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(HANSARD)

Thursday, September 25, 2003

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, September 25, 2003

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

Prayers.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I should like to draw to your attention the presence in our gallery of our former colleague, the Honourable Louis Robichaud.

SENATORS' STATEMENTS

GOVERNOR GENERAL

Hon. Laurier L. LaPierre: Honourable senators, since her arrival at Rideau Hall, Her Excellency, the Right Honourable Adrienne Clarkson, Chancellor of the Order of Canada, Governor General and Commander-in-Chief of Canada, has been a most assiduous and creative person who has contributed enormously and indefatigably to our country and to our awareness of its immensity and heritage.

Her Excellency has facilitated us in encountering magnificent people from all over the planet who have chosen to build their homes on this vast northern land. Through her vivid admiration and appreciation of their enrichment of our country, she has opened our hearts to the worth and value of the First Peoples of Canada as she has travelled extensively on their lands and engaged in a warm and respectful dialogue with them.

I would encourage all honourable senators to see the magnificent film from the National Film Board, *An Idea of Canada*, which recounts the trips of Their Excellencies in the North. It is simply magical.

Ably aided by His Excellency, Madame Clarkson has awakened us to our many dimensions through culture and art. She sees in Canada an important instrument for the maintenance of peace and security in the world, an effective tool to assist the young in their search for life, and a constant reminder that unity can only proceed from harmony and respect for diversity.

All these messages Madame Clarkson brings in her travels within the borders of Canada and in her successful visits, on our behalf, to other countries of the planet. She is a superb ambassador and her official visits, which include representations of who we are, what we have achieved and what we hope to do, are pilgrimages of hope.

Madame Clarkson's missions and her person ought not be denigrated by political irresponsibility and journalistic stupidity, as is currently the case. We Canadians owe her much. By the way, I have never travelled with her abroad, and probably I will not.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

Hon. Donald H. Oliver: Honourable senators, I rise today to speak to the absence of a definitive action plan on the part of the government to aid our cattle industry.

Other parties have done so. For example, Peter MacKay, leader of the Progressive Conservative Party, has attempted to ease the situation our beleaguered farmers are currently facing. Mr. MacKay made the PC position clear by offering to lead a delegation to the United States. Mr. MacKay believes that only through high-level lobbying in support of reopening the borders to all Canadian beef exports will the cattle industry begin to recover. The government rejected his offer.

Honourable senators, Canada exports approximately 60 per cent of its cattle production. In 2002, cattle and beef farmers contributed $4.5 billion to the economy. When the United States closed its borders, 80 per cent of our exports were suddenly undeliverable. This closure cost the cattle industry an estimated $18 million per day — $11 million in lost exports and $7 million because cheap cuts of beef suddenly plummeted in price.

The government responded to this lost revenue by giving the agriculture industry more than $460 million through a temporary national assistance program. However, when the program expired in August of this year, less than $10 million of that money had actually reached farmers in need. This is not the definitive action plan that our cattle farmers need.

Rather than clearly stating their intentions, the federal government has adopted a "throw-money-at-it" approach to solve the BSE problem. Honourable senators, the mad cow crisis will not be solved with money alone. The only viable solution to helping our ranchers and all others affected by this crisis is to get Canadian beef across the border into the United States.

Honourable senators, it is time for the Government of Canada to show leadership. A delegation needs to be sent to lobby on behalf of the Canadian beef industry. Only through these definitive measures will the government ensure that our industry will recover from BSE.

FISHERIES AND OCEANS

EFFECT OF POLYCHLORINATED BIPHENYLS

Hon. Ione Christensen: Honourable senators, I would like to draw your attention to an alarming new scientific study that was concluded on polychlorinated biphenyls, otherwise known as PCBs. This study was on sockeye salmon spawning in lakes of northern British Columbia and Alaska. Dr. Jules Blais, of the University of Ottawa, led this important study that was undertaken over the last three years. The findings are published in the scientific journal *Nature*.

As honourable senators will be aware, PCB contaminants are highly carcinogenic agents. Once they make their way into the food chain — from fish to bears or eagles and even humans — they can potentially cause reproductive defects, memory impairment and reduced hand-eye coordination.

Dr. Blais' results were shocking. He found that incredible amounts of PCBs were being released from salmon, which had migrated from the oceans back to the lakes to spawn and then to die. Their decomposing bodies were leaching the PCBs into the lakes of Alaska and British Columbia in very high amounts. These toxins were delivered into the lake sediments and hence taken back up into the food chain.

The findings revealed that the PCB levels released in these areas rivalled those found near a hazardous waste incinerator. Honourable senators, there are no large industries located in these areas. PCBs are now found in such things as flame-retardants and paints. They are also emitted through burning waste. These findings came from a pristine wilderness.

• (1340)

Honourable senators, once again we are discovering the smallness of our planet and the myriad ways in which our thoughtless use and disposal of hazardous waste come back to haunt us.

THE LATE JOHN R. (JOHNNY) CASH

TRIBUTE

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to John R. Cash, late, of Hendersonville, Tennessee, publicly known as Johnny Cash or the "Man in Black." Born in Kingsland, Arkansas, on February 26, 1932, he departed this life on September 12, 2003, at 71 years of age at Nashville, Tennessee.

Johnny Cash began his career in the music business in 1956 at Sun Records in Nashville. From that beginning, he was always at the forefront of country music, whether as a songwriter, musician, recording artist or television show host. A generous man, he gave opportunity to numerous new performers and provided work for many other performers, known and unknown alike. Along the way, like each one of us, he fought his demons. He strove to be true to his cotton farm roots and his strong family values.

I met Johnny Cash in 1958 in Halifax during his first Canadian tour. I always attended his shows, sometimes went to rehearsals, and always went backstage before showtime to welcome him back to Nova Scotia and to wish him well. He never forgot his fans.

His last visit to Halifax was in 1993 with the "Highwaymen" tour. We got together backstage before that show at the Halifax Metro Centre, a performance that I enjoyed from great seats — appropriately, in the penalty box, which I shared with a lifelong fan of Johnny's, my friend Tom Faulkner.

Johnny had a strong affection for Canada, and not just for touring and vacationing. In 1968, during a performance in London, Ontario, he proposed on stage to June Carter, a member of the Carter family, the legendary first family of country music. They married later that year, and for her he walked the line.

Over his 47-year career, Johnny Cash was the ultimate storyteller. He entertained people with tales of their greed and their goodness, their losses and their loves, their tragedies and their triumphs. In an Associated Press interview in 1987, June gave perhaps the finest recognition to her husband when she said:

> There's a lot of power to him. I've seen him on shows with people with a No. 1 record or a lot of No. 1 records, but when John walks on that stage the rest of 'em might as well leave.

It has been a tough year for the Cash family. June Carter Cash, Johnny's mate and spirited stage partner, passed away on May 15, and now Johnny.

In the September 22 edition of *Time* magazine, it is written:

> ...if some felt shock at the news of Cash's passing, they could segue into celebration over a difficult life made exemplary, an outlaw redeemed by a woman's devotion. Besides, if you believe, the Man in Black is now garbed in white, and the doting husband has eternity to spend with his beloved.

So it is with heartfelt sincerity that we convey to John Carter Cash, the son of Johnny and June, and to the extended Cash family, our deepest sympathy at this time of great loss.

[*Translation*]

LE DROIT

NINETIETH ANNIVERSARY OF FOUNDING

Hon. Jean-Robert Gauthier: Honourable senators, on September 22, 2003, the Library of Canada and Archives Canada and the management of *Le Droit* hosted a reception to celebrate the 90th birthday of the newspaper, which was founded on March 27, 1913.

Over the years, *Le Droit* has served the francophone community of the National Capital Region very well.

On the Ontario side, the historical roots of *Le Droit* run deep. After the province of Ontario passed Regulation 17 — which, you will recall, banned teaching in French in elementary schools — Father Charlebois of the Oblate Order launched *Le Droit,* a newspaper dedicated to defending and promoting the French language in this region.

Le Droit has always supported the demands of the francophone communities, in its articles and also in its editorials, which often backed us up in our demands.

Whether the issue involved was education at the elementary, secondary or post-secondary level in Ontario, or health and social services, this newspaper has always reported the debates with great objectivity, casting light on the issues and constantly providing us, the francophones of the region, with the vital support we needed.

Le Droit is unique, being the only French-language newspaper in Ontario and the Outaouais, and today we all continue to find it indispensable. It always has a thumb on the pulse of the community, and keeps us informed with quality reports and editorials from its excellent staff.

On a more personal note, I was a *Le Droit* carrier myself. At last week's reception, I was very moved by the poster that was used on the podium. It featured the front page of the September 11, 1939 issue, with the headline "Canada at War."

Carrying a newspaper with such a headline really impressed that 9-year-old paper boy, and I remember it well. At that age, a child cannot really grasp what a traumatic thing it is for a country to be at war — traumatic for those actually involved, and for the country that must support the war effort.

And now we have reached the 21st century. *Le Droit* is now part of the large Gesca family, a rather large firm. I hope you enter this century with the same convictions and strength you had in your beginnings and never forget your motto: "The future belongs to those who fight."

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, September 25, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SIXTEENTH REPORT

Your Committee recommends the following:

- that an increase of 2.5 per cent to the salary ranges of the Senate senior management employees (Senior Executive Group level 1-3 and Middle Management Group level 2) be awarded effective April 1, 2003;

- that one day of personal leave per year be granted to incumbents of SEG positions, in the fiscal year 2003-2004.

Respectfully submitted,

LISE BACON
Chair

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

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

FISHERIES AND OCEANS

BUDGET ON STUDY OF QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN—REPORT OF COMMITTEE PRESENTED

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, September 25, 2003

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Monday, June 16, 2003 to examine and report upon matters relating to quota allocations and benefits to Nunavut and Nunavik fishermen, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary.

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

Respectfully submitted,

GERALD J. COMEAU
Chair

(*For text of report, see today's* Journals of the Senate, *Appendix A, p. 1064.*)

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

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

• (1350)

HUMAN RIGHTS

BUDGET ON STUDY OF SPECIFIC CONCERNS—
REPORT OF COMMITTEE PRESENTED

Hon. Laurier L. LaPierre, member of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, September 25, 2003

The Standing Senate Committee on Human Rights has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, May 27, 2003, to hear from time to time witnesses, including both individuals and representatives from organizations, with specific Human Rights concerns, respectfully requests for the purpose of this study that it be empowered to travel outside of Canada.

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

Respectfully submitted,

LAURIER LAPIERRE

(*For text of report, see today's* Journals of the Senate, *Appendix B, p. 1070*.)

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

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

[*English*]

BANKING, TRADE AND COMMERCE

BUDGET ON STUDY OF BANKRUPTCY
AND INSOLVENCY ACT AND COMPANIES'
CREDITORS ARRANGEMENT ACT—
REPORT OF COMMITTEE PRESENTED

Hon. Richard H. Kroft, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, September 25, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRTEENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*; respectfully requests approval of additional funds for 2003-2004.

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

Respectfully submitted,

RICHARD H. KROFT
Chair

(*For text of report, see today's* Journals of the Senate, *Appendix C, p. 1076*.)

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

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

QUESTION PERIOD

FOREIGN AFFAIRS

SAUDI ARABIA—
MALTREATMENT OF INCARCERATED
CANADIAN CITIZEN

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. In today's *Ottawa Citizen* there is a headline that speaks of the position of one of our freshmen senators of two days, our colleague Senator Harb, who doubts that William Sampson was tortured in a Saudi Arabian prison. Is that position the position of the Government of Canada?

Hon. Sharon Carstairs (Leader of the Government): As I am sure the honourable senator knows, because I know he is an avid reader of news reports and also watches television, the Minister of Foreign Affairs has indicated that in his view Mr. Sampson should be believed.

Senator Kinsella: I thank the government leader for that clarification.

Given that her colleague Mr. Graham, the Minister of Foreign Affairs and International Trade, has made that statement — a statement with which I agree — could the Leader of the Government in the Senate provide me with an answer to the question I asked yesterday? I raised the issue of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to see whether the Government of Canada intends to file a complaint against the Kingdom of Saudi Arabia, which is also a party to that same international convention. Does the minister have an answer to that question yet?

Senator Carstairs: At this point, the preferred option of the Government of Canada would be for Mr. Sampson to use the processes available to him in Saudi Arabia. He could formally make a complaint to the Saudi Arabian government and receive every bit of assistance to make that complaint. Of course, when a complaint has been made by a Canadian citizen, it is much easier for the Government of Canada to act on that citizen's behalf.

Senator Kinsella: In this particular case, because a colleague of the honourable minister in the other place, the House Leader Don Boudria, visited Mr. Sampson while he was in the Saudi prison, the issue is a little more joined than otherwise would have been the case.

I am also mindful of the application of the principle of the non-exhaustion of domestic remedies. When it comes to international human rights law, a mechanism outlined in article 21 of the convention provides that a state party, which would be Canada in this instance, can file a written complaint with the offending state party. Students of comparative human rights are not overly excited with the domestic mechanisms for the protection of human rights in the Kingdom of Saudi Arabia. Be that as it may, rather than be passive and wait for the victim, Mr. Sampson, to file a complaint under domestic procedures, will the Government of Canada seize the opportunity provided by article 21 of this convention and file a complaint against the Kingdom of Saudi Arabia?

Senator Carstairs: The honourable senator opposite made reference to Mr. Boudria's visit on behalf of the Government of Canada. As he knows, Mr. Boudria has publicly indicated that when that meeting took place, Mr. Sampson made no complaint to him of having been tortured.

• (1400)

In terms of the honourable senator's further question, the position of the government is clear. The government believes that the appropriate way to deal with this matter is for Mr. Sampson to lay a complaint. As honourable senators know, Mr. Sampson is recovering. When he feels capable of doing so, he may consider laying that complaint. Obviously, that would bolster any further action the Government of Canada may take on his behalf.

Senator Kinsella: Honourable senators, the minister's answer brings home to us a very important point. It is this: A minister of the Canadian cabinet visited the prison and met with Mr. Sampson. As the minister in this place has told us quite correctly, Mr. Sampson did not complain of being tortured to Mr. Boudria. The fact of the matter is that in the room in which Mr. Boudria was visiting Mr. Sampson other people were present, including two of the perpetrators of the torture.

Mr. Sampson has stated publicly that he feared for his life because he had been warned that, if he said anything to Mr. Boudria, other than that he was being very well treated, the torture he had suffered to that point would be minor compared with what would happen afterward.

Indeed, I grant that it was with the best of intentions that Mr. Boudria went to visit Mr. Sampson. However, Mr. Boudria's visit inadvertently provided a cover for the torture the Saudis were perpetrating upon this Canadian citizen. For this reason, it seems to me that there is now a greater obligation upon the Government of Canada, in light of what has happened, to file the appropriate complaint and let the matter be adjudicated by an international arbitrator.

Senator Carstairs: Honourable senators, the honourable senator has addressed the issue of Mr. Boudria's trip. Interestingly, in news reports that I have read, reports that prompted Mr. Boudria to make the statement, Mr. Sampson in fact says that he did tell Mr. Boudria that he was being tortured. Mr. Boudria says that he did not tell him that. That is why, in part, the Government of Canada believes that in this instance it is very important that Mr. Sampson make that formal complaint. As I said, Mr. Sampson first needs to return to good health. It will then be relatively easy for the government to move further on his behalf.

CITIZENSHIP AND IMMIGRATION

NATIONAL BIOMETRIC IDENTIFICATION CARD

Hon. Donald H. Oliver: Honourable senators, once again my question for the Leader of the Government in the Senate is about a national ID card.

Last week, the Privacy Commissioner of Canada, Robert Marleau, told a parliamentary committee that a biometric national identification card would have a start-up cost of about $3 billion. Mr. Marleau also said that the ongoing operational costs of such a card would be very substantial. This estimate is similar to one that came from the Department of Human Resources, in 1999, which projected the cost at that time to be $3.6 billion.

How can the federal government justify spending between $3 billion and $5 billion, in the words of Mr. Marleau, on "unworkable and unjustified" national identity cards, considering the urgent economic needs of our health care system, our military and, indeed, our farmers who are suffering the setbacks of BSE?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that is exactly why no cabinet decision has been made.

We are conducting an open and public debate on a national ID card, including the enormous costs of such a card. We will be seeking the views of Canadian citizens on that type of identity card. Until that public debate takes place, I can assure the honourable senator that no decisions will be made.

Senator Oliver: Honourable senators, although many people have offered their opinions on the proposed national identity card, one person in particular has not made his views on this matter known at all. I refer to Mr. Paul Martin, the prime minister in waiting.

Mr. Martin has said little on this matter, outside the statement that he is "somewhat sceptical of the concept." We know that Mr. Martin's disapproval of a certain proposed legislation has already had a big impact on whether it has received support in the Liberal caucus.

Could the Leader of the Government tell the Senate if Mr. Martin's apparent disapproval of this proposal means that the Department of Citizenship and Immigration will not be presenting a formal proposal to the Canadian public on this matter?

Senator Carstairs: Honourable senators, when, and if, Mr. Martin becomes the Prime Minister of Canada, I am sure he will make known his views to the Department of Citizenship and Immigration.

Hon. Eymard G. Corbin: Honourable senators, my question is supplementary and from another angle to the previous question.

The Forum on Biometrics: Implications and Applications for Citizenship and Immigration will be held here in Ottawa on October 7 and 8. That forum is being sponsored by the Minister of Citizenship and Immigration, Mr. Coderre. On the one hand, the minister says that by launching this forum he wants to consult all Canadians on the merits of a national identity card. On the other hand, the draft program shows that 10 of the 14 forum participants openly support the identity card or are in the business of biometric technology.

Could the Leader of the Government in the Senate tell us whether the minister has already decided in favour of a national biometric identity card or an identity card of any other media?

Senator Carstairs: I thank the honourable senator for his supplementary question. I think the views of Mr. Coderre on this matter are public. He has certainly indicated that while he wants a debate, he is somewhat in favour of this card.

However, it is not a decision that he will make. It is a decision that will be made by the cabinet, including the Prime Minister. That decision will not be made until after thorough debate, including balanced debate. That is why I welcome the fact that the Standing Committee on Citizenship and Immigration in the other place is also conducting a study.

As we know, parliamentary committees tend to canvass both opinions. In my experience, they often canvass the negatives more than they canvass the positives. Thus, one would hope that, in light of these debates and discussions taking place, cabinet will have the best of both sides before they have to make a decision.

Senator Corbin: Honourable senators, I wish to follow up on that comment and to focus on the forum exercise, which I am afraid will turn into a promotional exercise more than anything else.

In view of the fact that in the past the minister has emphasized the importance of a vigorous debate that reflects all sides of the issue, why then does the forum not provide those opposed to the biometric identity card, or any other medium card, an equal opportunity to argue their point of view? By apparently excluding opponents of the identity card — and I gather this from my reading of the program — is not the minister contradicting his commitment to hear all sides of the debate, thereby undermining the purpose and utility of the forum?

Senator Carstairs: Honourable senators, unlike the honourable senator, I have not seen a program for this forum. However, I can assure the honourable senator that I shall bring to the attention of Minister Coderre his concern that this forum is not a balanced presentation and that there seems to be a disproportionate number of supporters attending the forum and not the balance necessary for a vigorous debate.

JUSTICE
SOLICITOR GENERAL

FIREARMS REGISTRY PROGRAM—EMPLOYEES ASSIGNED TO PROCESSING—TRANSFER OF FUNDS IN SUPPLEMENTARY ESTIMATES (A)

Hon. Gerald J. Comeau: Honourable senators, both the Department of Justice and Solicitor General Canada responded to a recent access to information request. The department responded that it had no employees or contractors working on the gun registration program as of February 20, 2003, April 15, 2003 and June 30, 2003.

• (1410)

Why, then, does the Supplementary Estimates report of the Canadian Firearms Centre, under the auspices of the Solicitor General, show a personnel budget of $22.6 million if there were no employees working as of those dates?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will take that particular question as notice. I am not sure I understand exactly the intent of it and I want to read it carefully.

I should like to reassert what I said yesterday and the day before: In the Supplementary Estimates, for the third time that I have sought clarification, I have been given exactly the same answer — namely, that this is simply a transfer of money from one line of one ministry's budget to another line of another ministry's budget.

Senator Comeau: On that note, we will pursue this further on Tuesday. I understand officials from the Treasury Board will be appearing before us at that time. We will want to know why they call the $10 million a "new appropriation" if it is in fact a transfer from one ministry to another ministry. We will also want to know why the term "new appropriation" is used.

With respect to my question, under access to information we gave three specific dates to get a sense of how many employees were working in the gun registration program at that time. I have indicated those dates. The response was very clear: No employees were working on those dates.

I have a secondary question for the minister as she determines why there were no employees there. During those critical periods of the firearms registration program, when hundreds of thousands of Canadians were trying to register their guns and getting no response, why were there no employees?

Senator Carstairs: As the honourable senator knows, there was a rollback in real terms. They requested less money than they originally indicated they would need. I would assume that might be why there were no employees at that particular time. It is important that I take that question as notice. The honourable senator is entitled to a fulsome response and I do not have that here with me today.

UNITED NATIONS

SPEECH BY PRIME MINISTER— CRITERIA FOR HUMANITARIAN INTERVENTIONS

Hon. A. Raynell Andreychuk: Honourable senators, this week, in his speech before the United Nations General Assembly, the Prime Minister advocated putting the protection of people at the heart of the mandate of the United Nations. He invoked the genocides in Bosnia and Rwanda and the world's failure to react to them as reasons for justifying humanitarian intervention.

However, the Prime Minister did not mention Kosovo, where Canada, along with NATO, intervened on a humanitarian basis, apparently. The Prime Minister said further in the United Nations that:

> We believe ... that in the face of large scale loss of life or ethnic cleansing, the international community has a moral responsibility to protect the vulnerable. The primary purpose must be to avert and end human suffering.

He suggested that the United Nations be reformed to improve its effectiveness in this regard. In a news conference later that day, the Prime Minister clarified that such intervention would have to be conducted sparingly. He noted that for intervention to be triggered it would have to be clear that it is an absolutely devastating situation.

Has Canada put forward criteria that would be used to determine which situation is absolutely devastating? If these criteria exist, were they applied in Kosovo and will Canada continue to use them in its own assessments in addition to putting them forward to the United Nations?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator indicated, the Prime Minister made this speech to the United Nations on Tuesday. He indicated his need not only for reform of the United Nations but also for the United Nations to work collectively in these situations. To my knowledge, no specific criteria have been developed by the United Nations to deal with such situations. I would suggest that this is the first time such a proposal has been made to them by a head of state. In terms of Canada's position, each decision is made on a case-by-case basis.

Senator Andreychuk: Honourable senators, I believe the Prime Minister did raise this issue with other leaders in the United Kingdom some time ago. He received a lukewarm response, particularly because they were reluctant to enter into this type of decision when there are no formal criteria. We are concerned that it could be too subjective and not objective.

The Prime Minister has had some time to think about his position, and I am wondering why it would be raised again in the United Nations' context without the further need to clarify what criteria would be used for such interventions.

Senator Carstairs: Honourable senators, it would be presumptuous for the Prime Minister of Canada to establish the criteria for the United Nations. It would be up to the United Nations to establish that criteria. I think the Prime Minister has helped to establish what I hope will be a new agenda for the United Nations.

Senator Andreychuk: Perhaps this is a new change in foreign policy, because Canada certainly has put forward suggestions to the United Nations many times, decades before. We have an excellent track record in the United Nations not only for putting forward ideas but also for putting them in a pragmatic form that can be implemented.

It is laudable to wish to stop dead at the station, but if we wish to be successful at the United Nations, I think we will have to return more to the approaches of previous prime ministers — many of whom put forward pragmatic approaches. This would have to include criteria.

Is Canada working on some criteria that could be interpreted as suggestions to the United Nations?

Senator Carstairs: The honourable senator's statements a few minutes ago indicated — and I certainly support that indication — that this is a subjective issue. Indeed, it is a subjective field. Therefore, to be entirely pragmatic on something subjective is, I would suggest, an oxymoron.

Our Prime Minister has put forward an excellent idea. It is a challenge that he has put before other national leaders — as the honourable senator has indicated — in the U.K. and at the Commonwealth meeting. It needs to be debated and discussed, but in such a way that recognizes the subjectivity of this particular topic.

Senator Andreychuk: Honourable senators, surely the subjectivity comes when we state that in general principles of absolutely devastating situations, we should have interventions.

It would be much more helpful if we started to translate them from a subjective field to an objective one. Since Canada intervened in Kosovo on a humanitarian basis, it would be interesting to know what criteria Canada used to come to that conclusion of humanitarian intervention. Perhaps those criteria would be instructive to the United Nations to begin to build an objective agenda.

Senator Carstairs: Honourable senators, in some ways it will have to be done — even by the United Nations — on a case-by-case basis. The Prime Minister was clear when he said that it would have to be a devastating situation. Clearly, a devastating situation needs some strong evidence that the people of a nation are being severely destroyed — not only in terms of their physical being but also in terms of their spiritual and moral well being. Those are issues that are certainly debatable and widely so.

Having said that, we know from our Rwanda experience that we did not respond early enough and that we must learn to do so more quickly.

ISRAEL—VOTE ON RESOLUTION TO HALT THREATS TO PRESIDENT OF PALESTINIAN COUNCIL

Hon. Marcel Prud'homme: Honourable senators, I was absent at the Banking Committee this morning because I attended a meeting with General Musharraf.

I was surprised — as were many friends of Canada who believe in the country's equilibrium — at the vote that took place last week at the United Nations concerning the demands that Israel not deport or threaten the safety of Yassar Arafat. The vote was 133 to 4, and there were 15 abstentions. The four against were the United States of America — even though Senator Grafstein might not like this to be mentioned — and Israel and their two new allies, the Federated States of Micronesia and Marshall Islands. That was no surprise to me.

• (1420)

What surprised me were the abstentions. For the first time, we did not vote as I was instructed to do by the late Prime Minister Trudeau when he appointed me to the United Nations: In case of doubt, vote in good company.

Am I right to say that the good company of Canada is now Tuvalu, Tonga, Nauru, Papua New Guinea, Fiji and — Australia, among others. All the others voted in favour.

I have a question for the Leader of the Government in the Senate, especially in view of the fact that today is the twenty-fifth anniversary of a cabinet decision in Israel to dismantle Jewish settlements on the Sinai Peninsula in return for a peace treaty with Egypt and to give Prime Minister Begin a strong show of support.

So the man had the courage to dismantle in return for a peace treaty.

To be frank, I am shocked by that vote. Honourable senators, as long as I live, I will preach equilibrium for Canadian policy, regardless of other people understanding or not understanding my true view. My views are Canadian views — nothing else. In June of this year, some of our colleagues published "A Proposal for a Canadian Position on Israel and the Middle East." That document is signed by one senator, Senator Kolber, and, from the House of Commons, Dr. Bennett, the Hon. Art Eggleton, Ms. Folco, Ms. Jennings, Ms. Neville, Hon. Jim Peterson and Mr. Volpe. Coincidentally, this document will be taken to pieces in a speech here in the Senate. They ask that we avoid Arafat and not recognize him.

I wish to draw a conclusion from reading this proposal — which I found on the Internet from Vancouver, by the way, and not from Ottawa — and from the fact that we abstained from voting last week. The Leader of the Government is doing an extremely good job here in this Senate, under great duress. I saw that yesterday. I want to be courteous to her. The government leader knows my views, but I am surprised at the new company of Canada in world affairs. Canada is now siding with these people in abstention, at a time when people are looking to Canada for guidance, including this morning with Mr. Musharaff. Canada, Canada, Canada! Everyone has their eyes on us, but we are losing slowly and gradually.

Could the honourable leader give me an explanation? I am patient. I can wait until next week. Would she be so kind as to inquire about the rationale of this new kind of vote, this new pattern, which was exercised last week at the United Nations to the shock and surprise of our own allies and friends, the entire European Economic Union, which voted en bloc in favour of the resolution?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me assure the honourable senator that he should draw absolutely no conclusion between the document that he spoke about and the decision made by Canada to abstain on the vote last week.

In terms of why Canada abstained last week, I do not know the reasons for that. I shall seek to obtain them for the honourable senator.

Senator Prud'homme: I shall not ask a supplementary, because I trust the Leader of the Government will get an answer for me.

LIBRARY OF PARLIAMENT OFFICIAL LANGUAGES SCRUTINY OF REGULATIONS

STANDING JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons to acquaint the Senate of the names of the members appointed to serve on behalf of the House on the Standing Joint Committees on the Library of Parliament, Official Languages, and Scrutiny of Regulations.

Hon. Eymard G. Corbin: I have a point of order concerning the presentation of the previous paper. There was mention of the Standing Joint Committee on Official Languages. To my knowledge, such a committee does not exist any more. The Senate has its own independent official languages committee.

The Hon. the Speaker: The honourable senator is correct on the Senate having a standing committee; I am just informed by the table. However, apparently, on paper, the joint committee exists even though we do not name members to the Standing Joint Committee on Official Languages.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like clarification as to what "on paper" means in parliamentary terms.

The Hon. the Speaker: Honourable senators, it is a shorthand way of describing that formal steps by Parliament have not been taken to eliminate the existence in name of a committee. I shall try to be more thorough in my descriptions.

ORDERS OF THE DAY

SPECIFIC CLAIMS RESOLUTION BILL

THIRD READING—MOTION IN AMENDMENT—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C., for the third reading of Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts, as amended,
>
> And on the motion in amendment of the Honourable Senator Watt, seconded by the Honourable Senator Gill, that the Bill, as amended, be not now read a third time but that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to rise in the debate on Bill C-6, particularly with respect to the amendment moved by Senator Watt.

Bill C-6 proposes to establish the Canadian Centre for Independent Resolution of First Nations Specific Claims, as well as to amend other acts. It is a complex piece of proposed legislation. This new centre, which intends to provide a new legal procedure for the filing, negotiation and resolution of specific claims, is being established within the parameters of our system because it sets up an actual system that is expected to be an improvement on the ad hoc claims-resolution process that has hindered the self-government objectives of our First Nations people.

Honourable senators, I am unsure whether Bill C-6 will positively contribute to the lives of our First Nations people. However, I do know that it was an attempt by the government, in consultation with First Nations, to look at a different process, different from the one that appeared to be stalled.

I have only to listen to my colleagues here who are of First Nations background, and to other First Nations, to understand that there are some difficulties with Bill C-6.

One can certainly understand that not all bills are perfect. A bill as complex as this one is sure to have difficulties. However, I believe it is our responsibility to ensure the proposed legislation is the best that we can produce. The Aboriginal committee has looked at Bill C-6 and the bill was reported to the chamber.

I have reviewed the evidence before the committee and the comments made on the floor of this chamber. One area that particularly concerns me is that of collective rights. We will, for the first time in my knowledge, in very formalized enabling legislation, namely Bill C-6, put a cap on the negotiations. A ceiling will be set on the amount that can be compensated to First Nations with respect to their land claims.

We are looking at collective rights. I want to be sure that the process introduced in this bill would not in any way jeopardize those who will be subject to it, as compared to others who have different means. In other words, Aboriginal people have rights that we cannot intrude on. If we negotiate fully and in an unfettered way, then the agreement should be binding. However, when the government, through a bill, puts limitations on that negotiation, I want to be sure that this will not result in an unfair disadvantage to those who will enter the agreement. Consequently, I was sympathetic in hearing that there would be an amendment so that the Standing Senate Committee on Legal and Constitutional Affairs could look at the ramifications of this bill.

• (1430)

The Departments of Justice and Indian Affairs and Northern Development have no doubt screened Bill C-6 and have monitored its passage through the House of Commons and on to the Senate. No doubt they believe it complies with the Constitution and that there are no impediments to its enactment. However, I have been persuaded that when officials of the Department of Justice come and give their best and fairest opinions, that is not the last of the situation. We often call neutral legal experts and those who represent opposing points of view to come and testify before the Legal and Constitutional Affairs Committee, and we find that there are fair and legal interpretations of bills that the Department of Justice does not support.

If we were to accept, as I believe has been suggested to this honourable chamber, that this legislation is sufficient for all cases, then we would not have the courts making the final determination and often opposing the government's position. In fact, as Senator Chalifoux pointed out recently, it is a shame that Aboriginal peoples have to seek their legitimate claims through the courts and could not come to an understanding with the federal government. I happen to support that point of view. We should make our best efforts to ensure that we hear from the best legal minds. We want to ensure that the legislation does in fact comply with the Aboriginal sections of our Constitution, with best practices in negotiations, and that in the end it will encompass the best policy decisions we can make both for Aboriginal peoples and for society at large.

However, since forming the opinion that the Standing Senate Committee on Legal and Constitutional Affairs would be the right place to have a second look at some of the legal ramifications, last Friday the Supreme Court of Canada ruled unanimously that a Metis community in Sault Ste. Marie, and more particularly one member of the Metis community, had the Aboriginal right to hunt for food. Until that point, only status Indians had been the subject matter in such a forceful way before our courts.

In my humble opinion, after reading the decision in *Powley* and reflecting on Bill C-6, I cannot come to the conclusion that the department and the minister have given full weight to this decision, because in fact Bill C-6 was established as government policy before the ruling in *Powley*. One can infer that they took due notice of Metis claims, but let me assure you that two of our senators, Senator Chalifoux and Senator Joyal, pointed out that this case is historic in giving full legitimacy to Metis people in a way that has not been done constitutionally in other cases before. Therefore, it is absolutely important that, in dispensing our fiduciary role, we give the department and the minister the opportunity to reflect on this case. They should come forward to reassure us that, in fact, there need not be further amendments or changes to the bill and that we will not be infringing on Metis rights when we place this bill on the books of the Parliament of Canada.

MOTION IN AMENDMENT

Hon. A. Raynell Andreychuk: Therefore, without going into great elaboration, I believe Metis issues must now be addressed regarding Bill C-6. Taking those issues into account, I move, seconded by Senator Stratton:

> That the motion in amendment be amended by deleting all the words after the words "be not now read a third time" and substituting the following therefor:
>
> "but that it be referred back to the Standing Senate Committee on Aboriginal Peoples for the purpose of studying the impact on Bill C-6 of the recent Supreme Court decision recognizing the Metis people as a distinct Aboriginal Nation."

The Hon. the Speaker: Senator Andreychuk has moved a subamendment. There is opportunity to speak to the subamendment and to put questions to her.

Do you wish to speak to the subamendment, Senator Carstairs?

Hon. Sharon Carstairs (Leader of the Government): Yes, I do wish to put a few comments on the record.

Honourable senators, if we were to consider such a subamendment, I would like some assurances from the chair of the committee and from the other side that the committee report this matter to the chamber no later than October 7; and, further, that this committee, in order to do justice to the idea set forth by Senator Andreychuk, be allowed to sit outside of its normal sitting times, including when the Senate is sitting, in order for it to hear all of the witnesses necessary. I would like to hear from the other side as to whether those provisions would be acceptable.

The Hon. the Speaker: I believe Senator Carstairs is raising a matter that falls under the general category of house business and relates to clarifying a matter usually handled by the deputy leaders and sometimes by the leaders. I will take my seat, having characterized her question that way.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): On behalf of the opposition, honourable senators, we would like to hear the arguments made either for this subamendment or against this subamendment. On the basis of what we learn from that discussion, it might be, as I think the Leader of the Government implied, a perfectly reasonable thing to do. I do not want to act in any a priori fashion. Her suggestion might be perfectly reasonable, but I would like to hear more discussion.

The Hon. the Speaker: I think this is a suggestion we can return to later. We are now dealing with Senator Andreychuk's subamendment. I believe Senator Sibbeston has a question.

• (1440)

Hon. Nick G. Sibbeston: I believe Senator Andreychuk stated that she is of the belief that the provisions in Bill C-6 somehow limit the ability of First Nations to make specific claims. Is the honourable senator of the belief that Bill C-6 in any way limits specific claims of First Nations?

Senator Andreychuk: I believe that Bill C-6 will directly limit Aboriginal claims in the sense that those claims will be within the ambit of the legislation.

While it is true that it is the prerogative of the claimants to move into a negotiation with the government, and therefore they have the ultimate say, I want to ensure that the process is fair and that we are not misleading Aboriginal groups into saying that this is better. Time will tell if it is better than the ad hoc process. We can only hope that it is better.

I cannot answer the question of the honourable senator. My concern is to ensure that the legal points have been completely canvassed and that Aboriginal people are treated properly.

When I canvassed the evidence, there were questions that I would have asked from a legal point of view had I been sitting in the committee. The problem was that the witnesses would not have been capable of answering those questions. That is why I thought the Standing Senate Committee on Legal and Constitutional Affairs, being used to calling legal experts, could do this job.

Honourable senators, my overwhelming concern is for Metis rights. We have here an unusual case that will be far-reaching, in my opinion. I may be wrong, but I have read and re-read the case, and I believe it will be far-reaching.

Who will make claims on behalf of Metis people? What structures do Metis people have? We know more about First Nations structures than we do about the Metis. Will there be overlapping claims to existing claims? We will give them an opportunity if put into the Constitution a definition of Aboriginal that includes the Metis. We have overwhelmingly dealt with issues of the Inuit and the Indian First Nations claims as opposed to the Metis.

This decision will give full weight to the Metis and is significant enough for us to stop and ask what the legal implications are, even to Bill C-6. If, upon reflection, we believe that Metis claims will not be impeded, then we can go ahead.

If there is some way that we can improve upon Bill C-6, now is the opportunity to do it, in light of the *Powley* decision.

The Hon. the Speaker: I should advise honourable senators that Senator Andreychuk's time has expired.

Hon. Charlie Watt: Honourable senators, it is an honour to support the motion of Senator Andreychuk to refer Bill C-6 back to the Standing Senate Committee on Aboriginal Peoples for a review of its important legal implications.

Honourable senators might recall that on June 19, 2003, I presented a motion to refer Bill C-6 to our Standing Senate Committee on Legal and Constitutional Affairs. I feel at ease with this step, as there are precedents for referral from one Senate committee to another.

Let me cite one example. On June 13, 2002, following a report from the Senate committee at third reading, a bill to amend the Food and Drugs Act with respect to clean drinking water was referred to the Standing Senate Committee on Legal and Constitutional Affairs. However, I now agree with those honourable senators who said that our Aboriginal Committee should review the issue of specific claims.

On June 19, 2003, I also tabled five series of amendments that were not recorded in the *Debates of the Senate*. Let us hope that will not happen again.

Today, I will table the same amendments, which I trust honourable senators will carefully consider, as these amendments affect the people most concerned, the First Nations. First Nations peoples are the most concerned and will be the most adversely affected in this situation. Witnesses have told us why Bill C-6 is unworkable from an economic, social and political point of view.

Today I wish to focus on the legal implications of Bill C-6. The legal framework governing consideration of specific claims is changing rapidly. The framework is shrinking. In 2002, at a conference hosted by the AFN, our colleague Paul Martin compared the new nation-to-nation relationship to that of two canoes advancing side by side, in concert. Bill C-6 portrays the government canoe racing ahead, out of sight, and the Aboriginal canoe so far behind it can hardly be seen in the midst of legal uncertainty. It is in this disturbing context that I suggest that we briefly examine aspects of the legal framework.

It has been contended that there is no need for a non-derogation clause in Bill C-6 because such a provision would lead to legal uncertainty. A tribunal decision would not be final. In reality, the non-derogation clause would not concern rights put forward in one specific claim under review.

A non-derogation clause in Bill C-6 would serve two purposes. First, such a clause would be designed to protect Aboriginal and treaty rights other than those under discussion in one specific claims resolution process. Second, it would serve to remind those adjudicating the existence of sections 25 and 35 of the Constitution Act, 1982. That is why I propose an amendment for a non-derogation clause at clause 2 of Bill C-6.

I shall now turn to the subject of consultation on appointments. In Bill C-6 there is no provision for consultation between the minister and the First Nation to appoint members of the commission and the tribunal.

During the hearings on Bill C-6, various precedents for Aboriginal involvement were presented. For example, the Aboriginal party and the Government of Nunavut appoint the majority of the members to the Nunavut Wildlife Board. In the context of specific claims, the minister closely consults with the Federation of Saskatchewan Indian Nations on the appointment of the Saskatchewan Treaty Commissioner.

The minister has given a commitment to consult, but what about the next minister? In the case of the Indian Claims Commission we have today, the AFN was not consulted on the appointment of the last chief commissioner. In order to avoid controversy for the minister in his or her use of discretionary power, honourable senators will want to consider the amendments I suggest to clauses 5, 20 and 41 of the bill.

• (1450)

With regard to delay, under the present system, the minister, in deploying excessive power, is not always rewarded for delay. A First Nation claimant could use what is called the "constructive rejection" argument. Very simply, after a long delay, the Indian Claims Commission has agreed to consider a claim because the minister's long delay meant the claim was, in fact, rejected.

Under Bill C-6, there is no provision for constructive rejection. This is why I propose an amendment to clause 26 of Bill C-6. If after a period of three years the minister has not specified a decision, he or she is deemed to have rejected a claim and the commission and tribunal can proceed.

I wonder if I can have some quiet here, please.

The Hon. the Speaker: Honourable senators, Senator Watt is correct. There are a number of conversations ongoing in the chamber and, out of respect for our colleague and those who wish to listen to him, I would ask that any conversations please take place beyond the bar.

Senator Watt: Thank you, Your Honour and honourable senators.

At clause 56 of Bill C-6, a financial cap of $10 million per claim is set forth. There is simply no legal precedent for such a cap. When I negotiated the James Bay and Northern Quebec Agreement in the 1970s, there was no financial limit. The Indian Claims Commission now operates outside the confines of a financial cap. In recent years, two specific claim agreements for Saskatchewan bands, after Indian Claims Commission involvement, resulted in compensation of $95 million and $53 million.

The financial cap provision is a budget position. It has nothing to do with the legal realm and everything to do with damage control by the Treasury Board and the Department of Finance in Ottawa. This is why proposed amendments to clauses 2, 32, 35, 46, 51, 56, and 65 delete references to a financial cap.

For a specific claim to be admitted for consideration, Bill C-6 confines such consideration to "land and other assets." This is another example of the incredible shrinking legal framework.

In the past, definitions were much broader and included Aboriginal economic rights. For example, the Primrose Weapons Range, which spans parts of Alberta and Saskatchewan, gave rise to negotiations on compensation for lost hunting, fish and trapping rights. In one case alone, a band obtained compensation of $12 million. This is why I propose an amendment to clause 26 to eliminate reference to land and other assets.

Honourable senators, in conclusion, we owe it to ourselves and to our institution to take a second look through the mist of legal uncertainty. If we want to avoid litigation and controversy, if we want to do justice to the First Nations, which enjoy a unique constitutional position, we will have such a look.

Senator Kinsella: Would Senator Watt take a question?

Senator Watt: Yes.

Senator Kinsella: Would you share with us your view on the subamendment moved by Senator Andreychuk? Do you think that the Standing Senate Committee on Aboriginal Peoples would be able to conclude its work by October 7?

Senator Watt: I believe that we would be able to do good work within the time frame suggested by Senator Carstairs, providing that there is flexibility in terms of scheduling the proper witnesses.

Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker): Is the house ready for the question?

Senator Carstairs: We are not ready for the question. I would like to hear from the Leader of the Official Opposition, or the Deputy Leader, on the record, as to whether they agree that the committee should report back by October 7, and whether normal sitting times for committees are acceptable to them.

Senator Kinsella: Yes, we agree.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Will all those in favour of the motion in amendment of Senator Andreychuk please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Will all those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "yeas" have it. I declare the motion in amendment carried.

Senator Kroft, do you wish to speak?

Is there unanimous consent to allow Senator Kroft to speak?

An Hon. Senator: No, we have voted.

[*Translation*]

PUBLIC SERVICE MODERNIZATION BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Harb, for the third reading of Bill C-25, An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts,

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the Bill be not now read a third time but that it be amended in clause 12,

(*a*) on page 145, by replacing line 20, with the following:

"(5) The Governor in Council shall designate, after approval by resolution of the Senate and House of Commons,"; and

(*b*) on page 151, by replacing lines 20 to 31, with the following:

"110. (1) The Chairperson shall, as soon as possible after the end of each fiscal year, submit an annual report to Parliament on the activities of the Tribunal during that fiscal year.

(2) The Chairperson may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of the powers and functions of the Tribunal where, in the opinion of the Chairperson, the matter is of such urgency or importance that a report on it should not be deferred until the time provided for transmission of the next annual report of the Tribunal."; and

(*c*) on page 168, by replacing line 11, with the following:

"(4) The Governor in Council shall designate, after approval by resolution of the Senate and House of Commons,".

Hon. Gerald J. Comeau: Honourable senators, basically, Bill C-25 sounds the death knell of merit-based staffing in the public service. We have in Canada a professional, independent and non-partisan public service we can be proud of. Hiring and promotion in the federal public service are merit-based. The fact that your neighbour is a deputy minister or that you and the staffing agent both belong to the same social club or attend mass at the same church does not come into play. It is irrelevant.

When there is a vacancy to be filled, generally a competition is held. The qualifications of each candidate are assessed and the best qualified is offered the position. If he or she declines, the position is then offered to the next candidate on the list. Unfortunately, the bill interferes with the merit process by introducing a new approach called individual merit.

• (1500)

Managers will no longer be required to hire the candidate best qualified for a given position. They will be able to hire anyone who can perform the duties and change the statement of qualifications in such a way that only one candidate, the one they want, will meet the requirements. So, with only one runner in the race, guess who is going to win.

Political patronage has not been a factor in the staffing of most jobs in the public service for nearly 100 years. We could now have to deal with bureaucratic patronage. Is one better than the other? I say no.

In its brief to the Standing Committee on National Finance, the Professional Institute of the Public Service of Canada wrote, and I quote:

> We fear the flexibility provided to deputy ministers under the new provisions and the limited scope of redress, will increase the incidence of bureaucratic patronage.

Given the wide discretionary power available to deputy heads, the institute said:

> In short, if the deputy head were intent on hiring his brother-in-law and as long as his brother-in-law possessed the basic qualifications, there is ample opportunity to construct additional criteria specific to one candidate to conceal what otherwise would be a deviation from merit and an abuse of authority.

It is not me saying this, but some highly qualified people.

The brief by the Social Science Employees Association stated as follows:

> This process makes it unlikely that a competition would be held comparing the qualities of the candidates and selecting the best.

They also indicated:

> It is enough to find people meeting the minimal standards for knowledge and abilities. Why seek out excellence when it is more expeditious to seek mediocrity?

There is also the possibility of political abuse. If a minister really wants to push a candidate forward, a deputy minister would have a hard time making use of the process to thwart his superior's wishes.

Honourable senators, the Public Service Commission has always been the one to defend and monitor the staffing process. Not only does Bill C-25 weaken that process, it also strips the commission of some of its monitoring powers.

The commission will no longer be able to investigate appointments by delegation and to take remedial steps as required. That investigative function will be given to the deputy head.

The commission can audit the selection process, but has no authority to act if this becomes necessary.

That is why the commission wrote the following in a brief to the committee dated August 29, 2003:

> ...under Bill C-25, the commission has a diminished capacity to check for bureaucratic patronage and the system's effectiveness will depend on the behaviour of the deputy heads.

Honourable senators, not only will it be easier for deputy heads to hire the candidate of their choice, it will also be easier for them to prevent anyone who is not in their good graces from getting a promotion.

If a deputy head does not appreciate being questioned about his $300 meals by a financial officer in his department, then he can simply disregard that person's qualifications when it comes time for promotion.

The government does not want to hear about protective measures for whistle-blowers, and on top of that, it is eliminating any guarantee of fairness in competitions.

Career public servants will think twice before making allegations of reprehensible conduct. If they do not get fired first, it will be nearly impossible for them to get a promotion.

This bill simply does not contain enough protective measures to prevent abusive behaviour.

Nycole Turmel, National President of the Public Service Alliance of Canada, noted in her presentation to the National Finance Committee, and I quote:

> There is a link between our concerns about the changes to the merit principle and the appeal process. If direct managers now have increased influence over employees' careers and the appeal rights are too narrow, can we really expect public service employees to come forward with allegations of wrongdoings?
>
> We still recognize the need for a less cumbersome staffing process. However, by watering down the merit principle, delegating staffing authority to the lowest management levels and restricting recourse, we fear Bill C-25 will lead to favouritism.

She continues as follows:

> While most managers are honest and respect the rules, a recent audit of the federal student work experience program shows that, given the chance, a significant number of them will circumvent the rules to hire friends and family.

Honourable senators, one of the safeguards is the right of unsuccessful candidates to appeal the outcome of a competition.

However, as I said previously, managers can get around the rules in such a way as to retain only one applicant for a position. If there are no other applicants, there is no appeal to the staffing action.

Jacquie de Aguayo, Legal Officer with the Public Service Alliance of Canada, told the committee, and I quote:

> However, if the legislation itself states clearly that a manager need only consider one individual for the job, I ask you how anyone will be able to show that there was an abuse of authority. It is perfectly acceptable under this legislation to only consider one individual for the appointment.

She continued:

> An employee who comes forward to his manager and says, "I think there is some wrongdoing going on over there," must not suddenly find himself not getting acting assignments to higher positions, interesting work or being considered for appointment positions.
>
> We are very concerned that the definition of "merit," the changes to the appeal process and the limit of the appeal right to an abuse of authority will cause it to be more difficult for employees to challenge what is happening within the public service, whether it be staffing or wrongdoing. By doing that, we do not serve transparency very well. That is where PSAC's concerns lie.

Honourable senators, we must amend this bill so that relative merit becomes the rule once again, while providing regulatory power to make certain exceptions, as has been done for many years.

For these reasons, I move that Bill C-25 be not now read the third time.

[*English*]

Hon. Joseph A. Day: Honourable senators, I understand that what we are dealing with and what this chamber is seized with at this time is the amendment of Senator Murray. Now, the honourable senator is proposing another separate amendment, which I believe is out of order at this time.

Senator Comeau: The honourable senator is referring to Senator Murray's amendment, which dealt with the tribunal. As he may have noted, throughout my speech I referred to the question of being able to access the tribunal and the reduction of the number of times that people will be able to access the tribunal. In fact, my amendment deals directly with Senator Murray's amendment.

The Hon. the Acting Speaker: It is a subamendment.

• (1510)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I heard a point of order raised by Senator Day. There is no point of order here. The Chair should rule.

The Hon. the Acting Speaker: I was waiting for Senator Comeau to say it was a subamendment to Senator Murray's amendment.

Hon. Anne C. Cools: I was about to support the point. I think Senator Day is very well intentioned. It is in order to move subamendments.

[*Translation*]

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: I move:

> That Bill C-25 be not now read a third time but that it be amended in clause 12, on page 126, by replacing lines 8 to 12 with the following:

"**30.** (1) Appointments by the Commission to or from within the public service shall be free from political influence and shall be made on the basis of merit by competition or by such other process of personnel selection designed to establish the relative merit of candidates as the Commission considers is in the best interests of the public service.

(1.1) Despite subsection (1), an appointment may be made on the basis of individual merit in the circumstances prescribed by the regulations of the Commission.

(2) An appointment is made on the basis of individual".

[*English*]

The Hon. the Acting Speaker: As a subamendment to the motion by Senator Murray, it was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Kinsella:

That Bill C-25 be not now read a third time but that it be amended in clause 12, on page 126, by replacing lines 8 to 12 with the following:

"**30.** (1) Appointments by the Commission to or from within the public service shall be free from political influence and shall be made on the basis of merit by competition or by such other process of personnel selection designed to establish the relative merit of candidates as the Commission considers is in the best interests of the public service.

(1.1) Despite subsection (1), an appointment may be made on the basis of individual merit in the circumstances prescribed by the regulations of the Commission.

(2) An appointment is made on the basis of individual".

[*Translation*]

On the subamendment.

[*English*]

Hon. Anne C. Cools: Your Honour, I rise on a point of order.

I have not reviewed the document in front of me, but what you just read did not seem to be an amendment to the amendment. It did not seem to be a subamendment. At first blush, it seemed to me to be an amendment to the main motion. Perhaps Your Honour could clarify what it is.

My clear understanding was that Senator Comeau was speaking to the amendment. If he wants to move a further amendment, it has to be an amendment to that amendment. In other words, it has to be a subamendment. If he wanted to move an amendment to the main motion, he would have to wait for the amendment to be disposed of and voted on. We would then return to the main motion, at which point he would be able to move another amendment to the main motion.

I am seeking clarification. When I spoke a moment ago, I was of the opinion that he was moving an amendment to the amendment. In other words, he was moving a subamendment. It is not a subamendment based on what I am hearing, Your Honour. It is an amendment to the main motion.

Perhaps Her Honour could look at that. Perhaps some other senators may wish to speak on that.

The Hon. the Acting Speaker: Senator Comeau moved it as a subamendment.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): My argument is that, indeed, it is a subamendment.

If honourable senators and the Chair look at the motion in amendment, you will see at its second paragraph it provides as follows:

...that the Bill be not now read a third time but that it be amended in clause 12...

Thus, the motion in amendment is saying that the bill ought not to be read a third time now, but certain amendments speaking to the issue of the tribunal be amended.

Senator Comeau's amendment picks up at the same point and says, yes, and it should be further amended to provide for the merit principle.

The substantive argument as to why the two are connected is because most of the cases that the tribunal will be hearing will be relating to the question of merit. Therefore, the subamendment is perfectly related to the main amendment, all of which is flowing from the bill not being read a third time now but that it be amended. This subamendment to the amendment is perfectly in order.

[*Translation*]

Hon. Jean-Robert Gauthier: Honourable senators, I am somewhat troubled by the so-called subamendment. Senator Murray's amendment concerns the tribunal. Senator Comeau's arguments relate, instead, to the commission and the application of the merit principle.

Senators will remember that, under Bill C-25, the Public Service Commission is responsible for internal and external appointments. The tribunal has no jurisdiction over external appointments, only internal appointments. Supposedly, once a candidate has gone through the external appointment process, everything depends on the commission. How can we amend an amendment relating to the tribunal with an amendment concerning the commission?

It is obvious that this will lead to further confusion. There will be two authorities responsible for this system; one called the "Tribunal" and the other the "Commission." This bothers me.

I do not see how Senator Comeau's subamendment, which deals with two different things, can be tacked on to Senator Murray's amendment. It is the same system, except that it is applied differently.

[*English*]

Senator Cools: Honourable senators, I concur with Senator Gauthier.

I now have both proposals in my hand. Clearly, they are both amending clause 12, but different parts of clause 12.

Honourable senators, if the truth be known, clause 12 of this bill is enormous. Clause 12 is an act in itself.

In actual fact, Senator Comeau's amendment is not amending Senator Murray's amendment. It is a different amendment. It is unrelated. It really is an amendment to the main motion. It may be in order at a later point in the proceeding, but I do not think it is in order now. What is before the chamber now is Senator Murray's amendment. Senator Comeau is free to move an amendment to Senator Murray's amendment, but he cannot move an additional and different proposal from what is already before us.

Senator Kinsella: Honourable senators, in the arguments advanced by both honourable senators to sustain this rather spurious position that this subamendment is out of order, neither has cited a rule of the Senate, nor any of the arbitral literature.

• (1520)

When the Speaker goes to study this matter, it will be incumbent upon us to understand, because this is very important, that we will be calling upon the Chair to delve into the substance of amendments and to make a ruling based upon the Chair's interpretation of the substance of an amendment. There would have to be a very specific rule to delineate that practice, or some pretty heavy support in parliamentary precedent.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): I would simply ask that the Honourable the Acting Speaker advise us as to whether the amendment put forward by Senator Comeau is indeed a subamendment to the amendment before us and, therefore, if we could follow the procedure and ensure that Senator Comeau's amendment is a subamendment. Otherwise, we could address it once we have disposed of the amendment currently before us.

The Hon. the Acting Speaker: When I declared the amendment in order, I did so on the basis that Senator Comeau had presented it as a subamendment to the amendment put forward by Senator Murray. Senator Gauthier made a clear distinction between the two issues, and now that I have taken a closer look, I realize that it is a different amendment, a different item, so to speak, because it deals with the Public Service Commission, and then the Public Service Tribunal.

I think that we could consider it at this time.

[*English*]

Honourable senators, are you ready for Senator Murray's amendment?

An Hon. Senator: No.

Senator Kinsella: We are debating Senator Comeau's.

Hon. Joseph A. Day: Honourable senators, I am proposing at this stage, with the direction of Her Honour, to deal with Senator Murray's proposed amendment to the bill that is before you. For your recollection, honourable senators, Senator Murray's proposed amendment deals with the question of the tribunal and whether it should be more an agent of Parliament. That is the way he introduced his amendment, namely, by suggesting two areas of changes. One was with respect to the appointment. In that regard, with respect to the appointment of the president of the tribunal, the amendment reads:

> The Governor in Council shall designate, after approval by resolution of the Senate and the House of Commons...

The purpose there is to bring the tribunal closer to being an agent of this house and the other place. The amendment also deals with the aspect of direct reporting.

Honourable senators, under Bill C-25, the public service staffing tribunal — which is the subject matter of this amendment — is created and the Public Service Labour Relations Board — which deals with organized labour grievances issues — is continued. The Public Service Commission is also continued in this legislation. I am hopeful that honourable senators are able to distinguish between the Public Service Commission, the public service staffing tribunal and the other board, which deals with labour relations matters.

For honourable senators' recollection, the Public Service Commission is a unique institution, administering executive functions such as recruitment while reporting to Parliament through a designated minister. Currently, the Public Service Commission's staffing appeals is an adjudicative function, performed not by commissioners but by appeal officers. It is that appeal process that is being taken from the commission and put into the public service staffing tribunal, so that it will be independent of the Public Service Commission.

The entire theory and theme of this proposed legislation is to bring the Public Service Commission into the role of overseer — that is, the appointing agent, but delegating the appointing functions for staff down to the various ministers and ministries, to ensure that those functions are done properly.

As I mentioned during my speech on this particular matter, the theme is to let the managers manage and then put some checks and balances in there to ensure that they are managing properly. That is the role of the Public Service Commission. Under this proposed legislation, therefore, the Public Service Commission will move closer to being an agent of Parliament. For that reason, the amendments with respect to the Public Service Commission that gave a role by resolution of the two Houses of Parliament in relation to the appointment of the commissioner make some sense.

However, the public service staffing tribunal will only deal, as Senator Gauthier has pointed out, with internal appointments and complaints with respect to staffing within the public service — for example, with individuals who feel they did not get the appointment they wanted, or with individuals who feel they were not being treated properly, or where there was an abuse by the manager. That is the role of the public service staffing tribunal. The tribunal, therefore, does not in any way have the character of an agent of Parliament. It will be a tribunal like many other tribunals we have performing quasi-judicial functions, like the CRTC. There are many of them.

The appointment of the commissioner or the president of the tribunal is provided for by the Prime Minister and cabinet or by the Governor in Council. The reporting function is through a designated minister.

Honourable senators, to accept this amendment would be to create a precedent that would be contrary to the established practice with respect to tribunals and thus be unnecessary, in my submission, and undesirable. I would respectfully request your support in voting against this particular amendment.

An Hon. Senator: Shame!

An Hon. Senator: Question!

The Hon. the Speaker: I am hearing a request that the question be put on Senator Murray's amendment. Is the house ready for the question?

It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Oliver, that the bill be not now read a third time but it be amended, in clause 12 (a), on page 145 —

An Hon. Senator: Dispense!

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I will put the question in a formal way, not being able to determine from the voices whether the nays or the yeas have it.

Would those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Terry Stratton: Your Honour, I would suggest that we have the vote at the next sitting of the Senate or tomorrow.

Hon. Bill Rompkey: Your Honour, I would propose Tuesday afternoon at 3:30, with a half-hour bell.

The Hon. the Speaker: Senator Rompkey has suggested we have the vote on Tuesday, at 3:30 p.m..

Senator Stratton: That is agreeable. Those senators who are arriving by air will be here by that time.

• (1530)

The Hon. the Speaker: As our rules provide, the whips have reached agreement that the vote on the motion in amendment of Senator Murray to Bill C-25 will be held at 3:30 p.m. next Tuesday. The bells will ring at three o'clock. Is that agreed, honourable senators?

Hon. Senators: Agreed.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Mahovlich, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Kinsella*).

Hon. Terry Stratton: Honourable senators, I should like to inform the chamber that Senator Kinsella has completed his intervention.

Hon. Donald H. Oliver: Honourable senators, I wish to join in this debate. I do not have formal remarks prepared, but I have read Bill C-250. I begin by commending Senator Joyal on the excellence of his presentation and the thoroughness of his presentation.

I join in this debate because it arises from a subject matter on which I have spoken in this chamber before. I remind honourable senators that, more than a year ago, I rose in this chamber and reported that on Sunday, June 7, James Byrd, Jr., a 49-year-old father of three, was abducted in Jasper, Texas, by three white men. He was beaten until he was unconscious, chained to the back of a pickup truck and dragged three miles to his death. James Byrd was killed for no other reason than the colour of his skin.

As reprehensible, inconceivable, shocking and brutal as that act was, it is not an isolated incident. There have been two additional copycat cases since his death.

While this barbaric act occurred in the United States, Canadians should not be complacent to think that hate crimes are confined to our neighbour to the south. Canada is not immune from hate crimes and acts of discrimination.

A number of statistics point to similar problems in Canada. My office dug up a few more statistics in relation to matters that deal with sexual orientation, which is the subject matter of Bill C-250, clause 4. For example, anti-gay and anti-lesbian incidents increased 8 per cent from 1999 to 2000. Serious injury resulting from these incidents decreased by 41 per cent. In 1999, in the United States, the Federal Bureau of Investigation reported that there were 1,317 incidents of violence based on sexual orientation. Of those, anti-male homosexuality violence characterized 69 per cent of the incidents. Approximately half of the perpetrators were aged 21 or younger.

A campus survey reported that 61 per cent of gay-lesbian respondents feared for their safety as their orientation would be used as reasons for violence.

We have statistics as well from Toronto. We wanted to determine what kind of assaults had been reported on what is known as the lesbian-gay hotline in Toronto from 1990 to 1995. Table 18 of that report shows that, of the assaults reported, 36 per cent, or 175, were verbal and physical; of verbal harassment, 136, or 30 percent; of threatening assaults, 72 incidents; of physical assaults, 51 incidents, or 10 percent; of vandalism and theft, 43 incidents, or 9 per cent; of sexual assault, 10 incidents. The number of hate crimes in Toronto in a one-year period, including mischief, assault, threats, mischief-over, bomb threats, robbery, break and enter, and others, was 155.

Those statistics, honourable senators, show us that there is in fact a need for new and enhanced and better legislation in Canada to ensure all Canadians receive the protection that was originally designed to cover them in the section that talked about public being distinguished by colour, race, religion, ethnic origin and the importance of increasing and adding sexual orientation.

For those reasons, honourable senators, I do support this legislation.

[Senator Oliver]

Hon. Laurier L. LaPierre: Honourable senators, it will not be surprising that as a gay man I support this legislation. I am a gay man who has in the past suffered abuse and beatings of various kinds in the name of various deities and of social arrangements.

Consequently, when Svend Robinson introduced this legislation in the other House, I was extremely happy. I warned him at the time that we had to be careful about religious texts and religions not being implicated in this bill in any way, shape or form. I did that only for the political way, in a sense, because I have absolutely no doubt that many religious texts create an atmosphere of disdain, an atmosphere of violence by name-calling, by descriptions of the homosexual reality as being an abomination and God knows what else. Consequently, I favour that these texts not be touched because they probably will die of their own dead weight.

I am interested in this issue not so much for me. I am 73 years old. I live with a magnificent man and I am not about to be abused in any way, shape or form. However, I am concerned about the young people of my country who are gay. I remind honourable senators that Ms. Bradshaw discovered in 1999 and she saw again last summer that the streets of many cities are populated with young people who have been thrown out of their homes because they are gay or lesbian. They now live on the streets. They sell their bodies and they suffer abuse and threats because, in the final analysis, their society as a whole, for far too long, has been permeated by a feeling that being gay was essentially a licence to be beaten up, to be abused, to be ostracized.

I would also remind senators that almost one third of the young men who kill themselves do so largely because they have been called queers and faggots in their schools; they have been ostracized and they become totally and completely disoriented, saddened and frightened of the world in which they live. They cannot find their place in the world. I also remind my colleagues that the greatest abuse in our schools — verbal and violent abuse — most often begins with the word "faggot."

I do not expect boys and young children to be brought to court because of this bill, but I look at it as I look at same-sex marriage. I look at this bill as crossing the bar. In other words, this bill is stating clearly and irrevocably that we, as a society of free people, we who are blessed with our great Charter of Rights and Freedoms, will not allow anyone to be minimized in dignity because of his sexual orientation, his colour, his language, his religion or anything else for that matter. Consequently, I beg of you, let us deal with this bill as quickly as possible.

• (1540)

Let us send it back to the House of Commons, or wherever it is we need to send it, so that we will be able, within the next two or three weeks, to have, through the length of the country, a statement of freedom, of liberty and of equality.

[*Translation*]

Hon. Jean-Robert Gauthier: Honourable senators, I will be brief. I am impressed. Looking after minorities is our primary function in the Senate, after representing as best we can the regions of Canada. It is important that we share with other senators about these regional differences.

The issue of minorities is of great interest to me, and I am not talking about linguistic minorities only, but minorities in general, whether the difference comes from colour, language or tradition. We must be able to take a serious look at this issue in this place. I also wish to congratulate Senator Joyal on his speech yesterday. It was a gem. I am not a lawyer, but I was impressed. He quoted Lord Sankey in particular. I have lost track of how often I have used this quote from him. I will repeat it once again, because it is essential:

> ...it is important to keep in mind that the preservation of the rights of minorities was a condition on which such minorities entered into the federation, and the foundation upon which the whole structure was subsequently erected.

That is Canada. That is what the Fathers of Confederation did. We must understand that the Senate plays an important role. How many times have we heard it said: "We are stuck with the Senate." No, the Senate has an important role to play, if only to take care of the problems of minorities and regions. The country is vast, and, as was said a long time ago, we have a lot of geography and not much history. We are still writing it. I am pleased to support Bill C-250. It is another step in the right direction.

On motion of Senator Stratton, debate adjourned.

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MESSAGE FROM COMMONS—MEMBERSHIP ON STANDING JOINT COMMITTEES

Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker): Honourable senators, I would like to point out that the message His Honour the Speaker read out earlier today, about members of parliament sitting on standing joint committees, applies only to the Joint Committees on the Library of Parliament and Scrutiny of Regulations, and not the Official Languages Committee. There was a mistake on the card the Speaker read from.

[*English*]

STUDY ON MATTERS RELATING TO STRADDLING STOCKS AND TO FISH HABITAT

REPORT OF FISHERIES AND OCEANS COMMITTEE ADOPTED

On the Order:

> Resuming debate on the consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (study on matters relating to straddling stocks and to fish habitat) presented in the Senate on March 27, 2003. —(*Honourable Senator Rompkey, P.C.*).

Hon. Gerald J. Comeau moved the adoption of this report.

Motion agreed to and report adopted.

[*Translation*]

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Losier-Cool, for the adoption of the Second Report (Interim) of the Standing Senate Committee on National Security and Defence, entitled: *For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up*, deposited with the Clerk of the Senate on November 12, 2002.—(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, thank you for giving me the opportunity to conclude my remarks on the interim report of the National Security and Defence Committee. I was just about to discuss the government's last budget.

The 2003 budget recognizes that the Department of National Defence needs an immediate injection of almost $170 million and an annual supplement of close to $1 billion for the years to come. If the recommendations in today's report had been followed, the total increase in spending by the government for 2003-04 would have gone exclusively to National Defence.

Unfortunately, many governmental priorities would have suffered. In its wisdom, the government managed to improve certain social measures that are important for Canadians. You probably know about the success of the National Child Benefit; it is a program that offers important support to low-income families and is the result of a partnership between the federal, provincial and territorial governments. The last budget earmarked an annual $965 million increase to the National Child Benefit until 2007. All these efforts have a single goal: to reduce child poverty.

What can we say about the $900 million over five years that the federal government committed to investing as of this year under the Canada Health and Social Transfer? These measures will support day care initiatives and promote early learning. In its most recent budget, the government also introduced tax credits to help people with disabilities and their caregivers. It announced provisions to support parents and spouses who want to take care of their loved ones suffering from terminal illnesses. The government also increased its contribution to health care following the agreements negotiated with the provinces and territories.

I am mentioning only a few of the social measures introduced in the latest budget. The government decided to introduce a balanced budget, while paying down the debt and investing in areas that require urgent attention. This despite the fact that, in preparing its budget, the government was faced with a demand that greatly exceeded the funds available.

Honourable senators, you will doubtless agree that the government must review its priorities, change them if necessary and make choices. I believe that the government has chosen wisely and well. I believe that, if it is about choosing between purchasing military equipment or investing in initiatives to reduce child poverty and to support education and health programs, we must clearly support those social measures that reflect our values as a society.

Honourable senators, imagine the impact of another $2 billion or $3 billion on child poverty! Investing in the future of children means investing in this country's social infrastructure; it means supporting low-income families; it means giving a well-deserved hand to all the single parents who want a better future for their children.

• (1550)

Imagine how relieved people would be if they had even more time to be with relatives who were terminally ill.

Imagine if $2 billion or $3 billion more was injected into health care!

As for the Canadian Forces, honourable senators, imagine a salary increase for the lowest ranks!

Imagine, also, more resources for support programs for the families of members of the Canadian Forces and for quarters for the military. Honourable senators, I have to say that I firmly believe that our military and their families must be very well prepared to deal with their role as peacekeepers. They must be trained to deal with the total sense of disorientation that awaits them when they arrive wherever their mission takes them. They must also be prepared for their return and their reintegration into their families, after the horrendous experiences they may have gone through in armed conflicts and as peacekeepers. In this respect, their families need as much preparation and support as they do. Such measures would improve the quality of our Canadian Forces personnel. Honourable senators, I am talking about a service for military personnel being sent on missions.

Of course, this needs to be said, and as you can imagine, although the Canadian Forces are essential to the security and sovereignty of our country, they are not and must not be the government's only priority. The government acted cautiously and considered the needs of the population as a whole and of all our institutions.

Over the past decade, we must recognize that many have taken an alarmist attitude vis-à-vis the funding of the Canadian Forces.

Several interest groups and retired senior officers have made a national crisis out of the underfunding of the Canadian Forces and its impact on national security.

All these representations were made while budget consultations were taking place, and at a time when the government was working on reducing the deficit and had actually started to run budget surpluses.

Needless to say, and you will agree with me, that if you repeat the message long and hard enough, everyone will eventually believe it and, in this instance, believe specifically that the main problem facing the Canadian Forces is one of underfunding.

As recently as April 23, 2003, in an article published in *La Presse*, military history professor Richard Carrier wrote that, by regularly speaking out about the Canadian Forces, critics have managed to convince the Canadian public that underfunding was the main problem of our armed forces.

In my humble opinion, this second interim report of the Senate committee reflects this alarmist attitude and approach, which consists in condemning the government. This is the problem I have with this report. This is an alarmist attitude which seems to be saying that unless every last billion of the surplus is invested in the arms industry and the defence industry, the sky is going to fall!

I find much more serene the attitude taken by the Minister of National Defence when he stated before the Subcommittee on Veterans Affairs:

> ...in respect of the budget... this increase [in Budget 2003] does not mean that we can sit back and relax. ... Military organizations throughout the world are required to make major adjustments to this dramatically different situation, not to mention the rapid changes in technology.
>
> We will be husbanding our resources, reallocating and shifting from low-priority areas to high-priority areas. We will be entering a period of transformation and making difficult decisions to take our military into the world in which we live.

This statement by the minister foreshadows a new era in terms of security and national defence, and makes us wonder if this has become nothing more than a question of money.

Honourable senators, even if we were to invest another $20 billion in National Defence, nothing would guarantee our invincibility in the face of international terrorism.

Perhaps the Canadian Forces should be transformed as the minister suggests. Look at what they were, what they are, and where they want to go.

Personally, I am convinced that government budgets will be more useful to the entire population of Canada if they are invested in social programs, health, income security, education, transportation and research than if they are massively invested in the military.

I also think that Canada wants to continue, through regional and international institutions, to work toward maintaining peace and security in the world.

Honourable senators, I see that my time is up. I have expressed my reservations on this report. I cannot support adoption of this report.

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

ACADIAN YEAR 2004

MOTION REQUESTING GOVERNMENT RECOGNITION ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Joyal, P.C.:
>
> That the Senate of Canada recommends that the Government of Canada recognize the year 2004 as the Acadian Year.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, I strongly support the motion. I would like to read you a letter that I wrote to the Prime Minister on September 23, 2003, in support of the motion.

> Dear Mr. Prime Minister,
>
> I hereby wish to support the request of the Société nationale de l'Acadie requesting that the Government of Canada officially declare 2004 to be Acadian Year.
>
> Such a declaration by the federal government would be a remarkable contribution to the celebrations of the 400th anniversary of Acadia and in a way would crown the recent recognition of Bill S-5 by the Parliament of Canada. Acadian Year would represent a very important step for Acadia, which, from generation to generation, has played a significant role in the evolution of our country, particularly by enriching our cultural diversity and contributing to the spread of the French language. This culture has contributed to enhancing Canada's reputation, since it is now known and celebrated throughout all French-speaking countries.
>
> The third international assembly of Acadians, which will take place in Nova Scotia in 2004, will display the cultural, economic and social vitality of Acadians within Canadian society. And thanks to Canada, an Acadian remains an Acadian wherever he or she lives in our wonderful country.
>
> I attach great importance to this request, and I hope you will be able to support Acadian Year.
>
> Thank you in advance for your kind attention.
>
> Yours sincerely

• (1600)

I eagerly await the Prime Minister's response to recognizing the year 2004 as Acadian Year. I invite you to join the celebrations in Acadia and Nova Scotia in 2004.

[*English*]

The Hon. the Acting Speaker: It was moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Joyal:

> That the Senate of Canada recommends that the Government of Canada recognize the year 2004 as the Acadian Year.

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

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. It is totally improper for the Acting Speaker to move this motion. I would hope that we could eliminate that from the transcript and have another mover, or perhaps the Acting Speaker would like to leave the Chair and move the motion from her seat. However, she cannot do it from the Speaker's Chair.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): I understand the point our colleague, the Leader of the Opposition, is making. This motion was already put forward when someone else was acting as Speaker of the Senate. We were simply continuing the debate and Her Honour repeated the motion as it was set out in the Order Paper. I understand the concern of my honourable colleague. This could raise certain questions with regard to procedure and to whether procedure was followed to the letter.

The Hon. the Acting Speaker: Honourable senators, would you rather that I go back to my seat?

Hon. Senators: Yes.

Hon. Lise Bacon (The Hon. the Acting Speaker): Are the honourable senators ready for the question?

Hon. Senators: Yes.

The Hon. the Acting Speaker: The Honourable Senator Losier-Cool, seconded by the Honourable Senator Joyal, moved that the Government of Canada recognize the year 2004 as Acadian Year.

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

Hon. Senators: Agreed.

Motion agreed to.

Some Hon. Senators: Hear, hear!

Senator Robichaud: I just wonder whether we voted twice on the same motion.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Kenny, seconded by the Honourable Senator Losier-Cool:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with Rule 95(3)(a), to sit during the summer adjournment, even though the Senate may then be adjourned for a period exceeding one week, until such time as the Senate returns in September of 2003.—(*Honourable Senator Lynch-Staunton*).

Hon. Marcel Prud'homme: Honourable senators, I think that Senator Lynch-Staunton, and the other honourable senators, would agree that Motion No. 121 be withdrawn from the Order Paper, since the date has now gone by.

Motion withdrawn.

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT INTERIM REPORTS WITH THE CLERK OF THE SENATE WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore:

That the Standing Senate Committee on National Security and Defence be permitted, not withstanding usual practices, to deposit such interim reports that it may have ready during the adjournment, and that the reports be deemed to have been tabled in the Chamber.—(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I think that Motion No. 122 could be withdrawn from the Order Paper.

Motion withdrawn.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Eyton*).

Hon. Jean-Claude Rivest: Honourable senators, I want to make a number of comments on the motion brought forward by my colleague Senator LeBreton, who is seeking to draw the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

I do not want to give the impression, by speaking, that the Martin-Chrétien years were only bad years for Canada and that only bad decisions were made.

Honourable senators, certainly there were one or two good decisions made during all these years — decisions that proved to be in the government's interest. I do not want my comments to be negative. I do not want my colleagues to interpret my words as negative, pessimistic and disparaging of the contribution that Mr. Chrétien and Mr. Martin made to Canadian politics.

I do have some admiration, definitely, for the Liberal Party of Canada. This morning, I read in the newspaper that, in Quebec, the Liberal Party of Canada has hired the Cirque du Soleil, which is the epitome of Quebec's savoir faire, to perform during the festivities marking the departure of the Right Honourable Prime Minister Jean Chrétien. How fitting!

Canadians will remember just how flexible the Prime Minister, Mr. Chrétien, became after his election; really, he was just about as good as any of the contortionists at the Cirque du Soleil.

Remember that he campaigned against the famous GST, exploiting Canada's financial problems and the decision of the Mulroney government to introduce a tax. It is easy for a political party to criticize.

When Mr. Chrétien took office, he became an advocate of the GST. Ethically and politically, I wonder how a government can get itself elected, tell the public that it will abolish a policy implemented by the previous government and, as soon as it is in charge of running the country, change its tune completely?

Such an attitude must be condemned, as others have done. This brings me, obviously, to the helicopter contract, which has resulted in the shameful waste of the taxpayers' money. That is not all that happened at the beginning of the Chrétien regime. The same thing happened with NAFTA, with the Chrétien government condemning, of course, the agreement. That is when I was appointed to the Senate, and our colleagues from the Liberal Party of Canada were taking the stand at the time that the Mulroney government should not sign any such agreement, because it was contrary to the economic interests of Canada.

• (1610)

Some colleagues pointed to the corruption within the Mexican government, saying that we should not get involved with such people. This was heard in this very place.

But as soon as it took office, what did the Chrétien government do? It recognized the merits of NAFTA. We could also list all the criticism Mr. Mulroney came under because of his friendly personal relationship with American presidents. Yet Prime Minister Chrétien was clearly seen playing golf with Presidents Bush and Clinton. Conduct that was considered despicable when the previous government was in office has become the norm.

Honourable senators, these contortions by the Liberal federal government of Mr. Chrétien deserve to have a finger pointed at them. Canadian public opinion must be made aware of the situation when the political and campaign speeches start up. This has cost us dearly as far as ethical behaviour and the value of political discourse is concerned. We have had one concrete example of the wasting of public funds: the cancellation of the helicopter contract, the one instance where we probably ought to have done the opposite of what we did. During the election campaign, much was made of the cancellation of the infamous helicopter contract. But what price, that cancellation? Hundreds of millions of the taxpayers' dollars went to the companies involved, in compensation for the fact that the Government of Canada changed its mind.

Still worse, honourable senators, the Canadian Forces problem remains unchanged 5 or 10 years later, and the problem must be solved, or it will cost us goodness knows how much more. If there is one concrete example of government management that merits condemnation because of all the public funds that have been wasted, then this is it.

Then we had the whole mess at Human Resources a few years ago, bad management on the part of the Chrétien-Martin government, where once again, disregarding the noble and necessary objectives of the HRDC programs, public funds were simply squandered, thereby depriving the clients of these programs of the government services to which they were entitled, as the result of bad management, poor administration by the Chrétien-Martin government.

Then there is another instance that merits even more attention: the famous sponsorship program, and all the stories connected with that, of which we are all aware. Outside of the financial losses, and all the scams involved, this program was also an insult to Quebecers. As if keeping Quebec in Canada would happen as the result of a lot of sponsorship ads! As if advertising techniques used commercially would work to sell Canada to the people of Quebec!

Honourable senators, if Quebecers are to feel a part of the Canadian political whole, this should be the result of a far more adult approach by the federal government, one far more respectful of people's intelligence. Can anyone think for one second that the sight of a billboard selling Canada would change one single Quebecker's mind about keeping Quebec within the Canadian federation? It would be an insult to the intelligence of Quebecers to think that putting up billboards...

Hon. Fernand Robichaud (Deputy Leader of the Government): Has public opinion changed in Quebec?

Senator Rivest: No, public opinion in Quebec has not changed. The Parti Québécois was defeated in the last election as it had been without the sponsorships in 1970, as it was defeated in 1985, and that without the sponsorship program. The opinion polls, unfortunately, despite this idiotic sponsorship program that is an insult to the intelligence of Quebecers, indicate that the rate — if you ask the same referendum question — is about 40 per cent at this very moment.

Just because there has been a change in government, the issue of relations between Quebec and Canada has not changed. It is certainly not by making it literally a commercial enterprise — operating with such blatant disregard for government management integrity as the recent sponsorship program — that we will improve the situation of Quebecers. Some senators are annoyed about that. Imagine all the cultural, social and recreational groups that have benefited from the sponsorship program. It was not fair for all the other Canadians. There was as much need to help and support local cultural and sporting initiatives across Canada, and the money was diverted to Quebec, for political purposes. And it gets worse! It was diverted by using rights which, administratively speaking, are completely reprehensible. Justice will take its course, but ignoring the ethics of good government management, the way these programs were conducted, is completely reprehensible and unacceptable. I am sorry to have to say this, but political responsibility lies with the government of the day and no one else.

Senator Robichaud: I am ready to bet that we will win the next election!

Senator Rivest: Honourable senators, I am being told that "we will win the next election." It is as if the government behaved according to the rule "we will do whatever we want, since we are going to win the election." One Quebec politician said exactly the same thing. His name was Maurice Duplessis. Senator Lapointe did a wonderful job of bringing him to life on the small screen and demonstrated that this was not the way to behave when one is aware of what constitutes a healthy public administration!

The honourable senator, it seems, is not the least bit interested in ethical management. The election results are the only things that matter. Is that what you believe, no matter what the means? That is exactly what the voice from the past said when it recalled the exact "Duplessis-style" methods that had been employed in Quebec and were so loudly denounced and reviled by all Quebecers, in large part due to the quality of Senator Lapointe's performance.

Consider the employment insurance program management. The government brags about having reduced the deficit. What did it do? It asked the contributors, both employers and workers, to literally fund all government programs over and above the taxes they already were paying as taxpayers, in order to reduce the deficit. In this regard, the federal government demonstrated very poor management indeed. The job security program is unique. The government did not have the right to use it to solve the serious problems with public finance that existed at the time.

• (1620)

Honourable senators, we have to criticize the Chrétien-Martin years very harshly for this and the fight against the deficit. What struck me about the health transfer is how many years it took before it was carried out. It required joint action on the eve of the federal election, while the Prime Minister of Canada was quite aware of the impact of his decision on future elections. It required joint action by Mr. Harris and Mr. Bouchard to force the federal government to make concessions to the provinces — who bore the brunt of the deficit reduction — for a bit of room to finance health and social programs.

Honourable senators, do you know the consequences of waiting and parsimony on recognizing how extremely serious the problem was in financing health and social services programs in Canada? Do you know the consequences of waiting to take informed and committed decisions to improve the situation and meet the needs of Canadians? Do you know what pressure the provincial governments and clients were under in every health and social services establishment in Canada? People waited and paid with their health for the bad administrative and financial decisions taken by the Canadian government.

Honourable senators, a deliberative assembly such as the Senate cannot keep silent in the face of such administrative shortcomings in the way the Canadian government is being run. I would like to thank Senator LeBreton and congratulate her for having given us this opportunity to debate the important matters relating to parliamentary control over the administration.

I am convinced that some senators, who are grinning right now, can think of only one thing: the date of the election.

Honourable senators, throughout Canada's political history, many people have worked solely to get elected, but thanks to the wisdom of the public they were defeated. This is what you can expect in the next election.

Hon. Laurier L. LaPierre: Honourable senators, I must thank you for this trip under the big top of the Cirque du Soleil. Your performances have amused and amazed us. May I congratulate the Honourable Senator Rivest, whose presentation was worthy of TV. I fear he may have missed his calling.

Hon. Marcel Prud'homme: Honourable senators, I wish to make a very brief comment and to ask a question to Senator Rivest.

Hon. Serge Joyal (The Hon. the Acting Speaker): I regret to inform you that the time allotted to Senator Rivest has run out. Is leave granted to the honourable senator to ask a question?

Senator Prud'homme: Honourable senators, the honourable senator has indicated that his primary motivation was to see that he was not re-elected. As a loyal and trusted adviser to Robert Bourassa, did it never occur to him that his primary motivation for any and all advice provided was the re-election of Robert Bourassa?

Senator Rivest: Despite excellent advice, Mr. Bourassa was defeated in 1976.

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

[*English*]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 135:

> That the Standing Senate Committee on Banking, Trade and Commerce be empowered, in accordance with rule 95(3)(a), to sit during the summer adjournment, even though the Senate may then be adjourned for a period exceeding one week, until such time as the Senate returns in September of 2003.

Hon. Richard H. Kroft: Honourable senators, I would ask that this item be removed from the Order Paper on the basis that time has made it irrelevant.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Motion withdrawn.

FOREIGN AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE— DEBATE ADJOURNED

Hon. Peter A. Stollery, pursuant to notice of September 24, 2003, moved:

> That the Standing Senate Committee on Foreign Affairs, in accordance with rule 95(3)(a) of the Rules of the Senate, be empowered to sit on October 14 and 15, 2003, even though the Senate may then be adjourned for a period exceeding one week.

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

On motion of Senator Kinsella, for Senator Di Nino, debate adjourned.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, September 30, 2003, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, September 30, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, September 25, 2003

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology	03/04/29	0	03/05/27		

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon	03/03/19	03/04/03	Energy, the Environment and Natural Resources	03/05/01	0	03/05/06	03/05/13	7/03
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26	03/03/25	Banking, Trade and Commerce	03/03/27	0	03/04/01	03/04/03	5/03
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-6	An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts	03/03/19	03/04/02	Aboriginal Peoples	03/06/12	5	referred back to Committee 03/09/25		
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-9	An Act to amend the Canadian Environmental Assessment Act	03/05/06	03/05/13	Energy, the Environment and Natural Resources	03/06/04	0	03/06/05	03/06/11	9/03

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	Divided Message from Commons concurring with division 03/05/07			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03	03/05/13	8/03
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs	03/05/15	5	03/05/29 Message from Commons-agree with two amendments, disagree with two, and amend one 03/06/09 Referred to committee 03/06/11 Reported 03/06/12 Report adopted (insist on one, replace one, amend one) 03/06/19		
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3rd 02/12/04 2 at 3rd 03/02/04	03/02/04	03/03/19	2/03
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-15	An Act to amend the Lobbyists Registration Act	03/03/19	03/04/03	Rules, Procedures and the Rights of Parliament	03/05/14	1	03/05/28 Message from Commons-agree with amendment 03/06/09	03/06/11	10/03

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	–	–	–	02/12/11	02/12/12	27/02
C-24	An Act to amend the Canada Elections Act and the Income Tax Act (political financing)	03/06/11	03/06/16	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	19/03
C-25	An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts	03/06/03	03/06/13	National Finance	03/09/18	0			
C-28	An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003	03/05/27	03/06/04	National Finance	03/06/12	0	03/06/19	03/06/19	15/03
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	3/03
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	4/03
C-31	An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act	03/06/03	03/06/11	National Security and Defence	03/06/16	0	03/06/17	03/06/19	12/03
C-35	An Act to amend the National Defence Act (remuneration of military judges)	03/06/13	03/09/18	Legal and Constitutional Affairs					
C-39	An Act to amend the Members of Parliament Retiring Allowances Act and the Parliament of Canada Act	03/06/03	03/06/11	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	16/03
C-42	An Act respecting the protection of the Antarctic Environment	03/06/13	03/09/17	Energy, the Environment and Natural Resources	03/09/18	0			
C-44	An Act to compensate military members injured during service	03/06/13	03/06/13	National Security and Defence	03/06/16	0	03/06/18	03/06/19	14/03
C-47	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	03/06/13	03/06/17	–	–	–	03/06/18	03/06/19	13/03

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-205	An Act to amend the Statutory Instruments Act (disallowance procedure for regulations)	03/06/16	03/06/19	–	–	–	03/06/19	03/06/19	18/03
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25	03/03/26	National Security and Defence	03/04/02	0	03/04/03	03/04/03	6/03
C-249	An Act to amend the Competition Act	03/05/13	03/09/17	Banking, Trade and Commerce					
C-250	An Act to amend the Criminal Code (hate propaganda)	03/09/18							
C-300	An Act to change the names of certain electoral districts	02/11/19	03/06/03	Legal and Constitutional Affairs					
C-411	An Act to establish Merchant Navy Veterans Day	03/06/12	03/06/17	National Security and Defence	03/06/18	0	03/06/19	03/06/19	17/03

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02	03/06/10	Social Affairs, Science and Technology					
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs	03/06/03	2	03/06/05	03/06/19	11/03
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08	03/02/25	Social Affairs, Science and Technology	03/06/19	0	03/09/24		
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications	03/03/20	0	03/04/02		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23	03/05/06	Legal and Constitutional Affairs					
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources	03/09/18	0			
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10	03/05/07	Official Languages					
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11	03/02/27	Legal and Constitutional Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11	03/06/17	Official Languages					
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13	Dropped from Order Paper pursuant to Rule 27(3) 03/06/05						
S-16	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	03/03/18							
S-17	An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc)	03/03/25	03/06/19	National Finance					
S-18	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	03/04/02							
S-20	An Act to amend the Copyright Act (Sen. Day)	03/05/15							
S-22	An Act respecting America Day (Sen. Grafstein)	03/09/16							
S-23	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	03/09/17							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-19	An Act respecting Scouts Canada (Sen. Di Nino)	03/05/14	03/06/09	Legal and Constitutional Affairs					
S-21	An Act to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada (Sen. Kirby)	03/06/03	03/06/09	Banking, Trade and Commerce					

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