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**Wednesday, May 16, 2001**

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THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, May 16, 2001

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

Prayers.

[*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, Thursday, May 17, 2001, at 1:30 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

#### IMPERIAL LIFE ASSURANCE COMPANY OF CANADA

##### PRIVATE BILL—PRESENTATION OF PETITION

**Hon. Serge Joyal:** Honourable senators, I have the honour to present a petition from the Imperial Life Assurance Company of Canada, of the city of Toronto, in the province of Ontario, praying for the passage of an Act authorizing it to apply to be continued as a corporation under the laws of the Province of Quebec.

#### CERTAS DIRECT ASSURANCE COMPANY

##### PRIVATE BILL—PRESENTATION OF PETITION

**Hon. Serge Joyal:** Honourable senators, I have the honour to present a petition from the Certas Direct Assurance Company, of the city of Mississauga, in the province of Ontario, praying for the passage of an Act authorizing it to apply to be continued as a corporation under the laws of the Province of Quebec.

[*English*]

#### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we are out of order. We have dealt with Presentation of Petitions. Perhaps leave could be requested to change the order because Senator Joyal was recognized under the wrong heading, namely Reading of Petitions for Private Bills. That confusion occurs at times.

Is leave granted, honourable senators, to have heard that item under Presentation of Petitions?

**Hon. Senators:** Agreed.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, as a matter of clarification, we are taking the item just dealt with as if it had appeared under Presentation of Petitions. Therefore, tomorrow we will expect to hear His Honour call Reading of Petitions for Private Bills on the same subject.

**The Hon. the Speaker:** That is correct, Senator Kinsella.

#### STUDY ON STATE OF FEDERAL GOVERNMENT POLICY ON PRESERVATION AND PROMOTION OF CANADIAN DISTINCTIVENESS

##### BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES—REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Michael Kirby,** Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Wednesday, May 16, 2001

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### SIXTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, April 24th, 2001, to examine and report upon the state of federal government policy relating to the preservation and promotion of a sense of community and national belonging in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the Procedural Guidelines for the Financial Operation of Senate Committees, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MICHAEL KIRBY  
*Chair*

(For text of report, see today's Journals of the Senate, p. 570.)

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

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

• (1340)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF DEVELOPMENTS IN THE FIELD OF PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS

**Hon. Michael Kirby:** Honourable senators, I give notice that on Thursday next, May 17, 2001, I will move:

That notwithstanding the Order of the Senate adopted on March 1, 2001, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report upon the developments since Royal Assent was given during the Second Session of the Thirty-sixth Parliament to Bill C-6, an Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, be empowered to present its final report no later than December 31, 2001.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### REPLACEMENT OF SEA KING HELICOPTERS—AVAILABILITY OF INTERFACE CONTROL SPECIFICATIONS

**Hon. J. Michael Forrestall:** Honourable senators, my question for the Leader of the Government has to do with the Maritime Helicopter Project Web site. Today, the project Web site indicates that the basic vehicle and integrated mission systems for the maritime helicopter specification will be ready in May of 2001.

Can the minister tell us when the interface control specification will be ready? Why is it not mentioned on the Web site? Could that be because it is only in draft form and not yet generally approved?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator not only for

his question but also for providing me with copies, since it is a technical matter he has laid before the Senate this afternoon.

I cannot give the honourable senator a satisfactory answer at this time as to whether there will be an interface control specification and, if there is, when it will be ready and why it has not been mentioned on the Web site.

**Senator Forrestall:** I appreciate very much the technicalities involved, but I do not apologize for them. I trust all senators will recognize their importance to this project.

#### REPLACEMENT OF SEA KING HELICOPTERS—POSSIBLE WITHDRAWAL OF EUROCOPTER FROM COMPETITION

**Hon. J. Michael Forrestall:** As a supplementary, honourable senators, I have been informed that unless the requirement specification for the basic vehicle is reduced, Eurocopter has threatened to withdraw from the process. Can the minister tell the chamber whether there will be reductions in the basic vehicle requirement specifications for the Maritime Helicopter Project requirement specification published just last fall?

**Hon. Sharon Carstairs (Leader of the Government):** This is a somewhat disturbing question, not from the honourable senator, but from what it implies on the part of Eurocopter. Its threat to withdraw unless the requirement of the basic vehicle is reduced should give everyone some concern with respect to how that particular company is interfacing with the Government of Canada. To my knowledge, there will be no reduction in the basic vehicle requirement from the maritime helicopter requirement that was published last fall.

#### REPLACEMENT OF SEA KING HELICOPTERS—BRIEFING OF LEADER OF THE GOVERNMENT ON COMPETITION

**Hon. J. Michael Forrestall:** I appreciate that answer very much. The honourable leader will appreciate the concern that many of us will have and already have about the changing nature of the original requests. Could the minister tell the chamber — I think it is important and I do not ask this question in a trivial way at all — if she has had the benefit in the last few weeks of a briefing by the Department of National Defence on the helicopter project? If she has not, and I know how busy she is with ministerial duties as well as with duties here in the Senate, would she arrange for an in-depth briefing? We are getting close to a critical point in time in determining whether we will see a replacement now or whether the whole matter will be delayed by one if not two years.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let me be clear. I have not received a briefing from the Department of National Defence on the Maritime Helicopter Project in the last number of weeks. Staff, in response to questions the honourable senator has placed before the chamber, have been receiving ongoing information from the Department of National Defence.

I can tell the honourable senator that I spoke with the Minister of National Defence yesterday. I urged once again for this decision to be made sooner rather than later because I know it is of great concern to the honourable senator. It is also of great concern to the forces generally.

## IMMIGRATION AND REFUGEE BOARD

### APPOINTMENTS—REQUEST FOR COPY OF TESTS FOR PROSPECTIVE BOARD MEMBERS

**Hon. Marjory LeBreton:** Honourable senators, on Tuesday, May 1, I asked a question of the Leader of the Government in the Senate about appointments to the Immigration Refugee Board and the procedures by which these appointments were made. The leader replied, as one would expect her to, that they were based on competence. She replied that individuals are tested, to which I then responded by asking if she would be good enough to provide the guidelines and the testing.

Yesterday, in a delayed answer to that question, I received a long response about procedures followed, including the fact that a Ministerial Advisory Committee is set up to assist the minister in appointing these people. When it came to the portion on written tests, the answer simply stated:

Candidates who have been screened in are invited to a written test.

Can the honourable leader provide the names of the people who serve on the Ministerial Advisory Committee? As well, can she provide the actual test required of the people who wish to serve on this board so that we can see exactly what the test is all about?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I find the latter part of the question extremely strange. If you are going to test people, my experience as a teacher is that you do not give out the test in advance. If you do, then everyone can score 100 per cent if they take the time to study the area. That is not the purpose of trying to find out from students whether they have been studying on a regular basis and whether they have achieved a knowledge base.

Whether that particular test can be made available publicly, I would have to suggest that I do not know, but I should think not. I do not think that would be in the best interests of obtaining good scores.

I can tell my honourable friend, however, that the failure rate on this test is about 70 per cent. The test involves not only the screening to which the honourable senator made reference but also the written test, an oral examination and reference checks.

**Senator LeBreton:** That is the most arrogant answer I have heard in a long time. The fact is that we are asking these people

[ Senator Carstairs ]

to deal with the serious matter of people coming to this country. The board members are in charge of whether refugees are accepted or rejected. As a former teacher, the Leader of the Government says that tests are not given out in advance. With a Ministerial Advisory Committee suggesting candidates for the board, surely those candidates are required to answer questions that are not written at the last minute, or is the honourable leader saying that the test is written to suit the applicants? There is obviously some type of test that is provided to these people, one that does not require great secrecy.

• (1350)

**Senator Carstairs:** The honourable senator is asking that the test be made public. If the test is made public, then presumably everyone, whether competent or not, could study up on their little handbook and get 100 per cent. I would assume that the testing is meant to evaluate how a person might deal with a case using judgment skills, but I do not think that any agency would want to distribute the test ahead of time. I do not consider that arrogance. I consider it common sense.

**Senator LeBreton:** Honourable senators, for a little bit of common sense, perhaps the leader can give us an answer that is more than one paragraph long. Surely the government has and can provide to this side of the chamber the type or line of questioning without getting into the exact questions that might be asked of people who are to serve in these very sensitive positions, which happen to be very well-paid positions, I might add. To say that somehow or other we would give the test out in advance and give people a leg up is nonsense. If they have gone through the whole screening process, surely it is not too much to ask what type of questions they are required to answer in order to obtain this very high-paying government position.

**Senator Carstairs:** Honourable senators, we have now moved into another field. We no longer want the exam questions. We want to know what the textbook is. If there is a textbook available to all participants in the pre-examination period, then I will try to obtain the same for the honourable senator.

**Senator LeBreton:** The honourable senator claims that 70 per cent of the people failed the test. Obviously she must have some sense of what the test involves. If the leader is afraid of revealing a test that may give a leg up to future candidates, perhaps she can give us a copy of a test that was failed by candidates in the past.

**Senator Carstairs:** Honourable senators, I have tried to be very clear with the honourable senator. About 70 per cent of the people who have taken the test have failed the test. That is the result of the statistical analysis done by the agency that administers the testing of these candidates. If there is a basic manual stating that candidates should prepare in a certain way in terms of the overall exam questions, then I will try to obtain that for the honourable senator. It is highly unlikely that I will get the questions themselves.

## FINANCE

### SOURCES OF GOVERNMENT SURPLUS— PROJECT EXPENDITURES

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. It appears that, yesterday, the Prime Minister jumped the gun on the Finance Minister by announcing there would be a \$15-billion surplus this year. Can she confirm whether or not that is true, and where does the money come from?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Prime Minister, to quote the aide to the Finance Minister “is a very well-informed guy.” I think one can take the Prime Minister’s word for the fact that, tomorrow, there will be an announcement by the Finance Minister and that, included in that announcement, will be a \$15-billion payment to be made on the national debt.

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

**Senator Stratton:** It is wonderful to see the opposite side cheering. There was one important question that I added as a tag-on: Where does the \$15 billion come from? I should like to know the answer to that.

**Senator Carstairs:** Honourable senators, it comes from the very efficient operation of this government.

**Senator Stratton:** Honourable senators, it is wonderful to see a sense of humour on the other side. Unfortunately, the real answer to the question is the current \$42-billion surplus in the EI fund, and growing to \$50 billion. When I started asking this question, the surplus was \$12 billion. Now it will hit \$50 billion. That is where the \$15 billion comes from.

Honourable senators, I also read, much to my astonishment, that the legacy of the Prime Minister will be a \$200-million boondoggle, which will be accomplished by blowing up Metcalfe Street, widening it into a vista, just taking away historic buildings and tearing down office buildings and interrupting commerce. All of that will be done so the Prime Minister can leave the legacy of a vista. Is that project really going ahead?

**Senator Carstairs:** Honourable senators, the person who should be asked that question is not the Prime Minister but the Chair of the National Capital Commission who will lay out, I understand, sometime in the near future the vision of his commission for the future of the national capital area.

**Senator Stratton:** Honourable senators, there has to be a concern about this kind of spending. There was also another announcement just yesterday for another museum costing some \$210 million. I am not arguing whether the project is right or wrong. My concern is that we appear to be travelling down the road to spending. We know of this project and the \$200 million

for a wonderful vista down Metcalfe Street. We know that when we start this kind of thing, this legacy-leaving, it can grow like the gun-control bill that grew from \$85 million to \$485 million. We know that that one project will probably grow from \$200 million to \$500 million.

We are now spending money in the EI surplus, which is approaching \$50 billion. My question is: When will this kind of spending stop? When will the government give credit where credit is due, not cheer and applaud themselves but give credit to the Canadian taxpayer who is paying into the \$40-billion to \$50-billion surplus in the EI fund, to which the government has no right.

**Senator Carstairs:** Honourable senators, the taxpayers of Canada seem to be very pleased with the economic plans that have been laid out by the Finance Minister. I am sure they will be equally pleased tomorrow with the plans he will lay before the people of Canada in his economic update. I certainly am pleased that the national debt will now be reduced to the level of about 1986. That, combined with the deficits that we have not been experiencing the past few years, is why the Canadian people choose to elect Liberal governments.

**Senator Stratton:** It is a surtax on the Canadian people.

## JUSTICE

### IDENTIFICATION REGISTRY ON PEDOPHILE SEX OFFENDERS

**Hon. Joyce Fairbairn:** Honourable senators, I will address a question to the Leader of the Government in the Senate. Yesterday, I spoke in this chamber about the tragic murder of five-year-old Jessica Koopmans in my hometown of Lethbridge, Alberta. Once the family lays their daughter to rest, in the next two days, the focus will shift, as it has for the police force already, to the apprehension of the person who committed this deplorable crime.

Yesterday the Premier of Alberta, Ralph Klein, indicated that he was asking his Solicitor General to review, in the next two weeks, the possibility of setting up a register in that province for pedophile sex offenders to give police forces the best possible opportunity to prevent these situations from occurring.

• (1400)

I should like to ask the Leader of the Government in the Senate the position of the federal government on this issue. I know that other provinces have expressed an interest in this subject. The Province of Ontario has its own registry. However, through the Canadian Police Information Centre or other methods, is the federal government focusing and consulting with its provincial colleagues on the most effective and efficient way to handle what is an issue of deep concern and emotion across this country?

**Hon. Sharon Carstairs (Leader of the Government):** All honourable senators join with the Koopmans family in sorrow at the loss of Jessica. No one believes that our children will die before we die. It is particularly difficult when we lose one so young as Jessica.

The safety of children is a concern to each and every one of us. That is why we have a national registry of all criminal convictions. It is called CPIC. Included in that registry is the list of all sex offenders. The government is open to improvements and has engaged and will continue to engage in discussions with partners across the country, including provinces and territories, as well as police forces throughout the country, to ensure that CPIC's sex-offender registry is the best that it can be.

**Senator Fairbairn:** I thank the leader for that answer. In the present federal system, one of the concerns of provinces and others is not just to know who these people are but to identify where they are. This has been discussed between some provinces and the federal government. Could the Leader of the Government in the Senate give us an indication of the federal response to the identification of the whereabouts of these sexual offenders?

**Senator Carstairs:** One of the difficulties in knowing the whereabouts of a criminal is that it is dependent upon the criminal to inform the police authorities where he or she may have moved. The registry rate of criminals is not terribly effective. If they are interested in committing additional crimes, they do not necessarily inform the police authorities of where they are at any given time.

Coupled with privacy concerns, which we have spoken about in some detail in this chamber in the past, as well as Charter concerns, there is the issue of whether a great deal of money should be spent on something that will be ineffective.

Having said that, the federal government will continue to work with authorities throughout the country to ensure that CPIC is the most effective means of dealing with sex offenders in the country.

**Senator Fairbairn:** When the addresses are available, whether through the offender or other police forces, they will be available and posted within that CPIC network. I would agree with the Leader of the Government in the Senate that the CPIC registry is certainly among the finest registries of the countries with which we deal.

**Senator Carstairs:** As the honourable senator has indicated, CPIC is a first-class system. It is reputed to be one of the best in the world. That does not mean, however, that we should not continue to make it better if it is possible to make it better.

We should also recognize that, as a government, we have identified a number of other issues. There is now a national screening system to help childcare agencies screen potential volunteers as well as employees. We have put a system in place

to ensure that the records of even pardoned sex offenders are available for screening purposes.

The government has passed one of the toughest child pornography laws in the world. We have lengthened sentences for dangerous offenders and long-term sex offenders. All of these things go a long way to ensuring the safety of our children.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of members of the Fédération Canada-France, who are with us on the occasion of the Journée Canada-France, organized by the Association interparlementaire Canada-France.

Welcome to the Senate of Canada.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to the question raised by Senator Spivak on March 29, 2001, on the use of high-risk animal tissues in the food chain.

## HEALTH

### USE OF HIGH RISK ANIMAL TISSUES IN FOOD CHAIN

*(Response to question raised by Hon. Mira Spivak on March 29, 2001)*

As the Honourable Mira Spivak stated on March 29, it is true that the European Union has issued a directive to the member countries banning the use of specified risk materials, such as brain and spinal cords from the feed chain. The reasons for the ban are the result of the confirmation of bovine spongiform encephalopathy (BSE or mad cow disease) in some of the cattle herds in most of its member countries.

Unlike many EU countries, Canada has not diagnosed BSE in our native born cattle. Canada is recognized as free from BSE by the *International Office of Epizootics* (OIE), the international animal health standard setting body. Since 1989, the Canadian government has implemented a number of measures in order to prevent the introduction of BSE into Canada, to maintain an active surveillance of the Canadian cattle herd for the detection of BSE, and to prevent the transmission of BSE from animal products to other animals or to humans. All of these actions were taken to protect human and animal health in Canada.



In the Canadian domestic situation, the absence of BSE in Canadian cattle means that there is a significant difference in risk from that in Europe where BSE has been identified in cattle. As a result, the potential presence of the infective agent in central nervous system (brain and spinal cord), eyes and the lymph system is different than in Canada. However, given the commitment to appropriate stewardship, estimating the risk in Canada rather than relying on interpretation of theoretical risk is important. Therefore, Health Canada is currently conducting a scientific risk assessment on the use of the subject tissues from domestic cattle. This risk assessment will form the scientific basis for decisions regarding the use of these tissues in Canada.

A risk assessment encompasses a comprehensive scrutinization of peer-reviewed scientific evidence which is available worldwide in the scientific literature. The assessment may be qualitative or quantitative in nature depending on the information available. A risk assessment involves the identification of a hazard, characterization of the hazard, including dose response, identification of the level of exposure to the hazard and finally characterization of the risk based on the above. Where it is necessary to interpret the data through the application of assumptions, the level of uncertainty associated with those assumptions is documented within the risk assessment process.

## ORDERS OF THE DAY

### ILLEGAL DRUGS

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

The Senate proceeded to consideration of the first report of the Special Committee of the Senate on Illegal Drugs (*budget*), presented in the Senate on May 10, 2001.—(*Honourable Senator Nolin*).

**Hon. Pierre Claude Nolin** moved the adoption of the report.

Motion agreed to and report adopted.

• (1410)

### OFFICIAL LANGUAGES

#### SECOND REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Joint Committee on Official Languages entitled “The Broadcasting and Availability of the Debates and

Proceedings of Parliament in both Official Languages,” presented in the Senate on May 2, 2001.—(*Honourable Senator Maheu*).

**Hon. Shirley Maheu:** Honourable senators, the Standing Joint Committee on Official Languages, which I co-chair with Mauril Bélanger, Member of Parliament, undertook a study on the broadcasting and availability of the debates and proceedings of Parliament in both official languages.

Many complaints were filed with the Commissioner of Official Languages regarding the unavailability of the debates of the House of Commons in either official language. We asked the main stakeholders to appear before our committee and our report, which was presented to Parliament, summed up the situation. Following the investigation report by the Commissioner of Official Languages, one of the complainants decided to take his case before the courts.

The committee wishes to point out that its mandate was not to look into these complaints, but to generally study the broadcasting of the debates and proceedings of Parliament in both official languages.

In order to fully understand the issue, representatives of four institutions appeared before the committee regarding the broadcasting of the debates and proceedings of Parliament in both official languages. They are the Commissioner of Official Languages, Dyane Adam; the Speaker of the House of Commons, the Honourable Peter Milliken; the Chairman of the Board of the Cable Public Affairs Channel or CPAC, Ken Stein, and its General Manager, Colette Watson; and the Executive Director of the Canadian Radio-Television and Telecommunications Commission, the CRTC, Jean-Pierre Blais.

[*English*]

From 1979 to 1991, the Canadian Broadcasting Corporation rebroadcast television coverage of the debates of the House of Commons by satellite to all cable companies across the country. In April 1992, as a result of budget cuts, the CBC announced that it wanted to terminate its commitment. That same year, a consortium of cable companies, Cable Public Affairs Channel, was formed and took over from the CBC. A few months later, CPAC reached an interim agreement with the House of Commons Board of Internal Economy and in 1994 the two parties signed a formal seven-year agreement that will expire on August 31, 2001.

[*Translation*]

Under the agreement, the House of Commons undertakes to broadcast directly to CPAC a video signal and three audio signals of the debates and proceedings of the House, one from the floor, one in English and one in French. For its part, CPAC will make the video signal and the three audio signals of the debates and proceedings of Parliament available in both official languages to the cable distributors who are members of its consortium.

[English]

The issue before the committee is one of distribution in English and French by the cable companies rather than of the availability of audio signals in both official languages. Cable companies that are not in any way bound by the agreement between the House of Commons and CPAC may choose to broadcast only one of the three audio signals retransmitted via satellite by CPAC.

It is important to add that the cable companies are not required to broadcast CPAC. If they choose to do so, it is understood that CPAC is required to be part of the basic service offered to subscribers.

[Translation]

Because of the limited number of channels available in analog mode, it would seem that very few cable distributors choose to offer their viewers the French and English versions of CPAC. As a result, unilingual television viewers — francophones or anglophones — are not able to understand the debates and proceedings of Parliament which are not broadcast in their language.

At the meeting, Ms Watson undertook to make SAP (Second audio program channel) technology available to a greater number of cable distributors, approximately 80 per cent within the next year. She also stressed the need to make the Canadian public more aware of SAP technology.

[English]

The committee also considered the question of subtitling in both official languages. For the moment, subtitling of debates by the House broadcasting service is available only in English, and in simultaneous French sign language, or LSQ. These two versions are incorporated in the broadcasting signal transmitted by the House broadcasting service. It should be noted that subtitling is available only during Question Period.

[Translation]

With respect to the availability of closed captioning in French, Ms Watson, of CPAC, indicated that the problem was the responsibility of the House of Commons and had to do with the recruitment of qualified French-speaking personnel. Following an in-depth analysis of the problem of rebroadcasting the debates and proceedings of the House of Commons, the committee made seven recommendations as follows:

[English]

It is the committee's view that under section 133 of the Constitution Act, 1867, section 16 of the Constitution Act, 1982 and sections 4, 22 and 25 of the Official Languages Act, Parliament is required to ensure that its debates and proceedings are broadcast across Canada in both official languages.

The committee finds it necessary that subscribers already receiving the CPAC signal be able to access Parliamentary debates and proceedings in their preferred official language.

[ Senator Maheu ]

First, the committee recommends to the CRTC that it require cable companies to broadcast the debates and proceedings of Parliament in both official languages.

Second, the committee recommends that CPAC's commitment on installation of the infrastructure permitting cable companies to adopt SAP technology be made an integral part of the agreement now under negotiation between the House of Commons and CPAC.

Third, the committee requests that CRTC and CPAC take the necessary steps to make SAP technology better known to cable subscribers as soon as possible.

Fourth, the committee recommends to the Board of Internal Economy of the House of Commons that it conclude an interim agreement with CPAC until CPAC's licence renewal by the CRTC, scheduled for August 2002.

Fifth, the committee recommends the term of the next agreement between the House of Commons and CPAC not exceed five years.

Sixth, the committee recommends to Parliament that it take the necessary steps to produce subtitling in French for Question Period in the House of Commons without delay.

Seventh, the committee recommends to Parliament that it take the necessary steps to make subtitling available in both official languages when the proceedings of Senate committees are televised.

[Translation]

In conclusion, the committee wishes to reiterate the importance of making broadcasts of the debates and proceedings of Parliament available in the official language of the public's choice. It fervently hopes that stakeholders see the need to arrive at a solution.

[English]

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

Motion agreed to and report adopted.

• (1420)

## STATE OF HEALTH CARE SYSTEM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY  
COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the second report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *The Health of Canadians — The Federal Role, Volume One: The Story So Far*, tabled in the Senate on March 28, 2001.—(Honourable Senator Milne).

**Hon. Lorna Milne:** Honourable senators, I took adjournment of the debate on the interim second report of the Standing Senate Committee on Social Affairs, Science and Technology because I wanted to have an opportunity to read the report. I merely wish to tell the Senate that I have read the report and I think it is excellent.

**The Hon. the Speaker:** If no other senators wish to speak, is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE  
SERVICES—REPORT OF SOCIAL AFFAIRS, SCIENCE AND  
TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—special study on health care system) presented in the Senate on April 24, 2001.—(*Honourable Senator Kirby*).

**Hon. Michael Kirby** moved the adoption of the report.

Motion agreed to and report adopted.

THE NATIONAL ANTHEM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy calling the attention of the Senate to the national anthem.—(*Honourable Senator Pearson*).

**Hon. Lois M. Wilson:** Honourable senators, I wish to make a few comments on Senator Poy's inquiry concerning the national anthem.

In 1980, Canada's national anthem was proclaimed the official national anthem by statute, namely, the National Anthem Act. This means that it is now subject to amendment in the same manner as any other regular statute.

On March 15, 1967, under the Right Honourable Lester B. Pearson, a special joint committee "unanimously recommended that the government further study the lyrics." It discarded the otherwise acceptable bilingual version as being difficult for other ethnic groups in Canada to accept. It accepted keeping the original French version and using the Weir English version with minor changes.

I was recently speaking with Geoffrey Pearson, son of Lester B. He told me that he thought he remembered his father acting to rid the national anthem of a couple of "We stand on guard" phrases. I checked this out. Sure enough, in 1967, the special joint committee under Lester B. Pearson replaced two of the "stand on guard" phrases with "from far and wide" and "God

keep our land." This reduced the oft-repeated phrase "We stand on guard" from five to three, which is more in keeping with a Canada that does not need its citizens to be constantly standing on guard to the exclusion of all else. I still have some trouble remembering these phrases, as I am used to the "stand on guard" phrase from when I was a child. Hurrah for Lester B. Pearson's government!

On June 27, 1980, in the debate on the bill — Bill C-26 as it was then — the Honourable Francis Fox said:

Madam Speaker, a number of members on both sides of the House have expressed concern over some of the wording of the version recommended by the 1968 Joint Committee of the House and the Senate. The Minister of State for Multiculturalism, members on this side of the House and, I am sure, on the other side of the House among all parties feel that some of the wording should be changed. Many would like to see the words "sons" and "native land" replaced — in the case of "native land" by "cherished land" — to better reflect the reality of Canada. In the course of the next session the Government would be more than willing to see the subject matter of a private member's bill on this question.

Unfortunately, as Senator Poy noted, all subsequent attempts at amendment proved unsuccessful. Although the legal mechanism for amendment is clear, there appears to be a lack of political will.

However, the national anthem's lyrics are not set in stone. I therefore support the intent of Senator Poy's inquiry: to look carefully at the wording of the anthem in the current context of gender equality in Canada. Some dismiss this as a frivolous matter and are unwilling to acknowledge that language shapes and informs thought and action. I am not of that school and therefore think the matter worthy of some consideration. I support Senator Poy's initiative in bringing the matter to our attention.

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

[*Translation*]

FRENCH-LANGUAGE BROADCASTING SERVICE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, on March 29 last, Senator Gauthier spoke to his inquiry calling our attention to the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada. This is a very important matter.

I must begin by pointing out that the Broadcasting Act indicates very clearly that the Canadian broadcasting system must serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada. Application of the various provisions of that act is entrusted to the federal government and, in particular, to the Canadian Radio and Telecommunications Commission — the CRTC.

In 1996, honourable senators, the date of the last census — since honourable senators are aware that the latest one was only taken yesterday — close to 9 million Canadians had a knowledge of French, or close to 30 per cent of the total population of this country. Of that number, I must point out that over 311,000 lived in New Brunswick, the only officially bilingual province, and over a million in Ontario. It is clear, therefore, that the French-language broadcasting market does not target solely the needs of Quebecers but also those of sizeable minority communities throughout Canada. In addition, it provides English Canadians and members of other cultural communities with a vibrant display of the vitality of the French Canadian community, as well as a unique opportunity to learn one of the country's official languages.

Honourable senators, the presence of the francophone media, and of francophone television and radio in particular, has a crucial role to play in the survival and development of the language and culture of this country's francophone minorities. They make it possible to bring together, indeed to unite, members of this minority by allowing them to express and disseminate the aspirations that are theirs alone.

In this context, application of the objectives and provisions of the Broadcasting Act is more necessary than ever. Over the past ten years, the world of Canadian television has experienced tremendous changes. We have seen the appearance of digital television, the Internet and the expansion of satellite television.

• (1430)

This little revolution in the world of telecommunications took place with the blessings of the CRTC. Yet it is of great concern to the francophone minority communities, particularly those in my province of New Brunswick.

The representatives of the Société des Acadiens et des Acadiennes du Nouveau-Brunswick — SAANB — are categorical on this. In its brief submitted to the CRTC at its

hearing on October 10, 2000, on French-language broadcasting services to minority communities, the Société stated as follows:

The development of the New Brunswick Acadian community, like all other Francophone communities in this country, is closely tied to the power such communities exercise over the media.

Honourable senators, the Acadian community — the community of my maternal grandmother — has demonstrated on more than one occasion its ability to take charge and to do innovative things in the field of broadcasting. Today, thanks to the experience of numerous local producers and the efforts of the Acadians, there are more than four private radio stations and seven community-type stations broadcasting in French. The situation is, however, not as bright when it comes to access to national public and private networks. Acadians, like all other francophone minority communities in the country, have to be constantly battling the cable companies, the CRTC and even the French network of the CBC — the SRC — to ensure their rights are being respected.

In this regard, the claims of the Acadian community are numerous. For example, it is still impossible to broadcast the signal for Radio-Canada's FM cultural network to northwestern New Brunswick and the provincial capital, Fredericton, for lack of funds. In addition, when it appeared before the CRTC, the SAANB criticized the fact that productions of the major French-language radio and television networks did not actively contribute to the cultural expression of minority Acadian and francophone communities. In other provinces, with the exception of the National Capital Region, access to French-language broadcasting services is very limited. In the name of cost-effectiveness, French-language national and speciality channels are often not positioned as well as the American channels. Sometimes they are not even among the channels carried by the cable companies.

Honourable senators, we may well wonder whether the CRTC is properly performing its role of defender of the Canadian identity and the linguistic duality. To improve its image, the commission therefore released a report on February 12, 2001, on the accessibility of French-language broadcasting services. It also contained over 200 recommendations to improve the delivery of these services outside Quebec. The aim of the report is, among others, to respond to the concerns of the Acadian community of New Brunswick.

Initially, the CRTC proposes a series of measures for the cable industry and Radio-Canada to increase the number of francophone radio and television networks outside Quebec. Then it recommends that the SRC offer more regional productions in its programming in order to better reflect the needs and realities of francophone minority communities.

Under the Broadcasting Act, the programming of the SRC, as the national public broadcaster, must be designed so as to reflect the situation and specific needs of both official language communities, including the minority communities of each. The CRTC, in its recommendations, has set itself the task of reminding the heads of Radio-Canada of this fact. However, the commission subtly avoided addressing the issue of the funding of the implementation of the solutions it proposes.

Honourable senators, let us not forget that the CBC is a Crown corporation that is primarily funded by the federal government. In 1993, the Liberals, who then formed the opposition, did not hesitate to accuse the Progressive Conservative government of having seriously jeopardized Canadian cultural identity with its cuts to the CBC budget. It was said in the first Red Book that a Liberal government would provide this Crown corporation with stable, multi-year funding. However, once in office, did the Liberals fare better than the Conservatives?

In his 1995 budget, the Minister of Finance, Paul Martin, made cuts in excess of \$400 million to the CBC's budget. Services to francophone minority communities were hit very hard.

In an interview given to the newspaper *L'Acadie nouvelle*, the President of the Crown corporation, Robert Rabinovitch, said the following, on March 15:

The cuts began in 1984, but the most major ones occurred in 1995, when a \$1 billion subsidy was reduced by \$400 million. That was almost a 40 per cent loss. It goes without saying that a 40 per cent loss means that cuts have to be made everywhere, in every region and program.

About one year ago, Mr. Rabinovitch made the following statement to the daily *The Ottawa Citizen*, and I quote:

[English]

If CBC were a private-sector company...it would be on its way to bankruptcy.

[Translation]

Even with the assurance of stable funding in the 1998 budget, both the French and the English network of the CBC are still feeling the effects of the decision made by the Liberals in 1995. In spite of these budget cuts, the CBC had to continue to produce information, entertainment and cultural programs in both official languages to fulfil its mandate. To make up for the lack of funding, it had to increase its advertising revenues at the expense of the quality of its programming. Since 1994, the CBC has eliminated over 4,000 jobs.

Honourable senators, I will conclude by reminding my dear Liberal colleagues that section 43 of the Official Languages Act provides that the federal government must take all necessary measures to promote the development of francophone and anglophone minorities in Canada. Unfortunately, even though the CRTC report makes no mention of that, it demonstrates once

again how, since 1993, the Liberals have failed miserably to promote Canada's linguistic duality.

• (1440)

A few months ago, the Minister of Canadian Heritage, Sheila Copps, used Bill C-55 to launch a crusade against American magazines. However, she and her government were not opposed to the multiplication of American television channels. This probably explains why the response of the association for the defence of the rights of francophones outside Quebec to the CRTC report was lukewarm. The needs are many, but the odds are that the promises made with respect to the CRTC in the January 6 Speech from the Throne and the \$60 million in funding to that body on May 2 will fall well short of meeting the expectations of Canada's Acadians and francophones.

On motion of Senator Losier-Cool, debate adjourned.

## CABLE PUBLIC AFFAIRS CHANNEL

CLOSED-CAPTIONING SERVICE—INQUIRY—  
DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier** rose pursuant to notice of March 1, 2001:

That he will call the attention of the Senate to the current negotiations on the renewal of the broadcasting agreement between the Senate and CPAC (the Cable Public Affairs Channel), to ensure that they include the closed-captioning of parliamentary debates authorized for television, and that the renewal of this agreement reflect the commitments made by CPAC on services for the hearing impaired.

He said: Honourable senators, the Cable Public Affairs Channel was recently studied by the Standing Joint Committee on Official Languages. The committee devoted four or five meetings to the issue, which concerned the House of Commons in particular.

As things now stand, the television or video signal is accompanied by three audio channels: the floor, which is the language spoken by a member during parliamentary debates; an English signal, which can be a translation of the language used by a member; and a French signal, which can also be a translation of the signal broadcast by the floor channel.

The cable companies are not required to provide the video plus an audio signal. It is up to them to choose the signal they want to send their customers.

You need only read the committee's report tabled last week to understand the business is not easily resolved. On the one hand, the cable companies say the House of Commons sends them the signal and they distribute it. Canadians who are not happy, for example, those in the Maritimes who do not understand the language used and broadcast, say they are entitled to hear the comments of their MPs, and they are right.

Two or three complaints were lodged by people from the Maritimes. The Commissioner of Official Languages, upon inquiry, considered the issue required some corrective action. Accordingly, the question was put to the Standing Joint Committee on Official Languages, which sought a solution. I think we have found it.

It is possible today to have video accompanied by sound in one or other of the country's two official languages. With modern systems, equipment less than ten years old, the sound may be changed. It is possible to have what is called an SAP, a secondary audio program. It is simply a matter of pressing a button, and you have the audio signal in the language of your choice.

CPAC, which received the signal from the House, transmitted it to cable companies that perhaps did not have the equipment permitting the language switch, the audio switch. Accordingly, Canadians did not get parliamentary debate service.

I was somewhat annoyed by the position of the Canadian Alliance Party. The report tabled earlier today by Senator Maheu alludes to it. There is a dissenting report on CPAC. They basically say that section 133 provides that parliamentary debates and documents must be available to Quebec, New Brunswick and Manitoba in both official languages. It is simple.

The Canadian Alliance Party argues that, in 1867, there was no mention of television or radio. There was no requirement to transmit a signal in French and in English. Therefore, they claim that this is not provided in the Constitution of the country. Of course there was no television in 1867, and probably no radio either. I find it totally inappropriate on the part of a political party, moreover the country's official opposition, to say that it is appropriate not to broadcast parliamentary debates in both official languages because it is not in the Constitution. I do not think any senator could argue that section 133 does not apply to television or radio in the same way as it applies to written documents we receive in both official languages. Personally, I think that the Canadian Alliance Party is way off in its supposedly vigilant report.

CPAC sends a video signal in both official languages, in French and in English, as well as the floor signal. Today, we have access to the debates of Parliament in both official languages. It was even announced that the signal would be extended west of Ontario. Therefore, it will soon be possible to get a video signal in both official languages right across the country.

• (1450)

It strikes me as a great solution. We did a good job. I might perhaps have wanted to speak to the report, as I gave notice of my intention to do so in March.

Honourable senators, I should like the Senate to innovate with respect to the parliamentary debates issue. Right now, we have a contract with CPAC which will shortly be renewed, guaranteeing CPAC eight hours of televised committee hearings. I hope that an

[ Senator Gauthier ]

additional service will be considered when the licence is renewed: closed-captioning in either of the official languages. We have the technological and human resources to do this.

I am deaf. I depend on a computer and a guardian angel to interpret what is going on. Thanks to my guardian angel, I can understand everything and follow the proceedings.

There are hundreds of thousands of Canadians who watch television, who are 70 years of age and older, and who are hearing-impaired. They could easily read the debate if closed-captioning were provided. The Senate could take the initiative and send a signal to CPAC accompanied by the appropriate closed-captioning. We have the resources to do this, whereas the House of Commons does not. They discontinued this approximately ten years ago. Honourable senators, I urge you to seriously consider introducing a closed-captioning service for meetings of Senate committees now available.

On motion of Senator Kroft, debate adjourned.

[English]

## THE SENATE

### MOTION ON PROPOSED CHANGE TO RULE 90— DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier**, pursuant to notice of March 13, 2001, moved:

That the *Rules of the Senate* be amended, by adding after Rule 90, the following new Rule:

90.1 Within 90 days of the presentation of a report from a select committee, the government shall, upon the request of the committee, table a comprehensive response thereto.

He said: Honourable senators, adoption of this motion would be an important step in the right direction. That is to say it would make it necessary that the work of the Senate be followed up by the government.

Today in the Senate we adopted three or four reports of committees. What will happen to those reports? Nothing, except for a disposition saying that the Senate agreed to the motions and adopted the reports.

I should like to make it a practice that when the Senate adopts a report, the Senate sends a message to the government stating that we want them to give us a comprehensive answer to that report. In that way, we will know the government's reaction to it, whether it be positive or negative. It is important. In a sense, that is what is done in the House of Commons. If the committee so wishes, the government has to give a comprehensive answer to any committee report adopted by the House.

[*Translation*]

It seems fairly straightforward to me. I received a communication from Senator Lynch-Staunton on this subject in which he makes a very good suggestion. Instead of saying, as the motion does, “the presentation of a report from a select committee,” we could add “the adoption of the report by the Senate,” which is much stronger. The government could be invited to table a comprehensive response to the report. This would be constructive and helpful. I see no reason not to do so. I am merely making a suggestion. My purpose is entirely justifiable.

[*English*]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I was not prepared to speak to this motion today. Tomorrow, I should like to follow up on what Senator Gauthier has said and move an amendment to his motion which I think will meet with the agreement of all senators.

On motion of Senator Lynch-Staunton, debate adjourned.

The Senate adjourned until Thursday, May 17, 2001, at 1:30 p.m.

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