



The Senate Report

Volume 1, Issue 4 Fall 2001

Senate Business Highlights

It goes without saying that the tragic events in the United States on September 11 had a considerable impact on the agenda in the latter part of this session. For those of us involved in the legislative process, the subject matter of two bills in particular, **C-11** and **C-36**, took on considerable urgency.

C-11, *An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger*, was already on the order paper when the fall sitting began. **C-36**, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism*, was designed to address concerns arising from the post-September 11 world. Both are among the 18 bills that received Royal Assent over the fall.

Meeting rooms on Parliament Hill as well as in several venues throughout the country were kept busy with the nation's business. This is amply demonstrated by statistics on work accomplished in committees this year alone:

Number of meetings held:	499
Number of hours spent in committee:	982.6
Number of hours spent on fact-finding missions:	171.5
Number of witnesses who appeared:	1,681
Number of reports produced:	140

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Based on these figures, the volume of work in 2001-2002 is expected to far surpass the previous five-year average. We project that this fiscal year, committees will have:

- held 39 per cent more meetings;
- produced 26 per cent more reports;
- spent 49 per cent more hours in session; and
- heard 53 per cent more witnesses.

So, what lies ahead? When the Senate reconvenes on February 5, 2002, Senators will return to the study of some 29 Senate and House of Commons bills that have already been presented. As well, of course, will be new government, public and private bills introduced in the Senate and any legislation from the House of Commons that is sent to the Senate for review and approval.

The Senate thanks you for your continuing interest in the work of this institution and our legislators over this past year. All good wishes for a happy, healthy and prosperous 2002!

Senator's Forum

Senator Lorna Milne

The Senate must debate every piece of legislation introduced in Parliament, and pass each bill with precisely the same wording as did the House of Commons, before any new law can receive Royal Assent. Few people realise that individual Senators have a major role in this process.



When a bill is introduced in the House of Commons it is moved, spoken to and steered through all legislative procedures by a Minister of the Crown. In the Senate each bill is sponsored and steered through exactly the same steps by an ordinary back-bench Senator. Sometimes this leads to extraordinary opportunities to influence major legislation.

Several years ago, I was delegated the task of sponsoring a new Controlled Drugs and Substances Act through the Senate. During committee hearings on the subject, we heard testimony urging us to allow industrial, non-narcotic hemp to be grown as a legal crop in Canada. I was able to persuade the committee, the Department and the Minister of Health, to add an amendment that legalised hemp farming in Canada for the first time since it was outlawed in 1939.

Another way a Senator can influence legislation is through a Senate Public Bill. Recently, Senator Jerry Grafstein's bill establishing the position of Canadian Poet Laureate, was passed into law. In the last Parliament, Senator Donald Oliver introduced a bill to increase the penalties for criminal stalking. It died on the Order Paper, but many of its provisions have been included in the omnibus bill, **C-15A**, that is before the Senate now. I am presently working on a bill that would allow timely access to the historical Canadian census results.

There are many different ways in which a single Senator can contribute to Canada's governance and future. I take a great deal of satisfaction in our individual contributions as well as in our vital collective legislative role.

Legislative Agenda, 2001

The Senate's first activity after resuming the First Session of the 37th Parliament on September 18, 2001, was to pay tribute to those whose lives were lost in the terrorist attacks in the United States the preceding week.

The Leader of the Government, Senator Sharon Carstairs, seconded by the Leader of the Opposition, Senator John Lynch-Staunton, presented the following motion:

That the Senate express its sorrow and horror at the senseless and vicious attack on the United States of America on September 11, 2001;

That it express its heartfelt condolences to the families of the victims and to the American people; and

That it reaffirm its commitment to the humane values of free and democratic society and its determination to bring to justice the perpetrators of this attack on these values and to defend civilization from any future terrorist attacks.

Senators adopted the motion and observed a minute of silence.

This event marked the beginning of what was a very intense session, marked by much debate and much legislative business. Many high-profile pieces of legislation were dealt with over the fall; in addition to those bills that received Royal Assent, which are listed in the following pages of *The Senate Report*, bills from both the Senate and the House of Commons continued their progress through the legislative process, as outlined below.

Government Bills introduced in the Senate

S-34, *An Act respecting royal assent to bills passed by the Houses of Parliament*

In Committee: Rules, Procedures and the Rights of Parliament.

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Senators' Public Bills

S-6, *An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education and ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers* (Senator Noel Kinsella)
Reported from the National Finance Committee on March 28, with five amendments. At Third Reading, referred back to Committee October 23.

S-7, *An Act to amend the Broadcasting Act* (Senator Sheila Finestone, P.C.)
Adopted by the Senate and referred to the House of Commons for study and approval.

S-8, *An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada* (Senator Serge Joyal, P.C.)
In Committee: Rules, Procedures and the Rights of Parliament.

S-9, *An Act to remove certain doubts regarding the meaning of marriage* (Senator Anne Cools)
Introduced and read a first time.

S-12, *An Act to amend the Statistics Act and the National Archives of Canada Act (census records)* (Senator Lorna Milne)
Reported from the Social Affairs, Science and Technology Committee on December 14.

S-13, *An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament* (Senator John Lynch-Staunton)
Bill withdrawn October 2.

S-14, *An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day* (Senator John Lynch-Staunton)
Adopted in the Senate and sent to the House of Commons for study and approval.

S-18, *An Act to amend the Food and Drugs Act (clean drinking water)* (Senator Jeremiah Grafstein)
Reported from the Energy, Environment and Natural Resources Committee on November 27.

S-19, *An Act to amend the Canada Transportation Act* (Senator Michael Kirby)
In Committee: Transport and Communications.

S-20, *An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions* (Senator Terry Stratton)
Introduced and read a first time.

S-21, *An Act to guarantee the human right to privacy* (Senator Sheila Finestone, P.C.)
Reported from the Social Affairs, Science and Technology Committee on December 14.

S-22, *An Act to provide for the recognition of the Canadian Horse as the national horse of Canada* (Senator Lowell Murray, P.C.)
At Third Reading.

S-26, *An Act concerning personal watercraft in navigable waters* (Senator Mira Spivak)
In Committee: Transport and Communications.

S-29, *An Act to amend the Broadcasting Act (review of decisions)* (Senator Jean-Robert Gauthier)
In Committee: Transport and Communications.

S-30, *An Act to amend the Canada Corporations Act (corporations sole)* (Senator Norman Atkins)
In Committee: Banking, Trade and Commerce.

S-32, *An Act to amend the Official Languages Act (fostering of English and French)* (Senator Jean-Robert Gauthier)
In Committee: Legal and Constitutional Affairs.

S-35, *An Act to honour Louis Riel and the Metis People* (Senator Thelma Chalifoux)
Introduced and read a first time.

S-36, *An Act respecting Canadian citizenship* (Senator Noel Kinsella)
Introduced and read a first time.

S-37, *An Act respecting a National Acadian Day* (Senator Gerald J. Comeau)
Introduced and read a first time.

Government Bills introduced in the House of Commons

C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*
Reported November 8 by Legal and Constitutional Affairs; report defeated on December 10. Received Third Reading with one amendment and sent to the House of Commons for agreement to amendment.

C-10, *An Act respecting the national marine conservation areas of Canada*
Introduced and read a first time.

C-15A, *An Act to amend the Criminal Code and to amend other Acts*
In Committee: Legal and Constitutional Affairs.

C-23, *An Act to amend the Competition Act and the Competition Tribunal Act*
Introduced and read a first time.

C-33, *An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts*
In Committee: Energy, the Environment and Natural Resources.

C-35, *An Act to amend the Foreign Missions and International Organizations Act*
In Committee: Foreign Affairs.

C-37, *An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the*

creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act

In Committee: Aboriginal Peoples.

C-39, *An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts*

In Committee: Energy, the Environment and Natural Resources.

C-41, *An Act to amend the Canadian Commercial Corporation Act*

In Committee: Banking Trade and Commerce.

Motions adopted

On November 20, the Senate adopted an amendment to the Constitution of Canada substituting the name of the province of Newfoundland to "Newfoundland and Labrador". The Governor General signed a proclamation to that effect on December 6 at a ceremony in Rideau Hall.

Senator Vivienne Poy introduced a motion to recognize May as Asian Heritage Month, "given the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian community, and its present significance to this country." It was unanimously adopted by the Senate on December 6.

On December 17, Senator Rose-Marie Losier-Cool, welcomed the adoption of her proposal to recommend that the Government of Canada recognize the date of August 15 as the *Fête nationale des Acadiens et Acadiennes*. Referring to her motion, the Senator said, "I am very proud of the Acadian people and of its numerous accomplishments as well as our contribution to the social, economic, and cultural fabric of Canadian society."

Committee Activities

The Fall session of Parliament has been particularly active for Senate committees, not only in terms of volume of work, but also in terms of impact. As can be appreciated, the tragic events in the United States on September 11 had a significant effect on the consideration of legislation this fall and, consequently, on committee activity.

In addition to an already heavy agenda, the Senate was called upon to review **Bill C-36**, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism*, tabled in the Senate on November 1, 2001.

The Bill was considered sufficiently important that the Senate established the

Special Committee to examine Bill C-36, with Senator Joyce Fairbairn serving as chair and Senator James F. Kelleher,

P.C., as deputy chair. The Special Committee was assigned to pre-study the bill, referred to as the anti-terrorism legislation, in advance of its passage in the House of Commons to the Senate. Its mandate was to concentrate on the protection of human rights and civil liberties in the application of the Act. The Committee heard from some 40 witnesses and made 22 recommendations in its pre-study report.

A number of the proposals advanced by the Senate were reflected in amendments made in the House of Commons. The Special Committee then held further hearings after C-36 received second reading in the Senate. It reported the Bill on

December 10 without amendment, but with both majority and minority observations. Many commentators have referred to the key role of the Senate in ensuring comprehensive examination of, and changes to, many of the more controversial elements of the legislation.

Highlights of other committee work that took place between September and December include the following:

Aboriginal Peoples tabled its report, *Northern Parks: A New Way*, on opportunities to expand economic development and tourism and employment associated with northern national parks. The Committee also began a comprehensive examination of issues affecting urban Aboriginal youth: access, provision and delivery of services; policy and jurisdictional issues; employment and education; access to economic opportunities; and youth participation and empowerment.

Agriculture and Forestry met with the Prairie Farm Rehabilitation Administration and the Rural Secretariat to examine programs to assist farmers and their communities, with Statistics Canada on

changing trends in rural Canada, and with farm and rural groups about saving the rural way of life. The Committee was briefed by the Ministers of Agriculture and for International Trade on agricultural products negotiations at the World Trade Organization.

The Committee's December report, *Looking South: U.S. Agriculture and Agri-Food Policy in the New Century*, presented nine recommendations on topics such as multi-functionality, environmental easements and agricultural trade issues.

The Committee also heard on issues such as the risks associated with genetic modification, transgenic and RDNA technology for genetically-modified wheat. As well, it studied

"The federal government should listen to a special Senate committee and include a sunset clause in its anti-terrorism bill."

Calgary Herald, November 8, 2001

and reported on Bill S-22, *An Act to provide for the recognition of the Canadian Horse as the national horse of Canada*.

Banking Trade and Commerce

continued its examination into the state of the domestic and international financial system. David Dodge, Governor of the Bank of Canada, was invited to speak to the Committee for the second time this year, and he focused on monetary policy, the effect of the terrorist acts in the United States and their worldwide fallout. In his November 9 appearance, Mr. Dodge said, with respect to the Canadian economy, that while it is in a “shallow recession”, a gradual rebound should occur “sooner rather than later”.

The terrorist attacks of September 11 created a new sense of urgency regarding Canada-United States border issues and the Committee intends to study these issues.

It also continued to study financing the growth of small and medium businesses in Canada, with special emphasis on labour-sponsored funds. The Banking Committee examined and reported to the Senate Bill S-31, *An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income* and Bill C-31, *An Act to amend the Export Development Act and to make consequential amendments to other Acts*.

Energy, Environment and Natural Resources held hearings on Bill S-18, a private member’s bill initiated by Senator Jerahmiel Grafstein, which proposed to change the definition of “food” under the *Food and Drugs Act* to include drinking water. It continued its investigation of nuclear reactor safety; the final report is underway.

The Committee also continued its study of regional energy issues with public hearings in Halifax and

St. John’s, which are experiencing a growing offshore oil and gas industry.

Fisheries finished its study on freshwater and northern fisheries after a working group of the Committee traveled to Nunavut and the Northwest Territories. It has started a new study on fisheries habitat. Witnesses have appeared before the Committee, both in person and by video conference from centers including Burlington, Winnipeg and Calgary. They included officials from the Department of Fisheries and Oceans Canada, the Lake Winnipeg Research Consortium, the Nayumivik Landholding Corporation, and the Makivik Corporation.

Foreign Affairs examined emerging social, political, economic and security developments in Russia and Ukraine as well as Canada’s relations with those countries. This included an informal meeting with the Russian First Deputy Prime Minister in Ottawa in November. A draft interim report was completed in December and a fact-finding mission to Russia and Ukraine is expected in spring 2002.

Legislation reviewed by the Committee included Bill C-32, *An Act implementing the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica*. It also studied Bill C-6, *An Act amending the International Boundary Waters Treaty Act*, which imposes a prohibition on the bulk removal of boundary waters out of their water basins and is a key element of the government’s strategy of long-term security for Canada’s freshwater resources.

Human Rights conducted an introductory examination of issues relating to human rights, including the machinery of government dealing with Canada’s international and national human rights obligations.

More than 25 expert witnesses appeared before the Committee. Its report was released on December 13, and includes eight recommendations for immediate action on domestic and international human rights obligations on the part of the government and the Canadian Human Rights Commission. As well, the Committee proposed a further eight issues for long-term study.

Special Committee on Illegal Drugs continues the information phase of its study into Canada’s policies relating to cannabis. A wide variety of witnesses appeared before the Committee over the fall, ranging from academics and researchers from domestic and international universities and institutes who provided varied perspectives on illegal drug use, to law enforcement agents on the front lines and to organizations that provide marijuana to the terminally-ill and drug user networks.

The Committee heard extensive testimony on legislation dealing with illegal drugs in other western democracies, including the United States, France, Switzerland and the Netherlands. Among the more prominent witnesses were the Governor of New Mexico, Gary Johnson, a strong advocate for cannabis decriminalization, and Nicole Maestracci, President of the French Interministerial Mission for the Fight against Drugs and Drug Addiction.

The Special Committee travelled to Toronto and Vancouver in November for public hearings and fact-finding activities. In Toronto, Committee members rode along with police officers during their shift and visited the new drug court. In Vancouver, Senators visited a “compassion club” and walked through the city’s troubled east side.

Legal and Constitutional Affairs presented three major reports in October and November. *Proposals for a Miscellaneous Statute Law Amendment Act, 2001* contains 115 individual clauses affecting over 40 Acts.

The Committee objected to seven, which were withdrawn, while another four were withdrawn at the request of initiating departments.

The Committee presented 14 amendments to 10 clauses in Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*. It also considered Bill

C-24, *An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts*. Among the witnesses heard by the Committee were two prominent journalists, Michel Auger and Antonio Nicaso, both of whom have survived attacks by organized crime. The Bill was adopted without amendment but with observations that led to amendments at second reading stage in the Senate.

National Finance held hearings on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions. The urgency of the matter was highlighted by the Canadian Association of University Business Officers, which has estimated that \$3.6 billion is required by Canada's universities to eliminate deferred maintenance costs. The Committee reported on the issue at the end of October and outlined seven options for action.

The Committee also undertook a special study on the effectiveness of, and possible improvements to, the present equalization policy. Several provincial governments responded to the Committee's invitation to appear, sending representatives who included the Premier of Newfoundland and Labrador, the Ministers of Finance from New Brunswick, Nova Scotia

and Manitoba, and the Provincial Treasurer of Prince Edward Island.

The Committee also tabled a report on its examination of the Supplementary Estimates for the 2001-2002 fiscal year.

National Security and Defence was up and running quickly with weekly hearings on intelligence gathering and analysis, the need for a national security policy and the operational readiness of the Canadian Forces. The Committee conducted a fact-finding visit to military bases in Esquimalt and Winnipeg, as well as to border facilities in Montreal and Vancouver.

Official Languages, a Joint Committee, met with Stéphane Dion, the Minister of Intergovernmental Affairs, and Dr. Dyane Adam, the Commissioner of Official Languages, on her annual report to Parliament.

The Committee continued its hearings on the bilingual services offered by Air Canada. After a number of unsuccessful attempts to have Robert Milton, President of Air Canada, appear before the Committee, Mr. Milton was summoned as a witness in December. His appearance was followed by that of David Collenette, the Minister of Transport, and Lucienne Robillard, President of Treasury Board, both of whom have responsibilities to ensure that Air Canada complies with its obligations under the Official Languages Act. The Committee will present a report on Air Canada when Parliament resumes in the new year.

Rules, Procedures and the Rights of Parliament tabled its eighth report, containing recommenda-

tions for a new code of conduct for indicted Senators and modifications to the Senate attendance policy, on December 5. The report was approved by the Senate, without amendment.

As well, the Committee continued its study of Bill S-34, *An Act respecting royal assent to bills passed by the Houses of Parliament*, known as the *Royal Assent Act*. The bill propose that Royal Assent be given by written declaration and that the traditional Royal Assent ceremony take place at least once in each calendar year.

Scrutiny of Regulations, a Joint Committee of the Senate and the House of Commons, has a mandate to review most government regulations – which normally add up to several hundred each year. In certain cases, it can recommend that the House of Commons order the government to disallow a particular regulation; this occurred on December 6 when it recommended the disallowance of subsection 15(5) of the *Northwest Territories Reindeer Regulations*. The Committee also reported concerns about the *Royal Canadian Mounted Police (RCMP) Regulations*, which includes provisions imposing limits on the political activities that may be engaged in by members of the RCMP.

Social Affairs, Science and Technology tabled *Issues and Options*, Volume Four of its series of reports on the state of Canada's

“Anyone interested in the world of security, intelligence and defence should be reading the blues and following the Senate National Security Committee.”

Hill Times, November 3, 2001



From left to right: Senators Ione Christensen, Marie-P. Poulin (Charette), Isobel Finnerty and Fernand Robichaud; reporter Genevieve MacKenzie

health care system in September. The report outlines options on pressing health care issues such as financing and human resources.

In October and November, the Committee held hearings in 10 cities across Canada to receive public input for Volume Five which will be released in early 2002. The fall hearings drew over 200 witnesses in three weeks.

The Committee also examined Bill C-11, *The Immigration and Refugee Protection Act*. After receiving evidence from some 70 witnesses, the Bill was passed without amendment, but with extensive observations on the lack of resources for immigration and refugee programs, the backlog of refugee claims, the Bill's broad regulation-making power, the definition of terrorism and the appeal process.

As well, the Committee heard witnesses on Bill S-12, *An Act to amend the Statistics Act and the National Archives of Canada Act (census records)* and on the subject matter of Bill S-21, *An Act to guarantee the human right to privacy*.

Transport and Communications reviewed and passed a major update of the *Canada Shipping Act* and the *Shipping Conferences Exemption Act*. The *Carriage By Air Act*, initiated in the Senate, will allow for the implementation of the Montreal Convention governing liability in international air travel. A significant change in safety regulation and compliance was adopted with the *Transportation Appeal Tribunal of Canada Act*.

Air travel-related issues were made more complex by the events of September, and the Committee

addressed them with amendments to the *Air Canada Public Participation Act* which will allow for greater investment in the company. As well, amendments to the *Aeronautics Act* will permit the transmission of passenger manifest information.

“The 12-member Senate committee has delivered another impressive tome. It shreds more illusions and, we hope, will stir Canadians from their ideological slumber about public healthcare...”

Ottawa Citizen, September 21, 2001

The Committee also initiated a special study to address the decline in use of inter-city buses.

Veterans Affairs (a subcommittee of National Security and Defence) started its study on

services to veterans by meeting with the major veterans' organizations to hear their views on their most pressing needs, including health care for World War Two veterans and the special needs of younger veterans, particularly peacekeepers who have returned from overseas missions and are suffering from post-traumatic stress syndrome.

The *Committee of the Whole* met on October 30 to review the procurement process for Maritime helicopters and to hear testimony from officials of the Department of National Defence and Public Works and Government Services Canada who are involved in the purchase.

Looking Ahead

In 2002, Senators will return to their duties in one of the 25 Senate Committees and subcommittees, several of which are expected to issue findings. Of particular interest, undoubtedly, will be the report on one of the more complex and controversial public policy issues facing Canadians: the state of the nation's health care system.

Last September, the Social Affairs, Science and Technology Committee presented options for reform of the federal role in health care, based on the first three phases of its study. During the fall, the Committee undertook extensive public hearings to review responses to the proposed framework of principles and objectives, the respective strengths and weaknesses of the options proposed by the Committee, other suggestions warranting consideration; and the preferred option(s). The final report will summarize key findings from the public hearings and describe the Committee's preferred option(s) and recommendations.

Some of the other committees expected to report include:

- *Energy, Environment and Natural Resources*, on its investigation of nuclear reactor safety, focussing on the international aspects of the issue;

- *Joint Committee on Official Languages*, on the bilingual services offered by Air Canada; and the

- *Special Senate Committee on Illegal Drugs*, which is reviewing the government's current policies and international obligations, as well as strategies adopted by other countries, is expected to present its report on cannabis.

We will continue to update you on the progress of these reports, as well as other committee and Chamber activity, in future Senate reports.

Royal Assent

Royal Assent is the final stage of an Act of Parliament; it is the formal process by which a bill becomes law and is given by, or on behalf of, the Sovereign after a bill has been finally agreed to by both the Senate and the House of Commons.

According to *Beauchesne's Rules and Forms of the House of Commons of Canada*, "When bills, either public or private, have been finally

agreed to by both the Senate and the House of Commons, they await only the Royal Assent to be declared to Parliament to give them the complement and perfection of law.”

Since the Senate resumed sitting in early fall, 17 bills have received Royal Assent. Below is an annotated list.

Government Bills introduced in the Senate

S-23, *An Act to amend the Customs Act and to make related amendments to other Acts.*

Royal Assent: October 25.

This bill amends and modernizes the Customs Act. Among other measures, the bill provides for the expedited movement of persons and goods into Canada; streamlines clearance procedures for low risk passengers by pre-arrival assessment of passenger information, and provides for monetary penalties for contraventions.

S-31, *An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.*

Royal Assent: December 18.

This enactment implements income tax treaties, conventions, agreements or protocols that have been concluded with Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany. Income tax treaties have two main objectives: the avoidance of double taxation and the prevention of fiscal evasion. Since the income tax treaties contain taxation rules that are different from the provisions of the *Income Tax Act*, they become effective only after an Act giving them precedence over domestic legislations is passed by Parliament.

S-33, *An Act to amend the Carriage by Air Act.*

Royal Assent: December 18.

The proposed amendments to the *Carriage by Air Act*, contained in Bill S-33, will enable Canada to ratify and adopt as law the Montreal Convention when it comes into international force and effect. Canada signed the Convention on 25 September 2001. The Montreal Convention updates and modernizes the rules of the 1929 Warsaw Convention, which is a global regime of limited liability for international air transportation. The Montreal Convention's two significant changes are the introduction of an unlimited liability regime; and the ability for most passengers to choose their own local system of law when making claims.

Senate Public Bills

S-10, *An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)* (Sen. Grafstein).

Royal Assent: December 18.

This enactment creates the position of Parliamentary Poet Laureate, to be selected from a list of three names submitted in confidence by a committee chaired by the Parliamentary Librarian and also composed of the National Librarian, the National Archivist of Canada, the Commissioner of Official Languages for Canada, and the Chair of the Canada Council. The Parliamentary Poet Laureate is expected to: write poetry, especially for use in Parliament on occasions of state; sponsor poetry readings; advise the Parliamentary Librarian regarding the collection of the Library and acquisitions to enrich its cultural holdings; and perform other related duties as requested by a Speaker or the Parliamentary Librarian.

Government Bills introduced in the House of Commons

C-6, *An Act to amend the International Boundary Waters Treaty Act.*

Royal Assent: December 18.

The bill provides for a clearer Act and more effective implementation of the 1909 *Treaty relating to Boundary Waters and Questions arising along the Boundary between Canada and the United States* (commonly referred to as the *Boundary Waters Treaty*). It will prohibit the bulk removal of boundary waters from the water basins in which they are located; require persons to obtain licences from the Minister of Foreign Affairs for water-related projects in boundary or transboundary waters that would affect the natural level or flow of waters on the United States side of the border; and provide clear sanctions and penalties for violation. The prohibition on boundary water removals would apply principally to the Great Lakes but would also affect other boundary waters, such as part of the St. Lawrence River, the St. Croix and Upper St. John Rivers, and the Lake of the Woods.

C-11, *An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.*

Royal Assent: November 1, 2001.

This enactment includes measures which: institute a more efficient refugee determination process through greater use of single member panels and tightened ineligibility criteria for serious criminals, security threats and repeat claimants who seek access to the refugee protection process of the Immigration and Refugee Board; provide inadmissibility provisions for criminals, persons who constitute security threats, violators of human rights and persons who should not be allowed into Canada because of fraud, misrepresentation, financial reasons or health concerns; impose penalties for human smuggling and trafficking with a maximum penalty of life in prison and an immigration appeal system

that enhances integrity and effectiveness while maintaining fairness and legal safeguards.

C-14, *An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts.*

Royal Assent: November 1, 2001. This Bill reorganizes, updates and greatly streamlines the remaining provisions of the *Canada Shipping Act*. It covers a wide range of marine topics, including safety issues (ship operations and equipment, crew certification, conditions of work, navigation, accident investigation, salvage and wreck); the environment (pollution prevention and response) and the protection and preservation of wrecks of heritage value.

C-24, *An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts.*

Royal Assent: December 18. The enactment amends the *Criminal Code* by:

- (a) providing additional protection to members of the Senate and the House of Commons and persons who play a role in the administration of criminal justice from certain acts of intimidation directed against them or their families;
- (b) providing law enforcement officers and other persons acting at their direction with circumscribed protection from criminal liability for certain otherwise illegal acts committed in the course of an investigation or enforcement of an Act of Parliament;
- (c) extending the application of its proceeds of crime provisions to indictable offences under the *Criminal Code* and other Acts of Parliament, with a few exceptions;
- (d) extending the application of its provisions relating to offence-related property to indictable offences under the *Criminal Code*;

(e) providing for the management, by judicial order, of proceeds of crime and offence-related property, whether seized or restrained; and

(f) providing broader measures for investigation and prosecution in connection with organized crime by expanding the concepts of criminal organization and criminal organization offence and by creating three new offences relating to participation in the activities - legal and illegal - of criminal organizations, and to the actions of their leaders.

The enactment also amends the *Mutual Legal Assistance in Criminal Matters Act* to allow the enforcement in Canada of search warrants, restraint orders and orders of forfeiture from foreign jurisdictions.

C-31, *An Act to amend the Export Development Act and to make consequential amendments to other Acts.*

Royal Assent: December 18. Provisions in this enactment include changing the name of the Corporation to Export Development Canada and making consequential amendments to other Acts and to regulations; enabling the Board to delegate its powers and duties to committees that it may establish, other than the executive committee; and requiring the Corporation, before entering into a transaction that is related to a project, to determine, in accordance with a directive established by the Board, whether the project is likely to have adverse environmental effects and, if such is the case, whether the Corporation is justified in entering into the transaction.

C-32, *An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica.*

Royal Assent: December 18. This enactment implements the Free Trade Agreement between Canada and Costa Rica (the Agreement), signed by the Minister for International Trade at Ottawa on April 23, 2001.

C-34, *An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts.*

Royal Assent: December 18. This enactment establishes the Transportation Appeal Tribunal of Canada, which replaces the Civil Aviation Tribunal established under Part IV of the *Aeronautics Act*, and extends the new Tribunal's jurisdiction to the marine and railway sectors. Among other measures, the Act provides for the appointment of members to the Tribunal, and sets out the general powers and authorities of the Tribunal to conduct its affairs.

The enactment also amends the *Aeronautics Act*, the *Canada Shipping Act*, the *Canada Transportation Act*, the *Marine Transportation Security Act* and the *Railway Safety Act* to establish the jurisdiction and decision-making authorities of the Tribunal under those Acts.

C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures*

respecting the registration of charities, in order to combat terrorism.

Royal Assent: December 18. Amendments in this enactment affect several Canadian laws. A brief overview of these changes follows:



Royal Assent Ceremony, December 2001

The *Criminal Code* amendments, among other measures, will create offences related to terrorism, including the financing of terrorism and the participation, facilitation and carrying out of terrorist activities, and to provide a means by which property belonging to terrorist groups, or property linked to terrorist activities, can be seized, restrained and forfeited.

The *Official Secrets Act* becomes the *Security of Information Act* and creates new offences to counter intelligence-gathering activities by foreign powers and terrorist groups, as well as other offences, including the unauthorized communication of special operational information.

Changes to the *Canada Evidence Act* impose obligations on parties to notify the Attorney General of Canada if they anticipate the disclosure of sensitive information or information the disclosure of which could be injurious to international relations or national defence or security, and give the Attorney General the powers to assume carriage of a prosecution and to prohibit the disclosure of information in connection with a proceeding for the purpose of protecting international relations or national defence or security.

Amendments to the *Proceeds of Crime (Money Laundering) Act*, which becomes the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, will assist law enforcement and investigative agencies in the detection and deterrence of the financing of terrorist activities, facilitate the investigation and prosecution of terrorist activity financing offences, and improve Canada's ability to cooperate internationally in the fight against terrorism.

Amendments to the *National Defence Act* clarify the powers of the Communications Security Establishment to combat terrorism. Another part of the legislation enacts

the *Charities Registration (Security Information) Act*, and amends the *Income Tax Act*, in order to prevent those who support terrorist or related activities from enjoying the tax privileges granted to registered charities.

C-38, *An Act to amend the Air Canada Public Participation Act.*
Royal Assent: December 18.
This enactment amends the *Air Canada Public Participation Act* to remove the individual shareholder ownership limit on the holding of voting shares of Air Canada by any one person or group of persons acting in concert.

C-40, *An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.*
Royal Assent: December 18.
The Act allows for minor amendments of a non-controversial nature to be made to a number of federal statutes without having to wait for particular statutes to be opened up for amendments of a more substantial nature. Anyone may suggest amendments for possible inclusion in a set of proposals, but most of the current proposals have come from government departments or agencies.

The Legislation Section of the Department of Justice is responsible for receiving and reviewing proposals. The following criteria are applied to determine whether a suggested amendment may be included in the Proposals tabled in Parliament. The suggested amendment must not: (a) be controversial; (b) involve the spending of public funds; (c) prejudicially affect the rights of persons; or (d) create a new offence or subject a new class of persons to an existing offence.

C-44, *An Act to amend the Aeronautics Act.*

Royal Assent: December 18.
The amendments allow for an operator of an aircraft departing from Canada, or of a Canadian aircraft departing from any place outside Canada, to provide to a competent authority in a foreign state any information that is in its control relating to persons on board or expected to be on board the aircraft and that is required by the laws of the foreign state. No information that is provided to a competent authority in a foreign state may be collected from that foreign state by a government institution unless it is collected for the purpose of protecting national security or public safety or for the purpose of defence, and any such information collected by the government institution may be used or disclosed by it only for one or more of those purposes. The amendment also authorizes the Governor in Council to make regulations for carrying out the purposes of this section, including regulations (a) respecting the type or classes of information that may be provided; or (b) specifying the foreign states to which information may be provided.

C-45, *An Act for granting Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.*
Royal Assent: December 18.

C-46, *An Act to amend the Criminal Code (alcohol ignition interlock device programs).*
Royal Assent: December 18.
This enactment amends the *Criminal Code* to allow the court to authorize repeat offenders subject to driving prohibition orders to drive, if they register in a provincial alcohol ignition interlock device program. It also provides that no authorization has effect until a minimum period of prohibition has been completed for a first, second or subsequent offence.

Inter-Parliamentary Activities

31st Meeting of the Canada-France Inter-Parliamentary Association

Between September 3-10, French and Canadian parliamentarians held meetings in Toronto and Moncton on a range of bilateral issues, including food safety, conflict prevention and the United Nations, and retirement and pension systems.

The Canadian delegation was led by Senator Lise Bacon, and included Senators Gérald Beaudoin, Rose-Marie Losier-Cool and Yves Morin, as well as Members of the House of Commons Madeleine Dalphond-Guiral, Dominic LeBlanc, Serge Marcil and Gérard Binet. The French delegation was composed of seven Senators and Members of the National Assembly. The parliamentarians, who also visited Prince Edward Island and Nova Scotia, met with representatives of the Acadian community in each of the provinces.

Commonwealth Parliamentary Association (CPA) Conference

Senators Raynell Andreychuk and Shirley Maheu were joined by Members of the House of Commons Sue Barnes, Mauril Bélanger, Gerry Breitkreuz, Sarmite Bulte, Paul Szabo and Suzanne Tremblay at the 47th Commonwealth Parliamentary Conference in Australia, September 4-14. Senator Andreychuk facilitated a workshop on “Combating International Trafficking of People”.

The CPA brings together representatives of approximately 160 Commonwealth parliaments and legislatures. Its purpose is to advance the development of democratic institutions and to promote greater knowledge of, and co-operation among, member countries.

106th International Parliamentary Union (IPU) Conference

The most recent IPU Conference took place in Ouagadougou, Burkina Faso, September 6-15. It was attended by Senators Sheila Finestone and Nick Taylor, along with Members of the House of Commons, Jean Augustine, Ovid Jackson, Keith Martin, Jean-Yves Roy and Paddy Torsney. The meeting’s agenda touched upon, among other issues, the protection of children, the impact of HIV/AIDS and other pandemics, the situation in the Occupied Territories and the September 11 terrorist attacks on the United States.

NATO Parliamentary Assembly in Ottawa

In early October, the Canadian-NATO Parliamentary Association hosted the 47th Annual Session of the NATO Parliamentary Assembly in Ottawa. Canada is a founding member of the Assembly and the Speaker of the Senate, Wishart McLea Robertson (1953-57), was its first President. The Canadian delegation included Senators Raynell Andreychuk, Jane Cordy, Shirley Maheu, Pierre Claude Nolin and Lucie Pépin.



From left to right: Dan Hays, Speaker of the Senate and Rafael Estrello, Chair of the NATO Parliamentary Assembly

The recent terrorist attacks on the United States gave the Session both an added sense of urgency and very high profile. Prime Minister Jean Chrétien, NATO Secretary General Lord Robertson and the Speaker of the U.S. House of Representatives, Dennis Hastert, addressed the final Plenary Session, where delegates expressed support for the United States and adopted a strong *Declaration on The Fight Against Terrorism*.

Over 400 parliamentarians from NATO and partner countries spent four days in Ottawa working through the Assembly’s five standing committees – Defence and Security; Political; Science and Technology; Civil Dimension of Security; and Economics and Security.

The Science and Technology committee, chaired by Senator Pierre Claude Nolin, visited the Dorval plant of Bombardier Aerospace during the Assembly. Committee members also heard from former Senator William Kelly, who chaired the Special Senate Committee on Security and Intelligence in 1998, who spoke on security and terrorism.

The Senate Speaker in China

Senate Speaker Dan Hays led a delegation of four parliamentarians to Beijing, October 13-18, at the invitation of Li Peng, Chairman of the National People’s Congress. Accompanying him were Senator Elizabeth Hubley and Members of Parliament Rick Casson, Antoine Dubé and Beth Phinney.

While in China, the delegation met with a number of Chinese officials and the Chinese and Canadian business communities. Among other subjects, the parliamentarians discussed environmental, human rights, economic and trade issues, as well as legislative exchanges.

The Speaker noted that “Although China is still grappling with serious problems, it has made considerable

progress. The economic growth seen over the last few years has improved and Canadian businesses are involved in this process.”



From left to right: Beth Phinney, MP; Rick Casson, MP; Kathy Hays; Dan Hays, Speaker of the Senate; Antoine Dubé, MP; Senator Elizabeth Hubley; and Joseph Caron, Canada's Ambassador to China

Other Activities

Canadian-American Clerks Conference

Canada hosted the 11th biennial conference of Canadian and American Clerks in Ottawa and Mont Tremblant, October 11-14. The gathering brought together 50 legislative professionals from a number of provinces, territories and states from across Canada and the U.S. The Senate was represented by, among others, Paul Bélisle, Clerk of the Senate and Clerk of the Parliaments, and Gary O'Brien, Deputy Clerk. Issues discussed at the conference included electronic publications, succession planning, modernization of parliamentary procedure and reforms to the electoral process.

Unveiling of bust of first Aboriginal Senator

The unveiling of a bust of the late Honourable James Gladstone, the first Aboriginal appointed to the Senate, took place on October 25. Among the assembled guests at the ceremony were several descendants of Senator Gladstone, including his eldest son, Fred.

A member of the Blood Tribe of the Blackfoot Nation, Mr. Gladstone was appointed to the Senate by Prime Minister John Diefenbaker in 1958, a full two years before Aboriginals in Canada were given the right to vote. He sat as an Independent Conservative from Alberta (Lethbridge) until 1971.

“James Gladstone broke new ground, pushed back the boundaries of convention and helped ensure that native issues were placed on our nation's agenda and that they remain there as a priority,” said Senator Dan Hays (Alberta), Speaker of the Senate. “The scope and success of his career testify to his determination, diligence and vision.”



Children of Senator James Gladstone, from left to right: Doreen Garvey, Fred Gladstone, Nora Baldwin and Pauline Dempsey

The Senate Remembers

On November 6, the Senate Chamber was the setting of the fourth annual Ceremony of Remembrance. The event brought together veterans of the First World War, Second World War, Korean War and peace-keeping operations to mark the launch of Veterans' Week 2001. This year's commemoration theme was “In the Service of Peace”; the ceremony marked the 45th anniversary of the first United Nations Emergency Force mission in the Suez.

Distinguished war veterans in attendance included Paul Métivier, one of 282 remaining veterans of the First World War; Sergeant Ernest “Smokey” Smith, Canada's only living holder of the Victoria Cross; Air Commodore Leonard Birchall, a prisoner of war leader known as the “Saviour of Ceylon”; and Cliff Chadderton, veterans' advocate and head of the War Amputations of Canada. Also in attendance were 100 young Canadians representing the cadet corps and the “Encounters with Canada” education programme.

In his remarks, Dan Hays, Speaker of the Senate, spoke of the generations of Canadians who have served the country during conflict. “Though the recording of history often seems

fixated on chronicling wars and the lives of those who started and waged them, it also tells the story of men and women who refused to allow chaos, brutality and destruction to rule human affairs,” he noted.

Ron Duhamel, Minister of Veterans Affairs and Secretary of State (Western Diversification) (Francophonie) and the Vice-Chief of the Defence

Staff, Lieutenant-General George Macdonald, were on hand to present Memorial Crosses and posthumous service medals to the families of six Canadian peacekeepers who died while serving on mission.



Ceremony of Remembrance in the Senate Chamber

Veterans Affairs Canada (VAC) salutes the Senate

In a special ceremony on November 7, officials from VAC presented their Deputy Minister's Commendation to Mary McLaren, former Usher of the Black Rod and Richard Logan, Mace Bearer. The commendation from Deputy Minister Larry Murray recognizes the outstanding support provided by Ms. McLaren and Mr. Logan to the annual Senate-VAC Ceremonies of Remembrance over the last three years. The award is made from stone recovered from restoration taking place at the Vimy Memorial in France. In accepting their awards, the Senate honorees made special mention of the late Senator Gildas Molgat, former Speaker of the Senate, who initiated the annual Ceremony of Remembrance.

National Child Day

On November 20, Senator Landon Pearson, Advisor on Children's Rights to the Minister of Foreign Affairs, and John Godfrey, Member of Parliament (Don Valley West), hosted National Child Day in the Senate. The Day commemorates the unanimous adoption in 1989 by the United Nations General Assembly of the Convention on the Rights of the Child. John Manley, Minister of Foreign Affairs and Ethel D. Blondin-Andrew, Secretary of State (Children and Youth), were among several speakers at the event, which brought together parliamentarians and community, business and non-governmental representatives.

The Senate Foyer was a colourful, lively venue, featuring a children's art exhibit, a UNICEF film on children's rights, and musical and theatrical performances by young people.

Senators raise funds for de-mining event

On November 28, Senators Elizabeth Hubley and Lone Christensen, along with 10 of their colleagues, the "Senators Against Landmines,"

organized a progressive dinner as part of Canada's contribution to the "Night of a Thousand Dinners," an international effort to raise funds for "Adopt-a Minefield" and a coalition of mine action organizations. The Senate event was supported by the Mine Action Team of the Department of Foreign Affairs and International Trade, the Canadian International Development Agency and the Canadian Landmine Foundation. Sponsors provided much of the food and beverages, as well as photographic services and entertainment, for the evening. In total, \$5,750 was raised for the Canadian Landmine Foundation, whose mandate is to promote awareness and raise funds for humanitarian de-mining.

Senate Standings

As of December 16, 2001, the party distribution of Senate seats is as follows: Liberals, 60; Progressive Conservatives, 30; Independents, 5; and Canadian Alliance, 1. The total of serving Senators now stands at 96 of 105 total seats.

The nine vacancies are as follow: one Senator from each of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Ontario, Quebec, Manitoba and Saskatchewan; two vacancies in New Brunswick.

Milestones

Appointments

September 7: Senator William Rompkey of Newfoundland and Labrador named Government Whip in the Senate.

October 4: Gerard A. Phalen of Nova Scotia, Joseph A. Day of New Brunswick and Michel Biron of Quebec appointed to the Senate.

Awards

August 1: Government House announced the naming, by the Government of Italy, of Senator Marisa Ferretti Barth as a Commander of the Order of Merit of the Republic of Italy.



Senator Joseph A. Day



From left to right: Blair Armitage, Acting Usher of the Black Rod; Senators Rose-Marie Losier-Cool, Michel Biron and Paul C. Bélisle, Clerk of the Senate



From left to right: Senators Wilfred P. Moore, Gerard A. Phalen and Sharon Carstairs