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**Wednesday, February 21, 2001**

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THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, February 21, 2001

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### FRANCO-CANADIAN GIRL GUIDES

**Hon. Lucie Pépin:** Honourable senators, as an honorary member of the Guides franco-canadiennes, Ottawa district, I am proud to rise today to salute the members of this movement in Ottawa and across the country. Since tomorrow, February 22, is the birthday of both Lord Robert Baden-Powell and his wife, Lady Olave Baden-Powell, Chief World Guide, the founders of the movement, it is important to draw attention to the work and devotion of the guides in our communities.

I should like to particularly highlight the Franco-Canadian Girl Guide movement, the Guides franco-canadiennes, and its influence across this country. The mission of this movement is to help francophone girls develop their full potential, intellectually, physically and socially, in order to become responsible citizens and accomplished individuals with local, national and international commitment.

In 1999, I had the pleasure of taking part in the fiftieth anniversary celebrations of the Guides franco-canadiennes, Ottawa district. It was a great pleasure to see all those francophone girls and women of the movement celebrating the event together.

This week I encourage parents and young people to take part in the activities organized by the guides in their region. Guides throughout the world will be honouring the memory of their founders tomorrow, February 22, on World Thinking Day. Let us join with them to celebrate their joy and especially their commitment to their communities.

[English]

#### DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

##### ANNOUNCEMENT OF ESTABLISHMENT OF FULL DIPLOMATIC RELATIONS

**Hon. Lois M. Wilson:** Honourable senators, I want to express my support and satisfaction with the Canadian government's February 6 announcement of the establishment of full diplomatic relations with the Democratic People's Republic of Korea. I was

surprised at the lack of comments by both media and parliamentarians on this important event.

Canada can, through close engagement with that state, influence it to honour the legal implications of the Anti-Ballistic Missile Treaty, lessen the perceived threat of missile strike and help to nullify the need of the NMD by the U.S.A. Canadians have clout because of our food program there, and I hope we use it. I have every expectation that Canada will use its new relationship not only to generate substantial developments in humanitarian programs but to work with both North and South Korea toward the non-proliferation of nuclear weapons, lasting peace and human security on the Korean peninsula.

The republic is poised to open an embassy in Ottawa soon. Canada has designated its embassy in Beijing to handle affairs with the DPRK. Ten countries, including Canada, have established diplomatic relationships with the DPRK since 1998. We welcome this heretofore isolated country into the international community and look forward to people exchanges at every level. Hopefully, this contact could include a parliamentary exchange, following up on the dialogue in 1990, which was intensified by the attendance of Canadian parliamentarians at the Inter-Parliamentary Union meeting in Pyongyang in 1991.

#### PRINCE EDWARD ISLAND

##### RECENT ACCOMPLISHMENTS OF CITIZENS

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today with great pride to speak briefly about the recent accomplishments of some of my fellow Prince Edward Islanders.

Canada's smallest province has been revealing to the entire country that its residents possess a variety of great talents. Recently, as part of Winterlude, thousands of people made the journey to Parliament Hill to view the magnificent snow sculptures created by the most talented snow sculptors in Canada. Honourable senators, I am pleased to report that the People's Choice Award for their favourite sculpture was the Prince Edward Island submission.

As such, I should like to recognize Bill and Cathy Gallant from my home village of Central Bedeque, and Ron Casey from Seven Mile Bay, Prince Edward Island, for their great work. They combined a lighthouse, Anne of Green Gables, a lobster and a bag of potatoes into a beautiful Island representation.

Golfing fans will no doubt be aware of my next observation. Recently, Island golfer Lori Kane won the Takefuji Classic golf tournament in Hawaii with a tournament record score. With three tournament victories last year, she was recently named Canada's best female athlete for 2000.

This wonderful ambassador for Prince Edward Island and Canada, with her ever-present smile and pleasant demeanour, has captured the hearts of all Canadians. Lori's success means that she no longer belongs solely to Islanders but, rather, to all Canadians.

However, at this time of year, most people are not thinking about golfing but about the popular winter sport of curling. Skip Suzanne Gaudet, mate Stephanie Richard, second stone Robyn MacPhee and lead Kelly Higgins from the Silver Fox Curling Club in Summerside, Prince Edward Island, won the national junior women's curling championship last week in St. Catharines. These four women, along with their coach, Paul Power, now move on to represent their country at the World Junior Women's Curling Championships in Ogden, Utah, in March. I am sure I join all honourable senators in congratulating this young team for their remarkable performance and in wishing them all the best as they prepare to represent Canada next month.

•(1410)

Finally, honourable senators, I draw your attention to the Scott Tournament of Hearts, one of this nation's most prestigious and celebrated curling tournaments. As I stand in the Senate today, the Shelly Bradley team from Prince Edward Island sits atop the standings, leading teams from across the country. I wish them the best of luck in the remainder of the tournament.

Thank you, honourable senators, for allowing me the time to sing the praises of just a few of the recent noteworthy accomplishments of my fellow Islanders.

## JUSTICE

### AMENDMENTS TO LEGISLATION TO PROTECT AGAINST CAPITAL PUNISHMENT

**Hon. Jeremiah S. Grafstein:** Honourable senators, yesterday, Senators' Statements were made with respect to the debate in the Senate arising from Bill C-40, the Extradition Bill, and Bill C-4, the Civil International Space Station Agreement Implementation Bill and, in particular, the impact of the unanimous decision of the Supreme Court of Canada in *Burns and Rafay*, where the court inhibited the Minister of Justice's discretion to extradite these accused without first receiving assurances that the death penalty would not be imposed in a state where capital punishment was permissible.

To keep the Senate Hansard record on this particular parliamentary saga, honourable senators will recall that the criminal acts alleged against Messrs. Burns and Rafay, Canadian citizens, took place in an adjacent state, the State of Washington. Arguments were made here then that by supporting our amendments to Bill C-40 proposed in the Senate, Canada would become a safe haven.

Let me quote in part from a recent editorial in *The Seattle Times*, a leading newspaper in the State of Washington. The headline reads, "Accept Canada's will on death penalty." Here are the first two paragraphs:

[ Senator Callbeck ]

Give the Canadian government the assurances it requires so two suspects in a brutal 1994 Bellevue, Wash., murder can be extradited to stand trial.

If the deal requires prosecutors not to seek the death penalty, so be it. A successful conviction that yielded a life sentence without the possibility of parole would be satisfactory.

This editorial concludes:

Meanwhile, Canadian authorities have stayed true to the prerogatives of citizenship found in the nation's Charter of Rights and Freedoms.

Now the case has reached an honourable impasse where a necessary concession by U.S. authorities will allow a trial to proceed. Take that step.

Let the accused stand trial; let a jury determine their fate.

Honourable senators, who could fail to agree with this editorial?

This editorial should encourage senators in their review of future legislation that is found to be incompatible with basic Canadian principles of justice.

## THE LATE WILF SPOONER

### TRIBUTE

**Hon. Francis William Mahovlich:** Honourable senators, His Honour Wilf Spooner, former Mayor of Timmins, Ontario, affectionately known as Mr. Northern Ontario, started his political career in 1939 and went on to win five straight elections. Mr. Spooner was Mayor of Timmins from 1950 to 1955. It was in those formative years of my career that I confronted the office of Mayor Wilf Spooner.

I can recall being involved with the playgrounds for the children in the Town of Schumacher and was the manager of the minor baseball team. The championship was held at the Timmins park, and the mayor was to present the champions with the city crest. However, after the game was over and we won the championship, there was no presentation, nor was the mayor present. The players of that team were very dejected and disappointed after the win.

I took positive action at that time and marched right to City Hall with nine ball players and demanded to see the mayor to get an explanation. The mayor was absent on an emergency mayor's trip to the south, but Acting Mayor Jacques Baleck apologized, went into the office of the mayor, came back and presented us with the crests that were intended for the champions of that year. We went home contented, and the experience for me was like a Walt Disney movie.

Wilf Spooner moved into provincial politics in 1955 and held several portfolios as a member of the Ontario legislature to 1968 under the Conservative government of Premier John Robarts. When he was responsible for the Mines Ministry, he supported silicosis treatment programs and fought to eliminate the disease as an occupational hazard among Ontario miners, and when he was responsible for the Lands and Forests Ministry, he expanded the provincial park system throughout the provinces.

Growing up in Northern Ontario, we relied on men like Wilf Spooner. Mr. Spooner passed away a week ago today, at 92 years of age. God bless.

## 2001 WORLD UNIVERSITY WINTER GAMES

### CONGRATULATIONS TO TEAM CANADA

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to make a statement with respect to the 2001 World University Winter Games held last week in Zakopane, Poland. Team Canada's hockey team was comprised of players from the Atlantic Universities Hockey Conference. Following a practising camp of only three days, these student athletes travelled to Poland and competed in a tournament against teams representing nine other countries. I am delighted to report that Team Canada won the silver medal, the first medal won by Canada at those games. We salute Team Canada, their coach, Trevor Steinburg, their general manager, Chris Larsen, both of Saint Mary's University, and their support staff for the honour and pride that they brought home to Canada.

[Translation]

## JUSTICE

### CAPITAL PUNISHMENT—DISCRETIONARY POWERS OF MINISTER REGARDING EXTRADITION

**Hon. Gérald-A. Beaudoin:** Honourable senators, on February 15, the Supreme Court of Canada issued a ruling on the exercise of the discretionary power held by the Minister of Justice regarding extradition. In the *Burns* case, the Supreme Court ruled that the decision of the Minister of Justice to extradite two Canadian citizens accused of murder in the United States without asking for assurances that the death penalty would not be imposed violates the rights of these individuals to liberty and security, contravenes the principles of fundamental justice and is not justified under section 1 of the Charter.

Under subsection 25(1) of the Extradition Act, the Minister of Justice enjoys a discretionary power to order the extradition of an individual. That power has already been deemed constitutional. However, it is restricted by the Charter. In this case, the minister felt there was no need to ask for assurances that the death penalty would not be imposed.

The Supreme Court is of the opinion that the minister should have asked for assurances that the death penalty would not be imposed, first because the extradition order deprives Burns and Rafay of their rights to liberty and security in a manner that is not in compliance with the principles of fundamental justice, but more importantly because section 7 of the Charter deals not only with extradition but also with the potential consequences of that measure, in this case the death penalty. The court feels that obtaining assurances before ordering the extradition is compatible with section 6 of the extradition treaty between Canada and the United States, with the position held by Canada at the international level, and with the practice observed in similar countries, with the exception of American states that continue to impose the death penalty. The court also noted that the risk of judicial error is an argument against extradition orders that do not include assurances that the death penalty will not be imposed.

The Standing Senate Committee on Legal and Constitutional Affairs once examined the constitutionality of the discretionary power of the Minister of Justice. A majority of us concluded that this power was constitutional. The Supreme Court is of the same opinion. Still, a minority of us would like to see this discretionary power eliminated. The interpretation made by the Supreme Court in the *Burns* case reconciles these two positions: The discretionary power exists and it is constitutional.

[English]

**The Hon. the Speaker:** Honourable Senator Beaudoin, I regret to inform you that your time has expired, and so has the time for Senators' Statements.

[Translation]

•(1420)

## ROUTINE PROCEEDINGS

### SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE  
ON EIGHTH SITTING DAY—NOTICE OF MOTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I give notice that tomorrow, Thursday, February 22, 2001, I will move:

That the proceedings on the Orders of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated, commencing on this day.

[English]

## CANADA TRANSPORTATION ACT

BILL TO AMEND—FIRST READING

**Hon. Michael Kirby** presented Bill S-19, to amend the Canada Transportation Act.

Bill read first time.

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

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

[Translation]

## ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REPORT OF CANADIAN DELEGATION TO MEETING  
IN CAEN, FRANCE, TABLED

**Hon. Pierre De Bané:** Honourable senators, pursuant to rule 60, I have the honour to table in both official languages the report of the Canadian section of the Assemblée parlementaire de la Francophonie, as well as the financial report.

The report has to do with the meeting of the executive which was held in Caen, France, from December 13 to 15, 2000.

[English]

## CANADA-JAPAN INTER-PARLIAMENTARY GROUP

REPORT OF CANADIAN DELEGATION TO MEETING  
OF ASIA-PACIFIC PARLIAMENTARY FORUM  
IN VALPARAÍSO, CHILE, TABLED

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have the honour to table the report of the delegation of the Canada-Japan Inter-Parliamentary Group to the ninth annual meeting of the Asia-Pacific Parliamentary Forum which was held in Valparaíso, Chile, from January 14 to 19, 2001.

## QUESTION PERIOD

### NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—  
DIVISION OF PROCUREMENT COMPETITION

**Hon. J. Michael Forrestall:** Honourable senators, the Department of National Defence issued only one statement of

requirement for the Maritime helicopter project in August of 2000. Now the Department of National Defence is attempting to develop two requests for proposal. It should be obvious — at least it is to me — that the Department of National Defence and the Department of Public Works and Government Services were not advised that the Maritime helicopter project would be split four ways.

Can the minister tell us which of the members of cabinet either intervened or, in fact, interfered in this process to split the competition four ways? Why was it done above and over, thereby excluding, those other departments that, as a rule — indeed, I believe by policy — are to be consulted?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to the best of my knowledge, there has only been one letter of intention and that was, as Honourable Senator Forrestall has indicated, issued to the Department of Industry on August 22, 2000, asking eligible prime contractors to provide basic information and feedback. At this point the government is reviewing those responses. The next major step would be the posting of a draft request for a proposal on the DND Web site.

**Senator Forrestall:** Someone has been “brown-enveloping” the honourable senator’s office.

I appreciate the response of the Leader of the Government, but it is rather interesting that I have in my possession a document that states that the Department of National Defence never initiated the recommendations to split the Maritime helicopter project into four separate competitions, or to buy a basic lowest price compliant piece of equipment. We know that the project would never have moved forward from the department to cabinet unless all departments agreed.

Will the minister admit, or even agree, that the cabinet or cabinet ministers split the project into four separate competitions and disregarded departmental advice, or is she now telling us that there was never any intention, that I never heard anything, that I manufactured in my own mind the scenario of four separate contracts?

**Senator Carstairs:** I must tell the honourable senator that I know nothing of four separate contracts, nor do I know of any discussions that have taken place with respect to four separate contracts. Clearly, I am not in possession of the same documentation as Honourable Senator Forrestall. If the honourable senator will share his documentation with me, then I will try to get to the bottom of the matter.

**Senator Forrestall:** Honourable senators, if I am the only senator in this chamber, and the only Canadian, who has not heard of four separate contracts for the completion of the helicopter project, then I wish someone would tell me.

**Senator Meighen:** No one will.

**Senator Forrestall:** No one will because in fact it has been a matter of wide discussion for some 10 or 11 months now, in the newspapers, on television, among people. Is the minister now telling me that this is a figment of my imagination and those of several generals, not to mention a handful of admirals? Is it a figment of their imaginations, are they nuts, do they not know what they are talking about? Is that what the minister is saying to me?

**Senator Carstairs:** Honourable senators, certainly not. The honourable senator, I am sure, does not suffer from any figments of imagination. The bottom line is that I have no knowledge of what the honourable senator is talking about. If Senator Forrestall will not share with me the information that he clearly has, then I can only say to the honourable senator in good faith that I will inquire into the statements that he has made in the chamber this afternoon.

## HERITAGE

### MANAGEMENT PLAN FOR GROS MORNE NATIONAL PARK

**Hon. Ethel Cochrane:** Honourable senators, last June the Minister of Canadian Heritage appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources to discuss Bill C-27, a bill respecting the national parks of Canada. I asked the minister at that time when we could expect to see a management plan for Gros Morne National Park in Newfoundland. The minister said, "If you pass the bill tomorrow, you will see it by September."

Honourable senators, that indicates that the minister expected no more than a three-month delay after passage of the bill to produce a management plan. The bill was passed last October and we are now in the fourth month since that passage. Is the government now ready to table that management plan for Gros Morne National Park?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have not seen a management plan for the park but I will get in touch with the Honourable Sheila Copps and find out if there is a management plan; if there is not, when one will be ready, and if there is one, if I can make the plan available to the honourable senator as soon as possible.

•(1430)

### FUNDING FOR MANAGEMENT PLANS OF NATIONAL PARKS

**Hon. Ethel Cochrane:** Honourable senators, I have a supplementary question for the minister. In that same appearance before the committee meeting last June the minister indicated that she expected to receive more funding for the national parks in the budget this February. Since there will not be a budget this month and the government has no plans to present a budget any time soon, can the Leader of the Government give us any

assurance that Gros Morne and other national parks will be given sufficient funding to carry out their management plans?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for that question. I will ask the honourable minister whether she is expecting additional funds for management plans and whether that will have an additional impact on whether management of our parks will go forward as she indicated to the committee it should.

## AGRICULTURE AND AGRI-FOOD

### CANADIAN FOOD INSPECTION AGENCY— PROBLEMS OF SURVEILLANCE AND ENFORCEMENT

**Hon. Mira Spivak:** Honourable senators, today's newspapers report that the Canadian Food Inspection Agency is now considering major changes in its animal feed policies to reduce the risk of mad cow disease. Some of those changes are ones suggested by the United Nations Food and Agricultural Organization that were spoken of here yesterday. I hope that the agency will act quickly.

There was, for example, a 17-month lapse between the date WHO experts recommended that all countries ban feeding cows the tissue of dead cattle or other ruminants and the date that Canada put that ban in place.

My question deals with the Canadian Food Inspection Agency. The recent Auditor General's report also found some serious problems. He said that the agency needs better information systems to support management decision making and that there are serious deficiencies in enforcement.

Can the Leader of the Government in the Senate tell us exactly what steps the agency is taking internally to address these problems, specifically with respect to Canada's BSE risk? It has been known for some time, not just through this report, that the CFIA has certain enforcement problems, in particular with rendering plants.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for her question. She is quite right that the Auditor General raised specific concerns about the Canadian Food Inspection Agency. However, the report indicated that the Auditor General was not in a position to appropriately review the food inspection programs based on risk due to certain difficulties. However, on its own the CFIA had initiated such a resource review in conjunction with the Treasury Board Secretariat.

The honourable senator has today shown increasing evidence that the Canadian Food Inspection Agency continues to remain vigilant in order to ensure that its food inspection, animal health and plant protection programs do make significant progress and introduce significant new initiatives.

**Senator Spivak:** Honourable senators, it would be very helpful to have specific information on the exact numbers and the steps taken by the Canadian Food Inspection Agency, apart from review.

**Senator Carstairs:** Honourable senators, any new regulations which pertain to the way in which the Canadian Food Inspection Agency does its work will be made available to all honourable senators.

## PARLIAMENT

### OFFICIAL CODE OF CONDUCT FOR MEMBERS AND SENATORS

**Hon. Donald H. Oliver:** Honourable senators, my question is directed to the Leader of the Government in the Senate and relates to a code of conduct for parliamentarians.

Canada is one of the few parliamentary democracies that has absolutely no code to provide guidance to parliamentarians on how to reconcile their private interests with their public duties. The honourable leader will know that I was co-chair of a special joint committee of the Senate and the House of Commons with Peter Milliken, now the Speaker of the House of Commons. In March 1997, we tabled our report containing a code for both Houses.

On page 4 of our report, under "Public Scrutiny," provision 4 states:

Parliamentarians shall perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law.

What steps will the Leader of the Government take to revive that important report of the special joint committee of both Houses of Parliament so that a code can be put in place for the benefit of parliamentarians and the people of Canada?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have done some review of the report to which the Honourable Senator Oliver makes reference, the preparation of which he oversaw with the present Speaker of the House of Commons. My review of the report indicates that Senator Spivak was also a member of that committee.

However, there did not seem to be a great deal of consensus on the committee during its deliberations. Unfortunately, it appears that Reform members, now Alliance members, in particular were not convinced that this was the way to proceed. Perhaps they have changed their minds in the present Parliament, but back then, from my review of the testimony, they did not seem to be entirely in favour of such a code of conduct.

Unfortunately, as I understand it, the report was never given approval in either of the Houses of Parliament. Perhaps it is time to institute a new study in this area and to bring it before both Houses of Parliament.

**Senator Oliver:** Honourable senators, my question was: Precisely what steps would the honourable leader herself take to see that a report like that could be resuscitated?

As the honourable leader will know, the fifth stated purpose in the code of official conduct for members of both the Senate and the House of Commons was to foster consensus among parliamentarians by establishing common rules and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.

Will the honourable leader advise this house what steps she would be prepared to take to ensure that we could put in place, perhaps this year, an independent, non-partisan adviser to assist in the interpreting of a code, should one be reinstated?

**Senator Carstairs:** The honourable senator has asked what steps I am prepared to take. I do not think it is appropriate for the Leader of the Government in the Senate to develop rules of conduct for all members of the Senate. I think it is up to the members of the Senate to determine what rules of conduct they would like to live by, or die by, as the case may be.

I do not intend to take any initiative in this matter, honourable senators. However, if honourable senators on both sides of this chamber would like to develop such an initiative, I would look forward to reading its recommendations and, if they had the support of the vast majority of this chamber, supporting them.

## TREASURY BOARD

### GOVERNOR GENERAL'S WARRANTS FOR PAY EQUITY PAYMENTS

**Hon. Roch Bolduc:** Honourable senators, I have a question for the Leader of the Government in the Senate which concerns Governor General's warrants.

Several of the special warrants involved pay equity payments. The warrants were needed for those departments in which funds set aside for pay equity were insufficient.

I am not questioning the principle of pay equity, although it is easier to define salary equity than equal work. However, I do wonder about the process through which the cheques were issued. Government employees received the second round of their pay equity cheques at various times last fall, about the time the government was running for re-election. I am told, for example, that eligible employees at the Library of Parliament received their cheques in early October and most others suddenly had their cheques by early December. The special warrant approving the extra cost was not passed until January 23 of this year. In other words, the warrants for these payments, which by law must be of an urgent nature, were not granted until after the cheques had been cashed.

Can the Leader of the Government assure the Senate that the government was acting within the Financial Administration Act when it issued those cheques?



•(1440)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. We must be clear about what section 30 of the Financial Administration Act provides when it indicates the use that can be made of Governor General special warrants.

Warrants must meet three conditions before they can be issued. The first condition is that Parliament must be dissolved for an election. We know that it certainly met that particular qualification. The second condition is that a payment is urgently required for the public good. I suppose that one is debatable. However, it is inherent upon governments to provide to their employees what is just and due and owing to them. I would consider that a necessary public good. The third condition is that there is no other appropriation to which the payment can be made. In my view, the appropriation provisions as found in the Financial Administration Act were satisfied.

[Translation]

**Senator Bolduc:** Honourable senators, they first issued the cheques to the employees during the election campaign. Then, they decided that a Governor General's warrant was necessary, and it was provided on January 23. Is there not a bit much of a time lag between the two?

[English]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have two delayed answers: first, for Senator Spivak's question on February 8, 2001, regarding improvements to the Canadian Food Inspection Agency; and second, for Senator Oliver's question on February 7, 2001, regarding the post-secondary recruitment program.

## CANADIAN FOOD INSPECTION AGENCY

### RECRUITMENT EFFORTS TO INCREASE STAFF

*(Response to question raised by Hon. Mira Spivak on February 8, 2001)*

CFIA continues to improve its food inspection, animal health and plant protection programs and, as noted in the recent Auditor General's report, has made **significant progress** on many initiatives.

An example of this is the resource review that CFIA has conducted in conjunction with the Treasury Board Secretariat. This review will **evaluate all CFIA activities** to confirm whether they are **appropriately resourced**.

The **health and safety of Canadians** is CFIA's primary concern. Its inspection services for food safety and animal and plant health contribute to the safety of Canada's food supply.

CFIA is not involved in the promotion of the products. Markets are open to Canadian products around the world as a by-product of CFIA's work to **maintain Canada's excellent reputation** for food safety.

## PUBLIC SERVICE COMMISSION

### AUDITOR GENERAL'S REPORT—ADEQUACY OF POST-SECONDARY RECRUITMENT PROGRAM

*(Response to questions raised by Hon. Donald H. Oliver on February 7, 2001)*

#### QUESTION:

Why does the federal government only turn to post-secondary recruitment once a year, and why prospective students are not courted on a year round regular basis?

#### ANSWER:

– In fact, perspective recruits are courted by departments on a year round basis.

– The Post Secondary Recruitment Program is only one avenue for recruitment. Many departments use other avenues to reach out to skilled graduates.

– At the same time, the Government recognizes the need to be more aggressive and innovative in these outreach efforts.

– The Post Secondary Recruitment Program is currently being redesigned to enable flexible, adaptable year-round recruitment. This should be ready by this fall and job offers made to qualified graduates by December, 2001.

The government is committed to recruiting bright motivated young women and men to accept the challenge of serving their country in the federal public service, and to ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country.

#### QUESTION:

The Public Service Commission states that in 1999-2000 there were almost 17,000 student applications for some 1,100 jobs, while the Auditor General points out that only 62 per cent of available jobs were filled in the previous year. What accounts for this disparity? Why did they not fill jobs if they had all those applications?

**ANSWER:**

– The government recognizes the need to rejuvenate the Public Service through recruitment, to ensure that the Public Service is innovative, dynamic and reflective of the diversity of the country - able to attract and develop the talent needed to serve Canadians in the 21st century.

– The government is creating a centre for demographic analysis and forecasting which will help departments better identify their recruitment needs, find targeted approaches to attracting the people they need with the skills to serve the knowledge economy.

– It is true that not all advertized jobs were filled using the Post-Secondary Recruitment Program last year. Departments can use other means to recruit graduates. At the same time the government recognizes the need to improve its recruitment practices.

– Improvements are being made to the Post-Secondary Recruitment Program, to make the program more effective and efficient both for students and managers: on line applications, year-round recruitment, inventories of qualified candidates, visibility on University campuses.

the Leader of the Opposition. A failure to recognize his claim to this position, he argued, is a denial of precedent and tradition. It also constitutes a breach of privilege because it prevents him from fulfilling all of his duties.

[English]

The substance of the presentation made by Senator St. Germain involves a complex set of issues. The senator began with an acknowledgement that the current situation is “so new and unusual that it begs for resolution.” It is his contention that no Senate precedent exists to guide this house to properly identify the Leader of the Opposition. Senator St. Germain then made reference to rule 1 of the *Rules of the Senate* that sanctions recourse to the practices of other parliaments in all unprovided cases. Senator St. Germain then cited the British House of Lords and the Australian Senate as sources for guiding precedents. According to the senator, the practice in both Parliaments would appear to be that the political leadership in the lower house is mirrored in the upper house. That is to say, there is a direct correlation in the recognized leadership of the official opposition in the upper house with that of the lower house. Indeed, evidence would suggest that they are almost always of the same party affiliation, notwithstanding the relative numerical strength of party membership in the upper house.

[Translation]

**QUESTION OF PRIVILEGE**SELECTION OF THE LEADER OF THE OPPOSITION—  
SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, before going to Orders of the Day I will give my ruling on the question of privilege raised by Senator St. Germain.

On February 6, Senator St. Germain filed a notice with the Clerk of the Senate of his intention to raise a question of privilege. This notification came within hours of my receiving a letter from Mr. Day, Member of Parliament, Leader of the Canadian Alliance and Leader of the Opposition in the House of Commons, advising me that he had nominated Senator St. Germain, the only Senate member of the party, to be the Leader of the Opposition in the Senate. For the information of honourable senators, I sent a reply to Mr. Day the same morning explaining how I thought the matter might be treated in the Senate.

[Translation]

At the appropriate time during the Routine of Business, Senator St. Germain provided the required oral notice and, at the conclusion of the Orders of the Day, he presented his case. In summary, the breach of privilege alleged by Senator St. Germain, as I understand it, is that he is entitled to the position and rank of

[ Senator Robichaud ]

Following this review of practices in the United Kingdom and Australia, Senator St. Germain continued with an assessment of what occurred here in the Senate in 1994. At the outset of the Thirty-fifth Parliament, the party representing the official opposition in the House of Commons, the Bloc Québécois, had no membership in the Senate. The opposition in the Senate was provided by the Progressive Conservative Party. In the view of the senator, this outcome has no real bearing on the merits of the case he is making with respect to his alleged question of privilege and is not relevant as a precedent.

[English]

Finally, Senator St. Germain argued for the need to recognize, as he put it, “the changing nature of Canada’s political landscape.” He urged the Senate to accept this reality, whatever the outcome of the ruling in this case. He also proposed that I, as Speaker, give “some strong direction regarding the resolution of this matter.” In closing, the senator made additional references to the statutory authority of the Speaker of the British House of Commons to determine the official opposition when the question is in dispute. He then cited the example of the decision by Speaker Parent in the other place in 1996 to maintain the status of the Bloc Québécois as the official opposition on the basis of incumbency in view of the numerical equality between that party and the Reform Party. Before taking his seat, Senator St. Germain made mention of a document that he had already tabled explaining in greater detail the precedents he had noted in his presentation.

[Translation]

By way of rebuttal, Senator Robichaud, the Deputy Leader of the Government, contended that no *prima facie* case had been made to support the allegation of a breach of privilege by Senator St. Germain. The Deputy Leader of the Government denied the senator's claim to the title of Leader of the Opposition based exclusively on the status of the Canadian Alliance as the official opposition in the House of Commons. Senator Robichaud went on to refute the notion that the failure to recognize Senator St. Germain as Leader of the Opposition impairs his ability to function as a senator and is therefore a breach of parliamentary privilege.

[English]

In explaining his position, Senator Robichaud noted that Senator St. Germain's ability to participate in various activities — moving motions or amendments, soliciting information in Question Period, speaking during Senators' Statements, and attending committee meetings — is the same as that of any other senator. Senator Robichaud went on to state that Senator St. Germain enjoys the benefits of office space, a global budget and access to parliamentary documents and a research fund just like any other senator.

With respect to the issue of who recognizes the Leader of the Opposition as defined in rule 4(d)(i), the deputy leader explained that it is the Senate itself that determines the meaning of its own rules. After acknowledging what he described as a long-standing practice to recognize, as the opposition, the party of the greatest number that is not the government, Senator Robichaud agreed that it was perhaps time to review the Senate's internal organization and the manner in which parties are recognized. The senator concluded his intervention by suggesting that the Standing Committee on Privileges, Standing Rules and Orders study this question.

[Translation]

Senator Prud'homme then spoke to the question of the alleged breach of privilege. He proposed that I as Speaker take the necessary time to review this important question carefully. I want all honourable senators to know that I have taken this advice seriously. I believe that the issue raised in the question of privilege of Senator St. Germain is very important. In the days since it was first brought up, I have reviewed closely the arguments presented as well as the document that was tabled. I have also studied the relevant precedents of our Parliament as well as those of other Westminster-style Parliaments. I am now prepared to give my decision.

[English]

•(1450)

In making my ruling, I want to address three interrelated issues: the question of privilege raised by Senator St. Germain,

the role of the Speaker of the Senate in deciding certain questions, and possible methods to determine the Leader of the Opposition.

Let me begin with the question of privilege claimed by Senator St. Germain. Rule 43(1) reminds us that:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions...

The struggle of Parliament with the Crown for the recognition of its privileges several centuries ago is in fact the history of the rise of parliamentary government and democracy in Great Britain. This history is also a proud part of our Canadian constitutional heritage. The underlying principles of privilege established so long ago still remain important today, although the application of these privileges continues to evolve.

According to the British parliamentary authority Erskine May:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

The foremost privileges that are exercised by the house collectively are the power to punish for contempt and the power to regulate internal proceedings as a body. Preeminent among the rights enjoyed by members is freedom of speech. Other rights enjoyed by members individually include freedom from arrest, hindrance and molestation. These latter privileges remain important, in the words of Erskine May, "as a means to the effective discharge of the collective functions of the House..."

Whether or not a senator is acknowledged as Leader of the Opposition does not fall within the traditional privileges enjoyed by individual members, or even the privileges exercised by the Senate as a whole. It is therefore difficult for me to see how the matter of any senator's recognition in the position of Leader of the Opposition could constitute a question of privilege. This view is supported by Joseph Maingot in his book *Parliamentary Privilege in Canada*. At page 224 of the second edition, he notes that parliamentary privilege applies to members in their capacity as members, not in their capacity as ministers, party leaders, parliamentary secretaries or whips. Accordingly, it is my ruling that no *prima facie* case of a breach of privilege has been established in this case.

There may well be instances, however, where the status of the Leader of the Opposition can give rise to points of order. For example, the rules provide that in most instances the Leader of the Government and the Leader of the Opposition will be granted unlimited time for debate. An attempt to limit that right could lead to a point of order that could be the subject of a Speaker's ruling. It must be stressed that the protection of these rights does not involve their recognition as parliamentary privileges over and above the privileges accorded to all parliamentarians. It is also necessary to point out that in such a case, as in all matters relating to the enforcement of the *Rules of the Senate*, the ruling itself could be the subject of an appeal to the Senate for confirmation or rejection. This is because the Senate retains for itself the exclusive authority to determine its practices even to the extent of passing judgment on decisions of the Speaker. In this regard, the Senate is quite different from many other Parliaments, including the United Kingdom and Australia, where the decisions of the Speaker are not subject to appeal.

Commons. These provisions of the act date back to 1937 and I am unaware of any occasion where the Speaker or the Lord Chancellor had to resort to it; nor did Senator St. Germain indicate that it had ever been used. In any case, it is the view of the senator that I as Speaker can exercise the same authority through the provisions of rule 1. I do not accept this proposition. Moreover, my position seems to be shared by my counterpart in the other place. In a ruling that was made on February 26, 1996, dealing with the status of the Bloc Québécois, Speaker Parent explained:

Unless the House wishes, either in the rules or in legislation, to give the Speaker precise powers and guidelines by which to designate the official opposition, I must state at the outset that I do not feel it is within my power to make such a decision...

The Speaker went on to acknowledge the status quo incumbency of the Bloc Québécois as the official opposition.

[Translation]

In my assessment of the position taken by the Commons Speaker in that instance, this was not a typical ruling at all. In character, it resembled the approach the Speaker would be expected to take in respect of a casting vote which is to keep the question open by opting for the *status quo*. The Speaker simply recognized the *status quo*. Speaker Parent acknowledged that he had no authority to alter the *status quo* and recognize the Reform Party as the official opposition. Such a decision, as he explained, "has never been decided on the floor of the House of Commons, and the House has never put in place a procedure for the selection of the official opposition."

[English]

Australia was another jurisdiction that Senator St. Germain raised as a possible model. There, too, it seems a correlation exists between the identity of the official opposition in the Senate and the House of Representatives. In explaining the history of the Australian experience, Senator St. Germain referred to an account that had been secured from the Senate Clerk Assistant of Procedure, Dr. Rosemary Laing, in Canberra. While the experience in Australia has been largely consistent with the anomalous exception of what occurred in the early 1940s involving different opposition parties that were in a coalition, the practice is regarded as a convention. This convention, however, is not unalterable or inflexible. The Clerk Assistant has provided the Table with some information about the character of this convention. This document, as well as the research paper tabled by Senator St. Germain and my correspondence with Mr. Day, is available in the Clerk's offices. As Dr. Rosemary Laing describes it:

[Translation]

At this point, I am already well into the second issue that I wished to raise in this ruling — the role of the Speaker of the Senate. That role is, in fact, quite limited. As Speaker, I have an obligation to enforce the *Rules of the Senate* to the best of my ability, but the Senate alone has the ultimate authority to determine its practices, not the Speaker. Precedents, therefore, do not have any binding character. They would, of course, influence the assessment of a situation by a Speaker, but they could not bind the Senate. Under our current practices, the Senate is not constrained by any obligation to follow precedent.

[English]

In this particular case, I have looked closely at the precedents mentioned by Senator St. Germain which are also explained more fully in the document that he tabled February 6. It is Senator St. Germain's contention that these precedents are useful and provide guidelines that could influence the outcome of this case. The first example that he referred to in his presentation was that of the British Parliament. The senator makes the case that in Westminster, the opposition leadership in the House of Lords is determined by reference to the political composition of the House of Commons. I think that is a correct account of how the system operates in the United Kingdom Parliament.

Should there be any doubt in the United Kingdom as to which party should be recognized as the official opposition based on parity, the Speaker of the House of Commons is authorized under statute to make a final and conclusive determination. In all other cases, however, the Speaker has no role to play. Under the same law, the Ministerial and other Salaries Act, the Lord Chancellor is given the same authority to determine the official opposition in the House of Lords, but this authority must be exercised by way of reference back to the decision made in the House of

[ The Hon. the Speaker ]

The fact is that while the position of Leader of the Opposition in the Senate has to date been determined by reference to the party in opposition in the lower house, changing circumstances in the future may well lead to a different outcome. If the situation arose in the Senate in which the party constituting the Opposition in the House of Representatives was not also the largest party in the Senate not included in the government, it is highly likely that the right of the leader of such a party to the title of Opposition Leader would be disputed. The issue of which senator is designated as Opposition Leader is a matter of custom and practice only. If a dispute arose about which party could claim the title, the matter could be resolved only by the Senate itself. Custom and practice (or 'precedent') may well not be the determining factor in the resolution.

•(1500)

Senator St. Germain explained that he felt obliged to refer to the examples of the Parliaments of the United Kingdom and Australia because there seemed to be no precedents in our Senate history that addressed the problem of determining who should be the Leader of the Opposition. This is, no doubt, because there was no difficulty in deciding who should have the title. Until recently, the Senate has been almost exclusively a two-party house with a handful of independents. The two political parties represented in the Senate are the only parties that have ever formed the government. Thus, there was never a problem in deciding which party formed the government and which the opposition. This may have established a practice; it is not clear that it has established a convention.

Reference to authorities such as E. Russell Hopkins and Robert MacKay suggest that there has been some variation in how the Leader of the Opposition in the Senate has been designated. Although Hopkins indicates at page 17 of an unpublished manuscript in the collection of the Library of the Parliament that it was the decision of the Leader of the Opposition in the House of Commons, MacKay states in his book entitled *The Unreformed Senate* at page 66 that it was a decision of the Senate opposition party caucus. F. A. Kunz, in his work *The Modern Senate of Canada / 1925-1963*, at page 85 takes a position that more closely resembles the account provided by MacKay.

In any case, these options were exercised in an era when two parties dominated the political landscape — a landscape which Senator St. Germain told us is now changed. In any event, it seems to me that there is precedent to indicate how the Senate will designate its Leader of the Opposition. In 1994 and again in 1997, the Leader of the Opposition was chosen by the caucus representing the largest number of senators, not the government. The proposition that these examples do not count because there was no representative from the Bloc Québécois or the Reform Party in the Senate at the time is not altogether persuasive. I say this because these precedents prove that there need not be a

corresponding relationship in the political composition of the House of Commons and the Senate. Our parliamentary system continued to function even though the Senate had an opposition that did not match the official opposition in the House of Commons when it was the Bloc Québécois or the Reform Party. Parliament is flexible enough to accommodate this possibility. This is because, in large measure, the Senate and House of Commons are and remain independent, autonomous bodies performing roles that are complementary to each other.

[Translation]

Unless authorized to do so, it is not up to me to decide whether the identity of the official opposition in the Senate will or should change at some point in the future. As I have indicated in my response to Mr. Day, I believe that the Senate itself will make such a decision, which is not the Chair's responsibility. As far as the identity of the opposition for the current session is concerned, I would point out that the Senate has already indicated where its choice lies. On Thursday, February 8 it adopted, by majority, the second report of the Selection Committee. In addition to designating the members of the standing committees, the report designated the *ex officio* members, namely Senators Carstairs or Robichaud for the government and Senators Lynch-Staunton or Kinsella for the opposition. The matter, therefore, appears to be settled, for the moment at least.

[English]

I have made an effort to go into the substantive issues raised by Senator St. Germain even though I ruled that no *prima facie* case of a question of privilege had been established. I did this not only because the senator asked me to, but also because I believed it was important for me to explain what I understood to be the practices related to the identification of the Leader of the Opposition. In view of the current circumstances, I am satisfied that the Office of the Clerk has dealt with this issue appropriately. It may be that I have not answered all the important and interesting questions raised by Senator St. Germain. Should this be the case, it might be useful, as was suggested, to have the status of the opposition parties studied by the Standing Committee on Privileges, Standing Rules and Orders. This is an avenue that Senator St. Germain may want to pursue or the committee itself may choose to explore.

Is Senator St. Germain rising to object to the ruling? He is entitled to do that; however, it is not a debatable matter.

**Hon. Gerry St. Germain:** No, honourable senators, I am not.

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

**Some Hon. Senators:** Order!

**Senator St. Germain:** I should like to rise on a point of order. First, I would thank His Honour for the —

**The Hon. the Speaker:** I am troubled by how we should proceed. As you might expect, I have looked into how we should proceed at this point. Having given a ruling, the rules provide that the ruling can be challenged in the chamber. Rule 18(3) reads:

When the Speaker has been asked to decide any question of privilege or point of order he or she shall determine when sufficient argument has been adduced to decide the matter, whereupon the Speaker shall so indicate to the Senate, and continue with the item of business which had been interrupted or proceed to the next item of business, as the case may be.

(4) Except in accordance with the provisions of rule 37(5), all decisions of the Speaker shall be subject to appeal to the Senate, and such an appeal shall be decided forthwith, without debate.

I would be pleased to open the matter for debate and to hear the positions of honourable senators, but the rules do not allow me to do so. Accordingly, any debate is out of order. However, I do point out to all honourable senators that the decision that I have made is appealable, and two senators rising will precipitate a standing vote.

I will take my seat. I rose to explain to all honourable senators where we are and to point out that, in accordance with our rules, it would not be in order to make a comment on my ruling. It is only in order to challenge the ruling, or not.

**Senator St. Germain:** If I may, honourable senators, I do not intend to challenge His Honour.

**Hon. Eymard G. Corbin:** Order!

**Senator St. Germain:** I rise on a point of order.

**Hon. Sharon Carstairs (Leader of the Government):** You cannot.

**Senator St. Germain:** I cannot?

**The Hon. the Speaker:** I can perhaps hear a point of order following disposition of the ruling. If you wish to rise and no one else rises, it will be a matter that the Senate accepts on division. If two senators rise, we will have a division. Following the disposition, the honourable senator may rise on a point of order. I will take my seat. If a senator wishes to challenge the ruling, then he must rise. If no honourable senator rises, then the ruling will be accepted.

**Senator Kinsella:** Orders of the Day.

**Senator St. Germain:** On division.

**Senator Corbin:** Next item.

**Hon. Anne C. Cools:** Honourable senators, I believe that Senator St. Germain was trying to say, "Thank you," and that was all. It was not my understanding —

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

**Senator Cools:** That is in order, honourable senators. Politeness is always in order. There is a routine to challenge the ruling. I do not believe anyone here wants to challenge the ruling. "Thank yous" are still in order, even in this place.

**Senator Kinsella:** Thank you.

**The Hon. the Speaker:** Honourable senators, I would appreciate being thanked, but the rules do not allow for such a courtesy.

Honourable senators, the question is whether the ruling of the Speaker is sustained. Those in favour of the ruling will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed will please say "nay."

**Senator St. Germain:** Nay.

**The Hon. the Speaker:** I believe the "yeas" have it, and the ruling is upheld, on division.

•<sup>(1510)</sup>

**Senator St. Germain:** Honourable senators, I rise on my point of order. As the previous deliberations and the Speaker's ruling seem to suggest, my privileges are, perhaps, not being breached in this matter.

Before I start, I should like to thank His Honour for the study done by him and for his response. I know that he took the matter seriously. Logically, it has gone through now, on division, but I will be studying it closely.

On my point of order, as I say, my privileges are, perhaps, not being breached in this matter. It is therefore logical that there must be a point of order here.

**Senator Cools:** But there is not.

**Senator St. Germain:** Through my question of privilege I explicitly requested that the Senate, through the Speaker, provide some direction in this matter. My reasons for this request are many, but essentially I see a situation that calls for a clearer interpretation of the rules. I reiterate that the rules of the house are, in my view, being abused. The first section of the *Rules of the Senate* state that precedent and tradition are critical elements in any decision made by the Senate that deals with a question not in the rules. Rule 1(1) states:

In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

Our customs, usages, forms and proceedings require that we look to three sources for governance of this place. The first is the *Rules of the Senate*, the second is precedent and the third is tradition.

Honourable senators, given that we have no rules governing the selection of the official opposition, we are required by our own rules to examine precedent and tradition. There is no precedent from the Senate itself, but there is precedent from the House of Lords, and the precedent from the Australian Senate I believe is crystal clear.

**Senator Kinsella:** Order!

**Senator St. Germain:** In those places the official opposition in the upper chamber is selected —

**The Hon. the Speaker:** I suggest, Senator St. Germain, that you may be reworking the same ground here.

**Senator Kinsella:** Exactly.

**The Hon. the Speaker:** As the honourable senator knows, in my ruling I suggested that a motion might be in order to refer this matter to the Rules Committee, which in turn would provide full opportunity for debate. The problem I have is finding a rubric for what it is I think the honourable senator wishes to do, that being to raise this matter with all honourable senators with a view to finding some solution that is more satisfactory to Senator St. Germain.

As the honourable senator knows from the ruling, this is a matter upon which the whole Senate would need to decide. May I suggest that a way to do that would be by way of motion referring the matter to the Rules Committee.

**Senator St. Germain:** I will be guided by His Honour's wisdom. I ask leave, then, notwithstanding the rules, to move a motion.

**Senator Kinsella:** No.

**Senator Carstairs:** No.

**Senator Kinsella:** No leave.

**Senator Cools:** You cannot do that.

**Senator St. Germain:** Well, I can ask.

**Senator Corbin:** Leave denied.

**Senator St. Germain:** Honourable senators, I ask for the approval of the Senate.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I am sorry to say that leave is not granted.

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Setlakwe, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-seventh Parliament.—(2nd day of resuming debate).

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I should like to begin by congratulating our new Speaker of the Senate, the Honourable Senator Dan Hays, on his new position. I must tell His Honour that it has already been noted that he tips his hat in ways reminiscent of a more frequently worn Stetson. I welcome that particular western touch to this chamber.

I should also like to thank our former Speaker, the Honourable Gildas Molgat. Senator Molgat has served this chamber and Canadians very well. He was first elected Speaker *pro tempore* in 1983, and he has also held the positions of government whip, president of the Liberal Party of Canada — which may not bring the same affection from the other side — deputy opposition leader and deputy government leader. My honourable colleague has been active throughout his tenure here in the Senate on constitutional issues, having served as co-chair of the Special Joint Committee on the Constitution of Canada, co-chair of the Special Joint Committee on Senate Reform, chair of the Senate Committee of the Whole on Meech Lake Constitutional Accord, and as chair of the Senate Task Force on the Meech Lake Accord, Yukon and Northwest Territories.

Senator Molgat has made significant contributions to many other worthy organizations. One certainly could not forget his contribution to the Royal Winnipeg Rifles. I should like to thank him specifically for his professional and capable contribution to us here in the Senate. We have been very fortunate to benefit from his experience and his competence.

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

**Senator Carstairs:** As, perhaps, some of you do not know, Senator Molgat was the leader of the Liberal Party in Manitoba for a considerable period of time, and I am honoured to have replaced him — after a few leaders in between — in that exact position. He was invaluable to me as I began my leadership in the province of Manitoba, not the least of which was that he provided me with my first provincial campaign manager.

respecting our differences.

I should like to thank the Leader of the Opposition for his kind words yesterday with respect to my appointment, and to assure him that we have no intention of forgetting the essential role that the opposition plays in our parliamentary system.

I should also like to congratulate Senator Cordy and Senator Setlakwe on their excellent speeches in moving and seconding the Address in Reply to the Speech from the Throne. I am very appreciative to my caucus members for their support in my new role as Leader of the Government in the Senate. In addition, I should like to thank all of my predecessors from both parties who I feel have done a wonderful job in keeping this place, our Canadian Senate, a place of fellowship and a place of serious contribution to the functions of Parliament. It is a rare workplace where colleagues can come together in mutual respect, and I feel very privileged to be a part of this institution.

[Translation]

As some of you are already aware, my father Harold Connolly sat in the Senate from 1955 to 1979. He represented Nova Scotia, the province of my birth, a province to which I have developed feelings of attachment, affection and loyalty.

I am the product of the union of two different provinces and two different cultures, born to a French-Canadian mother and an Irish father. I was born in Nova Scotia but lived for twelve years in Alberta and for twenty-four years in Manitoba. I very strongly believe that Canada is a country which must preserve its differences while at the same time respecting its unity.

[English]

This inherent contradiction is something all previous governments have struggled with, and I believe the Governor General's Speech from the Throne truly represents and respects this struggle and offers solutions to unify us behind a common cause — the cause of making this country a better place in which to live. We have always been a nation of antipodes in culture and language, in geography and attitudes, but this panoply of differences gives us our unique system of Canadian values. Our values are what unify us and this unity is something we must work hard to preserve.

I should also like to mention how pleased I am — and again, I do not expect I will share this with the other side — that the Prime Minister and the Liberal government have been granted another mandate to carry out the policies which unify us and strengthen our social fabric. Our goals now are to take this group of representatives, from each and every province and territory, and produce new laws that will preserve our unity while

•(1520)

However, with regard to his subsequent remarks on the Speech from the Throne, I should like to remind him that a Throne Speech is defined in McMenemy's *The Language of Canadian Politics* as "a general outline of...legislative priorities in the coming session" and is not intended as a specific outline of all legislation which the government will attempt.

The third edition of the Red Book, upon which the Prime Minister based his third successful election campaign, lists a more specific outline of our proposals for change. Our country has been enjoying an extended period of prosperity under our current government that should alleviate much of my honourable colleague's concern. This government will continue to address ongoing issues in our country and we will continue to fulfil our ongoing commitments.

With respect to my honourable colleague's question about why there is no code of ethics in place for members of both Houses of Parliament, I should like to remind him that there was a report on this issue in 1995 by the Special Joint Committee on Code of Conduct. The government was prepared to support the recommendations but there was significant opposition in both Houses to clarifying and resolving the guidelines. Our government has always maintained that this is an issue for all parliamentarians to address outside of our partisan limitations, and we continue to stand by that assertion.

The Speech from the Throne outlines three goals that this government hopes to achieve in order to improve the quality of life for all Canadians: building an innovative economy, fashioning a strong social fabric, and framing policies of modern governance which are open and flexible to the changes we will all be confronting in the future.

[Translation]

The Prime Minister has already begun to fulfill one of the promises of the Speech from the Throne. Together with the President of the Treasury Board, Lucienne Robillard, and the Minister of Public Works and Government Services, Mr. Gagliano, Mr. Chrétien has set up a new "Canada Site" on the Internet. This new Web site will permit the Liberal government to achieve one of its main objectives, namely, to make government more accessible and to enable Canadians to avail themselves of services and information from their government more easily. I have already visited it and encourage you to do so as well. It is full of information, and I even had the pleasure of moving around in it in search of discoveries.



[English]

Canada is a vast country. Since the inauguration of our great railway, our country has been a leader in finding innovative ways to use technology to connect our citizens to each other. The necessity of keeping connected over this great expanse of geography has created an impulse in Canadians to create a society which is experienced in building connections — between people, between cultures, and between nations.

We have always been a leader in high tech, aerospace and telecommunications technology. Our government's Connecting Canadians strategy is another initiative that is forward thinking and one which will benefit future generations of Canadians by building the technology infrastructure that will make Canada the most connected nation in the world.

Investing in research and development is a priority in order to build a solid economy for a prosperous future. Canada has survived as a nation by having one of the most innovative economies in the world. We will continue to increase funding to universities for research, encourage the commercial application of that research, and work internationally to develop collaborative efforts in science and technology.

This government will not only place a priority on scientific endeavours but on promoting Canadian arts and culture, both here at home and worldwide. Canada is fortunate to benefit from a diverse artistic and cultural community. As diverse and numerous as our arts community is, it enables us to create our unique national identity and to share our national perspectives in the world.

The Prime Minister referred to many research and development initiatives in his reply to the Speech from the Throne, but there is one that I would like to mention in particular: the Networks of Centres of Excellence. I should like to thank my predecessor, the Honourable Bernie Boudreau, for his dedicated work on this issue. I should like to carry on his commitment to research funding for our universities and to providing the opportunities for our students and their professors to apply their knowledge for the benefit of our new economy. This is particularly important for those of us who live in smaller provinces and, therefore, smaller academic communities. Our students also deserve the very best.

In order to fuel the new economy, our country needs more skilled workers. We will promote programs that encourage literacy, continuing education and the acquisition of job skills. As a former teacher of 20 years, I am very pleased about the creation of our new Registered Individual Learning Accounts, which will give Canadians the opportunity to plan financially for their own education.

During the recent campaign, I was in Brandon, Manitoba where I met with a group of students who were trying to further their education through grade 11 and grade 12 at an adult learning centre. I was disturbed greatly by the plight of a young

man who was back at school trying to get his grade 12 while supporting his three children. He did not know how he would buy his children winter boots.

**Senator Kinsella:** Who won that riding?

**Senator Carstairs:** The Conservatives won that riding, but surely not because I was campaigning there.

Surely a young man trying to raise young children and provide them with adequate support while trying to fulfill his own education requirements, so that in the future he can provide a better lifestyle for his children, should not have to be concerned about providing those children with winter boots.

In order to fuel the new economy our country needs more skilled workers. I hope that, through this program, we can ensure that that will happen. Those who are born in Canada must also be integrated more successfully and not be excluded from the opportunities that we can offer. A fundamental goal of our government in this mandate is to share opportunity. Our children will benefit from many new initiatives to give greater social support to those who are in need, programs that take measures to address specific health and quality-of-life concerns.

In the words of the Prime Minister:

It took a generation working together to reduce the incidence of poverty among seniors. It happened step by step....We can and must make similar progress for children.

Some of our most needy children are the children of our First Nations. While all Canadians benefit from high-quality educational and health services, our aboriginal communities need better access to services that are available in other regions of our country. The government will increase support to the Aboriginal Head Start program in order to give the children of our First Nations a better start on school and help with those special needs.

The cost of caring for someone with fetal alcohol syndrome has been estimated at U.S.\$1.4 million in their lifetime, and the social consequences are incalculable. We will provide further assistance to programs that work to mitigate and prevent the effects of fetal alcohol syndrome among Aboriginal and non-Aboriginal children.

Having spent time in classrooms, I know that children suffering from fetal alcohol syndrome who cannot read or write, who have no social skills, and who cannot integrate within a classroom setting have many strikes against them before they even enter the workforce.

We will work with the provinces to improve our laws on child custody for all children. We will provide support to parents of children who are seriously ill so that they can take care of their families without fear of losing their employment. Honourable senators, I think that we in this chamber should take great pride in that commitment because it emanated from this chamber and our special report on quality end-of-life care.

This government is committed to improving Parliament through several measures, the most important of which was stated by the Governor General when she said that “private members’ bills from the House of Commons and Senate have been taken into account more often and considered with greater attention than at any time in the past.”

•(1530)

I hope that will continue because, certainly, the bills that come from this chamber are of very good quality indeed. My experience in the Senate has indicated that we work hard at producing private members’ bills and that we do it with great success. The report of the Special Senate Committee on Euthanasia and Assisted Suicide, and the subcommittee to update the report, has become a standard reference for Canadians and for our government on issues which our society is struggling to address and define for ourselves.

Much work needs to be done in ensuring that optimal end-of-life care is accessible to all Canadians. This is an issue that touches every person in this country, yet 90 per cent of us do not have access to quality palliative care. Many principles have already been established and widely accepted as guidelines to providing this care. The rights of patients, the expertise of nurses and physicians, and lifestyle and family preferences must be considered in order to adequately address the needs of patients.

Palliative care should be accessible to all patients in all regions of our country, whether in medical institutions, hospices or in their own homes. Despite the wonderful work done by pioneers in the field at St. Boniface Hospital in Winnipeg, the Royal Victoria Hospital in Montreal, and other hospitals and universities through out this country, Canada needs to develop further expertise and to institute residency programs in palliative care. These services must be integrated, and emphasis should be placed upon supporting the caregivers and physicians who work in improving our quality of life. Above all, the thanks of a grateful nation should go to the thousands of volunteers in Canada who are presently working with the dying.

[*Translation*]

Canada has always been a global leader in health care and quality of life. We are continuing to ensure that the federal and provincial governments honour the principles of the Canada Health Act. In fulfilling this commitment, \$21 billion will be allocated over five years to our health care system in the context of the Canada Health and Social Transfer.

The Government of Canada recognizes that access to education and health care is not enough without a healthy environment. Past generations have thought the country too vast to suffer the effects of unbridled development. Today, we realize that, however vast and populated our country may be, we must not lose sight of our responsibility to ensure we have clean air, water and natural landscapes.

[ Senator Carstairs ]

[*English*]

The federal government has signed clean-air agreements with the United States, and will work with provincial governments and support international efforts to reduce greenhouse gas emissions. We are increasingly committed to protecting our water supplies. We will develop stronger national standards, increase research funding, and work with industry and provincial governments so that we can safeguard our surface and groundwater. The federal government also recognizes that it must play a greater role in protecting our natural spaces. New parks will be created and existing ones will receive greater funding.

Providing exceptional health, educational and social services has always been the primary goal of successive Canadian governments, but this government will make preserving the land a fundamental principle, so that our green spaces, our varied habitat and our diverse species will remain some of the most admired in the world.

Providing assistance to farmers from Western Canada has also been a concern of this government. In July, the federal government provided leadership in negotiating a three-year, \$5.5 billion aid package with provincial ministers of agriculture. Farmers in Manitoba and Saskatchewan have also received federal and provincial funds to help them adjust to changes in transportation policies. This is an issue that we deal with daily in this chamber and one that we need to deal with at all levels of government.

The government has already taken action on its promise to promote safe communities. The new Youth Criminal Justice Act was just introduced in the other place and seeks to address issues of accountability, responsibility and rehabilitation. When crimes are committed by young people, the severity of the crime will be a more significant factor in determining sentence and restitution than it has been in the past. The new act is part of the government’s commitment to the Youth Justice Renewal Initiative, a strategy to broaden our focus on youth crime beyond that of legislation alone, and to seek solutions to factors that contribute to youth crime.

I must tell honourable senators that I am extremely pleased that the changes made to this act that was originally introduced in the last Parliament will now allow greater flexibility to provinces, particularly to the Province of Quebec, which has been a leader in rehabilitation programs and which, in my view, all other provinces should be following.

We will work to establish stronger ties with Aboriginal people. The federal government will work in conjunction with First Nations communities to increase transparency and effectiveness in managing their communities and fulfilling all the basic needs in order to ensure a quality-of-life standard equal to the rest of Canada. Our government will also concentrate on improving life at the community level, working with local and provincial governments to build transportation infrastructure and to provide more affordable housing for low-income families.

More and more, Canada must reach out to the global community and establish ties with other nations and share the opportunities we have in our own country. Our federal policies will identify immigrants who are skilled workers and who can contribute to the growth of our economy. We will work with the provinces and territories to recognize the credentials that our immigrants have received abroad so that they do not encounter barriers to becoming contributing members of Canadian society.

Canada will continue to foster strong ties with other countries. We will increase our international assistance so that we can continue to play an important role in promoting peace and security in the world. The Prime Minister recently completed a second trade mission to China to capitalize on the trade agreements we have already signed and to promote further commerce between our two nations. I hasten to add that human rights has been an important part of these talks. This spring, in Quebec, our government will participate in discussions on developing a Free Trade Area of the Americas, to open up more opportunities to Canadian products and services within our hemisphere.

Honourable senators, our country will be presented with new and unfamiliar challenges as we move forward into this new century. Some Canadians are raising questions about whether Confederation serves this country well and whether we can resolve the many differences that exist between our provinces and territories. I am here as a proud representative from Manitoba to say that I believe the answer is “Yes, we can resolve our differences.” I am from a province that I think exemplifies Canada — it is vast, geographically diverse, culturally diverse and linguistically diverse. Manitobans are proud of their distinct heritage as the Keystone Province. Manitoba comprises not only French Canadians, English Canadians, and Aboriginal Canadians, but Canadians from every corner of the world. Our province has always experienced opposing pressures yet has gradually learned to resolve conflicts. We embody the spirit of rebellion, as well as the spirit of settlement. We are among Canada’s oldest and largest provinces and have become more tolerant of our differences. We have sought and achieved satisfactory compromises.

The great expanse of this country is embodied in the minds and hearts of all Canadians, and I believe if we look to Manitoba’s model of what has become mutual respect and support, then we as Canadians can face this new century with confidence and optimism.

I should like to pay tribute in closing to a former Prime Minister who has left an indelible mark on the landscape of our minds and identities as Canadians, the Right Honourable Pierre Elliott Trudeau. Instead of quoting him, I will quote one of his favourite Canadians, F.R. Scott. Frank Scott was a man with broad and diverse interests, in a country itself broad and diverse. He was a constitutional lawyer, a teacher, a civil libertarian and a poet. He is the only Canadian to be twice awarded the Governor General’s prize for literature.

More than 30 years ago, F.R. Scott wrote a poem about travelling by air across Canada. His impressions are recorded in his poem *Trans Canada* which describes the beauty and vastness of our Canadian landscape, and the role that ingenuity and innovation plays in uniting us as a nation.

•(1540)

The plane, our planet,  
Travels on roads that are not seen or laid...  
While underneath  
The sure wings  
Are the everlasting arms of science...  
This frontier, too, is ours.  
This everywhere whose life can only be led  
At the pace of a rocket  
Is common to man and man,  
And ever country below is an I land...  
And here is no shore, no intimacy,  
Only the start of space, the road to suns.

Scott’s deep appreciation of our country and its inhabitants is something he shared with Mr. Trudeau. Their shared optimism for Canada and their appreciation of this awe-inspiring country we inhabit should serve as inspiration to us all as we enter into the 21st century.

On motion of Senator Murray, debate adjourned.

## CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Finestone, P.C., for 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.

**Hon. David Tkachuk:** Honourable senators, first, I wish to congratulate His Honour, who has just left the Chair, on his appointment. I do so *in absentia*.

Senator Molgat is in his place, and I should like to thank him for the kindness he has shown me over the last number of years while he was Speaker of this chamber, whether we were in agreement or disagreement. I should like to tell him how much I appreciated him. I should like to — and I have a hard time saying this — congratulate the Liberal Party — and I could barely say that — on their victory this past fall. The election has resulted, of course, in new leadership in this place, in the names of Senators Carstairs and Robichaud. I am sure the process of choosing the leadership opposite was more interesting than the process on our side, where unanimity was shown for our leadership in the names of Senators Lynch-Staunton, Kinsella and DeWare.

I was not surprised by the jockeying for leadership within the party opposite in the other place before the election. I am surprised, as I am sure all on this side are, that it is still taking place after such a resounding victory.

Honourable senators, I do not want to be waylaid. I rose to speak to Bill S-11, which was formerly Bill S-19, and not to the Speech from the Throne, which I will get to later. I spoke to Bill S-19 on April 15, 2000, if any honourable senators are interested in my views. As a result, my speech today will be short.

We on this side welcome the general direction of Bill S-11, which aims to expand shareholder rights, help Canada compete and clarify responsibilities, eliminate duplication and reduce costs. There is no doubt that major changes to corporate governance are long overdue. Indeed, it is unfortunate that the Senate was unable to complete its work on this legislation last fall.

Back in 1975, shareholder rights were not a major concern. Communication by e-mail or by fax was not a concept known outside scientific circles. No one would have understood the concept of capital leaving the country at the click of a mouse. That was the last time there were changes made to the Canada Business Corporations Act, and that was a quarter of a century ago.

I should like to note two general concerns that were raised when Bill S-19 was before us. The first concern has to do with the clauses of Bill S-19 that were to expand shareholder rights and which could, in fact, create new problems. The problem is that Bill S-19 would have imposed a burden of proof on shareholders to demonstrate that their proposals relate significantly to the business of the corporation. It is not hard to see endless litigation over whether or not this burden of proof test had in fact been passed. I also understand that the purpose of this rule is to ensure that interest groups do not turn annual meetings into forums for debating hot-button political issues.

At the same time, shareholders with legitimate concerns about the business and direction of the corporation should not be turned away simply because someone in management does not want a specific issue raised.

When this bill was before us last spring as Bill S-19, the government had signalled its intentions to bring in several hundred amendments to the legislation, many of them technical, and many in response to legitimate concerns raised by the Canadian Bar Association. We will soon have the opportunity to see how closely the government listened when the bill moves to committee for study.

The second concern, and one to which it appears the government did not listen, is that the 10-year review clause that the Banking Committee suggested in an earlier study on corporate governance legislation has not been included in the bill.

[ Senator Tkachuk ]

One of the major arguments in defence of this bill is that it will help make Canada more competitive. It probably will, but let us not kid ourselves. It will take a lot more than changes to the Canada Business Corporations Act to make Canada more competitive. Even after this bill is made law, our corporations will still be competing in a world where the corporate taxes are among the highest in the western world. They will be attempting to retain senior managers in a personal income tax system that is far more punitive than that of our neighbours to the south. They will be attempting to compete in a regulatory environment that imposes enormous compliance costs.

As I said earlier, honourable senators, the last major changes to the Canada Business Corporations Act were in 1975. Just as the government has come to realize that the corporate laws of a quarter century ago are no longer relevant today, it must come to realize that a 1970s approach to taxes and regulations will not work in the 21st century either.

Our members will be most anxious to hear from the many groups that came before us in early 2000 to see how they view the changes that have been made in this new bill before us.

**Hon. Shirley Maheu (The Hon. the Acting Speaker):** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

[*Translation*]

•(1550)

## PRIVILEGES, STANDING RULES AND ORDERS

MOTION TO INSTRUCT COMMITTEE  
TO REVIEW NUMBER OF COMMITTEE MEMBERS  
FOR STANDING COMMITTEES—DEBATE ADJOURNED

**Hon. Fernand Robichaud (Deputy Leader of the Government)** pursuant to notice of February 20, 2001, moved:

That it be an instruction to the Standing Committee on Privileges, Standing Rules and Orders that it examine the maximum number of senators for each of the several standing committees provided for in Rule 86(1); and

That the Committee report its findings to the Senate no later than Tuesday, March 27, 2001.

He said: Honourable senators, one problem continually returns before the Senate and that is the overlap of committees and the conflicts it creates for committee members. A simple calculation explains the situation. The Senate currently has 93 senators. New appointments would bring this number to a maximum of 105. In the Senate, there are 12 standing committees, 10 of which have 12 members, two have 15. In all, this means there are 150 places on the committees. A number of committees sit twice weekly, and often for two hours. This means a potential total of 600 hours of committees sittings.

A number of senators, such as the Speaker, the Speaker *pro tempore*, the leaders, the deputy leaders and the whips do not take part in committee meetings. This then leaves only 80 senators to fill 150 places. Obviously this means that most senators sit on at least two committees, some sit on three and some on four. Some of these committees sit at the same time.

[English]

This situation has led to the frustrating result that many of us have experienced from time to time. A senator is required to be in two places at once and runs the risk of being marked absent at one of the two committees that are sitting simultaneously. Not only will the senator be marked absent, but he cannot do the job that he was asked to do, namely, to sit as a member of that committee. We feel that this matter should be dealt with expeditiously, in particular because we are proposing to increase the number of standing committees to 14, as the Rules Committee has recommended in the past. That would happen if the Senate adopts the motion currently on the Order Paper proposing the new human rights and defence and security committees. If the Senate adopts the motion I am moving today, the Rules Committee, which has already dealt with the subject matter extensively over the past several years, will be obliged to come to a decision and make a recommendation to the Senate. Based on our own preliminary review of committee operations in the past five years, we believe that, in some cases, nine seats may be a more appropriate size for some committees. It is our hope that the committee will be able to bring in a report that recommends a reduction of seats on at least some committees. If such a report finds support in the Senate, it may go a long way to alleviating the difficulty of overlapping committee memberships.

[Translation]

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, could Senator Robichaud explain to us how he arrived at the figure nine? What calculations did he use in reaching this conclusion?

**Senator Robichaud:** Honourable senators, when we look at committee attendance, we see that there are an average of nine members present at meetings. The reason for this is that some committees sit at the same time, creating conflicts for some members. We believe that this approach would improve attendance, because the number of members would be reduced and senators would not have to attend so many committees. They

could be much more effective if they did not have to sit on three committees, which are often meeting at the same time.

I often had this sort of conflict myself when I sat on the Standing Committee on Agriculture and Forestry and the Standing Committee on Internal Economy, Budgets and Administration. The Agriculture and Forestry Committee often met twice a week and the second meeting was held at the same time as the meeting of the Internal Economy Committee, on Thursday morning. I therefore had to make a choice. Sometimes, I had to opt for the Internal Economy Committee meeting, because it was holding important discussions in which I had to take part. This was not fair to my colleagues on the Agriculture and Forestry Committee. I was not always present to take part in discussions. I am not saying that the issues discussed by one committee are more important than those discussed by the other, but we are often forced to choose. A less packed timetable would mean that senators could attend the meetings of all the committees on which they sit. However, you are, I am sure, aware that the Senate sits a certain number of days a week and that the committees sit on those same days, which creates time constraints.

**Senator Kinsella:** My question has to do with the possibility of having two new committees: a defence and security committee and another one on human rights. I think that these two committees will be sitting on Mondays and Fridays. This does not address the problem of the number of members, but you have used this example as an argument in support of the motion.

• (1600)

**Senator Robichaud:** Honourable senators, should the Senate deem appropriate to approve the creation of these two new committees — if the number of senators were to remain at 12 or 15 depending on the committees — we would also have to ask some senators to sit on these two committees. This would have the effect of increasing the workload of these members, since the number of 12 or 15 senators would mean greater participation by senators in these committees. If that number were lowered, the workload would definitely follow. Senators would thus be able to participate more fully in the work of all the committees, including the two new ones, should these be approved by honourable senators.

**Senator Kinsella:** Honourable senators, do you agree that there are three issues right now: the issues of numbers, of time available for all the committees and of staff support to all these committees?

Yesterday, a referral was made to the Standing Committee on Privileges, Standing Rules and Orders. We want to create a Senate committee on official languages. We are talking about 14 committees. Would it be preferable to look at the issue of joint committees, at the number of committee members and at the time available for committees? Do you agree that all these factors should be examined together?

**Senator Robichaud:** Honourable senators, I understand that Senator Kinsella is inviting me to launch the debate on the motion on the Orders of the Day that should be debated tomorrow. I would rather wait. Senator Kinsella talks about the creation of a Senate committee on official languages. I point out to him that, under current Senate rules, there is a joint committee on which senators must sit. Under the committee's decision, the joint committee would merely be replaced by a Senate committee. The figure of 17 senators is mentioned in relation to the joint committee. Thus, if we were to reduce the number of our committees, if that committee were set up, then we would need 9 senators instead of 17.

**Hon. Eymard G. Corbin:** Honourable senators, this is the second item that the Senate refers to the Standing Committee on Privileges, Standing Rules and Orders. Yesterday, following a motion by Senator Gauthier, Senator Comeau moved an amendment, which was adopted, and the main motion, as amended, to consider the establishment of a Senate committee on official languages was then referred to the Standing Committee on Privileges, Standing Rules and Orders. Today, you are coming up with a proposal to review the number of members of each committee. Would the deputy leader be prepared to instruct the committee, on behalf of the Senate, to prioritize its work? I am under the impression that other issues will soon be referred to the Standing Committee on Privileges, Standing Rules and Orders.

Instead of raising all these items at random, could the Deputy Leader of the Government, for the benefit of the Senate and this committee, prioritize them so that the committee can get back to us with some recommendations as promptly as possible? In my experience, referring too many things at the same time to this committee just means that everything gets left hanging. I say that with all due respect to Senator Austin. I am not accusing him of leaving things hanging. The nature of a committee is such that, when there is not total agreement, the thorny point gets put aside and members move on to another, so the decisions are slow in coming.

The committee on which I sat last year produced some excellent and useful reports. With a new Parliament, it would be a good thing if the government were to prioritize the items the Senate is referring to committee. I in particular would like to see a decision reached.

[English]

**The Hon. the Acting Speaker:** The honourable senator's speaking time has expired. However, with leave of the Senate, the time can be extended. Is it the wish of honourable senators to extend the time?

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Please continue.

[Translation]

**Senator Corbin:** Honourable senators, you have understood the main thrust of my approach. Might we prioritize these items so that the Senate can act as expeditiously as possible?

**Senator Robichaud:** Honourable senators, I thank Senator Corbin for his suggestion. The motion we are debating at this time is an instruction to a committee to examine the maximum number of senators to sit on committees and to produce a report by a certain date. This gives a certain priority to this motion, so that the committee can get working. I would, however, be remiss if I were to wish to go beyond that and set priorities for the other items already referred to the committee, which are not in fact covered by the motion I have presented today.

**Senator Corbin:** With all due respect, it seems to me that we should take into account certain chronological factors. In other words, an order from this Chamber to the Standing Committee on Privileges, Standing Rules and Orders should be given priority over subsequent items adopted a few days, weeks or months later. Otherwise, there will be a repetition of what happened last year: items are referred to the committee and, because of a lack of time or other factors — we cannot control the dates of elections — they are not resolved in a timely manner.

I put my grievance to the government leader. She has complete liberty to proceed as she wishes.

**Senator Robichaud:** In order to reassure Senator Corbin, who speaks from years of experience in this chamber and in committees, I can only repeat that we are asking the committee to submit its report before March 27, 2001. The committee will therefore have to assign it a certain priority if it is to submit it on time. I believe we are allowing enough time for the work to be done without forcing the committee to cut corners or produce an incomplete report.

**Senator Corbin:** Meaning that the question referred to the committee yesterday will be put on the back burner.

**Senator Robichaud:** Honourable senators, I cannot speak on behalf of the committee to which we referred yesterday. Only the chair of the committee may do that.

**Senator Kinsella:** Honourable senators, I move that debate be adjourned.

**Hon. Lowell Murray:** Honourable senators, I was going to ask the honourable senator a question. I am tempted to rephrase the question put by Senator Kinsella. Does the Senate leadership rule out the idea of a five-day work week as too revolutionary?

[English]

•(1610)

More realistically, in view of the fact that the committees seem to be overworked and the chamber seems to be underworked, would some of the pressure be taken off the committees by studying more legislation in Committee of the Whole?

[*Translation*]

**Senator Robichaud:** Honourable senators, it is up to this house to undertake all the necessary studies to find a solution that will allow us, here and in committee, to be much more effective. In some cases, we could take your suggestions into consideration, provided we can find a way to improve the effectiveness of the work done by committees, and certainly the work done by this house.

[*English*]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I have taken a special interest in the committee structure, as have all colleagues, because committees are such an important part of our work. The discussion that we are having is a good one, but it is approached in a piecemeal manner.

Yesterday, Senator Gauthier convinced us to send a recommendation to form a new committee to the Rules Committee. We have a motion on the Order Paper to form two more new committees without reference to the Rules Committee. The motion before us is to ask the Rules Committee to advise us, by the end of March, on the number of members on various committees. The fundamental question is this: Where are we heading with all this? We are approaching this in a piecemeal fashion.

For the next two or three months, why do we not agree to ask the Rules Committee to look at the entire committee structure and the number of committees that we have now and to see whether additional committees can be accommodated by the existing sitting schedule and, in particular, supported by the existing resources, both human and financial, available to them? Perhaps they could consider Senator Murray's suggestion that a five-day week for committees might resolve many of the problems we now face in our existing committee structure. The committee could also look into Senator Cools' complaint, which was resolved for her personally but still exists for other senators, namely, that the sitting schedule is such that senators who want to sit on certain committees cannot do so because the committees in which they are interested sit at the same time. That should not happen. The problem is not the number of senators available for committees, the problem is that the whole committee structure has not been fashioned to satisfy the environment in which the committees must function today.

When we come to the motion to create two new committees, my suggestion will be to return the entire problem of the committee structure to the Rules Committee for a recommendation on the number of committees, on the membership, and on the sitting schedule, with an assurance that the financial and professional human resources are available to it. These resources are now stretched to the limit and I doubt that they will be adequate should even one additional standing committee be created.

I would like at least the Deputy Leader of the Government, who is leading the debate on the government side, to be sympathetic to that suggestion and, perhaps, come back with some reaction to it at a later date.

[*Translation*]

**Senator Robichaud:** Honourable senators, the fact that the committee will look at my motion does not mean that we cannot do a more thorough review of the work done by committees and by this chamber. This is a beginning, and it is not the first time that we discuss this issue. We are trying to solve this situation in one fell swoop. Unfortunately, to this day, we have not found a satisfactory solution. This does not prevent us from taking action, as we are doing now, and then coming back later on and taking into account the suggestions that you are making.

[*English*]

**Hon. Jack Austin:** Honourable senators, I listened with great interest to the discussion on this motion and I want to thank Senator Corbin for expressing his concerns about the workload of the committee and its ability to prioritize.

I believe that the Rules Committee, of which I had the honour to be elected chairman today, is capable of understanding the priorities of the house and setting its work schedule in order to conform to those priorities. We will, of course, hold as many meetings as quickly as need to be held to meet whatever deadlines the Senate imposes upon us.

[*Translation*]

**Senator Kinsella:** If no other senator wishes to take part in this discussion, before proposing the adjournment of the debate, I should like to tell the deputy leader, Senator Robichaud, that his mathematical analysis is accurate. I should like to check not only the figures, but also whether there is a correlation between the committees' schedule and Air Canada's schedule. Honourable senators, I move adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

## BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, some committee meetings are scheduled for this afternoon. With leave of the Senate, I ask that all remaining items on the Order Paper stand in the order in which they are today.

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

**Hon. Senators:** Agreed.

The Senate adjourned until tomorrow at 2 p.m.

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