



# Debates of the Senate

---

1st SESSION

•

37th PARLIAMENT

•

VOLUME 139

•

NUMBER 6

---

OFFICIAL REPORT  
(HANSARD)

**Thursday, February 8, 2001**

—

THE HONOURABLE DAN HAYS  
SPEAKER

## CONTENTS

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

---

*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate

Available from Canada Communication Group — Publishing,  
Public Works and Government Services Canada, Ottawa K1A 0S9,

**Also available on the Internet: <http://www.parl.gc.ca>**



## THE SENATE

Thursday, February, 8, 2001

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

Prayers.

### SENATORS' STATEMENTS

#### THE LATE CAROL ANNE LETHEREN

##### TRIBUTE

**Hon. Joyce Fairbairn:** Honourable senators, yesterday, more than 1,000 friends and supporters gathered in Toronto at an inspiring farewell celebration for Carol Anne Letheren, one of Canada's most compelling activists and advocates for amateur sports and Olympic excellence, who died suddenly following a massive aneurysm last week. Tributes flowed from the likes of Olympians Toller Cranston and Charmain Crooks, the soaring voice of Michael Burgess and, in the end, an emotional declaration from a very close friend, Rubin "Hurricane" Carter.

Carol Anne loved running and her whole life was a marathon of participation and guidance for young people in amateur sport — a force that she believed had a fundamental role in galvanizing communities and unifying nations. Canadians and the world got to know her face and her voice in 1988, when, as Chef de Mission for the Canadian team at the Seoul Olympics, she had the sad responsibility of taking back the gold medal from this country's champion sprinter Ben Johnson after he tested positive for the use of a banned substance.

Friends and Canadians on the ground and in the world of amateur sports have a much longer memory of the passion and dedication Carol Anne held for what was truly the cause of her life. As a tiny girl, she would practise gymnastics by bouncing from cushion to cushion on her living room floor, and she trained hard to become a champion badminton player and, always, she was running.

In Seoul, and before Seoul, she became a true pioneer for the participation of women in the world of organized sports. In Seoul, she was the first Canadian Chef de Mission. She then became the first President of the Canadian Olympic Association and then the first CEO of the Canadian Olympic Association. She was one of 14 women who managed to get beyond the male bastion of the International Olympic Association, which consists of a panel of 131 persons.

At the celebration yesterday, Carol Anne was paid tribute by the Vice-President of the International Olympic Committee, Mr. Richard Pound, who presented the Olympic Order, the highest award that organization has to offer, to her husband and

her son to honour Carol Anne posthumously. Mr. Pound observed in passing that with Carol Anne leaving us, God has recruited her for the first team to organize the celestial Olympics.

With all the titles and honours, Carol Anne's fundamental concern and love was for children and her family, who always came first. Carol Anne was generous, kind, smart and tough. She was very tough. In the end, she continued to give back as much as she could of a remarkable life.

Honourable senators, at the end of the program yesterday, it was announced that Carol Anne's organ donations had, since last Friday, helped to sustain eight lives, including a liver transplant that was given to a young girl only yesterday. This was a very special Canadian who will be truly missed and always remembered not only by her friends and colleagues but also by the world of amateur sport and the Olympic movement throughout the world.

#### RACIAL DISCRIMINATION IN CORPORATE NORTH AMERICA

**Hon. Donald H. Oliver:** Honourable senators, Coca-Cola is the world's largest soft drink maker, and it just settled the largest racial discrimination lawsuit in history. Coca-Cola employs 31,000 people worldwide and carries on business in 200 countries.

The company agreed to pay U.S. \$192 million in response to a racial discrimination case brought by a number of current and former Afro-American employees. This is not an isolated incident. Three years ago, Texaco paid \$176 million for similar allegations of racism against blacks, and late last fall charges were laid against Microsoft Corporation for racial and sexual discrimination.

• (1410)

Honourable senators, I bring this matter to your attention now because incidents of racial discrimination against blacks in North America are on the increase. The American lawsuits and settlements prove that pervasive discriminatory practices are instilled in the culture of corporate North America, and I believe that they represent only the tip of the iceberg.

The main elements of the lawsuits were discrimination in evaluations, discrimination in compensation, and the glass ceiling and glass walls effect. The performance evaluation system was implemented by managers exercising undue authority to make biased and inconsistent determinations with little or no oversight. The system at Coca-Cola permitted discrimination on the basis of race in evaluations where raises, bonuses and stock options were based upon evaluation scores.

A review of salaries paid by Coca-Cola to African-Americans compared with salaries paid to Caucasian employees reveals dramatic differences in pay in Coca-Cola's corporate headquarters in Atlanta. For example, in 1998, an African-American doing the same job as a white or Caucasian male received \$45,000. The Caucasian doing the same job made \$72,000. As well, they were successful in explaining the glass ceiling effect in that few African-Americans advanced to senior levels in the company, especially when compared to the significant representation of African-Americans among salaried employees. I will elaborate on the statistical data in my inquiry next week.

The company's written and unwritten policies and practices allow supervisors to essentially hand-pick candidates for available positions through word of mouth and make promotion decisions on the basis of subjective criteria. This system prevents qualified African-Americans from competing equally for positions or even knowing that they are available.

In conclusion, honourable senators, I believe these events are small examples of what is at work in corporate North America. Enforced inequities, such as discrimination in pay and benefits and the lack of promotion, could be more widespread than we realize. Any day now, anyone of us can pick up *The Globe and Mail* and read on the front page that one of our largest Canadian corporations could likewise be sued for \$200 million or more as a result of similar policies.

Honourable senators, we should encourage Canadians to embrace diversities at all levels in both the public sector and the private sector —

**The Hon. the Speaker:** Senator Oliver, I am sorry, but the time allotted for your statement has expired.

### EAST COAST MUSIC AWARDS

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to inform you about an exciting event being held in my home province this coming weekend. The East Coast Music Awards is an annual celebration of the musical culture of the Atlantic provinces. One of Canada's largest musical events, the ECMA started 13 years ago as a small gathering in Halifax. However, in 1994, as the music industry in Atlantic Canada was coming into its own, a decision was made to begin moving the event to different locations each year.

Honourable senators, I am proud of the fact that the 1996 East Coast Music Awards in Charlottetown effectively doubled the size of the event from any that had been held previously. It is expected that this weekend's celebration — the first in Charlottetown in five years — will again be twice as large as it was in 1996. This tremendous growth is remarkable. I suggest that it should be expected when one considers the ever-increasing international appetite for East Coast music.

The names are legendary: Stompin' Tom Connors, Anne Murray, Hank Snow, Gene MacLellan, Rita MacNeil. Of course, there is the new breed, including Great Big Sea, The Rankins, Julian Austin and Lennie Gallant.

The culture of East Coast music is unique and ingrained in every Atlantic Canadian. Music has always been an important part of our region. The sounds of fiddles and guitars can still be heard in many communities on any given weekend.

Honourable senators, I am particularly pleased that the people behind the ECMA go to great lengths to celebrate our musical heritage. Every year this organization attempts to celebrate those who laid the groundwork — something that I believe goes a long way to ensuring a strong future by remembering the past.

The three-day event begins tomorrow and culminates on Sunday with a nationally televised awards program. I urge all honourable senators to watch the program or, better yet, come visit us in Prince Edward Island this weekend. I am sure you will remember the experience.

[Translation]

### THE LATE FULGENCE CHARPENTIER

TRIBUTE

**Hon. Marie-P. Poulin:** Honourable senators, the family and the many friends of Fulgence Charpentier will be meeting to celebrate the life of this extraordinary French Canadian, who passed away this week at the age of 103.

We will speak of the many personal and professional contributions he made. Whether it was as father, grandfather or great-grandfather or as journalist, diplomat, man of letters or senior official, Fulgence Charpentier was known for his kindness and openmindedness, his generosity, discernment and search for excellence.

As Senators Gauthier and Beaudoin so aptly put it yesterday, he devoted his life and his career to spreading the influence of Canada and of the French-Canadian culture. Despite all of his successes, honourable senators, Fulgence Charpentier remained a good man. His friends and colleagues agree. He earned the most honourable of titles, "Monsieur."

## ROUTINE PROCEEDINGS

### COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE PRESENTED AND ADOPTED

**Hon. Léonce Mercier,** Chairman of the Committee of Selection, presented the following report:

Thursday, February 8, 2001

The Committee of Selection has the honour to present its

## SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of senators nominated by it to serve on the following committees:

### STANDING COMMITTEE ON PRIVILEGES, STANDING RULES AND ORDERS

The Honourable Senators Andreychuk, Austin, Bryden, DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, Murray, Poulin, Rossiter and Stratton.

### STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Austin, Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier, Kenny, Kroft, Maheu, Milne, Murray, Poulin and Stollery.

### STANDING COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Austin, Bolduc, Carney, Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, Poulin and Stollery.

### STANDING COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Banks, Bolduc, Cools, Doody, Ferretti Barth, Finnerty, Hervieux-Payette, Kinsella, Kirby, Mahovlich, Murray and Stratton.

### STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Angus, Bacon, Callbeck, Christensen, Eyton, Finestone, Fitzpatrick, Forrestall, Rompkey, Setlakwe and Spivak.

### STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Atkins, Beaudoin, Buchanan, Cools, Fraser, Grafstein, Joyal, Milne, Moore, Nolin and Pearson.

### STANDING COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, Meighen, Oliver, Poulin, Setlakwe, Tkachuk and Wiebe.

[ Senator Mercier ]

### STANDING COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cohen, Cook, Cordy, Graham, Fairbairn, Johnson, Kirby, LeBreton, Pépin, Robertson and Roche.

### STANDING COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, Milne, Oliver, Stratton, Taylor, Tkachuk and Wiebe.

### STANDING COMMITTEE ON FISHERIES

The Honourable Senators Adams, Callbeck, Carney, Chalifoux, Comeau, Cook, Mahovlich, Meighen, Molgat, Moore, Robertson and Watt.

### STANDING COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Buchanan, Banks, Christensen, Cochrane, Eyton, Finnerty, Kelleher, Kenny, Sibbeston, Spivak, Taylor and Watt.

### STANDING COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Carney, Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, Pearson, Rompkey, Sibbeston, Tkachuk and Wilson.

Pursuant to rule 87, the Honourable Senator Carstairs, P.C. (or Robichaud, P.C.) and the Honourable Senator Lynch-Staunton (or Kinsella) are members *ex officio* of each committee.

Respectfully submitted,

LÉONCE MERCIER,  
*Chairman*

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

**Senator Mercier:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

[*English*]

• (1420)

**The Hon. the Speaker:** Honourable senators, is leave granted to waive the rule and to place this matter on the Orders of the Day for consideration later this day?

**Hon. Senators:** Agreed.

**Hon. Gerry St. Germain:** I should like an indication of what time this matter will be dealt with. Some independent senators have been named as members of committees. Will there be an opportunity to debate these lists of committee members and to pose questions about how the lists were formulated?

**The Hon. the Speaker:** Honourable senators, this is a debatable matter. If leave is granted to place the matter on the Orders of the Day for consideration later this day, it would fall under Reports of Committees on the Order Paper. If leave is being requested for the matter to be taken into consideration now, and if that leave is granted, we would revert to the matter now. As it is a debatable motion, senators would be entitled to speak if it is taken into consideration now.

I hope that answers the question of Senator St. Germain.

**Hon. Sharon Carstairs (Leader of the Government):** If all honourable senators are in agreement, we would be prepared to debate this motion now.

**The Hon. the Speaker:** Is leave granted, honourable senators, to proceed to this matter now?

**Hon. Senators:** Agreed.

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

**Senator St. Germain:** Honourable senators, I wish to thank the Leader of the Government in the Senate for having provided me with a list of proposed committee members earlier today and for notifying me that this committee report would be on the Order Paper today.

I should like to know how it was determined that independent senators would be members of committees. It has been brought to my attention that a particular senator asked to be a member of a particular committee. There obviously must be some process for choosing members of committees. It is felt that the denial of that honourable senator to be on a particular committee is a matter of more than merely numbers.

Are independents allowed to become members of committees only if there are spaces that no one else wants? Are independent senators treated as fairly as other senators in this place? There is no point in hedging on this. Senator Prud'homme wanted to be a member of the Foreign Affairs Committee and his request has been denied. We all know that some committee memberships are more sought after than others.

I should like an explanation of the process as well as details regarding the amount of fairness that is exercised in allowing senators to acquire membership on the committees that they request.

**Senator Carstairs:** I thank the honourable senator for his question. Since I was the one who contacted each independent senator, including the senator who sits as an Alliance senator in this chamber, I think it appropriate that I answer this question.

As many honourable senators know, I have long been in favour of the placement of independent senators on committees. In fact, when I was the Deputy Leader in this place, during which time I sat on the Rules Committee, I brought forward a proposal, along with my colleague Senator Kenny, for a means by which we could provide for independent senators to sit on that committee. That report came forward to this chamber but was not dealt with because Parliament was prorogued.

We found ourselves in a somewhat different situation this year. The numbers were different when Parliament reconvened. I welcomed the opportunity to work with my colleagues on the other side to see whether there was a means by which we could place independent senators on committees.

As a result, I contacted each independent senator, and subjected each to exactly the same criteria to which I subjected government and opposition senators. Each senator was asked to present a list of his or her top three choices of committees to sit on. Phone calls were made to senators in order of their seniority in this chamber.

Senators Pitfield and Lawson chose to apply for none. When I contacted Senator Prud'homme, who was in Saudi Arabia, he gave me the following list: Foreign Affairs, Foreign Affairs, Foreign Affairs.

When I contacted Senator Roche, he provided me with a choice of committees, of which Foreign Affairs was one. I had the same conversation with Senator Wilson.

When we began selecting members of committee, I saw that 19 Liberal senators had applied to be on the Foreign Affairs committee, with 11 of them ranking it as first choice. It is clear that I had to disappoint members on this side of the chamber, and, regrettably, I had to disappoint Senator Prud'homme. However, I can assure the chamber that had Senator Prud'homme made a second or a third choice that was different from his first choice, every attempt would have been made to place him on his second- or third-choice committee.

• (1430)

**The Hon. the Speaker:** To be clear on the matter, I will recognize Senator St. Germain, who, I assume, will ask a question of the last speaker.

**Senator St. Germain:** Honourable senators, first, I would like to compliment the Leader of the Government for recognizing the fact that independent senators will, in all instances, contribute greatly to the committee process in this particular establishment. We have had some great people in the past, such as Senator Molson and Senator Everett, and today we have the expertise of Senator Lawson and others. While I compliment the government side for taking this action, I would hate to think that it was done strictly because of the reduced numbers on the Progressive Conservative side. I hope it was done in the spirit of bringing forward and utilizing this talent, rather than because of the numbers in this place.

**Senator Spivak:** What talent?

**Senator St. Germain:** Senator Spivak says, "What talent?" I cannot speak for Senator Spivak. I have always had a great respect for the honourable senator, so I will not pursue that question.

**Senator Kinsella:** Question.

**Senator St. Germain:** The Leader of the Government still has not explained the situation to me. Eleven Liberals wanted to sit on the Foreign Affairs Committee, and Senator Prud'homme had selected as his three committee choices Foreign Affairs, Foreign Affairs and Foreign Affairs. The Leader of the Government has still not told me how she made the eventual selection, denying Senator Prud'homme the position.

Honourable senators, if the situation were in regard to Senator Roche or Senator Lawson, I would be asking the same question. It is not a question regarding Senator Prud'homme. It is a question of the elimination and selection process. It is only fair that, having ventured into this process, we receive an answer to that question. If there is no hope of ever getting on a committee on which one would like to serve, it is useless to put one's name forward, particularly in Senator Prud'homme's case.

I am not trying to be impossible. I am merely trying to determine how the Leader of the Government adjudicated or arrived at her fair decision.

**Senator Carstairs:** I thank the honourable senator for his question. Let me be sure the honourable senator clearly understands the numbers issue here. Nineteen Liberal senators asked to sit on the Foreign Affairs Committee. Eleven of them asked to sit on this committee as their first choice. I had to disappoint three members on this side.

To answer the rest of the question, Senator Fairbairn — and I am sure she will not mind if I use her name — had a discussion yesterday with my executive assistant, to whom she said, "I have given up applying for Foreign Affairs. I do not even put it as a choice." Therefore, we actually had senators on our side who would have applied if they thought they could even make it to the top of the list.

The reality here is that there are a great many senators who want to serve on the Foreign Affairs Committee. I made the choice to select eight from our side to sit on that committee. The opposition made the choice to take four on their side. That totals 12 members of this committee. There was simply not room for Senator Prud'homme.

**Hon. Jean-Robert Gauthier:** Honourable senators, I have wanted to be a member of the Foreign Affairs Committee for the last five years. As a matter of fact, in 1994, I chaired a special committee of both Houses that reviewed the whole foreign policy of this country. I believe I am as qualified to sit on this committee as any other member.

I always understood that all senators are equal in this place. When I heard there were 19 members of my caucus who wanted

to become members of the Foreign Affairs Committee, I said to the leader, "Withdraw my name. I am a good player. I will do something else."

I do not understand what is Senator St. Germain's point.

**The Hon. the Speaker:** Do you have another question, Senator St. Germain?

**Senator Bryden:** Are you auditioning for a position or something?

**Senator St. Germain:** The only thing I would audition for is something you do not qualify for, Senator Bryden. You are out of it.

**The Hon. the Speaker:** Honourable senators, I will recognize Senator St. Germain. I know from the debate that has occurred so far that the honourable senator has a special interest in this matter. Am I correct that Senator St. Germain has a question for the last speaker?

**Senator St. Germain:** To be fair, I am not certain whether I have the right to question the senator. I still have not received what I believe is any indication of fairness in the process, although Senator Carstairs is most likely one of the fairest women to have ever come out of Manitoba.

**Senator Kinsella:** Mira is the fairest!

**The Hon. the Speaker:** Senator St. Germain, if you have a question, please put it as succinctly as you can. I have other people on my list wishing to intervene.

**Senator St. Germain:** Honourable senators, we may not have a person as fair as Senator Carstairs in the future. Theoretically, everyone in the Liberal caucus could be told to apply for positions on the committee and they would come up with the numbers. I know Senator Carstairs would not do that. I suggest a process could be developed, in the future, if not today, giving consideration to senators who want to serve on committees as independents.

**Senator Kinsella:** Senator Gauthier has to answer.

**The Hon. the Speaker:** Senator Kinsella, I have consulted the Table on this, and we believe that Senator Gauthier's intervention was a question to Senator Carstairs. I am going to regard it as such and go back now to Senator Carstairs to respond to the question by Senator St. Germain.

**Senator Carstairs:** First, my husband thanks Senator St. Germain for the fairness comment, and our mutual friend Al Munro thanks you for the fairness comment.

Honourable senators, I tried to make the selection in the fairest possible way. I thank you for recognizing that it was done in a fair and appropriate way. I can only speak for myself in that while I am the leader, it will continue to be a fair system of applications and receipt of applications, and a genuine attempt will be made to properly place people on committees.



Let me say that the leadership on both sides worked very hard in coming up with a list that met with the satisfaction of both sides of this chamber. I did involve the honourable senator, as the Leader of the Alliance Party, inasmuch as I could involve him. He, too, was offered committees and he chose not to accept committees. I hope this chamber will continue to operate fairly, as it has operated under my wonderful predecessors, Senator Fairbairn and Senator Graham. As we start, so shall we proceed.

**The Hon. the Speaker:** Senator Gauthier, I consider your intervention a moment ago as a comment or question to the Leader of the Government. Do you have a further question for Senator Carstairs?

**Senator Gauthier:** Honourable senators, I have two points. First, I do not know of any independent senator in this place. They may be unaligned, but they are not independent, any more than I am. The honourable senator cannot tell me he is an independent. We all know he is a member of the Alliance Party.

Second, why did the selection committee not make recommendations regarding joint committees of the House and the Senate? Is there a special procedure to be followed? Why are there not recommendations for joint committees?

Also, why do we still have in our rules committees that have not sat for years?

• (1440)

We have the committee on the Restaurant of Parliament, for example. Why are we continuing with these committees that do not, in fact, exist? They are still on the orders. What will the standing orders say in regards to the committee on languages, for example?

**Senator Carstairs:** Honourable senators, to the best of my knowledge, there is no longer a joint committee on the restaurant, which I am sure you will be delighted to know. As far as the other joint committees are concerned, again, we made a decision not to assign the joint committee members until such time as the House of Commons has reported to us on their membership. At that point, the Selection Committee will meet to determine the membership on the joint committees.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, on Saturday, February 10, I shall be celebrating my 37th anniversary as a parliamentarian, as a federalist French Canadian from Quebec in Ottawa. Thirty-seven years in the service of my country!

I became involved in foreign affairs as early as 1965, as a member of Parliament in the House of Commons and during my stints at the University of Ottawa and the University of Montreal. I was elected president of the student body at the University of Ottawa; in fact, I won over Mr. Bédard, who went on to become

a Minister of Justice under a PQ government. At the University of Montreal, I took over from Jean Rochon as president of the student body of the law faculty, and my successor was Bernard Landry, who will become the next Premier of Quebec. As early as 1958, when I was attending University of Ottawa, I burned in effigy —

[*English*]

— Orval Faubus, Governor of Arkansas, for his anti-black stance and racist theories. February is Black History Month. That was external affairs, and I was involved ever since that day in foreign affairs.

I want to speak now to the new senators, who do not know the hanky-panky stuff around here. I was given the honour of chairing the Commons Committee on Foreign Affairs and National Defence. Do you think that was easy? We had 30 members of the House of Commons, from Michael Forestall to Pat Nowlan to Flora MacDonald. For more than 10 years in the House of Commons I was never challenged by anyone, and I took initiative. Remember, when you are a chairman you know what unites and you know what divides.

I was elected — by secret ballot, not open ballot — chairman of the Quebec caucus, against all the establishment of the Liberal Party of Canada. I was elected chairman of the national Liberal caucus, against Sheila Copps, in a secret ballot by 22 votes. I was opposed by the Canadian Jewish Congress, the Zionists of Canada, the Canada-Israel Committee, who denounced my election one minute after I became chairman. I can go on and on and on, and I will.

Today you see fit not to put me on the committee where I could help my country, knowing what divides and what unites. I have never used any of my positions in my 37 years to push forward opinions by my authority as chairman. I had the full confidence of Pierre Elliott Trudeau, who sent me to the United Nations under Saul Rae in 1974. In 1975, Mr. Trudeau asked me to be his representative in Egypt for the reopening of the Suez Canal. Personally, I was treated as though I were Mr. Trudeau, not Marcel Prud'homme. Yet you do not see me as fit to sit on that committee.

The Leader of the Government in the Senate asked me to indicate a second and third choice. I wish to inform the honourable senator that I want to be useful. I remember very well when she was the Deputy Leader of the Government in the Senate. When we asked the honourable senator, “What are the criteria?” she said: Well, seniority, I admit; talents, I admit; experience, I admit.

Those are the honourable senator's own words — I am sure she will acknowledge that. I know that some people think that to be on the Foreign Affairs Committee is a ticket to travel. Well, not for me. I can travel at my own expense, as I do so often. When I am not a delegate to the IPU — ask Senator Finestone — I pay my own expenses to attend. I gave Senator Finestone my place for two years, about eight years ago.

If honourable senators think I am unfit to sit on the Standing Senate Committee on Foreign Affairs, do not insult me — not you personally, but the system — by offering me a second or third choice, just to make sure that I may be useful in a committee. I find it insulting, with respect to my two independent colleagues — I do not speak for them, but the situation is such that not many people are interested in social affairs, not many people are interested in aboriginal affairs. That could put an end to this country. That is where these two independents were put. There must not have been many applications if they could so smoothly become members of these two committees.

I regret that I must stand up today. I will surprise you — because I had a long conversation with the government whip, who is a very personal friend. I could say, no, you will not pass this today — a stance that might force us to sit tomorrow, and so be it. Or I could say that if you do not prolong the debate, we will sit next week — because we will adjourn next week in case you did not know. I could say, so what?

As a gift to my friend, the whip of the government, I will not oppose this very unfair, totally unacceptable motion.

I wish to put on the record the Honourable Senator Carstairs' telephone call to me in Saudi Arabia. She asked me for a choice, it is true, but she already knew my choice, from the past. The honourable senator knows that I do not have a second and third choice. I know the honourable senator's difficulty — she said she could not disappoint some of her members. I told her that for the first time in my life I will get up in the Senate and make a series of special debates — because the rules accept it — on Canada's Middle East policy. Very few colleagues believe they have a veto right over people who may not share their views. I regret it. In an open country like Canada, every point of view should be put on the table. I have not prepared a speech, and you are "god-damn-ly" lucky I did not.

**Some Hon. Senators:** Order! Order!

**Senator Prud'homme:** "God-damn-ly" in French means nothing.

[*Translation*]

I have had quite enough of your hypocrisy. I am sick and tired of the hypocrisy of people who have been beating around the bush for 35 years, who have been accusing us of being responsible for every calamity, because we hold different views. Yet my opinions on the Middle East are clear. They are the same as those of the government. Do you understand that? I have always supported Canada's policy in the Middle East, no more, no less.

• (1450)

Why do certain people keep spewing their venom? Do you know what "venom" is? It is a poison that destroys human relations for these new senators, who hear ineptitudes, stupidities and lies.

[ Senator Prud'homme ]

Do you think that Marcel Prud'homme, at the age of 66 and with 37 years of indisputably loyal service to this country of Canada, is going to bow to a bunch of characters who do not dare admit publicly the real reasons for this refusal of a person who is always ready to attend a committee meeting, even if not a member. I say to the Leader of the Government that I have attended a number of meetings of parliamentary committees, though a member of none. I have logged more time in my seven years in the Senate on parliamentary committees without membership, and I never missed a meeting of my House of Commons committees, where I served the Liberal Party of Canada very well.

When there were problems in a committee, whom did the whips call upon? Marcel Prud'homme, because I had a certain ability to negotiate with my friends in all political parties. And now they are telling me that I will sit on no committee. I am disappointed. The Leader of the Government has offered a second, a third, a fourth choice, like throwing a dog a bone to keep him quiet. I thank you, Madam. I understand your problems. It is not easy.

[*English*]

It is not easy to be leader. I understand the minister's problems. She had to accommodate everyone, and she could not accommodate me. I bow to that decision; I accept it. I will not even say that I will get even. I am not that type of person. I could tell honourable senators that I will get even and that some people will pay for this, but I am not that type of person. I am not a divisive person. I am a person who tries to unite and who tries to open the eyes of the people to the realities of the world.

I regret that the honourable leader could not accommodate me on the Foreign Affairs Committee. I say to her, "Keep it."

[*Translation*]

If I were a vulgar person, I would tell you what you could do with this committee. I could tell you that I will try to be more present on the Foreign Affairs Committee than the members appointed to it. One thing I will tell you is that it is most embarrassing to attend committees where the favourites of the regime are appointed as members but are not in attendance. It is very embarrassing. I bow to your decision. You can pass your resolution.

[*English*]

I find it strange that the Leader of the Government went overboard and forgot Senator Maheu's two reports. Senator Maheu intelligently put to the Senate as a whole two reports on independent senators. No one wanted to take care of them. Suddenly, after negotiations between the two parties, without accepting or even debating those two reports, it was decided overnight to accommodate two of the six independent senators. Two have bowed out, as is their right, which is quite something. Two others made choices. I am no fool. One of them is a great guy. He was the best member on my foreign affairs committee. I am not being arrogant when I say that he was on "my committee," but he was. He was faithful.

As far as Senator Wilson is concerned, I do not need to tell honourable senators how expressive and well known she is in the world. She saw fit to ask to become a member of the Aboriginal Peoples Committee.

I repeat publicly that I am regretful, and honourable senators will hear more about that in Quebec.

[Translation]

I am not going to be made to look like a man who refuses to do his job as a senator. I can assure you of one thing: The debate is not over. If I am agreeing that you can be away tomorrow and next week, that does not mean I am giving my support.

I find it odd that some of the people appointed to the Foreign Affairs Committee are also on other top committees. They must have a lot of spare time!

[English]

It is very strange. It must be like in Rome. They say that the Pope is a little bit more equal than certain cardinals.

**The Hon. the Speaker:** Honourable senators, is the house ready for the question?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** It is moved by the Honourable Senator Mercier, seconded by the Honourable Senator Mahovlich, that the second report of the Senate Committee of Selection be adopted.

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

**Some Hon. Senators:** Agreed.

**Senator Prud'homme:** On division, and you are lucky!

Motion agreed to and report adopted, on division.

[Translation]

## BUSINESS OF THE SENATE

### COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENTS OF THE SENATE

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

That for the duration of the present session any select committee may meet during adjournments of the Senate.

[English]

**The Hon. the Speaker:** Honourable senators, is leave granted to proceed with this motion now?

**Hon. Senators:** Agreed.

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

**Hon. Anne C. Cools:** Honourable senators, I am curious. I should like to ask a question. Is this a routine motion, or is this a new situation? Perhaps Senator Robichaud could explain.

**Senator Robichaud:** Honourable senators, this is a routine procedure. Rule 95(3) provides that committees may sit when the Senate is adjourned only by order of the Senate.

**Hon. Jean-Robert Gauthier:** Honourable senators, I do not wish to be repetitive, but I should like to come back to the issue of joint committees of the Senate and the House of Commons.

In the *Rules of the Senate of Canada* dated October 2000, which is the most recent edition, a list of standing Senate committees and joint committees is set out in rule 86(1). There is a Joint Committee on the Library of Parliament, which is okay. There is a Joint Committee on the Printing of Parliament, which has not met for at least seven or eight years. It should be removed from the list. As for the Joint Committee on the Restaurant of Parliament, I agree with the honourable leader who says that it has not met or been active for the last four or five years. Why is it still listed in the rules? The Joint Committee for the Scrutiny of Regulations is very important. I think we should keep it. The Joint Committee on Official Languages is up in the air. I do not know where we are with respect to that joint committee.

Honourable senators, I want to ensure that our rules direct the proceedings in this place. If some committees may never meet, let us remove them from the list.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Rules Committee of the Senate is always examining changes and anomalies within the rules. Committee members come forward with amendments to those rules. I understand that our former Speaker has undertaken a major cleanup of the anomalies found in the rules. I wish to assure Senator Gauthier that his concerns will also be taken care of at the appropriate time.

• (1500)

**Senator Cools:** Honourable senators, I do not pay that much attention to the Joint Committee on the Restaurant of Parliament or to the other committees mentioned, but if these committees no longer exist, how are these aspects of Parliament administered? Who, for example, runs and administers the restaurant and the Library of Parliament? If these two joint committees of the two chambers are not supervising these aspects of Parliament, then, pray tell, who is supervising them?

**The Hon. the Speaker:** The last speaker to address this issue was Senator Carstairs. I am assuming that Senator Cools is putting her question to Senator Carstairs.

Honourable senators, I believe that I heard the procedural question, "What is happening here?" We are discussing a Notice of Motion. We should have moved the motion for purposes of debate, but I may have perhaps mistakenly allowed an exchange to occur before the stage when the question is put. It would be wise for me to now put the question to the house, and then Senator Cools can debate this matter or put a question at that time.

Honourable senators, it is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Graham, with leave of the Senate and notwithstanding rule 58(1)(f):

That for the duration of the present session any select committee may meet during adjournments of the Senate.

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

**Hon. Senators:** Agreed.

Motion agreed to.

**Senator Robichaud:** Honourable senators, I ask leave to revert to Government Notices of Motions following the completion of Orders of the Day, Inquiries and Motions for the purpose of dealing with the adjournment motion.

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

**Senator Cools:** No, leave is not granted. I was under the impression that His Honour was putting the question so as to allow the motion to go into debate. It was my understanding that Senator Robichaud would rise and speak to his own motion and then the questions could properly be put to him. It seems to me the point that His Honour had made is that we had moved ahead of the question being put into debate before us.

**The Hon. the Speaker:** Honourable senators, Senator Cools is quite right. That is what happened. I did put the question. I asked if there was agreement, and I heard "yes." The only way we could return to that matter now would be with unanimous consent. I point out that if leave is not granted for this traditional motion, then the result probably would be a sitting tomorrow because no notice can be given. In any event, I leave this matter to honourable senators.

Perhaps Senator Cools could put her request for leave one more time so that everyone is clear as to what is being requested, which is to return to the previous matter.

**Senator Cools:** Honourable senators, this is indeed an odd and peculiar situation. The custom is that notice is given. When the order is called, the motion is moved, and before a final vote is taken, the senator moving the motion rises and speaks. Other senators have an opportunity to take part in the debate. It was my clear understanding, although I could be mistaken, that His Honour rose and said that we had gone ahead too quickly and that the motion should be put before us for the debate to begin properly. It seemed to me that this was the proper way to proceed. Then I thought that Senator Robichaud would get to his feet, and I would properly be able to put the question that I was trying to ask him. I do not want to revert particularly; I just want my question answered.

My question comes back to the exact same thought that I had posed earlier. Senator Gauthier has suggested or asserted that

these committees — he named the Library of Parliament, the restaurant, and I believe there were others — no longer function or they have not been operational for a few years. It is a well-known principle of Parliament that Parliament is to be administered by members. The question that I was seeking some clarification on was the following: If the Joint Committee on the Library of Parliament does not function as a joint venture between the two chambers, and if the Joint Committee on the Restaurant of Parliament does not function, then who looks after the business and interests of senators in respect of the administration of Parliament? How is that done?

**The Hon. the Speaker:** Honourable senators, to prevent further confusion with respect to how we should conduct our affairs, I wish to clarify that we have completed consideration of the motion of Senator Robichaud dealing with the matter of select committees meeting during adjournments of the Senate. That matter is finished. I invited Senator Cools to put a request — which the honourable senator has done — to all honourable senators to move back in the rules; in other words, use our ability to change what we have already done, including the rules, to return to that matter, but it would require unanimous leave.

Is unanimous leave granted, honourable senators?

**Senator Lynch-Staunton:** For what?

**The Hon. the Speaker:** Honourable senators, I shall start again.

Senator Robichaud has the floor. He has asked for leave to revert later this day. I heard that leave was granted. At that point, Senator Cools stood and stated that she believed we were still on the previous item. I pointed out to the honourable senator that we were not on the previous item and that the only way we can get back to the previous item is with unanimous leave of all senators, with no dissenting voice. I let Senator Cools have the floor to put what I thought would be her request for unanimous leave to return to the previous item.

Is unanimous leave granted, honourable senators?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Then I will confirm my understanding that the request by Senator Robichaud to revert later this day is before us.

Honourable senators, is leave granted to revert to Government Notices of Motions later in the day for purposes of dealing with the adjournment motion?

**Hon. Senators:** Agreed.

---

## QUESTION PERIOD

### PUBLIC WORKS

#### COMPLETION OF MANITOBA FLOODWAY

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. I, too, should like to pay a compliment to the leader on her tribute to Duff Roblin yesterday. I was remiss in not doing so and, as a fellow Manitoban, I appreciate the leader doing that.

I wish to make a little aside with respect to this question. What is not known is that while Duff's Ditch protected the city of Winnipeg, the rural areas south of the city were not protected.

• (1510)

They were in fear of being flooded on a regular basis. In the flood of 1979, Sterling Lyon, the then Premier of Manitoba, surveyed the damage with then Prime Minister Pierre Elliott Trudeau by airplane. Sterling Lyon told Mr. Trudeau that this kind of damage need not happen. On a handshake, they agreed they would build ring dikes around the towns and villages south of the floodway, and that indeed was done. In fact, in the area in which I live a ring dike protects some 30 properties.

I should like to refer back to the question I asked yesterday with regard to the potential for flooding in the Red River Valley. As indicated in the final report of the International Joint Commission, the fear of a recurrence of the 1997 flood is ever greater. As a matter of fact, the International Joint Commission final report recommended that we prepare for a flood comparable to that of 1826, which I think was 220,000 feet per second along the river versus the 169,000 feet per second that we experienced in 1997.

In its press conference, the International Joint Commission recommended that the federal and the provincial governments act with as much haste as possible because of the likelihood of a flood equal to or greater than the 1997 flood.

What is the state of the union with respect to this? It was 18 years after the 1950 flood before the floodway was in operation. Eighteen years after the 1997 flood is a long time.

I know that it may not be possible to answer this question today, but I should like to know the current status of this matter and what the potential is for moving quickly. Has any date been set for this?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. The effects of the 1997 flood were reflected in this very chamber. Senator Molgat, Senator Stratton and Senator Spivak, all of whom live within the city of Winnipeg, were all victims of that flood. The flood affected not only those outside of the city of Winnipeg but those living along the rivers within our city.

Senator Stratton is aware of the present situation. The lead minister from the Province of Manitoba, the Honourable Ron

Duhamel, has committed himself to working with the provincial government on this matter. I, too, have indicated to the Government of Manitoba that I would be prepared to meet with officials at any time on this issue. Although no formal negotiations have yet begun, I sense a willingness on the part of all participants to find a more permanent resolution than we currently have.

**Senator Stratton:** Honourable senators, can I take from that response that there is currently no timetable set out whatsoever?

**Senator Carstairs:** Honourable senators, at the present time there is no timetable. As this is a Manitoba issue, we are waiting for the Manitoba government to respond.

### HEALTH

#### NEW BRUNSWICK—FUNDING OF ABORTION SERVICES

**Hon. Lowell Murray:** Honourable senators, may I return once more to the questions I raised yesterday and the day before with regard to the funding of abortion services in New Brunswick. I thank the Leader of Government in the Senate for her efficiency in obtaining an informal reply from the Minister of Health on these matters. Nevertheless, in view of the reply yesterday, which was to the effect that the Minister of Health agrees that the regulation of abortion services in New Brunswick contravenes the principles of accessibility and universality in the Canada Health Act, it would be important for us to have a brief formal statement from the department with the analysis that led them to that conclusion.

May I ask the leader to obtain this for us with her usual efficiency?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. I will do my best to get a brief formal statement for him.

#### AUDITOR GENERAL'S REPORT— FUTURE ROLE OF DEPARTMENT IN SETTING STANDARDS

**Hon. Donald H. Oliver:** Honourable senators, my question is directed to the Leader of the Government in the Senate. It is once again a question arising from the report of the Auditor General, this time pertaining to Chapter 26, "Health Canada, Regulatory Regime of Biologics."

The Auditor General notes that rapid changes in the field of biologics require that the move from a regulations-based system to a standards-based system will take place. The problem, however, honourable senators, with this shift is that third-party organizations will play more of a role in health standard setting than the Government of Canada.

Can the Leader of the Government in the Senate explain how Health Canada will be able to continue to play a leadership role in standard setting practices? What assurance can the honourable leader give us that the setting of health standards for Canadians will remain under the control of the federal government?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. Clearly, it is absolutely critical that Health Canada remain the ultimate decision maker on the whole issue of genetic engineering and the extent of it in our society. That is not to say that all of the bodies of information rest with Health Canada. That would not be possible with the explosion of new knowledge and technology in this field. It is essential that the government reach out to scientists and knowledgeable persons in the field to get the very best information that it can possibly obtain. However, in the final analysis the standards remain with Health Canada.

**Senator Oliver:** Honourable senators, is the Leader of the Government in the Senate able to give us her assurance that the federal government will retain control?

**Senator Carstairs:** Honourable senators, from the information that I have been given, it is my understanding that that is the case.

AUDITOR GENERAL'S REPORT—  
RECRUITMENT PROGRAM FOR BUREAU OF BIOLOGICS

**Hon. Donald H. Oliver:** Honourable senators, in November 1997, Justice Krever outlined a number of measures to improve the blood regime in Canada and to provide compensation for victims of hepatitis C, which measures were ignored by the federal government. One recommendation was that the Bureau of Biologics receive increased funding and staffing to strengthen Health Canada's blood safety program.

By August of the year 2000, this government had filled only 34 of 94 vacant positions in the program. Amid other failures of this government, as reported by the Auditor General, the department does not review adverse reaction reports from industry in other countries. It stores them in boxes.

Will the Leader of the Government in the Senate confirm whether the federal government stores the health reports of other countries in boxes? Second, will she outline what active measures the government has taken to fully staff all blood system related occupational vacancies?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, with regard to the first question about whether reports from other countries are stored in boxes, I shall have to get back to the honourable senator because I have no information.

With regard to the number of positions that were filled, the Public Service Commission is collaborating with Treasury Board on a recruitment action plan. I believe that that action plan would also be used to fill positions at Health Canada.

There will be several initiatives to improve the public service recruitment program, and it is anticipated that in the fall of 2001 the entire post-secondary recruitment program will be redesigned. Therefore, we are more at the ready than we have been in the past.

• (1520)

TRANSPORT

AIR CANADA—  
SURVEY TO DETERMINE LEVEL OF BILINGUAL SERVICE

**Hon. Jean-Robert Gauthier:** I have a question for the Leader of the Government in the Senate.

Several media reports tell us that Air Canada has decided to question passengers as to the need to have both official languages used in the operations of the airline. I quote from *The Globe and Mail* of yesterday:

Mr. Dennis Erickson, manager of corporate communications for Air Canada Regional, said yesterday in an interview the airlines are trying to determine the level of bilingual service sought by customers.

He goes on to explain that there are new rules.

[*Translation*]

In today's issue of *La Presse*, we read:

Liberal MPs are afraid that Air Canada is neglecting bilingualism...

This is becoming an important issue. A Western newspaper, *Le Courrier du lecteur*, says that there is not enough demand to justify bilingual signs in the Regina and Saskatoon airports.

Could the Leader of the Government ask the Minister of Transport and the Minister of Canadian Heritage whether there is a government policy on official languages? Has Air Canada been relieved of its obligations under section 10 of the Official Languages Act?

There is no reason to conduct a survey to determine whether or not to continue to enforce the Official Languages Act. It is the law.

**Some Hon. Senators:** Absolutely!

[*English*]

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator has asked a very serious question, indeed. Like him, I was somewhat shocked to learn that Air Canada was conducting such a survey of its passengers to determine whether there was, in their interpretation, enough need for French-language services.

I have not spoken with the Minister of Transport about this particular issue, but I will do so. I will report back as quickly as I possibly can.

## CANADIAN FOOD INSPECTION AGENCY

### RECRUITMENT EFFORTS TO INCREASE STAFF

**Hon. Mira Spivak:** Honourable senators, those of us who sat through the committee hearings in the Agriculture Committee on rBST were not surprised to see the devastating criticism of the Canadian Food Inspection Agency and the Health Protection Branch. Criticisms include underfunding, staff shortages, lack of expertise in regulatory agencies, and a reliance on safety standards set by the industry itself or by third parties. I discovered there was indeed a committee within the department on which industry sat, in which they took the minutes, and in which they set policy. It was surprising.

The food agency is not concentrating on inspections in areas of greatest health concerns, such as imports from the Third World. The agency does not know enough about the number of cases of food-borne illnesses because of split jurisdiction with provincial and municipal health authorities. It does not have a good handle on the prevalence of disease-causing pathogens. Health Canada, in monitoring the production of blood products and vaccines, operates under outdated regulations that have not kept pace with scientific advances.

The Canadian Food Inspection Agency has a monitoring program which is called “have a cup of coffee and pray.” This program involves merely spot inspections. There is no longer the staff that there once was. Living human beings are just not there.

My question is to the Leader of the Government. I am not sure that she has all the information she needs to answer today. Does the Canadian Food Inspection Agency intend to beef up its staff? I refer to the staff which actually regulates out in the field. Will it eliminate the “have a cup of coffee and pray” approach and increase inspections on beef and so forth? I know this area is of great concern to the beef producers here, who as an industry want to have very stringent inspections.

Will there be a radical restructuring to give the Canadian Food Inspection Agency the proper resources it needs to ensure that there is not a conflict of interest wherein the agency that promotes the product also regulates it? This is a structural problem.

Those are my questions. I do not expect answers today.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for her questions, and I think I have part of the answer.

The Auditor General acknowledged in his audit that he did not do a resource audit. He did not, therefore, conclude that CFIA’s programs were either over- or under-resourced.

There has been concern regarding CFIA for some time, as the honourable senator has indicated. CFIA has initiated such a resource review, in conjunction with the Treasury Board Secretariat, which will evaluate all of CFIA’s activities and confirm whether they are appropriately resourced. If it is shown that they are not, resources will be put in place.

**Senator Spivak:** The leader will agree that there were a number of excellent questions and recommendations in the report that came out of the Standing Senate Committee on Agriculture and Forestry, which was greeted with much applause throughout the country. Perhaps we could revisit some of those recommendations, the result of a long period of study, and forward them to the people doing the review.

**Senator Carstairs:** I thank the honourable senator for her excellent suggestion. In fact, I will ask my staff to review all recent reports of Senate committees, reports such as the one the honourable senator has referred to and other reports, such as those from the National Finance and Banking Committees, to ensure that the government is aware of the excellent work this chamber does.

## AUDITOR GENERAL

### PRINCIPLES OF FIDUCIARY RESPONSIBILITY IN THE MANAGEMENT OF PUBLIC FUNDS—GOVERNMENT POLICY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** My question is to the Leader of the Government in the Senate.

Could the minister advise the house as to whether or not the government subscribes to the four principles outlined by the Auditor General in his recent report that, in his view, ought to govern the government’s fiduciary obligations to Canadians for the management of public funds?

I will footnote my question for the minister. On page 10 of the volume entitled “Matters of Special Importance,” forward and main points, the Auditor General outlines what he considers to be four key principles.

I believe all honourable senators would like to know whether the government embraces those four principles that ought to govern fiduciary responsibility over the taxpayers’ money.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. The four principles outlined by the Auditor General are worth repeating to everyone in this chamber. He said very clearly that all spending should be sanctioned by Parliament, that spending should be managed with probity and efficiency, that the value of spending should be measured by what is achieved, and that spending programs should remain current.

The Government of Canada totally concurs with those principles. We were delighted when the Auditor General indicated that, while he was not satisfied — I have never known an auditor anywhere in this country who has ever been entirely satisfied with governments at any level — he did say that real progress had been made in the 1990s.

**Senator Kinsella:** Honourable senators, my supplementary question speaks to the processes that we have in place under our system of governance to apply those principles, which the minister has just stated are embraced by the government. That, of course, is the role of both Houses of Parliament.

• (1530)

Will the government be forthcoming in facilitating standing Senate committees that examine expenditures against the standard of the four principles as we go through this 37th session of Parliament?

**Senator Carstairs:** Honourable senators, I will certainly ask that it do just that.

## HOUSE OF COMMONS

### FEDERAL ELECTION RESULTS—INFLUENCE ON NUMBER OF WOMEN AND VISIBLE MINORITY MEMBERS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have a question on a different topic, one in which I am sure many honourable senators would be interested. It speaks to the composition of this Parliament as a result of the election on November 27, 2000. There has been a significant decrease in the female membership of the other place and there has been absolutely no change in the number of House of Commons members from visible minority groups.

We understand that the electorate has a key say in the selection, as do the selection processes for political candidates of the various political parties. In this House of Parliament, though, the selection process is somewhat different and that affords a tremendous opportunity to the Prime Minister who, under the Constitution, makes recommendations to the Governor General to summon Canadians to sit in this place. Will the minister make a representation to the Prime Minister advising him that the last election resulted in a decrease in the number of women parliamentarians and in no increase in the participation of members in the visible minority community?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, this chamber has become more reflective, if you will, of the body politic in this nation than the other place. I remember when Senator Bacon and I were sworn in. If I am not mistaken, we were the fourteenth and fifteenth women appointments to this chamber at that particular time. I believe there are 33 women sitting in this chamber today. I consider that to be a significant upward swing for members of my gender.

In addition, there have been a number of appointments to this chamber of people of visible minorities.

The honourable senator has stated in his question — and unfortunately he is quite correct — that the House of Commons has not seen the same type of progress. On the one hand, I congratulate the government on the election and re-election of so many members. We had few retirements and the previous members were clearly judged to be good representatives of their constituencies and were returned to office. That did not, therefore, afford us the same opportunity to nominate many new candidates. We did have some and some of those new candidates are women.

In Manitoba, the Honourable Lloyd Axworthy, a venerable member of the other place, was replaced in the House of

[ Senator Kinsella ]

Commons by Anita Neville, a woman. To me, that was certainly a positive step forward.

I will, however, take the message to the Prime Minister that honourable senators are concerned to see more women in both chambers, to see more visible minority members in both chambers, and more members of our first peoples in both chambers.

[*Translation*]

## ORDERS OF THE DAY

### CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Céline Hervieux-Payette** moved the second reading of Bill S-11, to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other acts in consequence thereof.

She said: Honourable senators, it is a pleasure to speak on this bill to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other acts in consequence thereof.

As honourable senators are aware, this is a bill that has been reintroduced today because its earlier version died on the Order Paper as Bill S-19.

Interruption of the Senate's examination of the bill has, however, afforded the government the opportunity to look more carefully at the points raised in committee. I am very pleased to say that the bill reintroduced as Bill S-11 takes into account the worthwhile points raised by witnesses, and so an impressive piece of legislation is now even better.

The majority of the changes in Bill S-11 are of a technical nature and mainly clarify the terms and bring about uniformity in the wording of the text itself and between it and other statutes such as the Canada Cooperatives Act. In addition to these changes, there are new measures aimed at improving the rights of shareholders. Otherwise, all basic provisions are identical to what was in Bill S-19.

The members of the Banking, Trade and Commerce Committee found the comments and advice of the 35 witnesses heard between April and the end of June 2000 especially constructive.

I add that the witnesses all supported the bill. To us, this consensus confirms that the bill faithfully reflects the opinions, recommendations and wishes expressed during the consultations the committee and the Department of Industry held over the past years.



I therefore once again thank all the interveners who supported us over the years. I cite particularly the diligence of the groups that appeared before the committee and would mention, among others, the Coalition for the Reform of the Canadian Business Corporations Act, the Canadian Bar Association, the Inter-Church Taskforce on Corporate Responsibility, Democracy Watch and the Canadian Co-operative Association.

The aim of the Canadian Business Corporations Act is readily understood. It guarantees the establishment of an appropriate accountability framework by defining the rights and responsibilities of directors and shareholders.

The aim of the law is simple, and the reasons behind its amendment are clear as well: Times have changed. The present law, solid legislation, has remained unchanged for 26 years. The need to act is therefore clear.

I suspect that even people with no interest in business or trade know that commercial transactions are not the same now as they were, that markets are now global and that alliances and partnerships among businesses are created and dissolved at a rate no one ever imagined or thought possible.

The transactions take place and markets are exchanged at the speed of the Internet. Because of that, NAFTA and globalization, and because Canada belongs to the G-8 and leads it in job creation, it is time to modernize the rules set out in the Canadian Business Corporations Act in order to provide Canadian businesses with clear guidelines for taking advantage of openings in today's markets.

The changes proposed in Bill S-11 will improve and modernize the law in four important respects: the bill increases shareholders' right to communicate among themselves and encourages their participation in the corporation's decision-making process; the bill will help meet the needs of Canadian corporations seeking to expand on the world market by encouraging the better companies in the world to establish a place of business in Canada from where they may conduct their international operations. This aspect of the bill will improve Canada's competitiveness in the world; moreover, the bill will clarify the responsibilities of directors and shareholders; finally, it will eliminate overlap with various laws and with provinces and will reduce costs.

• (1540)

It is not necessary for me to do a detailed review of the basic provisions of the bill on this issue. Honourable senators should consult the *Debates of the Senate* to read the explanations that we have already provided on this at second reading, on March 28, 2000.

Instead, I would rather use the time at my disposal to explain two of the most important additions that are now part of Bill S-11.

Several witnesses, including officials from the Inter-Church Taskforce on Corporate Responsibility and from Democracy Watch, felt that the reform triggered by Bill S-19 on the submission of proposals by shareholders did not go far enough in two areas.

Bill S-19 authorized a corporation to reject a proposal whose primary purpose was to serve general economic, political, racial, religious, social or similar purposes, unless its sponsor could demonstrate that it was linked in a significant manner to the corporation's business or internal activities.

The stakeholders challenged the fact that corporations would still have the power to reject a proposal submitted essentially to promote general economic, political, racial, religious or similar causes.

They pointed out that the bill still gave too much flexibility to corporations, allowing them to refuse to publicize a proposal, to the extent that it seemed to relate to a cause of that type.

Moreover, stakeholders were concerned that the bill required the sponsor of the proposal to prove that his proposal did relate in a significant way to the corporation's commercial or internal activities.

In the new bill, the general causes for rejection have been eliminated. From now on, a corporation can only reject a proposal if it does not significantly relate to its commercial or internal activities.

Moreover, it is now the corporation's responsibility to explain its reasons for rejecting the proposal, and not up to the sponsor of that proposal to justify it. It is still up to shareholders to file a motion with the court if a corporation turns down their proposal; however, it would be up to the corporation to justify its decision. There is no doubt that the rights of shareholders have been strengthened accordingly.

A second amendment in Bill S-11 will increase use of electronic communications in cooperatives. The provisions authorizing use of electronic communications by cooperatives will be similar to those applying to corporations governed by the Canada Business Corporations Act. The purpose is to put cooperatives and corporations on an equal footing.

The new provisions outline the manner in which cooperatives may communicate electronically with their members and shareholders; members and shareholders will be able to vote electronically in annual meetings; it will be possible to hold entire meetings electronically.

Honourable senators will admit that provisions such as these are concrete evidence of the undertaking by the Government of Canada in the Red Book to make our country a sophisticated nation, to connect Canadians with one another and with the world, to facilitate access to the Internet, and to revolutionize the way people communicate, exchange information, and transact business.

Honourable senators, in its Red Book and in the economic statement last fall, the Government of Canada clearly undertook to encourage entrepreneurship and risk-taking, by lowering the corporate tax rate and the capital gains inclusion rate. It promised to create a society and a business climate in which well-educated, specialized professionals will want to live and work, so that entrepreneurs will see Canada as the ideal country in which to do business.

The provisions in Bill S-11 are part of this forward-looking approach designed to create an innovative business climate.

The proposed legislation will give cooperatives and federal corporations the necessary flexibility and effectiveness to create wealth for their shareholders and for all Canadians, for they will then be better placed to expand their international transactions, create jobs and strengthen hundreds of communities, small and large, throughout Canada.

I therefore urge all honourable senators to support Bill S-11.

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

## COMMITTEE OF SELECTION

### FIRST REPORT ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*), presented in the Senate on February 7, 2001.

**Hon. Léonce Mercier:** Honourable senators, I move adoption of the report.

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

[English]

## BILL TO MAINTAIN THE PRINCIPLES RELATING TO THE ROLE OF THE SENATE AS ESTABLISHED BY THE CONSTITUTION OF CANADA

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-8, to maintain the principles relating to the role of the Senate as established by the Constitution of Canada.—(*Honourable Senator Grafstein*).

[ Senator Hervieux-Payette ]

**Hon. Jerahmiel S. Grafstein:** Honourable senators, let me commence by congratulating our assiduous colleague Senator Joyal for his initiative in proposing this omnibus bill which, essentially, repairs and restores the legislative regimes that excluded the Senate, especially with respect to “oversight,” the receipt and review of government reports. Without this restorative measure, the Senate would be deprived of an essential feature, an essential duty of Parliament to act as a check and balance, as oversight to the government.

As senators and parliamentarians, our primary responsibility is not only to amend or pass laws but to uphold and sustain the rule of law. Fundamental to the rule of law is the constitutional order in this country under which the rule of law operates. Intrinsic to the rule of law is the tripartite nature of government, the Crown and Parliament, made up of two Houses of equal legislative authority, save with respect to money bills, confidence measures and limitations on constitutional matters which adhere to the lower House. In all other matters the Senate is equal in power to the House of Commons under the Constitution.

Honourable senators, let me refer briefly to a case well known to all of you. It is the 1980 Canada Supreme Court case intitled, “In the matter of a Reference by the Governor in Council concerning the legislative authority of the Parliament of Canada in relation to the Upper House...” This was a Supreme Court decision on a case heard in March of 1979, and which was reported in the *Supreme Court Reports* in 1980. The entire court was present. They were the then Chief Justice Laskin, Justices Martland, Ritchie, Pigeon, Dickson, Estey, Pratte and McIntyre. They all agreed unanimously with the decision to which I would like to refer.

The decision had a number of questions. The first question is the pertinent one here. The decision states, in part:

The Governor in Council referred to this Court the following two questions, in accordance with s. 55 of the *Supreme Court Act*.

The question was this:

1. Is it within the legislative authority of the Parliament of Canada to repeal sections 21 to 36 of the *British North America Act, 1867*, as amended, and to amend other sections thereof so as to delete any reference to an Upper House or the Senate? If not, in what particular or particulars and to what extent?

• (1550)

Essentially, honourable senators will recall that this case was about the attempt by the House of Commons to, in effect, amend unilaterally the powers of the Senate. This question was then put to the Supreme Court. It is relevant to the legislation at hand as to what powers the lower House has to change the essential features of the Senate unilaterally without constitutional amendment. I will not go through the entire case, but I do want to remind honourable senators of some of the statements made in this decision. On page 66, the court says:

The Senate has a vital role as a institution forming part of the federal system created by the Act.

The court later goes on to say:

Under the Constitution of the United Kingdom, to which reference is made in the first recital, legislative power was and is exercised by the Queen, by and with the advice and consent of the House of Lords and the House of Commons. The Upper House was not and is not an elected body, the Lower House was and is.

The decision continues:

It is, we think, proper to consider the historical background which led to the provision, which was made in the Act for the creation of the Senate as a part of the apparatus for the enactment of federal legislation.

The learned court then goes on to quote from the debates on Confederation. First, Sir John A. Macdonald said:

In order to protect local interests and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.

You will recall, honourable senators, that the first three divisions of Canada then were Ontario, Quebec and the Maritimes. Later on, as Canada was expanded, the Constitution included other divisions in the West, but essentially the arguments pertain to the equality of divisions that we still have in this country.

Sir John A. went on to say this:

There are three great sections, having different interests, in this proposed Confederation....To the Upper House is to be confided the protection of sectional interests; therefore is it that the three great divisions are there equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly.

The Supreme Court went on to quote briefly the Honourable George Brown:

But the very essence of our compact is that the union shall be federal and not legislative. Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and, for my part, I am quite willing they should have it. In maintaining the existing sectional boundaries and handing over the control of local matters to local bodies, we recognize, to a certain extent, a diversity of interests; and it is quite natural that the protection for those interests, by equality in the Upper

Chamber, should be demanded by the less numerous provinces.

The court goes on to say:

A primary purpose of the creation of the Senate, as a part of the federal legislative process, was, therefore, to afford protection to the various sectional interests in Canada in relation to the enactment of federal legislation.

Later on in the case, on page 68, it states :

The creation of a federal system in Canada involved the necessity of effecting a division of legislative powers. This division is made by the provisions of ss. 91 and 92 of the Act.

The court quotes section 91, and then proceeds to say:

The power to enact federal legislation was given to the Queen by and with the advice and consent of the Senate and the House of Commons. Thus, the body which had been created as a means of protecting sectional and provincial interests was made a participant in the legislative process.

I commend all honourable senators to read this case because essentially it is a reaffirmation by the Supreme Court of Canada in 1980 of the full partnership of the Senate in all legislative aspects, save the three exceptions that I mentioned earlier.

Honourable senators, I will not repeat the main arguments in the case, but the honourable justices make the same point over and over again — namely, that the Senate is a coequal partner in Parliament. If that coequal partnership is not maintained, any breach obviously raises the question of the legitimacy of legislation that neglected the Senate. In effect, this case says clearly that even if the Senate itself chose to reduce its powers, it could not do so. We do not have within our competence the ability to reduce our own powers, save with respect to a constitutional amendment.

The Supreme Court of Canada dealt squarely with the Senate's role in the legal and constitutional order in this country. Parliament cannot, in my view because of what the Supreme Court of Canada unanimously held in this case, even if it chose, legislate to derogate the powers of the Senate without constitutional amendment.

Honourable senators, by approving this omnibus bill, we remove a clear and present danger that legislation taken under the various bills may be found in breach of the Constitution. The clear and present danger might result in legal challenges to the various legislative regimes that are, hopefully, repaired and renovated by this legislation. This rather simple measure is a surgical reform to remove doubts and questions respecting the validity of these various and important laws. Hence, I support the passage of this omnibus bill. To do otherwise is to leave open serious questions about the constitutional validity of acts taken and conducted under the legislation named and needlessly undermine constitutional order and the rule of law.

One final word, honourable senators, about oversight. The substance of the measures in the bill is essentially to return to the Senate under those various pieces of legislation the Senate's equal role of oversight. The duty of oversight in Parliament is well established. The duty of oversight is a check and balance on the government by both the House of Commons and the Senate. It goes to the very nature of our separation of powers. It goes to the very heart of the separation of powers between both Houses of Parliament, between the executive and the government. To reduce oversight is to derogate and dilute the careful balance of checks and powers in our system of responsible government, as established by Confederation in our Constitution.

Honourable senators, I commend speedy passage of this omnibus bill. I move, that the bill be referred to the Standing Committee on Privileges, Rules and Orders.

On motion of Senator Kinsella, debate adjourned.

## PARLIAMENT OF CANADA ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-10, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I rise to participate in the debate on Bill S-10, the parliamentary poet laureate bill.

On December 14, 1999, we had a similar opportunity to speak in support of the principle of Bill S-5, which, as honourable senators know, is the same bill that is once again before the Senate but now as Bill S-10, in this our Thirty-seventh Parliament. Like the doubling of the number to propose a parliamentary poet laureate, I am twice as convinced of the wisdom of the initiative contained in Bill S-10 as I was when I spoke in support of Bill S-5.

I originally had some concerns about the title “poet laureate.” Whilst at first blush it seemed to me to be somewhat colonial, it is indeed an accurate descriptor of the officer of the Library of Parliament envisaged by the bill.

Honourable senators, allow me to place on the record a few considerations that might guide the development of the office of the Canadian parliamentary poet laureate.

First, the poet laureate, in his or her writing, must be reflective of our bilingual country, together with the fullness of the ethnocultural diversity of Canada.

• (1600)

When one looks at clause 5(b) of the bill, relating to the sponsorship of poetry reading across Canada, one might well find instruction in the work of Robert Pinsky, a poet laureate or, as

[ Senator Grafstein ]

they call him more accurately, Poet Laureate Consultant in Poetry to the Library of Congress. Pinsky's Favourite Poem Project was a millennium commemoration of 2,000 Americans from every state, with varying regional accents, ages, levels of education, professions and ethnic origins, reciting their poems for an audio-visual archive.

Second, honourable senators, I note that Rita Dove, Professor of English at the University of Virginia in Charlottesville, was the first black American who served as the United States poet laureate. She served from 1993 and 1995. Professor Dove brought a program of poetry and jazz to the Library of Congress literary series, along with a reading by young Crow Indian poets and a two-day conference entitled “Oil on the Waters: The Black Diaspora.”

The point I wish to underscore, honourable senators, is that the Canadian parliamentary poet laureate must develop the work of that office such that it embraces the fullness of Canadian literature and Canadian life, which is a life of the great diversity of our ethnocultural communities and the reality of our dual-linguistic society.

Third, I should like to think that the advice of Robert Hass on the evolution of the poet laureate office should be placed on our record. Mr. Hass also served as poet laureate in Washington. You might wonder why I am concentrating on the poet laureate at the Library of Congress. It is because when I spoke on this topic when we dealt with Bill S-5, I concentrated on the poet laureate in the United Kingdom. We can learn from both. Hopefully, the office-holder in Canada will learn from the experience of those two traditions.

We were able to interview Mr. Hass. I should like to place on the record some of his observations. Mr. Hass told us that one of the basic obligations that he saw as poet laureate in the United States was to give a lecture and a reading at the Library of Congress during his tenure and to set up a literary program for the library and for the Washington community. He stated:

...in becoming the Poet Laureate you become the person through whom public presence of poetry is manifest, and therefore have to make yourself available for lots of press and radio interviews —

— but —

— if a poet chooses to accept the honour and to go about their work, they can do that. But if you want to undertake any of the kinds of work you can do to enhance the presence of poetry in the public eye, you can also do that.

It is this promotional role that Hass underscored and, hopefully, our poet laureate might find an example therein.

Since the time of Robert Penn Warren, who was the poet laureate in 1984 in the United States, subsequent poets have done things differently. That is just fine. Some have thrown themselves into the task of being a kind of ambassador for American letters, and yet others have taken it as an honour and chance to keep on writing. Hass said to us:

I've gotten a couple of invitations to do that —

— be an Ambassador for the Arts —

— and also to get involved in programming on Voice of America. It would also be possible, for example, to bring European, Latin American or other international writers to the Library —

— he is referring to the Library of Congress —

— as part of the program you set up, which has an archival function.

Hass pointed out, and hopefully our office-holders will take note, that the poet laureate will be invited to participate in a number of things to try to make the case to support writing in Canada and to support the arts in general in Canada. In a sense, to use Hass's words, it is a lot like being on the campaign trail. It is a continuous campaign for the promotion of the arts in Canada. Notwithstanding partisanship in Canada, I submit that it is a campaign wagon that we might all willingly be on-board.

With those few comments placed on the record, honourable senators, I support Senator Grafstein's bill.

**Hon. Eymard G. Corbin:** Honourable senators, I have not changed my mind about this bill, but I will spare you listening to a repetition of the speech I made during the last Parliament.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

#### THIRD READING

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

**Hon. Jerahmiel S. Grafstein:** With leave, now.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

[*Translation*]

#### THE SENATE

##### MOTION TO CHANGE RULES REGARDING STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES—DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier,** pursuant to notice of January 31, 2001, moved:

That rule 86(1) of the *Rules of the Senate* be amended:

1. by deleting paragraph (e);
2. by adding immediately after paragraph (g) the following new paragraph:
 

“The Senate Committee on Official Languages, composed of seven members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages.”; and
3. by relettering the paragraphs accordingly.

That, notwithstanding Rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a Message be sent to the House of Commons acquainting that House thereof.

He said: Honourable senators, the motion before us is intended to establish a Standing Senate Committee on Official Languages.

When I was elected to Parliament in 1972, there was a special committee to examine the questions of official languages. I must say that there was considerable interest in official languages at that time and that, in my own case, I was most interested in the matter.

Later on, I recall a meeting with Prime Minister Joe Clark. We were three Liberal parliamentarians suggesting that a standing joint committee on official languages be struck. I was accompanied by Senators Serge Joyal and Pierre De Bané. Our meeting was productive, since the Standing Joint Committee on Official Languages was struck.

The committee was not particularly partisan and it looked at the significant issues of the day in a serious manner. These dealt with the federal policy on institutional bilingualism. Our goal was to develop a public service capable of responding to Canadians in the official language of their choice.

As well, we were addressing the creation of policy of equitable representation of both great official language communities throughout the entire country. Also, we wanted to enable federal public servants to be able to work in their official language and be supervised in that same language. Finally, we also wanted to adapt the new computer technology to allow both official languages to be used within the public service.

I must go on record as saying that the joint committee has done a serious, constructive and productive job. I must acknowledge the great contribution made by Senator Eymard Corbin, who chaired the committee, and Senator Finestone, who also chaired it during her time in the House of Commons, as well as Senator Lowell Murray, my co-chair for several years. I am, moreover, extremely proud of the reports we submitted to Parliament. This was a serious examination of an important matter.

In recent years, however, we have been forced to admit that the joint Senate and Commons committee has been less effective and productive. Over the years, its dynamism has waned and it has become heavily partisan, in part because of the House of Commons' "pizza" reputation with its five political parties for whom official languages are not a priority.

Consequently, there have been few MPs in attendance at the committee. Sometimes we had to wait hours for a House vote to be over. There was always a good reason — the legislation being voted on was important. As well, Opposition MPs showed very little interest in the underlying issues of official languages. Some of them saw this as an opportunity to ask hair-splitting partisan questions about the cost of institutional bilingualism.

I have a great deal of empathy and appreciation for the work that has been done by the joint committee co-chairs during the Thirty-sixth Parliament, for I know both took their jobs seriously and performed them with the best of intentions. My sincere thanks, therefore, to Senator Rose-Marie Losier-Cool and MP Raymonde Folco.

It is not easy to chair a joint committee of the Senate and the House of Commons, because there are no specific rules on the proceedings or on the operations of joint committees. A few years ago, we tried to establish such rules. Some members of Parliament and senators met several times to discuss the issue, but the situation remains the same.

In fact, the Speaker of the House of Commons has often said that he does not have the authority to monitor committee proceedings, let alone those of joint committees.

Since committee members could not come to an agreement, the Standing Joint Committee on Official Languages proceeded according to the following principle: When it is chaired by the co-chair from the House of Commons, the rules of the House of Commons or of its committees prevail. Conversely, when it is chaired by the co-chair from the Senate, the rules of the Senate apply. Since the rules and practices of the House of Commons and the Senate are quite different, the result is a lack of consistency and a great deal of confusion and inefficiency. Speaking of inefficiency, not only do joint committees have two co-chairs, they also have two clerks, two messengers, and so on. This is useless duplication and a waste of human resources.

Language policy is a serious and ever current issue that requires the constant attention of members of Parliament. As all parliamentarians know, committee members develop a particular expertise when they sit on the same committee for a long time. It is only normal, since our attention is focussed on these issues. However, this has not been the case for a long time with those members of Parliament who sit on the Standing Joint Committee on Official Languages. I am not referring to senators but to members of Parliament.

The act provides that parliamentary reviews must be referred to standing joint committees, or to House or Senate committees. It is time to think about disengagement.

The standing committees of both Houses cover more or less the same areas. The issue of language policy could also be

[ Senator Gauthier ]

examined by each House separately, which would allow each House to follow its own calendar.

• (1620)

On joint committees, members of the elected House often have a different timetable from members of the appointed House. The committee's deliberations, while equal in value in the heat of action, are not governed by a set of rules or conventions. Any confrontation reduces the effectiveness of the committee's proceedings and reflects on both Houses.

It is not appropriate to propose that a committee from one House simply operate in the same manner as a committee from the other House. If each House had its own committee, the result would probably be different.

For close to a year now, I have been trying to convince the authorities in the Senate and in the House of Commons of the merits of striking a standing Senate committee on official languages. There is hesitation. I am being asked to be patient. I am being told that there will be a "renewal" in the Parliament we are now beginning, and that MPs will be more present, more interested. Honourable senators, I have run out of patience.

If the motion before this house is passed and referred to the Standing Committee on Privileges, Standing Rules and Orders, a serious restructuring of the committee will be possible.

Rest assured, honourable senators: Nothing in this motion prevents the House of Commons from striking its own official languages committee. Both standing committees — the one from the Senate and the one from the House of Commons — will also be able to meet from time to time to examine issues of common interest.

We have serious issues to discuss, one of them being service to the public. In fact I asked a question on Air Canada's language policy today. It is high time that the committee or this House took an interest in the matter. The newspapers are printing all sorts of stories. According to the surveys, certain airlines do not have enough demand.

Honourable senators, we all know that section 10 of the legislation privatizing Air Canada is specific and precise: Air Canada is subject to the Official Languages Act, period. Now, questions are arising as to whether the number of francophones justifies the application of the act and whether demand is heavy enough between Chicoutimi and Mont-Laurier.

At Air Canada, there is a requirement for safety instructions to be provided in English and in French. That is absolutely essential. That organization must provide effective services in both official languages.

Second, we are told that there are recruiting problems in the public service. Many public servants are retiring and we will have to hire skilled people to fill the vacancies. Is the government taking into account the need to have a public service that can meet the requirements relating to official languages?

Air Canada eliminated 3,500 jobs. I wrote to Mr. Milton to find out if his company would keep in mind its obligation to serve Canadians in both official languages. The answer I got was that this was not one of their concerns. Therefore, there is a continuing disregard for this issue on the part of officials. Mr. Milton ought to know that there are two official languages in our country.

Third, it is necessary and critical, in the public service, to serve Canadians in the official language of their choice, in a proactive manner.

During the debates that took place in the previous Parliament, I often spoke about the development of official language communities. The government must give special attention to official language communities to help them thrive and develop. Federal assistance is necessary and the government has an obligation to provide such assistance.

Section 41 of the Official Languages Act clearly states that the government is committed to supporting and assisting in the development and promotion of official language communities. I am not the one saying this; it is spelled out in the act.

Finally, I should like to talk about the equal status of the two official languages in Canadian society, and that includes education in the language of the minority. This principle applies everywhere in Canada, and it is the case for health and social services. In Ontario, for example, Montfort Hospital is the only French-language teaching hospital outside Quebec.

It is time we dealt with the language issue, if only to promote among young Canadians an awareness of the need to serve the public in both official languages, whether at the Department of Immigration, on the Internet, or in Ottawa, the nation's capital. Ottawa is not a bilingual city right now, although a motion supporting the bilingual status of the city was unanimously passed here in the Senate.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the time allotted for debate has expired. Is there leave to continue?

**Hon. Senators:** Agreed.

**Senator Gauthier:** I should like to point out that there are 5 million bilingual Canadians, 19 million unilingual English and in Quebec, 4 million unilingual French.

To put it succinctly, this motion is urgent and important. We need to take an informed and wise decision. We need to strike a standing Senate committee on official languages. I would remind honourable senators that regional and linguistic interests are a fundamental responsibility of the Senate. We must waste no time in acting.

[English]

**Hon. Sheila Finestone:** Honourable senators, I should like to support the observations made by our honourable colleague and to suggest that the bilingualism of Canada defines who we are as

a people. It is an affirmation of the value system which we hold so dear, and the institutions and organizations that reflect Canada have a moral obligation to affirm it as well.

As Senator Gauthier observed, the actions of Air Canada are extremely troubling. However, there are other major corporations doing exactly the same thing, be it English being overlooked in the province of Quebec or French being overlooked in the rest of Canada. In many ways, it is even more difficult in the rest of Canada.

We must heed what Senator Gauthier has said. I have encouraged Senator Gauthier to write a letter to the Chair of the Transport Committee suggesting that we investigate this incident further. Air Canada must be held accountable.

Senator Gauthier, one of the strongest protectors of official bilingualism, is strongly of the view that the Official Languages Committee should not be a joint committee with the House of Commons but, rather, that the Senate should have its own committee. I hope that the Rules Committee will attend to that matter with diligence and will discuss it with the House of Commons.

**Hon. Nicholas W. Taylor:** Honourable senators, I, as a westerner, wish to support Senator Gauthier's initiative. It should be made very clear to anyone depending upon a national charter or a federal government licence that such licence is contingent upon bilingual service.

In Air Canada's case, perhaps we should strike quickly by sending letters to the president of the corporation. I recall that Senator Joyal once wrote a letter complaining about airline service, with favourable results.

I suggest, honourable senators, that we try to nip this in the bud by writing to the President of Air Canada telling him that we do not agree that language rights should be subject to a majority vote. Language rights are not a question of majority rights but rather a question of minority rights, be it the English language or the French language.

I suggest that senators drop a note to the new immigrant to Canada who is residing in Montreal and running the national airline explaining that minority rights are not determined by asking the majority what they want.

• (1630)

**Hon. Tommy Banks:** Honourable senators, I agree with my friend from Alberta. I will certainly take his suggestion and I will write a letter.

The magic number, I am told, is 5 per cent. There is no doubt in my mind that far, far more than 5 per cent of Western Canadians, in response to the question, "In which language would you like to hear the instructions?" would answer "both," because most Western Canadians, unlike the few who sit on the rump of things, are perfectly reasonable people who understand where we live.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, if a member of the opposition wishes to speak, I am prepared to give up my turn.

**Hon. Gerald J. Comeau:** Honourable senators, I support what my colleague Senator Gauthier, a long-recognized defender of the interests of both minority communities in Canada, has had to say.

I have sat on the Joint Committee on Official Languages both as a member of the House of Commons and as a senator. It is a difficult committee, one where there are squabbles, partisanship and heavy procedural wrangling, rather than reflection on the substance of the issue, so much so that I now refuse to sit on it. To be a member of it is totally unacceptable to me, even though I co-chaired it and believed in its objectives.

I should like to give more thought to what I will say on this matter and would therefore like to move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

[English]

### UNITED STATES NATIONAL MISSILE DEFENCE SYSTEM

MOTION RECOMMENDING THAT THE GOVERNMENT  
NOT SUPPORT DEVELOPMENT—DEBATE ADJOURNED

**Hon. Douglas Roche,** pursuant to notice of February 6, 2001, moved:

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.

He said: Honourable senators, does Canada want a new nuclear arms race? Does Canada want the carefully built structure of disarmament and non-proliferation treaties now to collapse? Does Canada want the unity of NATO to be shattered?

Of course, the answer to these questions is a resounding “no,” but the development and deployment of a national missile defence system by the United States will produce these unfortunate results.

The thrust of the motion I am presenting today is that Canada must exercise all its diplomatic and political strength to convince the U.S. administration not to proceed with NMD, as the system is known. Canada will not be alone in expressing this view, for many NATO allies, along with Russia, China, as well as nuclear

disarmament and legal experts and NGOs, are trying to stop NMD.

This NMD system, initially projected to cost \$60 billion, is intended to provide a defence for all 50 states in the United States against small-scale attack by intercontinental-range ballistic missiles.

The primary argument made for immediate deployment is the possibility that emerging missile states hostile to the U.S., such as North Korea, might soon acquire ICBMs and use them to attack U.S. territory. The proposed NMD system would use ground-based interceptors deployed initially at one site and eventually at two sites, supported by an extensive network of ground-based radar and space-based infrared sensors. This system uses impressively advanced technology. It is precisely the deployment of such a system that the Anti-Ballistic Missile Treaty, known as the ABM treaty, signed by the U.S. and the former Soviet Union in 1972, was designed to stop. The ABM treaty was constructed to establish stability and confidence between the nuclear superpowers by disallowing the development of defensive systems in order to prevent the building of more offensive weapons to overcome these defences. The U.S. readily admits NMD contravenes the ABM treaty and is pressuring Russia to amend it or to abrogate it entirely.

The ABM treaty is widely recognized as a lynchpin of international stability and security. Consider the words of French President Jacques Chirac speaking last October in his role as President of the European Union:

The European Union and Russia have an identical viewpoint. We have condemned any potential revision of the ABM Treaty, believing that such a revision will invoke a risk of proliferation that will be very dangerous for the future.

Documents concerning the ongoing U.S.-Russian negotiations on ABM amendments were published in the *New York Times* several months ago.

• (1630)

These documents show that not only is the U.S. retaining its core stock of nuclear weapons, it is actually encouraging Russia to do so as well so that Russia will know that it can always penetrate NMD and thus not be afraid of it.

If NMD does go ahead, the U.S. cannot then credibly argue that it is fulfilling its legal obligations to the non-proliferation treaty. Yet at the NPT Sixth Review in the year 2000, all 180 signatories, including the United States made:

...an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals.

This pledge was inserted into a program of 13 practical steps to implement the commitment in legal and very final processes. The NPT obliges nations to pursue negotiations for the elimination of nuclear weapons.



The famous 1996 advisory opinion of the International Court of Justice states that nations must conclude such negotiations. NMD flies in the face of the efforts the world community has been making for 30 years to contain arms races and set the world firmly on a path to the elimination of nuclear weapons.

Honourable senators, the opponents of NMD know what they are talking about. They know that we can only obtain security through cooperative efforts based on legal instruments. A unilateral breakout from the disarmament regime jeopardizes everyone's safety.

To say that the international community is in an uproar over U.S. intentions puts it mildly. There is consternation. The issue has not only split the U.S. from Russia but has virtually isolated the U.S. from the world community. Even the nuclear partners and strongest allies of the U.S. are publicly trying to dissuade the U.S. from proceeding because of the irreparable harm it will do to the nuclear disarmament agenda.

UN Secretary-General Kofi Annan recently stated:

There is widespread skepticism that such systems could ever work effectively, and real concern that their deployment could lead to a new arms race, set back nuclear disarmament and non-proliferation policies, and create new incentives for missile proliferation.

Last December, when Russian President Putin was in Ottawa, he said he believed that "deployment of the National Missile Defence system will damage significantly the established systems of international security" and undermine arms control progress over several decades.

It was interesting that in a joint statement Canada and Russia issued on that occasion, they agreed:

The 1972 Anti-Ballistic Missile Treaty is a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation. The two countries hope for...far-reaching reductions in strategic offensive weapons while preserving and strengthening the ABM Treaty.

Chinese leaders have argued with considerable justification that NMD deployment is tantamount to seeking unilateral, absolute security. The Chinese have stated that by no means will they accept any kind of ballistic missile defence system, as it poses a severe threat to global strategic balance and stability, warning that the international nuclear disarmament process would come tumbling down if the U.S. proceeds with NMD. NATO countries, while circumspect, are also deeply concerned, seeing the threat that the fallout from NMD will create.

Despite the opposition so widely expressed, the arrival of the Bush administration has stiffened U.S. resolve to proceed. U.S. officials are now saying that the system will proceed even though the technological ability has not been demonstrated. For a while, the U.S. used North Korea's missile program as a reason why NMD was needed.

Now that the North Korean threat has receded, the U.S. has said that unspecified threats in the future force the development of NMD. In short, the threat from other countries is diminishing as Canada's newly established ties to North Korea illustrate. Yet the proponents to NMD say an enemy is lurking, precisely because they must be able to depict an enemy somewhere in order to generate the support of U.S. taxpayers.

Frances Fitzgerald points out in her book *Way Out There in the Blue*, NMD is the successor of the discredited Strategic Defence Initiative of the 1980s known as Star Wars, and is driven by the ideologically-based extreme right in the U.S. that seeks an impossible unilateral security. The motivation of this group, which has captured control of the U.S. administration, is to prepare the way for the U.S. military dominance of outer space. The spectre of a puny North Korea as a rationale for NMD is but a subterfuge for the real goal, which is the development of weapons in space and preparation for space-directed wars in the 21st century, and total U.S. military dominance in all possible theatres of conflict.

In all of this, the profits for the military industrial complex, already at historic highs because of the \$280-billion annual defence budget of the U.S., will be spectacular.

Honourable senators, this is the dilemma in which Canada finds itself. Our government, with many others, is clearly concerned that NMD will have deleterious consequences on strategic stability and spark a new nuclear arms race, but it is afraid of wrecking Canada-U.S. relations if it pushes too hard against the Bush administration. Yet in the late 1980s, when Canada was invited by the U.S. to join the Star Wars program, the Canadian government of the day said no. If Canada could say no to missile defence madness during the Cold War, why can we not do so in the post Cold War era?

U.S.-Canada defence has been intertwined for decades. The NORAD agreement developed during the Cold War to warn of Soviet missile attack is an expression of the structural relationship between the U.S. and Canada. However, the structural agreements of NORAD and NATO certainly do not contain a basis for NMD. It is a dangerous assumption to argue that Canada's participation in NORAD would require us to enter into an NMD relationship. To do so would involve Canada in the wreckage of the disarmament architecture that NMD represents.

I appeal to the government not to be taken in by the propaganda offensive the U.S. has launched — that everyone should get in line because the NMD train has left the station. How could the train have left the station when NMD technology does not even work yet?

The U.S. is actually seeking from Canada the political legitimization of NMD through Canada signing on now. We must not sign on. If Canada throws over its principles of upholding international law just to please an ideologically based demand of the current occupants of the White House, we will be forfeiting the best interests of Canada and jeopardizing the security of the Canadian people themselves. A Canadian government that acquiesces to NMD will go down in history as having overturned decades of good, solid work that Canada has done to build the conditions for peace.

What then is the way out of this dilemma for Canada? We must participate vigorously in efforts to uphold and implement the non-proliferation treaty with its “unequivocal undertaking to the total elimination of nuclear weapons” through the 13 practical steps. Time does not permit me to list those steps now. Canada should work closely with the new agenda countries in advancing the nuclear disarmament agenda. As this agenda is implemented, any rationale for NMD that seeks to be credible will be diminished.

The alternative to NMD is the maintenance of international legal norms backed up by a properly funded verification regime, arms control, economic incentives, cooperative programs and export control systems. The nuclear posture review the U.S. is about to undertake provides an excellent opportunity for Canada to put forth its views on a bilateral basis to the United States on the full range of interrelated offensive and defensive issues. Canada should encourage the U.S. to delay its final decision on missile defence architecture and deployment until that review has been finished and absorbed.

Also, Canada should support the Russian proposal for the creation of a joint Russian-American data centre on missile launches, a “global control system,” to stop the proliferation of missile technology.

Multilateral efforts to freeze and reduce the military missile capabilities of all states will be the most effective tool to address real or perceived new ballistic missile threats.

For their part, the Canadian NGO community could buttress Canada’s efforts by working closely with the U.S.-based Coalition to Reduce Nuclear Dangers, which has laid out a program of action to influence the political decision makers.

Canada is by no means impotent in the NMD crisis. We can — and we must — work creatively to reduce nuclear dangers throughout the world.

**Hon. Nicholas W. Taylor:** Honourable senators, might I ask a couple of questions of the Honourable Senator Roche?

• (1650)

**Senator Roche:** Certainly.

**Senator Taylor:** Honourable senators, the honourable senator’s speech was excellent. However, I was puzzled by a couple of references to having “shattered NATO.” Let us bear in mind that NATO employed spent nuclear fuel in some of their warheads to blow up tanks and that they also bombed what I thought were innocent men, women and children in the Kosovo crisis. They sound like a highly warlike tribe, if I were just to watch them from Calgary. I do not see how this measure would shatter NATO. I thought NATO was very much on side with this. Could the honourable senator explain?

**Senator Roche:** I thank the honourable senator for his question.

[ Senator Roche ]

**The Hon. the Speaker *pro tempore*:** I am sorry to interrupt the Honourable Senator Roche, but the speaking time on his motion has expired.

Is leave granted for the honourable senator to continue?

**Hon. Senators:** Agreed.

**Senator Roche:** Honourable senators, I am sorry if I did not pronounce clearly enough a word that was missing in Senator Taylor’s question to me. I did not say that NATO would be shattered; I said that the unity of NATO would be shattered by the implementation of the U.S. NMD system. I say that on the basis of my own visit last fall to what are called the five NATO countries of Belgium, Italy, the Netherlands, Germany and Norway, where I held extensive meetings with government officials in both the foreign affairs and defence sides of government. They told me clearly how worried they are about the NMD system and that, indeed, the much vaunted and valued cohesion of NATO, which NATO prides itself on, is about to be blown apart by the implementation of this system.

In my speech, I quoted President Chirac, and I could quote other European leaders, who have expressly warned the United States against this. This is an unprecedented reaction by NATO leaders — never mind the Russians and the Chinese, who are apoplectic about it. For NATO, which operates in a circumspect and unified manner, usually *en famille*, to have taken this public stance against it shows how greatly concerned they are and how much they fear that NATO unity will be shattered.

**Hon. Sheila Finestone:** Honourable senators, in listening to the honourable senator I recognized that we have one of the eminent experts in the world in our midst in this august assembly. The experience this gentleman has in the UN and the respect with which he is held in the international arena would certainly dictate an invitation to him by the Foreign Affairs Committee, now that it has been newly constituted. Perhaps he could bring us a report on what has been going on. There is tremendous concern with respect to NMD and its impact.

I do not know that Canada alone can effect the change that is being requested by the honourable senator. I suggest that the world’s concerns and how Canada will respond are very important.

Has the Government of Canada given the honourable senator an indication that it will be supportive and that it will be dragged into this new missile system? Has Canada indicated that it is comfortable with and in concert with the views being expressed by these western like-minded NATO nations?

I would like to know more about this subject. Perhaps if the honourable senator does not have time today, he could join us in another forum.

**Senator Roche:** Honourable senators, first, I should like to thank Senator Finestone for her kind comments.

Members opposite will well understand that I am not privy to the secret and private discussions of the Government of Canada on this matter, let alone any other matter. I do not want to pretend that I am. However, I have had discussions with officials of the Government of Canada. I believe that I can say with some accuracy that there is considerable concern inside the Government of Canada on this question, and that no final decision has been taken on what Canada's position will be. That is because, as the Canadian government points out, they have not yet been asked officially by the United States to take a position.

Nonetheless, the leg work that has been done at what I would call moderate to medium levels of the United States government and certain counterparts in the Canadian government is clearly trying to intimidate the Canadian authorities that dire repercussions are in store for us if we do not toe the line on this system. This is a tactic that has been exercised from time to time over decades. As a matter of fact, the history books contain stories of how such similar tactics have been used. This is part of the ongoing power play of politics.

Finally, the honourable senator asked if Canada can act alone. I believe that Canada can do very little alone. However, we can work with like-minded states. Here, I have in mind in particular the new agenda states that have become, through their work at the United Nations and through the exercises in the non-proliferation treaty, the most potent force on the international scene for nuclear disarmament today as a result of their very constructive effort in bringing forward the nuclear agenda in ways that have attracted widespread support. Our good friend Ireland is one of them, as are Mexico, South Africa, Sweden, and a few others. Their resolution at the UN General Assembly last fall received a vote of 154 in favour, three opposed and eight abstentions. This was an unprecedented level of support for them. If Canada were to work more closely with this body that has already formed, I believe we could exercise our strength in a greater way.

We can also work more closely with NATO. Canada has been responsible for the NATO review of nuclear weapons that has gone on under paragraph 32 of the Washington communiqué of the 1999 summit. Canada has made a valiant effort. On the basis of what I have seen in other NATO countries, there are several non-nuclear weapon states within NATO that would like to work more closely with Canada. This is not the time for Canada to lose its nerve in holding on to its principles.

• (1700)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I wonder if the Honourable Senator Roche would clarify his comments of a moment ago. If I understood the honourable senator correctly, he said that he had certain consultations with representatives of the Government of Canada. Was the honourable senator formally speaking of the government, as in cabinet ministers, or was he referring to members of the public service?

**Senator Roche:** I have had conversations with elected officials at high levels in the Government of Canada and with officials that operate in senior positions.

**Senator Kinsella:** For greater clarification, then, is the honourable senator advising this house that he is getting from members of the Government of Canada, cabinet ministers, that there is division within the cabinet on this file? What, exactly, is the honourable senator telling us?

**Senator Roche:** I am not in a position to say that there is division inside the cabinet of Canada; I am not privy to such discussions.

It is evident to me, from my conversations, that there is considerable concern being expressed today at high levels in the Government of Canada as to what our ultimate position should and will be.

**Hon. B. Alasdair Graham:** Honourable senators, I have a question for the Honourable Senator Roche following his interesting comments. In response to a question from Senator Finestone, I believe the honourable senator indicated that Canada had been warned that there would be dire repercussions in this country if we did not toe the line.

Would the honourable senator indicate his source for that particular comment as well as some background for it?

**Senator Roche:** I thank the honourable senator for his question. When I used the words "dire consequences," I was referring to a general background of events, not particularly contained to the NMD question. Here I would have to draw on my experience as ambassador for disarmament for the Government of Canada and, at the same time, indicate to honourable senators that there have been several instances when efforts were made to cajole or coerce the Government of Canada to do various things. These statements often come, as I said earlier, at middle levels.

I am in a difficult position in giving the honourable senator the details he would like, since I would then have to violate confidences that I obtained as a result of being a member of the Government of Canada. Therefore, I cannot go much further in detail except to point out that I am not here offering anything particularly new. Such references can be found in various books in which the details of meetings with government officials in the United States, in particular, the nuclear weapons countries, are contained.

It is a fact — and I lament it — that some countries do use strong tactics in trying to get their way, and Canada has been a recipient of such offensive offences. To its credit, Canada has stayed true to its basic principles of nuclear disarmament, a point that I made in my speech, and I do not want to see that violated now by our giving in to this pressure that is coming on us.

I will close my comment by saying — and I have written this in some of my own books — that, left to itself, I have no doubt that Canada would be in the forefront of the whole United Nations system on efforts for nuclear disarmament, but we are not, unfortunately, in my view, left to ourselves.

**Senator Graham:** Would I be correct in saying that the comment made with respect to “dire consequences” is related more to a historical significance in the honourable senator’s own experience than it is related to more recent consultations with respect to NMD as presented on the international stage?

**Senator Roche:** My answer to that is it depends upon whom you are talking.

**Hon. Tommy Banks:** Honourable senators, I have a question for the Honourable Senator Roche.

I know that I am asking the honourable senator to speculate, but this is a matter on which I think he is not entirely lacking in knowledge. If Canada were to do what he thinks the Americans might ask us to do, what would be the nature of our involvement? Is the honourable senator concerned that we would become a place where these kinds of things would be tested or would fall when they fail? Would we become acquiescent in something that is being unleashed upon the world? What, exactly, is the concern other than the moral one?

**Senator Roche:** I thank the Honourable Senator Banks for his question.

In this subject, the border between Canada and the United States is a fiction. This is North America. We are one place. Thus, there cannot be a system that purports to defend Detroit from some sort of nuclear attack but that will not affect Windsor. You can go right across the country with such examples.

Throughout the long years of the Cold War, it was clear to Canada that we could not ever try to take a so-called neutral stance. We were part of the NATO system. Our defence depended on it. Thus, the United States, as the leader of NATO, had a very strong influence on Canada’s security policies. Well, the Cold War is over. Unfortunately, much of the Cold War thinking and even rhetoric has been carried over into this new era.

The honourable senator asked about the nature of our involvement were it to go ahead. There were discussions taking place about how the NMD would be centred through the NORAD system, and thus the argument made that Canada has an “obligation” to get into NMD because it will wreck the NORAD formats that are in place. I dispute that, and I dispute it vigorously. I am not alone in that. A great deal of technical information is available that shows that turning NORAD into an NMD is not necessary, nor is it called for by any legal act.

At the end of the day, some are making the argument that, if the United States proceeds, Canada will have to proceed because of the integral security connection on this continent that I spoke about a moment ago. I am not so sure about that. I think that we have to put a great accent on the development and maintenance of international law. Canada has taken great pride in this over the

years, and we have upheld the Anti-Ballistic Missile Treaty as a cornerstone of the nuclear disarmament regime. We have upheld the non-proliferation treaty as a centrepiece of the architecture.

I would remind the honourable senator that it is not just me who is saying this. I would ask honourable senators to look at the literature of real experts around the world who are warning the United States about the deleterious consequences of the action of the NMD. I am here but the messenger.

• (1710)

I want honourable senators to realize that this is not some little thing that I am raising here. I am trying to get the attention of the Senate, and, hence, the Government of Canada and the people of Canada, to have our government think seriously about whether they really wish to overturn a body of international law just to satisfy the people who are in the White House for the next four years.

On motion of Senator Kenny, debate adjourned.

[Translation]

## ADJOURNMENT

Leave having been given to revert to Notices of Motion:

**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 Tuesday, February 20, 2001, at 2:00 p.m.

**The Hon. the Speaker pro tempore:** Honourable senators, before moving on to the adjournment motion, allow me to thank you for the trust you have shown me by appointing me Speaker *pro tempore*.

[English]

I will do my best to respect all honourable senators because I know that to do efficient work we must do it with respect. You have proved to me in the last year that this is how we work.

[Translation]

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 20, 2001, at 2 p.m.





# CONTENTS

Thursday, February 8, 2001

|   | PAGE |  | PAGE |
|---|------|--|------|
| <b>SENATORS' STATEMENTS</b>   |      |  |      |
| <b>The Late Carol Anne Letheren</b>   |      |  |      |
| Tribute. Senator Fairbairn .....  | 92   |  |      |
| <b>Racial Discrimination In Corporate North America</b>   |      |  |      |
| Senator Oliver .....  | 92   |  |      |
| <b>East Coast Music Awards</b>  |      |  |      |
| Senator Callbeck .....  | 93   |  |      |
| <b>The Late Fulgence Charpentier</b>  |      |  |      |
| Tribute. Senator Poulin .....   | 93   |  |      |
| <hr/>   |      |  |      |
| <b>ROUTINE PROCEEDINGS</b>  |      |  |      |
| <b>Committee of Selection</b>   |      |  |      |
| Second Report of Committee Presented and Adopted.   |      |  |      |
| Senator Mercier .....   | 93   |  |      |
| Senator St. Germain .....   | 95   |  |      |
| Senator Carstairs .....   | 95   |  |      |
| Senator Gauthier .....  | 96   |  |      |
| Senator Prud'homme .....  | 97   |  |      |
| Committees Authorized to Meet During Adjournments of the Senate.  |      |  |      |
| Senator Robichaud .....   | 99   |  |      |
| Senator Cools .....   | 99   |  |      |
| Senator Gauthier .....  | 99   |  |      |
| Senator Carstairs .....   | 99   |  |      |
| <b>Business of the Senate</b>   |      |  |      |
| Senator Robichaud .....   | 100  |  |      |
| Senator Cools .....   | 100  |  |      |
| Senator Lynch-Staunton .....  | 100  |  |      |
| <hr/>   |      |  |      |
| <b>QUESTION PERIOD</b>  |      |  |      |
| <b>Public Works</b>   |      |  |      |
| Completion of Manitoba Floodway. Senator Stratton .....   | 101  |  |      |
| Senator Carstairs .....   | 101  |  |      |
| <b>Health</b>   |      |  |      |
| New Brunswick—Funding of Abortion Services.   |      |  |      |
| Senator Murray .....  | 101  |  |      |
| Senator Carstairs .....   | 101  |  |      |
| Auditor General's Report—Future Role of Department in Setting Standards. Senator Oliver .....                                     | 101  |  |      |
| Senator Carstairs .....   | 102  |  |      |
| Auditor General's Report—Recruitment Program for Bureau of Biologics. Senator Oliver .....  | 102  |  |      |
| Senator Carstairs .....   | 102  |  |      |
| <b>Transport</b>  |      |  |      |
| Air Canada—Survey to Determine Level of Bilingual Service.  |      |  |      |
| Senator Gauthier .....  | 102  |  |      |
| Senator Carstairs .....   | 102  |  |      |
| <hr/>   |      |  |      |
| <b>Canadian Food Inspection Agency</b>  |      |  |      |
| Recruitment Efforts to Increase Staff. Senator Spivak .....   | 103  |  |      |
| Senator Carstairs .....   | 103  |  |      |
| <b>Auditor General</b>  |      |  |      |
| Principles of Fiduciary Responsibility in the Management of Public Funds—Government Policy. Senator Kinsella .....                |      |  |      |
| Senator Carstairs .....   | 103  |  |      |
| <b>House of Commons</b>   |      |  |      |
| Federal Election Results—Influence on Number of Women and Visible Minority Members. Senator Kinsella .....                        |      |  |      |
| Senator Carstairs .....   | 104  |  |      |
| <hr/>   |      |  |      |
| <b>ORDERS OF THE DAY</b>  |      |  |      |
| <b>Canada Business Corporations Act</b>   |      |  |      |
| <b>Canada Cooperatives Act (Bill S-11)</b>  |      |  |      |
| Bill to Amend—Second Reading—Debate Adjourned.  |      |  |      |
| Senator Hervieux-Payette .....  | 104  |  |      |
| <b>Committee of Selection</b>   |      |  |      |
| First Report Adopted. Senator Mercier .....   |      |  |      |
|   | 106  |  |      |
| <b>Bill to Maintain the Principles Relating to the Role of the Senate as Established by the Constitution of Canada (Bill S-8)</b> |      |  |      |
| Second Reading—Debate Continued. Senator Grafstein .....  |      |  |      |
|   | 106  |  |      |
| <b>Parliament of Canada Act (Bill S-10)</b>   |      |  |      |
| Bill to Amend—Second Reading. Senator Kinsella .....  |      |  |      |
|   | 108  |  |      |
| Senator Corbin .....  | 109  |  |      |
| Third Reading. ....   | 109  |  |      |
| Senator Grafstein .....   | 109  |  |      |
| <b>The Senate</b>   |      |  |      |
| Motion to Change Rules Regarding Standing Joint Committee on Official Languages—Debate Adjourned.                                 |      |  |      |
| Senator Gauthier .....  | 109  |  |      |
| Senator Finestone .....   | 111  |  |      |
| Senator Taylor .....  | 111  |  |      |
| Senator Banks .....   | 111  |  |      |
| Senator Corbin .....  | 112  |  |      |
| Senator Comeau .....  | 112  |  |      |
| <b>United States National Missile Defence System</b>  |      |  |      |
| Motion Recommending that the Government Not Support Development—Debate Adjourned. Senator Roche .....                             |      |  |      |
|   | 112  |  |      |
| Senator Taylor .....  | 114  |  |      |
| Senator Finestone .....   | 114  |  |      |
| Senator Kinsella .....  | 115  |  |      |
| Senator Graham .....  | 115  |  |      |
| Senator Banks .....   | 116  |  |      |
| <b>Adjournment</b>  |      |  |      |
| Senator Robichaud .....   | 116  |  |      |
| <b>Progress of Legislation</b> .....  |      |  |      |
|   | i    |  |      |



*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada —  
Publishing  
45 Sacré-Coeur Boulevard,  
Hull, Québec, Canada K1A 0S9