduces its equalization entitlement by 70 cents rather than the full dollar. However, that only lessens the sting, it does not remove it.

There are two good sides to the argument. On the one hand, the receiving provinces make the argument, and it is a good argument, that they are paying 70 cents on the dollar to the Government of Canada by means of reduced equalization receipts. That is well beyond the marginal rate paid by even those Canadians fortunate enough to be in the highest income tax brackets. As against that, there is the equally compelling argument that an individual's entitlement to public assistance must take into account any money he or she receives from the public chest — the greater the income, the lesser the assistance. Both arguments fail to address, however, the stark reality of the federal-provincial tax regime.

• (1510)

It is beyond argument that a hugely disproportionate share of the total tax revenues generated by any resource development end up in the federal coffers, rather than with the province that owns the resource. I will not take the time of the chamber to say why this is so, but more than 80 per cent of the total tax dollars generated by any project go to Ottawa rather than to the provinces. Eighty per cent of the total tax dollars generated by the development at Voisey's Bay will go to the federal government rather than to the province. That stark fact alone justifies a special arrangement in respect of resource revenues.

There is another equally compelling fact that must stand beside the first one: There must be a degree of certainty in government revenues, and public policy must encourage

[Senator Rompkey]

governments to plan ahead rather than to act solely in the short term. It is in the public interest to develop our resources efficiently and effectively. The provinces are primarily responsible for such developments both as the ultimate owners of these resources and because of the powers vested in the provincial legislatures by the constitutional division of powers.

At the very least, the proposed clawback should be adjusted to provide a phase-in of revenues from new developments. There is no magic about the 80 per cent clawback figure. It is just as logical to suggest that revenues should be clawed back over a 10- or 20-year period. Perhaps an additional 5 per cent of the revenue could be taken into the equalization balance each year after a grace period to allow these projects to recover their capital costs, as royalties really do not begin until then. That would give the provinces an opportunity to adjust their public finances. It would also give the poorer provinces, including mine, an opportunity to use new resource-based revenue to improve services rather than simply reduce their equalization payments. Such a course offers a reasonable compromise between two equally compelling arguments. That is the classic Canadian way to solve such dilemmas.

Equalization has been a central part of federal-provincial financial relations since 1957. Some wrongly describe equalization as being a means of transferring money from affluent provinces to the less affluent, but we should expose that for the fallacy that it is. Equalization is a program of the Parliament and Government of Canada. Every citizen of Canada, according to her or his means, pays for equalization. An affluent resident of Happy Valley-Goose Bay or Saskatoon makes the same contribution as does an equally affluent person living in Toronto, Calgary or Vancouver. Conversely, a less affluent Canadian living in Alberta or Ontario makes no greater contribution to the cost of the program than does a Nova Scotian or a New Brunswicker in the same economic circumstances. Equalization is a national program paid for by the Government of Canada using the money it raises by taxing every Canadian.

Equalization has commanded widespread support from provincial premiers including Earnest Manning, Peter Lougheed, John Robarts, Bill Davis, Mike Harris and Ralph Klein. Equalization has consistently had the strong support of every fair-minded Canadian.

The present arrangements run until 2004. I understand the Minister of Finance is prepared to look at other ways to achieve the goal of ensuring that every Canadian has access to reasonably comparable services while paying reasonably comparable taxes. There are ways in which additional financial assistance can legitimately be provided to provinces that need it without doing damage to the present equalization arrangements. I urge the minister to enter into discussions with his provincial colleagues about these alternatives. The disparities between and among the several provinces have become even greater, and the need to try to lessen those disparities increases in like measure.

The equalization program is a uniquely Canadian answer to a uniquely Canadian need. It works well. It has done much good, but it is not perfect. My plea today is that we move now and quickly to make it even better. In the meantime, I ask every member of this house to support Bill C-18.

Hon. Nicholas W. Taylor: Will Senator Rompkey entertain a question?

Senator Rompkey: Yes.

Senator Taylor: First, I congratulate Senator Rompkey on an excellent speech which speaks to the foundation of Canada and how we are put together a little better, I think, than what goes on south of the 49th parallel.

Senator Rompkey mentioned section 36 of the Constitution in regard to equalization. For my own information, when was that section included and has it been amended since that time?

Senator Rompkey: Honourable senators, section 36 is part of the Constitution Act, 1982. That particular provision has not been amended since that time.

Hon. Lowell Murray: Honourable senators, that was an extremely interesting speech from Senator Rompkey. As the sponsor of Bill C-18, Senator Rompkey outlined fully the provisions of the bill on behalf of the government. Senator Rompkey went on to advocate various changes that many of us believe are necessary.

Under the circumstances, since Senator Rompkey combined both an explanation of the government's bill with some advocacy of his own, I think it is fair to ask him where the government brief left off and the Rompkey brief began.

Senator Rompkey: Honourable senators, as I make my calculations, I think it was on page 23. Senator Murray is quite right; the first part of my intervention was an explanation of the bill itself, a simple bill to remove the ceiling. I said that equalization is good, but it is not perfect.

What honourable senators should be examining is where equalization is inadequate and how it might be improved. That is what we do in the Senate. We take legislation, ideas, policies or programs and examine them to see how they can be improved.

This bill should be passed, but we can use it as a vehicle to give full examination to the equalization program to see how it could be improved.

On motion of Senator Comeau, debate adjourned.

TOBACCO YOUTH PROTECTION BILL

THIRD READING

Hon. Colin Kenny moved the third reading of Bill S-15, to enable and assist the Canadian tobacco industry in attaining its

objective of preventing the use of tobacco products by young persons in Canada.—(*Honourable Senator Taylor*).

He said: Honourable senators, through Bills S-13 and S-20, Bill S-15 has had a long journey to get to this stage. I thank you for your patience and indulgence. I understand that those of you who have heard this speech before will accept a condensed version at this time.

I feel very strongly about Bill S-15. The purpose of this bill is to protect Canadian children from tobacco. It is to assist young people to stop smoking if they have already started, or to ensure that they do not start using this product.

• (1520)

Honourable senators, I have had a great deal of help in this process. As I look around the chamber, it is hard to find the face of a person who at one time or another did not help me one way or another. I see people who have helped with budgets. I see people who have given of their time. I see people who gave good advice and who had good ideas. I see people who encouraged me and said, "Don't quit." I want to thank all of you for that assistance.

Outside this chamber, there has been tremendous support for this measure from staff, voluntary organizations, members of the medical community, and from the country at large. I suspect that some of you may have received a letter or two. I know that I have. I think we know there is a large measure of public support and agreement for a measure such as this one — in fact, specifically for this measure. We have had that demonstrated to us in numerous ways.

Honourable senators, I should like to point out that we are losing 45,000 Canadians a year and that some 250,000 young people under the age of 18 are taking up smoking every year as we speak. Since I started on this legislation, that amounts to 1 million young kids who have been trapped by tobacco — 1 million!

Tobacco is the leading cause of preventable death in Canada. The 45,000 number I talked about compares with car accidents, which is in second place in terms of preventable deaths, including deaths caused by drunk driving, which total 4,000. By a factor of 10, smoking kills more Canadians than any other preventable cause.

It is expensive, not just in lives. The direct health costs are \$3 billion. The indirect costs, including lost time, fires and people who, for one reason or another because they have a tobacco-related disease, cannot go to work, is estimated by Statistics Canada to total in excess of \$7 billion. Thus, there is a total loss to the economy of \$10 billion per year.

One of the interesting things about comprehensive tobacco control programs like the one we are proposing in this bill is that there is a payback for them, and an important payback. The first payback is obvious. If you have a program that starts to work, you save lives and reduce sickness. That is the really important payback. However, if you are just interested in the dollars paid back, we have a study from California that shows that over the past eight years they have been able to reduce tobacco-related health costs by \$8.2 billion. While everything else has been going up, tobacco-related health costs have been going down in California.

For every dollar that California has spent on their tobacco control program, they have been able to demonstrate that they have saved \$3.62 in reduced health care costs on tobacco-related diseases. It is not a cost really, it is a profit centre. It only stands to reason. Why are we spending tiny amounts at the front end and huge amounts at the back end when we know that if we use some of the back-end money that we are spending to cure these people to the front, they will never get the disease, they will not go through all the suffering and we will save the money in the middle?

There really is a payback. It makes good fiscal sense to do this. What is happening right now in the country? I must tell honourable senators that the rate of smoking is going up, and it is serious. In 1990, the youth smoking rate was 21 per cent in Canada. The last time it was measured by Statistics Canada for Health Canada it was 28 per cent.

Two years ago, 80 per cent of the kids taking up smoking were starting before the age of 16. Last year, Health Canada reported that 80 per cent of kids are starting before the age of 14. They are starting at the ages of 9, 10, 11 and 12. We are talking about pre-teens. This is a bill about pre-teens. That is why it is so important. It is about the people we really want to protect.

From time to time, we hear the tobacco industry saying, "This is a question about freedom of choice. People are old enough to make up their own minds. They can decide for themselves." If you are an adult, you probably can decide for yourself. This bill does not address adults. It addresses people who are minors as defined by the Tobacco Act, those either 18 or 19 years old. The bill really focuses on our young kids — your children and your grandchildren, who are being made susceptible to tobacco every day.

Smuggling rears its head every time we talk about this issue. Smuggling comes up because we hear people say, "Oh gosh, if we raise the taxes on tobacco, we will have problems. We will see the smuggling that we saw in 1994. That will cause grief in Canada again. We will have lawlessness."

It just isn't true, honourable senators. Right now — and this is after the \$4 excise tax increase on the fifth of last month — a carton of cigarettes cost \$37.58 in Quebec or \$36.76 in Ontario.

[Senator Kenny]

The same carton of cigarettes in the contiguous states of Minnesota, Michigan, New York, Vermont, New Hampshire and Maine costs \$52.72, \$57.43, \$63.47, \$53.10, \$50.93 and \$58.71, respectively. In every one of these states, the cost of a carton of cigarettes is well more than \$10 more expensive than it is in Canada. If there is to be any smuggling, it will be from the North to the South, not from the South back up to the North.

There is some serious smuggling going on in Canada. It is going from East to West. We have real problems with cigarettes going from Quebec and Ontario into Western Canada. That is because the price in Alberta, for example, is \$42 per carton, while in B.C. it is \$50 per carton. These serious smuggling problems have nothing to do with this bill. That problem can be solved by provincial treasurers getting together with the Minister of Finance to harmonize tobacco taxes. I would like to dispel completely from the minds of honourable senators any worries they might have in relation to smuggling. It is simply not a problem and should not be a concern for us here.

Briefly, honourable senators, I will talk about a tobacco control program. This bill is based on the Atlanta Centers for Disease Control best practices for tobacco control, dated August 1999. The Atlanta centre studied all 50 states of the United States. It came up with a document that outlined the best practices they could find throughout the country. I am sure there is no one in this chamber, and there is certainly no one in any of the medical communities, and we have endorsements from every provincial medical association in the country, as well as from the CMA and the national associations representing dentists and nurses, who questions the Atlanta Centers for Disease Control as being the authority on public health. We have based this bill on that in many, many respects.

A comprehensive tobacco control program often gets confused by people. I am forever asked: "What is the silver bullet? Tell me the one thing that will get kids to stop smoking." It is a trap that we as politicians can fall into. I urge you not to look for a simple, one-shot solution. Kids do not have one-shot thinking processes. They are complex, just like everyone else. The secret of a comprehensive tobacco control program, which is working effectively in many states right now, is that messages are being sent to children from a series of different directions.

• (1530)

Often we get an analogy from witnesses where they talk about the landing at D-Day. One interesting witness described how there was no proper air cover at the Dieppe landing and there was not enough artillery. There was only an infantry group going up on to the beach to get slaughtered. He said that people learned some lessons there so that, on D-Day, the airforce was there, the artillery was there, the beaches were softened, the paratroops were dropped and the commandos came up the cliffs. Then the troops came in, in large enough numbers to really make it happen.

Introducing a measure in the right size is very important. A comprehensive tobacco control program means not just presenting it in the schools. Schools are important. The program must run in the schools, but not just in the schools. It must run in the schools, in the community centres, in the YMCAs. "Quick lines," cessation lines, must be available so people can get help over the telephone. Public information must be available to people via radio, television and the newspapers. The consistent and coordinated combination of these efforts done often enough — and that is very important — will make an impact on how kids think about tobacco and smoking, and things will slowly change. The program will work. It will be successful.

California has a terrific model, honourable senators. Canada, as I said, has a 28 per cent youth smoking rate. California has a 6.9 per cent youth smoking rate. Is that not a target we should be aiming for? Massachusetts has had a 24 per cent overall drop in youth smoking since 1996. Florida junior high-school students have dropped their level of smoking by 40 per cent in just the last two years.

With regard to spending, the Atlanta Centres for Disease Control recommends that Canada spend somewhere between Can. \$9 and \$22. We are currently spending 66 cents per capita. In this bill, we have selected \$12 per capita. It is in the bottom quartile, but it is not 66 cents. Vermont is spending \$22 per capita, Mississippi \$15 and Ohio \$33. We are not talking about outrageous numbers compared to some other jurisdictions. Twelve dollars is not out of the ballpark. It is a reasonable figure if we want to accomplish the same results that we are seeing in some American states.

We are doing it with a levy which, for industry purposes, works out to three-quarters of a cent per cigarette, or \$1.50 per carton. That adds up to \$360 million per year.

A levy is important, honourable senators. What is attractive about a levy is it provides stability because the funding will definitely be there. The biggest problem affecting the health community in past decades has been the erratic and undependable funding; they cannot plan from year to year. A levy gives them an element of predictability. This is a levy for industry purposes.

Why do we say that? We say that because the tobacco companies came to Parliament on several occasions and said that they wanted a vehicle similar to this one. In fact, two out of three manufacturers who produce 80 per cent of the product came before our committee and testified that they endorse the bill as written. Their newspaper ads stated that they are prepared to spend \$400 million in perpetuity to support this program. They will not have a seat on the board, nor will they amend one word in the bill. They will not have a chance to control anything. Their sole participation is to write a cheque on the fifteenth of each month and, if they fail to do so, they could go to jail and be fined.

Honourable senators, we have the tobacco industry on board with us. The industry is volunteering to pay for this program. I

should say that the industry is not really volunteering because we know that it will pass the cost through to smokers; there is no doubt about that. There is a certain logic in having smokers pay to help keep young people off of cigarettes in the future.

Honourable senators, dedicated levies work. They are politically popular. I get pushed back on the basis that this program is based on a dedicated source of funding. However, in all of my experience in dealing with the public, I have yet to go up to a door, knock on it and be told by a voter that one of the things that upsets him or her is dedicated taxes or dedicated funding. That has not happened once. I have been knocking on doors since 1968.

Actually, I hear people saying that they do not like sending money up to that big black hole in Ottawa called the Consolidated Revenue Fund; they do not know where the money is going. Folks like to put a loonie in the Coke machine and have a Coke come out. That is why people like this bill. They know where the money is coming from and they know where the money is going. From a procedural point of view, the money is coming from the tobacco companies and going directly to the foundation. It never goes through the Consolidated Revenue Fund.

Money bills deal solely with appropriations and supply. Bill S-15 does neither of these things. That is important to remember. We will hear a debate about that. If this bill passes through this house, I hope that we will hear a debate about that in the other place. This bill does not appropriate funds and is not a supply bill.

Very briefly, there is transparent decision making. There are rules to deal with conflict of interest. There is independent governance. There is a 5 per cent cap on administration. Ten per cent is set aside for evaluation.

Honourable senators, we do not evaluate projects in Canada. Health projects go on all the time without ever being properly evaluated. We doom ourselves to repeat the same mistakes over and over again. With this bill, there is a requirement that every project be evaluated by an evaluator appointed before the money is forwarded. Benchmarks allow us to see whether the bill is performing as it should. Transparency is important so that we know what fails and what succeeds. We can eliminate projects that are failing and encourage the ones that are succeeding.

There is an annual report to Parliament. There is an audit by the Auditor General. There is a five-year review by Parliament. The committee came to the conclusion that if in five years the case cannot be made that this program works, maybe folks should take another look at it. Maybe it should be tossed out. I believe it can work in five years. I believe it will work in five years. The provision for a five-year review should give people here and in the other place confidence that we are not just setting up a program to run in perpetuity without anyone keeping an eye on it. An annual report to Parliament and then a five-year review are both required elements.

Honourable senators, you have been more than patient, and I appreciate you being so attentive. I ask for your support of Bill S-15, the Tobacco Youth Protection Act.

• (1540)

Hon. John G. Bryden: Honourable senators, I had not planned to speak. However, I need to explain to some extent my outburst of the other day. The Speaker *pro tempore*, as often happens, indicated that the sponsor of the bill had moved the third reading. Perhaps because I am from the same province as the sponsor of the bill, the Speaker *pro tempore* indicated that Senator Bryden had seconded the third reading. I indicated, probably being out of order, that I was the least appropriate person to have been seconding it since I do not agree entirely with what has occurred in the history of this bill.

Someone said — Senator Taylor probably — that I must have shares in the tobacco company. That is not the point of my concern. I am opposed to smoking. I am opposed to tobacco. I had smoked at one time. I have a heart that carries the scars of having smoked for many years, although I did not start when I was particularly young.

I am probably not the only person in this chamber who might say, “I once smoked.” Indeed, I would guess that if we had a full complement of 105 people, and I asked for a show of hands how many of the senators once smoked, I should think that it would be a significant majority. If I were to ask my colleagues how many of them smoke today, believing that I know most of them, there probably would be a half a dozen.

It once was that an ashtray would be across from each chair at board meetings or cabinet meetings. Senator Lawson probably could not have negotiated a contract at one time if he did not have an ashtray full of butts.

Honourable senators, many people have changed their position regarding smoking. Many people have become educated. Many people have realized that smoking tobacco, cigarettes in particular, is a killer. It kills people.

I agree with that. That is a fact. That is the reason that I do not smoke any more. I stopped before it did kill me. There is no question, and I think we need to remember this, that human beings do learn. People who once smoked sometimes realize that it is in their best interest to stop. Many of us have done that.

Young people are vulnerable. Many young people who start smoking will have difficulty in stopping, and some of them may never stop. If we could save one life, then whatever we do to achieve that is worth doing.

[Senator Kenny]

My objection to Senator Kenny’s bill is not an objection to what he is attempting to accomplish. He is attempting to reduce the number of people who smoke and reduce the number of young people who begin smoking. My objection is that this bill is not properly before this house, in my opinion. That was my opinion for Bill S-13 and then Bill S-20 in the last Parliament, and it is now my opinion for Bill S-15. This bill is not properly before this chamber.

Bill S-15 is a tax bill, in my opinion. As such, it cannot properly be passed here. I have made this argument before. I made the mistake of not making it the last time when someone said that we had unanimous consent in support of the bill.

Honourable senators, I want to make it clear that I am concerned about the process. If it is a tax, it is a dedicated tax. There is a reason that we do not use dedicated taxes frequently, if at all, in a parliamentary democracy.

The terminology is that it is not a tax, it is a levy. I have much difficulty making the difference between Bill S-15, which will charge \$1.75 per carton, and the bill that was introduced from the other place today, which will charge \$2 per carton. One is called an excise tax; the other one is called a levy.

Each of those bills is addressing the currency of the land. Each of them drives up the price of a carton of cigarettes. Each of them will be used directly or indirectly for the public good, presumably.

That which is contained in this bill was rejected by the last Parliament in the other place on procedural grounds, for want of a better term. It was rejected because it was not proper that the bill came through the Senate to be presented to the House of Commons. There was an objection made and, without going into the details because I do not understand all of the details, the Speaker in the other place, even though our Speaker ruled differently, ruled that the bill was not a proper matter to have come from the Senate. As I recall, the basis of that decision was that it was a tax bill.

I understand that changes have been made that corrected the bill. I have gone through the bill and I have compared the taxing sections, or the levy sections. The House of Commons did not accept clause 35 of Bill S-20. I have compared that clause with clause 35 of this bill.

Honourable senators, I could find no significant difference that would make the House accept the bill this time, whereas it would not accept it last time. Although every one has institutional memory, the only possible difference between this bill and the previous bill being considered by the other place is that the Speaker and the Clerk are different. Maybe that is what makes it different. I do not know.

I wonder if people have thought about this from the point of view that it is a legitimate cause, as it is, to discourage young people from smoking and that it is the best method of serving that cause, then what other causes exist that are equally legitimate? Surely, the tobacco companies products could have a levy on them that would be paid to the Heart and Stroke Foundation. There is no question in any doctor's mind or in the position of the Heart and Stroke Foundation that all of the single causes of heart attacks and strokes, tobacco is probably the greatest cause that could be controlled in some fashion.

However, should not funds go to organizations working in the areas of breast cancer or prostate cancer? We know that tobacco contributes to those illnesses as well. Why not use a levy on cigarettes and other tobacco sticks to fund the research that is so badly needed in relation to those significant issues?

• (1550)

I believe that one of the reasons this approach is not taken is that in our parliamentary democracy we have developed over many years a process of government under which we prioritize significant issues. A government is elected on a platform of policies and from that it selects priorities. In order to fund those priorities, there is a budget. The budget is debated and approved or not approved by the Parliament of Canada. Then there is supply. Taxes are levied in a proper fashion by those responsible for doing so. Tax dollars, be they from tax on a pack of cigarettes or from tax on income, come from the voters' pockets. The funds are sourced in a general way and are spent on the priorities for which the government is ultimately responsible. Supply is debated and questioned in committees. The government is audited and ultimately held responsible by the people for choosing the right priorities and spending tax money wisely. Based on that, the people can decide whether the government deserves to continue in office.

Something new has been added, and that is that the tobacco companies now support this bill. They did not support Bill S-13 or Bill S-20, but they are supporting Bill S-15. When Bill S-13 and Bill S-20 were around, tobacco companies were still allowed to sponsor cultural and sports events. That right has since been removed by the government. There has been a dramatic change in the public relations approach of big tobacco companies in the last few years.

That shift is not because they do not want to sell any more cigarettes or to make a profit from people smoking. I am reminded of the phrase, "Beware of Greeks bearing gifts." Perhaps one small part of those gifts is that big tobacco companies are now publishing informative, glossy magazines on topics of interest to various segments of the population. These attractive magazines are distributed for free and are, of course, left lying around on coffee tables. It just happens that the words "du Maurier Corporation" show up in those magazines.

I do not really believe that big tobacco has decided that they do not want to sell cigarettes to Canadians of any age any more. I believe that we are seeing a shifting of the ground. I do not know where this is going, but I am very reluctant to be thought to be a part of it.

Senator Kenny, the sponsor of this bill, deserves a huge amount of credit. He has been a tireless and dogged promoter of his proposals, which proposals were first contained in Bill S-13, then in Bill S-20, and now in Bill S-15 that is being read for the third time today. Senator Kenny has raised the profile of this issue in the press, in the public and in government. In promoting his three bills over the last few years, he has travelled thousands of miles, given dozens of interviews and met and corresponded with many organizations and probably thousands of individuals. In promoting the position of his bills, he has incurred hundreds of thousands of dollars of expense.

Bill C-26, which was given first reading in the Senate today, may not exist if not for Bill S-15. Senator Kenny has single-handedly generated a huge amount of publicity and interest over the last number of years.

The Hon. the Speaker: I am sorry to interrupt Senator Bryden, and perhaps I should not be doing so. Our rules provide that the sponsor of a bill has 45 minutes, as has the senator speaking immediately thereafter. However, there has from time to time been a request by the opposition to interpret this rule as meaning that there are 45 minutes for the sponsor of the bill and 45 minutes for the first speaker on the other side.

I rise now anticipating that the chamber may wish to observe that custom. Senator Kinsella may wish to comment on this. I do not know whether anyone on the other side wishes to speak. This is a bit of an unusual situation in that this is a private member's bill.

I rise to make that observation. I apologize for interrupting the comments of Senator Bryden. I could interpret the rules to mean that Senator Bryden may speak for 45 minutes, but to preserve the ability for a senator on the other side to speak for 45 minutes as well, perhaps I could simply ask for leave for Senator Bryden continue.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: That solves the problem.

Hon. Marcel Prud'homme: His Honour has raised a very important issue and I am very pleased that he did. Surely the spirit of the rule is that the first speaker, in this case Senator Kenny, may speak for 45 minutes. However, it must be mentioned in today's debates that the spirit of the rule, both here and in the other place, is not that another member from the same side may speak for 45 minutes as well.

• (1600)

The spirit of the rule exists so that someone from the other side may participate. I will not participate except in the discussion on the rules. For the future, we must protect the spirit that gave birth to the rule that the first speaker has 45 minutes and the first speaker from the other side also has 45 minutes

I do not object to giving more time to the honourable senator, but I believe that the spirit should be followed. The rule was written so that senators from both sides of the house could have equal time; otherwise, it makes no sense. It would be like saying that the first two speakers that rise will have 45 minutes.

Honourable senators, I am in the hands of the government and the opposition, if they have an opinion to add to my comments. However, I am concerned that we might set a precedent today. In the future, someone could quote to the house that it was let go on this date and no one spoke. Accordingly, that is the way it will be.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I concur with Senator Prud'homme's analysis, but in this instance we yielded to Senator Bryden. He is doing a marvellous job.

Senator Bryden: Honourable senators, there is a fundamental flaw in the process. This is not a criticism of the sponsor of the bill, Senator Kenny. He used the devices that are available. I just do not believe that this is a proper one. I wish to use this as an example.

I dare say that there are many senators who have an issue that they deem to be of overriding importance in respect of our society. As examples of that, child poverty is extremely important to me and child prostitution is of overpowering importance to Senator Pearson. Narcotic addiction is another important issue to many because it ruins so many lives.

Those issues are no more — except perhaps in our minds — legitimate than Senator Kenny's stance on the issue of young people and smoking. That is a legitimate concern.

My only problem, honourable senators, is whether we should introduce such a bill in this place, because it levies charges from a source, just so that we might address this kind of issue.

I do not believe that we should for we could end up with chaos. Our system of parliamentary democracy and responsible government has developed into what we have today. Sometimes it moves too slowly and sometimes too quickly, but the system continually evolves. It gets tweaked every once in a while, and thereby keeps us all within our boundaries. In fact, we would all head in different directions on the important issues if we did not have such a system. From where does the accountability come?

Honourable senators, I am aware that this is an inappropriate time for me to raise this matter. I should have raised it at second

[Senator Prud'homme]

reading, or in committee. The fact of the matter is, I do not expect that what I have said this afternoon will have any effect on what I believe is the will of most of the people in the chamber, that this bill pass and be sent to the House of Commons.

Honourable senators, I know many of you do not agree with me and I would not expect you to. However, it is necessary to enter this point into the record, as the bill goes through the Senate. That is my intention. The last time this came through the chamber, I fired my shot at second reading and yet it was passed at third reading. I did not happen to be at the meeting where everyone was asked if they were favourable to this legislation. I did not want that to happen this time.

If not this time, then perhaps the next time there is an important issue that we wish to address, we may choose to address it from a different angle, for example, by putting pressure on government through inquiries.

Senator Kenny: Would the honourable senator accept questions?

Senator Bryden: Yes.

Senator Kenny: I appreciated the honourable senator's remarks and the points made. Was the honourable senator aware that all of the points he made had been made in this chamber during the course of the previous bill to the previous Speaker, and that he had ruled in favour of the bill?

Senator Bryden: Could the honourable senator please repeat the last part of the question?

Senator Kenny: I was asking if the honourable senator was aware that each of the points that he just made so eloquently had already been made to the previous Speaker, Senator Molgat, and that he had ruled that the bill was in order?

Senator Bryden: Yes, I am aware of that, honourable senators, and I am not saying that this Speaker would reverse that ruling. I am saying that when the bill went somewhere else, it was ruled out of order for the reasons that I have suggested. I am not asking for further reasons. This chamber can do with the ruling by the former Speaker as it wishes. It is properly here, and we can pass it, reject it or amend it.

Senator Kenny: If I may, is the honourable senator aware of the principal reason that the Speaker in the other place gave for the objection to the bill?

Senator Bryden: Perhaps the honourable senator could remind me.

Senator Kenny: Honourable senators, if I could paraphrase, the Speaker of the other place said that, in his view, common sense should prevail, and that he could not understand how this could be a levy for industry purposes, if the sole purpose of the foundation was to destroy the industry's future market.

The parts that the honourable senator referred to in the bill, that he suggested were not changed, were not the relevant parts. The relevant parts are Part IV and the preamble. Those parts remind the Speaker in the other place of the different times that the industry has come to Parliament to request a bill of this nature. It is clear that the Speaker in the other place was not aware of that when he made the ruling; consequently, it was included in Bill S-15. I am hopeful that, this time, that fact will not be overlooked.

Senator Bryden: Honourable senators, I am aware that provisions had been added to this bill and have read about the changes in respect of the uses for the money. I realized then what the honourable senator had indicated: Why would the industry do something that would ultimately reduce their income?

Honourable senators, although the words are different and the paragraphs are different, I still cannot accept the idea that what is being done by the industry is in their best interest, in consideration of the term "levy." It may be in their best interest now, since they have changed their position. No matter how you frame it, it is difficult for me to find that by taxing the industry — by driving the price of a carton of cigarettes up by \$2 in this bill and by \$1.75 in the new health bill — it will, somehow, in the long run, increase their profits. I realize that the honourable senator made some changes in Bill S-15.

• (1610)

Senator Kenny: Honourable senators, if I may address another question, is Senator Bryden familiar with the Copyright Act of 1997 where a levy that is virtually identical to this levy was introduced without a ways and means motion?

Senator Bryden: I think I am aware of it in that I read about it in the press the way most people do. I was not involved in that particular issue in Parliament.

Senator Kenny: Is the honourable senator aware that that levy, which was introduced without a ways and means motion, as well as an oil spills levy in the mid-1980s, which was also introduced without a ways and means motion, were found to be in order by the Speaker in the other place?

Senator Bryden: I believe that I was aware of that fact.

Since the honourable senator is conducting a cross-examination, I will do what I would do if I were in court being cross-examined. I would say that I should like to see the details of each one of those cases. I would be very surprised if they are absolutely, directly parallel with the matter before us.

Hon. Lowell Murray: Honourable senators, I was the Chairman of the Standing Senate Committee on Social Affairs, Science and Technology which approved unanimously, without any dissenting votes, a predecessor bill sponsored by Senator

Kenny. I had some reservations at the time about the bill but did not express them. I had the perfect right to do so but felt that as chairman I should not intervene in the debate. That is a matter of some slight embarrassment to me today.

I will now add considerably to the embarrassment and discomfiture of Senator Bryden by telling him that I agree with his position in particular regard to the dedicated tax. I am not a sufficient procedural expert to be able to make an expert judgment on the procedural question of whether it is proper that this bill originate in the Senate. If Senator Bryden and I are right that this is a dedicated tax, then it should not originate here. Wherever it originates, I have considerable difficulty with the principle of a dedicated tax, and I believe Senator Bryden also does.

As a third cause for embarrassment, I do not often agree with the Department of Finance. In this case, I believe their position is sound in principle.

I wanted to make those comments, honourable senators, because I admire Senator Bryden for having braved the considerable majority that I think exists in this place in favour of the bill. He probably thought he was in a minority of one. I simply rise to assure him that he is in a minority of two.

Senator Bryden: We stand back to back.

Hon. Nicholas W. Taylor: Honourable senators, I was Chairman of the Standing Senate Committee on Energy, the Environment and Natural Resources that held hearings on this matter. We held hearings in Vancouver, Calgary, Edmonton, Toronto and Montreal. Outside the committee, a subcommittee held hearings in St. John's and Halifax.

By the way, honourable senators, I was not the one who mentioned that Senator Bryden might have had tobacco shares. I did not think he was that rich. Someone else might have.

Why a new foundation? In committee hearings, a number of people suggested that if we were to set up a foundation, they would be glad to spend the money for us. We thought an independent foundation was the best way to proceed.

I come from a provincial legislature and from the West where dedicated taxes are very much part of the whole populace movement. Westerners have a great fear of giving any politicians a dollar and telling them to spend it where they see fit. Dedicated taxes are very much a part of the populace movement.

The country cannot be run on dedicated taxes, but I was in the opposition for years and years and therefore wanted all taxes dedicated so I would have a say in them. When you are in the government, you do not want any dedicated taxes because you like to be able to ride roughshod over the landscape and spend it where you want.

Why do tobacco companies support this bill? The committee could not find that out either. We went back and forth. We heard different reasons. One group thought that supporting the bill makes smoking sound like an adult pleasure and that therefore the juniors will all want to smoke. That was the suspicious point of view. Another one thought that tobacco companies support the measure because they feel it will not get anywhere and that Senator Bryden's and Senator Murray's idea will rule the day. The companies feel that the bill will be thrown out, but they want to be on the side of the angels. If it were to be thrown out, they could say they supported it. If it passed, they could say they supported it. Either way, I am passing on opinions.

I am the chairman of a large committee. We have had up to 12 senators attend at different hearings. It was unanimous that something had to be done and that it had to be done with a large amount of money. You cannot get by with just a dollar. It is like putting air in a tire. If you only put in five pounds and the tire should have 20, you will end up in as bad shape as if you had no air in there at all. We wanted to have a large amount of money, and that notion appears to be supported by many American states.

The committee also heard a concern that this approach may not be right and that we might be embarrassed. Well, to hell with that noise. Anyone in the Senate should be able to bring forward any kind of bill they want. It will be debated and either passed or rejected. We should not pass Bill S-15 or reject it because we think someone way back somewhere will pull out a bible or a book and say that we are not right. In other words, honourable senators, if you feel this is the right thing to do, vote in favour of the bill. If you do not think it is the right thing to do, vote against the bill. However, if you feel it is the right thing to do, you should not be worried that somewhere down the line the bill will be thrown out.

That is all I have to say.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Kroft, that Bill S-15 be read the third time now.

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

Hon. Senators: Agreed

Motion agreed to and bill read third time and passed.

• (1620)

NATIONAL HORSE OF CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Lowell Murray moved the second reading of Bill S-22, to provide for the recognition of the *Canadien* Horse as the national horse of Canada.

He said: Honourable senators, I can assure colleagues that this is not a money bill. There is no expenditure of funds involved

[Senator Taylor]

and it is entirely proper that it originate in the Senate. I intend to make a few introductory remarks on this matter at the moment and then, with your indulgence, I would propose the adjournment of the debate and complete my remarks at a later date.

Let me begin by saying that the subject matter of this bill is of interest to a considerable number of people in rural Ontario, where I live, specifically in Lanark County. In Pakenham, where I reside, there are people who are active members of the Canadien Horse Breeders of Ontario. One of our parliamentary colleagues, who also hails from another part of rural Ontario, Mr. Murray Calder, MP, the member for Dufferin—Peel—Wellington—Grey, has a bill before the House of Commons at the present time that, in all important respects, is identical to this one.

Mr. Calder also has a bill in the other place that is similar if not identical to the proposals made by Senator Milne with regard to the secrecy of personal information collected in the course of national census. I want to insist that while I support his initiative for the recognition of the Canadien Horse, I emphatically do not support his initiative to open up personal information collected in the course of census. Anyway, Mr. Calder's bill for the recognition of the Canadien Horse as the national horse of Canada is Bill C-311, for your future reference.

Honourable senators, I would not claim for a moment that interest in this matter and knowledge of it is limited to rural Ontario. Indeed, one of the strongest supporters of this bill — I regret that the honourable senator is not in her seat at this moment — is Senator Fairbairn, whom I hope and expect will be speaking to this bill. As an Albertan, the Honourable Senator Fairbairn is well aware of the role that this animal has played in the development of Western Canada, as well as of the Maritimes and Ontario. I look forward to hearing from the honourable senator on that matter. I had hoped that she might second the motion for second reading today, but perhaps we can leave that until third reading.

Honourable senators, the symbolism is important, but the occasion of this debate and I hope of passage of this bill will also let us focus on the need to maintain the standards of this breed. This preoccupation with standards of the breed is not a new concern for Parliament. It was the subject of a parliamentary discussion in Sir Wilfrid Laurier's day. I have here a March 1909 transcript of the meeting of the Select Standing Committee of the House of Commons on Agriculture and Colonization that dealt with this matter, with the concern that the standards be not diluted in any way. When I resume my speech a bit later, I shall refer to this.

Finally, by way of introduction today, I may say that this issue, like almost every other issue that comes before us, has a federal-provincial component. There has been quite a movement afoot in Quebec to declare this horse as the horse of Quebec. There was a debate on this matter in the National Assembly a while ago; however, I have not taken the time to see with what result.

Let me say that I have no objection whatsoever to Quebec declaring this horse as their equine symbol, if that is what they desire. It is just another thing that Quebec has in common with the rest of the country. However, I do insist that from the very beginning the horse was known as the Canadien Horse. Later, in English, at the parliamentary committee at the turn of the 20th century it was referred to as the French Canadian Horse. Today, it is known again as the Canadien Horse and the breed is the Canadien Breed. Whatever action may have been taken by the National Assembly of Quebec, or whatever its wishes may be in this regard, there is nothing to prevent us from doing what I think we ought to do, which is to recognize this horse as the national horse of Canada.

With those few introductory remarks, honourable senators, now that you know some of the subjects that I will be dealing with at a later date and will have an opportunity to reflect on in the meantime, I will propose the adjournment of the debate.

On motion of Senator Murray, debate adjourned.

FISHERIES

BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Fisheries (budget—study on the fishing industry) presented in the Senate on May 10, 2001.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: I move the adoption of this report.

The Hon. the Speaker: It is your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees—legislation) presented in the Senate on May 10, 2001.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft: I move the adoption of this report.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I should like to make it clear that the report is the Report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of

certain committees—legislation). Were these the budgets approved by the subcommittee after the standing committees requested budgets, which subsequently received approval by the Committee on Internal Economy, Budgets and Administration?

[*English*]

Senator Kroft: That is correct.

The Hon. the Speaker: It is your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (pay scale and terms of employment for unrepresented employees) presented in the Senate on May 10, 2001.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft: I move the adoption of this report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

• (1630)

UNITED STATES NATIONAL MISSILE DEFENCE SYSTEM

MOTION RECOMMENDING THAT THE GOVERNMENT NOT SUPPORT DEVELOPMENT—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Finestone, P.C.:

That the Senate of Canada recommends that the Government of Canada avoid involvement and support for the development of a National Missile Defence (NMD) system that would run counter to the legal obligations enshrined in the Anti-Ballistic Missile Treaty, which has been a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation for almost thirty years;

And on the motion in amendment of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Bacon, that the subject matter of this motion be referred to the Standing Senate Committee on Defence and Security for study and report back to the Senate.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to make a few comments at this stage. What is before us now, if I understand correctly, is an amendment to the motion of Senator Roche. The motion in amendment brought by Senator Finestone is that the subject matter of Senator Roche's motion be referred to the Standing Senate Committee on Defence and Security for study and to report back to the Senate. I am speaking on the amendment. I take it that I will then have a chance to speak on the main motion to which I had taken the adjournment originally.

Honourable senators, as we all know, today in Ottawa officials from the United States are briefing officials in Canada on the National Missile Defence proposal that is being developed by our friends in the United States.

It has been reported that the Government of Canada is not too sure what the proposal is. The Prime Minister is quoted as saying that he is keeping an open mind toward NMD, but no position has been taken by the Government of Canada.

The Prime Minister was interviewed on this matter as recently as a day ago when he was visiting Atlanta, Georgia, and said that Canadian officials are gathering information. We do seem to have a slippage of position from what the Government of Canada's position originally was, as articulated by the former Minister of Foreign Affairs, Lloyd Axworthy. He opposed such a missile defence system. I think that the policy as articulated by the Prime Minister as recently as yesterday is the prudent one. We should learn more about this proposed system.

The question is this: What would be the best forum in which we in the Senate would be able to make an assessment? Would it be, as Senator Finestone is suggesting, our newly created Standing Senate Committee on Defence and Security or would it be our Standing Senate Committee on Foreign Affairs? We know the terms of reference of both committees, but the Foreign Affairs Committee has a long history of studying issues with specific orders of reference given by the Senate. No order of reference has been given to the new Standing Senate Committee on Defence and Security. I am not sure, on that basis, whether that would be the appropriate committee. There are a number of questions we must answer before we will be in a position to know to which committee would be the most appropriate to refer this matter.

I did not wish to be silent today for fear that it might be interpreted by the officials who are visiting Ottawa today that there is not a serious degree of interest in this issue in the Senate of Canada as far as the opposition is concerned. However, we do

wish to be methodical in our analysis of this matter and in the manner in which we go about such a study.

Hon. Sheila Finestone: Honourable senators, I suggest to the Honourable Senator Kinsella that the responsibility of the Standing Senate Committee on Defence and Security extends beyond the strict definitions of "defence" in the general understanding of the term.

In regard to this missile defence system, a tremendous amount of science and technology is involved, as well as research and development. I am uncomfortable with the undertaking and I do not know if it is realistic. I suggested that we need an ongoing dialogue. I was not sure where that dialogue should take place, but it could well sit under the Defence Committee or the Foreign Affairs Committee.

As the new chairman of the Defence Committee has just been named, and as the chairman of the Foreign Affairs Committee was not available, I chose the Defence Committee. If that is a problem, perhaps we could discuss it. However, what is most important is that we have a dialogue. We need to know where Canada stands, where it would be involved, if it is involved, and the implications if Canada were to walk away from such a plan completely.

I would agree with the Prime Minister that destroying the mass of nuclear weapons is a wonderful and important move toward security and peace on earth.

The Hon. the Speaker: I take it that is a comment, which is permitted. Senator Finestone had spoken before.

Senator Finestone: I meant it as a question.

The Hon. the Speaker: It is a comment on Senator Kinsella's time. He is entitled to respond, if he wishes.

Senator Finestone: It was a comment, honourable senators. It does not matter to which committee this matter is referred as long as the issue is studied.

Hon. Marcel Prud'homme: Honourable senators, I rise to add my comments to those of Honourable Senator Kinsella and Honourable Senator Finestone.

I was about to become a parliamentarian when some very important American visitors came to Ottawa around 1962. These influential visitors from the United States of America met with the Right Honourable Mr. Pearson and his staff on another issue when I was nearing the end of my studies. Following this visit, honourable senators may recall that in 1963, Canada accepted the placement of nuclear arms.

When I see important visitors from the United States, friendly as they may be, on a matter that is subject to long discussion, I immediately return to the old days where similar visits took place that led us to accept nuclear arms in Canada.

I do not wish to go into that today, but honourable senators will remember that we accepted nuclear arms in order to negotiate them out. That was the way the Liberals decided to handle the situation in 1962. That was the subject of the election in 1963. The Right Honourable Pierre Elliott Trudeau wrote a famous article calling the Right Honourable Lester Pearson “un défroqué de la paix.”

The Senate should be the ideal place where no demagoguery takes place. As both of our colleagues have expressed, the question now is: Where would we best study this matter?

Senator Finestone raised this issue first, seconded by Senator Roche. Senator Kinsella now joins with Senator Finestone in asking which committee would be best. This matter should be sent to a committee. I have no objection to this matter being referred to either the Foreign Affairs Committee or the Defence and Security Committee. I would go to either committee.

For 14 years I was Chairman of the Foreign Affairs Committee in the House of Commons and had no problems. I will certainly attend these meetings because they are of great interest for the future. In no way, shape or form is this an anti-American gesture. We are participating in an important worldwide issue.

• (1640)

I will not participate further in the debate on either the amendment or the main motion. Nevertheless, I certainly believe this measure should be sent to a committee, either the one proposed by Senator Finestone or the Foreign Affairs Committee.

It is all very well for the Foreign Affairs Committee to conduct long studies on such matters. I am reminded of when the committee studied the importance of the Asia-Pacific region for Canada. While the committee was conducting that study, Asia collapsed. Do honourable senators remember that?

I like committees to have long-run studies and short-run studies. This one should be a quick and intensive study. If this matter is referred to the Foreign Affairs Committee, the committee could continue with its study of Ukraine and Russia at the same time as studying this matter.

If I were asked for my opinion, I would say that it should go to Senator Rompkey's committee, since it is a new committee. Honourable senators will notice that I did not raise any objections to the formation of new committees, although I am not a member of this new committee.

I thank Senator Finestone for having raised this amendment, as well as Senator Kinsella for having helped us in our reflections.

Senator Kinsella: I thank honourable senators for their comments on my intervention.

It seems to me that what has been said helps to underscore the serious question we have before us. Are we more concerned with the strategic military armament dimension? If that were the focus, then, perhaps, the new Senate Committee on Defence and Security would be the more appropriate committee.

However, if our concern is more with international relations and, in particular, with the international Anti-Ballistic Missile Treaty, these are issues that, in my view, fall very clearly under the auspices of the Standing Senate Committee on Foreign Affairs. The dimensions of this matter are more in terms of international comity and international peace. This speaks directly to the development of government policy in dealing with this issue, which is very much an international issue. As I have been following the debate as a layperson, many countries seem to be waiting for the other country's move. Russia is waiting to see what this means. To that extent, it seems to fall very much under the rubric of international relations.

Perhaps, honourable senators, it would be helpful if we had a view from the leadership of the government in the Senate as to which committee the government feels would be most appropriate, as well as the terms of reference that we would like the Senate to give whatever committee the matter is referred to.

With all due respect to the motion, I do not think that as currently written it provides a very good, clear, crisp statement of the order of reference that we would give to that committee on such a terribly important issue.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, since Senator Kinsella is asking the government for more details on the amendment, I call for the debate to be adjourned. I agree with all the honourable senators that this is a very important matter. It is a topical issue, and all the more important because a delegation will be coming this week to tell us what the program in question ought to be like.

[English]

Senator Prud'homme: Honourable senators, might I add a comment?

The Hon. the Speaker: Honourable senators, I was listening to Senator Robichaud. One wants to interpret the rules so as to have as much freedom as possible for exchange in debate. We have a motion, which is not a debatable motion, by Senator Robichaud to adjourn the debate. However, Senator Prud'homme is most anxious to make a comment, I assume, on this motion.

Is leave granted, honourable senators, so that Senator Prud'homme can make a comment?

Hon. Senators: Agreed.

Senator Prud'homme: I thank honourable senators. I am pleased that the Deputy Leader of the Government said that we will have visitors this week. That will give us a chance to prepare the minds of honourable senators to the fact that there will be a very important delegation of 10 Russians from the Duma coming to Ottawa on an official visit on May 28 and 29. They will be presided over by the Speaker. In fact, they will be the guests of both Speakers. There will be a meeting of the Canada-Russia association, at which time it would be ideal to start asking questions.

On motion of Senator Robichaud, debate adjourned.

STATUS OF LEGAL AID PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance, for both criminal and civil matters.—(*Honourable Senator Hubley*).

Hon. Joan Cook: Honourable senators, I rise today to continue debate on the motion of the Honourable Senator Callbeck concerning legal aid in Canada. Primarily, I will address my remarks on the subject of legal aid in Newfoundland and Labrador as it relates to gender matters.

Legal aid is a provincially administered program, although partially federally funded. Presently, the Legal Aid Commission does not have a policy manual or, indeed, a clear statement of policy. Unwritten policies are understood and implemented differently by individual staff at various offices. This practice causes an inconsistency of service and confusion over exactly what services do exist. It also causes concern among service users and animosity toward individual staff members.

Generally, legal aid will not represent people on child support issues but will on access. Issues of child support relate largely to a woman's need. Access is largely a man's need. Legal aid will not represent a woman who wants to secure a peace bond to help protect herself from her abuser. However, legal aid will provide a lawyer for the abuser to defend himself on criminal charges of spousal abuse.

Legal aid primarily assists people charged with indictable offences. Women are seldom charged with indictable offences. Eighty per cent of women before the courts are one-time offenders, usually charged with a minor offence such as shoplifting. These offences are usually summary conviction offences, and legal aid does not provide representation on

summary conviction offences, except in outstanding circumstances.

Honourable senators, access to the legal aid system is crucial to the enforcement of legal rights. To state the obvious, rights by themselves mean little. It is the ability to enforce them that counts.

• (1650)

In our Canadian legal system, the ability to enforce legal rights usually means being able to hire a lawyer. Women constitute a greater percentage of poor people and therefore have greater need than do men for poverty law services; yet the majority of legal aid clients are male.

Honourable senators, the issues before the court are very different now than they were 30 years ago when legal aid services became available in Newfoundland and Labrador, and legal aid policies and programs have to be adjusted to meet today's legal needs. For instance, family legal aid is becoming increasingly in demand and is required to assist those without resources to leave their marital relationships without compromising their legal rights. While the law permits women to leave abusive relationships or other relationships and the law speaks to their rights in leaving, they have to have access to the law to help them shape the terms of their leaving. However, a person who is trying to leave an abusive situation is less likely to get assistance from legal aid than an abuser is to get legal aid to defend them on criminal charges.

Honourable senators, legal aid will not provide a lawyer to help a person secure child support. Child support is largely a woman's need. Legal aid will provide a lawyer to help a person secure access to their children; access is largely a man's need.

When determining the goals of legal aid, policy-makers should keep in mind that both levels of government have made strong commitments to improving equity and equality. If legal aid policy-makers accept government's leadership, the goals and outcomes for the Legal Aid Program will have to be expanded and clearly articulated to include an acknowledgement of women's legal needs.

Honourable senators, a realignment of legal aid can also result in benefits for men. Gender-based analysis can identify ways in which unquestioned assumptions and values in our laws and policies limit men's choices as well. Some of the disadvantages that women experience are shared by men, and many of the issues that society terms women's issues are, in fact, family, community and society issues. For these reasons, laws and policies that explicitly take women's needs and priorities into account will better meet the needs and concerns of both women and men and result in a better system for us all.

On motion of Senator Hubley, debate adjourned.

[Translation]

NATIONAL DEFENCE

QUALITY OF FAMILY LIFE IN THE MILITARY— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of Senator Cohen, calling the attention of the Senate to the quality of life of the military family and how that quality of life is affected by government actions and by Canadian Forces policy.—(*Honourable Senator Pépin*).

Hon. Lucie Pépin: Honourable senators, on April 3, Senator Cohen tabled a report entitled “Unsung Heroes: A Quality-of-Life Perspective on Canada’s Military Families.”

We will recall that this report is the product of a study she made at the Canadian Forces base at Gagetown, New Brunswick. The study was made possible through the cooperation of the wives of the military, officers and soldiers.

During her remarks preceding the tabling of this document, Senator Cohen spoke to us of the need to take action that will enable the members of Canada’s Armed Forces and their families to enjoy better living conditions. We thank the senator for drawing our attention to this vital question of quality of life in the large community of the Canadian Forces. This is something very closely linked to the revitalization of the morale of our troops.

While it is risky to draw generalizations from the results of this study for the whole of the army, I still share all of Senator Cohen’s concerns. Although the Canadian Forces are successful on such issues as the integration of women into the military, they must also meet equally important challenges related to quality of life and the well-being of the military and their families.

It must be recognized that the Canadian Armed Forces have worked to correct certain situations, but they still have several challenges to face. I am told that many things are being put in place to improve the quality of life of Canadian Armed Forces members and their families.

Since 1999, a number of recommendations on the quality of family life in the military were successfully implemented. Moreover, in the “2000-2001 Report on Plans and Priorities,” the Minister of National Defence reiterated his commitment to finish implementing the recommendations made by the Standing Committee on National Defence and Veterans Affairs. We are encouraging them to continue in that direction.

I agree with Senator Cohen that the budget cuts made by the government to reduce the deficit did not help the Canadian Armed Forces to improve their situation. However, this tough economic period seems to be gradually going away. In 1999 and

2000, the government proceeded with two budget increases. Last year, the Department of National Defence received \$175 million for initiatives relating to the quality of life of military personnel.

This new money gave the Canadian Armed Forces some reprieve and allowed them to refocus on their main objectives, including the improvement of the quality of life of its members and their families.

Today, I should like to discuss some of the issues raised by Senator Cohen. I certainly do not intend to distance myself from the comments made by my colleague, who is asking Parliament and the federal government to find ways to improve the quality of life of Canadian military families. Rather, I want to clarify some points, so that the situation in Gagetown does not lead us to make generalizations.

As Senator Cohen mentioned in May 2000, the Muriel McQueen Fergusson Centre at the University of New Brunswick and Research and Education for Solutions to Violence and Abuse, a research centre at the University of Manitoba, looked at the issue of family violence among military families. This research team, led by Professor Harrison, came to the conclusion that violence against women was a serious problem within Canadian society and that this was also the case within the Canadian Forces community. In an attempt to correct the situation, 51 recommendations were made to Canadian Armed Forces authorities. These recommendations take into account the specific nature of the military environment.

I support these recommendations personally because I feel that violent and abusive treatment of spouses and their children represents an extremely serious problem.

This information on violence concerned me immediately. After getting in touch with the Canadian Armed Forces, I noted that they were not sitting back and doing nothing with respect to this important issue. After making some adjustments, they were very receptive to the recommendations made by Professor Harrison’s task force. These recommendations were incorporated into an action plan on family violence and Mrs. Harrison and military leaders met in the context of a committee formed to eliminate this problem. Follow-up meetings with Mrs. Harrison are planned.

A bilingual brochure about this problem was published in December 2000 by the Director, Military Family Services, in cooperation with Health Canada and with the support of the Canadian Forces Quality of Life Project Team. Note that this educational tool, 40,000 copies of which were distributed free of charge, was well received by the military and civilian communities.

Recently, I was appointed by the Department of National Defence to help prepare an action plan to address the problem of family violence in the Canadian Armed Forces. I undertook to meet with the wives of soldiers and their spouses and to pay sporadic visits in order to note any changes and areas for improvement.

We are not unaware that members of Canada's Armed Forces face a special situation because of their military service. Enlisting in the army is not just a matter of getting a job. It also involves leaving behind one lifestyle for another which is much more demanding. Canada's Armed Forces constitute a professional institution which requires its members to serve their country and put the needs of the army ahead of any personal consideration. This state of affairs is made more difficult by the frequent moves and long periods of separation. I will not go back over all the tensions and heartbreak this involves for soldiers and their families. Senator Cohen covered this abundantly in her speech.

• (1700)

The Canadian Armed Forces are aware of the numerous sacrifices required of military families and the difficulties military personnel have in balancing their commitment to their country and their commitment to their family. This is why National Defence has set a priority to policies and programs that focus on improving family life. This will allow military personnel and their families to cope effectively with the demands of military life and have a better equilibrium between it and their family life. The military brass assures us that measures have been taken to reduce the effect of the stress generated by the hectic and sometimes dangerous lives soldiers lead.

The Canadian Forces have set up programs and services focussing on family support and self-help, addressing such areas as economic, social and personal well-being, in order to enhance the quality of life of military personnel and military families. These encompass such things as assistance in finding accommodation suited to their needs, health care and support services for spouses and children. Efforts are being made to foster better understanding between military personnel and their families on the one hand and the local community on the other.

The Canadian Forces acknowledge that their personnel and their families live in unique conditions that can sometimes lead to occupational, personal and emotional concerns. In response, DND and Health Canada's Occupational Health and Safety Agency have established a joint program called the Canadian Forces Member Assistance Program.

This bilingual service provides members and their families with access 24 hours a day, 365 days a year to assistance and support when serious problems arise. These include alcohol or drug abuse, family problems, health problems, work-related problems — such as post-traumatic stress, sexual harassment and aggression, as well as burnout — or any other issue requiring urgent help. Those who are eligible can not only obtain immediate assistance over the phone, but also meet with a counsellor. From discussions with Senator Cohen and Professor Harrison, however, it would appear that there are still some accessibility problems to be ironed out.

[Senator Pépin]

The Canadian Forces have also put something else at the disposal of families to help them. I refer to the Military Family Services Program. This program was established in 1991.

The local military family resource centres are the major achievements of this program. The 43 centres are governed by a board of directors elected by the community. The civilian wives of the military must account for at least 51 per cent of the membership. Each council works in association with the local commander to meet the needs of the Canadian Forces families in the region. Each centre is unique and must be able to help victims of mistreatment confidentially and direct them to community resources.

Senator Cohen said that some people were not satisfied with the services provided under this program. On the basis of this finding, I will go with the members of the action plan to look into the situation and see if there have been improvements. We will see whether, in spite of all the resources provided, the military has to review the operation of these centres.

Senator Cohen could, perhaps, accompany me in this. The involvement of the partners of the military is not limited to the local resource centres. They are also found on the Military Family National Advisory Board.

This board serves as a forum for the major concerns of the families and ensures there are mechanisms in place to take note of their concerns.

The Canadian Forces have recently examined their parental and maternity policies in order to meet the standards of contemporary society. As a result of this examination, changes have been made to bring parental maternity benefits available to members of the Canadian Forces in line with those already enjoyed by federal public servants.

Since April 1, 1999, each military family resource centre is required to hire a child-care coordinator. These coordinators maintain links with the community and provide better care options in order to help the growing number of single-parent families.

There is no denying that the difficulties encountered by soldiers and their families have an impact on their children. The Canadian Armed Forces are aware of this and organized a National Youth Summit, from August 23 to 26, 1999. This summit gave young people an opportunity to recommend initiatives that would help them.

Honourable senators, there are many other very important issues which I would like to come back to — issues of salary, housing, the frequent moves, bilingualism, the posting process, spousal employment counselling — but unfortunately time does not permit. However, I should like to take this up again.

Honourable senators, I recognize that soldiers have their work cut out for them, but I can tell you that it is not for lack of good will. On the contrary. The military hierarchy's drive for perfection, its way of reacting to situations, and its policy must be adapted to our civilian world. Soldiers want everything to run well and everyone to be happy, for there to be no violence and for families to adjust to often incongruous situations. They devote a great deal of energy and discipline to this end. However, they realize that they need help in getting the changes needed to bridge the gap between civilian and military life adopted harmoniously.

We must support them. There is no miracle solution, particularly when it comes to an issue as far-reaching as the quality of life of those in the military. I am certain that the new Standing Committee on Defence and Security, of which I am a member, will ensure that it addresses the problems of military families effectively. I thank Senator Cohen and Professor Harrison for having drawn our attention to these very important difficulties. I congratulate the Canadian Armed Forces on their positive reaction. I would add, however, that this is not the end, but just the beginning.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I should like to ask a question of Senator Pépin. She spoke of confidentiality in connection with the various programs that have been developed, particularly the social and family assistance programs. Is a military career liable to be jeopardized if an employee or family member seeks

assistance from one of these programs? Will the principle of confidentiality be respected?

Senator Pépin: This is an excellent question, because it is indeed a problem. DND wives tell us that they would like to make use of the services, but are reluctant to do so because they wonder what effect it might have on their husbands' careers. Even if it is clearly understood that any interventions are to remain confidential, it is not yet clearly understood in the Canadian Forces that certain things ought to remain confidential so as not to bring them into conflict with the military career. The military aspect should be kept completely separate. That is a problem at this time.

• (1710)

I must say that they showed goodwill by saying that they wanted to correct the situation. However, they are still operating like military people, which makes it very difficult to get them to accept some of the ways used by civilians to do things. This is where the problem lies. This is a major problem right now, because whether it is relying on social services for children or other issues, everything is recorded on the soldier's file. This situation must be corrected and we hope that we can get along and understand each other.

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

The Senate adjourned until Wednesday, May 16, 2001, at 1:30 p.m.

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