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**OFFICIAL REPORT
(HANSARD)**

Thursday, March 21, 2002

**THE HONOURABLE DAN HAYS
SPEAKER**

CONTENTS

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

OFFICIAL REPORT

CORRECTION

Hon. John Buchanan: Honourable senators, I would ask your consent to correct a mistake that I made on Tuesday, March 19 at page 2465 of the *Debates of the Senate*. I rarely make mistakes, but when I do, I want to correct them as quickly as possible.

I indicated that the highest tides in the world were in the Bay of Fundy at Nova Scotia. I was wrong. Senator Corbin was correct. We share the highest tides between Nova Scotia and New Brunswick.

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THE SENATE

Thursday, March 21, 2002

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, I rise to share some observations on the significance of today, the International Day for the Elimination of Racial Discrimination.

Two years ago, Canada welcomed 227,000 immigrants and we are raising our immigration levels each year to be commensurate with our increasing population. We are a country that depends upon open borders and an open society. We are proud of our reputation as a nation that respects human dignity and protects the rights of the individual. However, we are not always as free from prejudice and divisive behaviour as we would like to be.

[Translation]

There are many examples, too numerous to list here, of outpourings of humanitarian generosity by Canadians, right from this country's earliest days. Among recent examples was our readiness to assist the Kosovo refugees and the many air travellers stranded in this country by the tragic events of September 11.

[English]

In light of current events around the world on September 11 and the following months, we must be especially vigilant to not prejudice others based upon their cultural, religious or ethnic background. In 1901, when our census level listed 96 per cent of Canadians as "White," we were not as sensitive to questions about skin colour or ethnicity. The remaining 4 per cent of the population was classified as "Red," "Black" and "Yellow."

Today, we are more conscious of racism in terms of Caucasian versus non-Caucasian groups. Historically, distinctions have been drawn even within similar groups. The Saxon, Celtic, Norman, Irish, Welsh, Scottish and English communities experienced long-standing racial strife, much to the detriment of everyone affected by these hypothetical and easily shifting fault lines.

We can draw imaginary boundaries and borders wherever we choose, but we should remember that our strength as a country was most evident when we pulled together.

Honourable senators, on the ceiling of the Senate foyer outside this chamber, we see symbols of the different nations that first founded this great country. Many others have arrived in Canada since then; we rejoice in all. Our ancestors worked together to build this nation. We should never fail to remember that the collaboration and tolerance that has made our past great will also ensure all Canadians a promising and prosperous future.

Honourable senators, there was an article in today's *Winnipeg Free Press* that helps us to realize that sometimes our children have warmer hearts and better understandings than many of us. The teacher of a grade 4 class read a book about a Black girl ostracized by her new neighbourhood. All the students said, "That could never happen here." She then read them that recent article from the paper, which talked about a family in their neighbourhood whose garage and car had been spray-painted with swastikas and the word "niggers." The young children decided they were going to react, and they did so. They sat down and wrote comforting letters to the family of five. They brought in gifts, including baking, and a Home Depot gift certificate to buy paint and flowers. Since they did not know who the family was, they sent these items to the *Winnipeg Free Press* so that those at the paper could deliver them.

Oh, what we have yet to learn from children!

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

Honourable senators, we on these benches wish to join with the Leader of the Government in the Senate to underscore the importance of March 21 as the International Day for the Elimination of Racial Discrimination. In doing so, we draw the attention of all honourable senators to the fact that the massacre that occurred in Sharpeville, South Africa, on March 21 many years ago, is the event that caused the United Nations to choose this day as a day of recognition. That massacre was perpetrated very much because of racism and was an act of terrorism. There is, indeed, a direct relationship between terrorism and racism.

•(1340)

Honourable senators, this year in particular, as indicated by my honourable friend opposite, we should take special note of this observance to remind ourselves that, in our ongoing efforts to prosecute the war on terrorism abroad, we must also still fight the terror of racial discrimination here at home.

In these days after the September 11 attacks, some municipalities, including Ottawa, recorded increases in crimes, particularly harassment and vandalism, against those who appeared to be Muslim. However, across Canada, happily, other communities have taken the opportunity to engage their Muslim neighbours in dialogue. Neighbourhood mosques opened their doors to the community to explain their faith tradition to their neighbours.

Honourable senators, had it not been for Canada's long-standing efforts to fight racial discrimination, the post-September 11 backlash against Muslim Canadians, along with Indo and Sikh Canadians, would have been much more severe, I believe. However, we must also take this occasion to redouble our efforts against racial discrimination. Discrimination has moved from the storefront to cyberspace. In the year since the Oklahoma City bombing, hate sites have proliferated on the World Wide Web. One organization, the National Alliance, used the Web for its subsidiary, Resistant Records, to mark Martin Luther King Jr. Day by launching a video game entitled "Ethnic Cleansing." The goal of that game, hideously, is to kill all non-whites and Jews. This new virtual hatred seeks to attract our youth and create a new generation of hate that will continue practices now deemed repugnant by all but a few. We need to develop software that will filter the hate in cyberspace and keep it from the impressionable young.

As honourable senators in this house and as Canadians, we must use the occasion of the International Day for the Elimination of Racial Discrimination not only to reaffirm our commitment to eliminate racial discrimination but also to commit to eliminating the causes of racial discrimination. Parliament must engage the public and the business community not only on the negative effects of discrimination but also on the positive effects of non-discrimination. Too often, we exclusively discuss consequences of discrimination. This has the effect of causing businesses and individuals to weigh the cost of the consequences of maintaining negative behaviour instead of estimating the benefits of good behaviour.

We have made great strides, honourable senators, in our efforts to eliminate racial discrimination, but there is still much to be done. Let us take the occasion of the International Day for the Elimination of Racial Discrimination to reaffirm our commitment and redouble our efforts to eliminate the factiousness of racial discrimination.

Hon. Senators: Hear, hear!

Hon. A. Raynell Andreychuk: Honourable senators, since 1966, the United Nations has recognized March 21 as the International Day for the Elimination of Racial Discrimination. That the need still exists for such a day 36 years later speaks volumes as to the inherent difficulty of the task.

Since 1989, the Department of Canadian Heritage has had an annual March 21 campaign to mark the observance of the International Day for the Elimination of Racial Discrimination. This campaign targets primary and secondary students and their teachers. The focus is on the harmful effects of racial discrimination.

The United Nations and music television are joining forces to help young people find ways to combat racism and to promote tolerance in their lives. At a special event being held at the United Nations Headquarters in New York today, teenagers will participate in an anti-discrimination forum to discuss how they

intend to fight intolerance in their communities and to view innovative, anti-bias television programming. A presentation on how to guard against Internet hate sites will also be included in the program.

The United Nations "Your Rights" campaign will focus on empowering young people to recognize and fight discrimination within their communities and within themselves. Through partnerships with several renowned civil rights and other non-profit organizations, the campaign addresses some of the most prevalent types of discrimination in our communities today, including those based on race, religion, ethnicity, gender, sexual orientation, and physical and mental ability. These efforts to inform and educate young people are to be applauded, although more needs to be done. The message must be expanded to a broader audience — one that includes university students, business leaders and the general populace.

Investigating, adjudicating and punishing cases of racial discrimination may appear to be effective, but this is only a limited, reactive approach to specific acts. Should not the goal be to eliminate acts of racial discrimination by rendering discrimination both unpalatable and unprofitable? On this, the International Day for the Elimination of Racial Discrimination, we should reaffirm our commitment to forging a society where such an observance is no longer necessary.

We must encourage our youth to choose not to discriminate for their own sake. We must also encourage our professionals to choose not to discriminate for our society's sake. It is Canada's responsibility to adhere to the United Nations Declaration of Human Rights. By doing so, I believe that we can teach future generations that there is a place for all on this planet.

[*Translation*]

THE HONOURABLE GERALD J. COMEAU THE HONOURABLE ROSE-MARIE LOSIER-COOL

CONGRATULATIONS ON RECEIVING L'ORDRE DE LA PLÉIADE

Hon. Lise Bacon: Honourable senators, at the risk of embarrassing Senators Comeau and Losier-Cool, I would like to extend my congratulations, if I may, to both honourable senators on their being awarded l'Ordre de la Pléiade by the Canadian section of the Assemblée parlementaire de la Francophonie.

The Honourable Gerald J. Comeau was an M.P. before becoming a senator, and devotes his time and energies to promoting the development of French-language minority communities.

The Speaker *pro tempore* of the Senate, the Honourable Rose-Marie Losier-Cool, plays a very active role on a number of boards of directors and committees concerned with issues relating to language, culture and education, on both the national and international levels.

As we know, the Pléiade is an honour awarded by the APF relating to the Francophonie and cultural dialogue. It is given in recognition of the great merit shown by prominent personalities who have distinguished themselves in serving the ideals of the APF.

On behalf of all honourable senators, I congratulate both my colleagues.

WORLD POETRY DAY

Hon. Viola Léger: Honourable senators, today, March 21, is also World Poetry Day. That UNESCO felt the need to declare a World Poetry Day shows its concern with preserving the soul of peoples.

When the written word succeeds in establishing a vital connection between human beings, nature, races, colours and life, it bestows on us the essential, which is handed down through the ages. Poetry is as old as the world; poetry is freedom in its pure state.

I would now like to take part in this day by reading to you two poems; one by Ronald Després, and the other by Zachary Richard.

Ronald Després
The Children of the Poor

Tonight
We ate mist
And it left us with beards like little goats
Which had stuck their chins
In shaving cream.

Afterwards
We gathered up our hands from our dresser drawers
And stuck them onto the ends of long arms thin
As tattered screens.

We would like to know other games
Hear stories
Own a looking-glass
So that we could scare ourselves
Or make fun of one another
Or step through it
When we are tired
Of daily existence.

We would like to travel
To see vistas different
From those on our dingy walls.

But how are we to travel
When we do not have bags full of money
Or toys we could tell
What we thought of our travels
And where we would be stopping next?

And what of it!
What would be the use?
Where would we go?

Our empire is as shapeless as water.

•(1350)

[English]

No French, No More

My Papa was a hard-working man,
Held a plow inside a calloused hand.
Up before the sun out on the land;
Try to give us everything he can.

He sent us off to school when a teacher came,
Said "My-boy, try hard, do the best you can."
But the teacher we could not understand,
Because she only talk "American".

My Papa couldn't tell us and it didn't make no sense,
When the teacher told us that we couldn't talk no
French no more.

Things were changing fast in Louisianne,
Cajun can't talk English feel ashamed.
But nowadays it's getting so you can't
Tell the Cajuns from Americans.

Do you hear me calling, do you understand,
Once it is gone it ain't never coming back, no more.

I got me a job just like my Papa planned,
I wear a suit and dirt never touch my hands.
But I still see the look in my Papa's eyes,
The pain and the shame that he just would not hide.
Hey mon cher garçon,
Est-ce que tu me comprends? No more, no more.

[Translation]

ROUTINE PROCEEDINGS

HUMAN RIGHTS COMMISSION

REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table two reports from the Canadian Human Rights Commission, namely the annual report for 2001 and the report on employment equity 2001, pursuant to section 61 of the Canadian Human Rights Act.

[English]

STUDY ON EFFECTIVENESS OF PRESENT EQUALIZATION POLICY

REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Lowell Murray: Honourable senators, I have the honour to table the fourteenth report of the Standing Senate Committee on National Finance concerning the equalization policy. Pursuant to rule 97(3), I move that the report be placed on the orders of the day for consideration at the next sitting of the Senate.

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

COURTS ADMINISTRATION SERVICE BILL

REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 21, 2002

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FIFTEENTH REPORT

Your Committee, to which was referred Bill C-30, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts, has, in obedience to the Order of Reference of Tuesday, March 12, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

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

On motion of Senator Bryden, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, March 21, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill C-33, An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Tuesday, November 27, 2001, examined the

said Bill and now reports the same with the following amendment:

1. Page 4, clause 3: Delete lines 1 to 7.

Your Committee also made certain observations, which are appended to this report.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

Observations to the Eleventh Report of the Standing Senate Committee on Energy, the Environment and Natural Resources

Your Committee views with concern the Governor-in-Council's regulatory authority over the prescribing of fees for the right to use waters on Inuit-owned land.

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. Richard H. Kroft, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 21, 2002

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

TWELFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2002-2003.

Aboriginal Peoples (Legislation)	
Professional and Other Services	\$ 9,200
Transport and Communications	\$ 5,500
Other Expenditures	\$ 500
Total	\$ 15,200

Banking, Trade and Commerce (Legislation)	
Professional and Other Services	\$ 18,000
Transport and Communications	\$ 7,500
Other Expenditures	\$ 6,500
Total	\$ 32,000

**Energy, the Environment, and Natural Resources
(Legislation)**

Professional and Other Services	\$ 24,500
Transport and Communications	\$ 500
Other Expenditures	<u>\$ 1,000</u>
Total	\$ 26,000

Human Rights (Legislation)

Professional and Other Services	\$ 2,000
Transport and Communications	\$ 0
Other Expenditures	<u>\$ 500</u>
Total	\$ 2,500

Legal and Constitutional Affairs (Legislation)

Professional and Other Services	\$ 12,600
Transport and Communications	\$ 3,260
Other Expenditures	<u>\$ 1,000</u>
Total	\$ 16,860

National Finance (Legislation)

Professional and Other Services	\$ 10,500
Transport and Communications	\$ 4,500
Other Expenditures	<u>\$ 0</u>
Total	\$ 15,000

Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 11,840
Transport and Communications	\$ 13,000
Other Expenditures	<u>\$ 160</u>
Total	\$ 25,000

Scrutiny of Regulations (Joint)

Professional and Other Services	\$ 73,200
Transport and Communications	\$ 2,100
Other Expenditures	<u>\$ 3,450</u>
Total	\$ 78,750

Transport and Communications (Legislation)

Professional and Other Services	\$ 33,500
Transport and Communications	\$ 6,200
Other Expenditures	<u>\$ 700</u>
Total	\$ 40,400

RICHARD KROFT
Chair

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.

THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Richard H. Kroft, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 21, 2002

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

THIRTEENTH REPORT

Your Committee recommends a 3.2 per cent economic increase to unrepresented employees of the Senate Administration effective April 1, 2002.

Respectfully submitted,

RICHARD KROFT
Chair

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.

•(1400)

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT MEETINGS OF DEFENCE AND SECURITY, ECONOMICS
AND SECURITY AND POLITICAL COMMITTEES,
FEBRUARY 17 TO 20, 2002—REPORT OF
CANADIAN DELEGATION TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the twelfth report of the Canadian NATO Parliamentary Association. It is the report of the official delegation that represented Canada at the meeting of the Defence and Security, Economics and Security and Political Committees of the NATO Parliamentary Assembly, held in Brussels, Belgium, and Paris, France, from February 17 to 20, 2002.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC AFFAIRS AND DEVELOPMENT MEETING, JANUARY 17
TO 18, 2002, AND COUNCIL OF EUROPE PARLIAMENTARY
ASSEMBLY MEETING, JANUARY 21 TO 25, 2002—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association concerning the meeting of the Committee on Economic Affairs and Development, held in London, England, on January 17 and 18, 2002, and the first part of the 2002 ordinary session, Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from January 21 to 25, 2002.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Lowell Murray: Honourable senators, with leave, I move:

That the Standing Senate Committee on National Finance have power to sit while the Senate is sitting on Monday, March 25, 2002, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

CHALLENGES IN FOREIGN POLICY

NOTICE OF INQUIRY

Hon. Pierre De Bané: Honourable senators, I give notice that on Wednesday next, March 27, 2002, I will call the attention of the Senate to what I regard as the top 10 foreign policy challenges facing Canada.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of members of the Forum for Young Canadians.

[Translation]

On behalf of all the senators, I welcome all of you to the Senate of Canada.

[English]

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, I have the honour to present 1,518 signatures from Canadians in the provinces of B.C., Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia and the Northwest Territories who are researching their ancestry, as well as signatures from 580 people from 20 states of the United States and two people from Germany who are researching their Canadian roots as well. A total of 2,100 people call upon Parliament:

— to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the Public after a reasonable period of time, of Post-1901 Census reports starting with the 1906 Census.

Furthermore, honourable senators, I have the honour to present 149 signatures from Canada's home children, who petition as follows:

— that the Canadian Government make available all post 1901 Census returns since they are the only public means available to Canadian Home Children and their descendants, who make up 10 per cent and more of our population, to access the whereabouts of their siblings and relatives from whom they have been separated by this country's tacit acceptance of a policy now recognized by the British Government as being *misconceived* and the cause of *irreparable* and *irrevocable* damage to the child migrants and their descendants.

•(1410)

This is a grand total of 2,249 signatures today, in addition to the 14,805 that I have presented in this calendar year. I have now presented petitions with 17,054 signatures to the Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this very important piece of Canadian history.

QUESTION PERIOD

SECURITY AND INTELLIGENCE

COUNTERTERRORISM PLAN

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. It is my understanding that the government drafted a national counterterrorism plan in 1997 and that it involves three lead ministers: the Minister of Foreign Affairs and International Trade, the Minister of National Defence and the Solicitor General of Canada. Will the minister table this document in order that the honourable senators might have an opportunity to review it and its contents?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have that document to table this afternoon, as I am sure the honourable senator is aware. However, if such a document is available and if it does not violate any secrecy requirements, I will make it available to the honourable senator.

While I am on my feet, and because Senator Forrestall has asked this question a number of times and because it is of interest to those serving in the war on terrorism that is taking place in Afghanistan, I wish to read the following document carefully, because I think it is very critical.

An Order in Council declaring a Special Duty Area is made for areas outside of Canada where hostilities are ongoing, imminent or threatened. Its purpose is to ensure Pension Act benefits for CF members serving in those areas if they fall ill, or are hurt disabled, or killed.

Work is underway to designate as Special Duty Areas those places where CF members are deployed on Op Apollo.

Final decisions on these Special Duty Areas will be retroactive to 11 Sep 01.

All of our members serving on Op Apollo will be appropriately taken care of in the event of illness or injury.

Senator Forrestall: Honourable senators, I welcome this information. I am sure that the hundreds of serving personnel, and especially their families, will be particularly grateful for that information. While the Order in Council is not yet complete, as I understand from the minister's comments in this respect, the information nevertheless goes a long way toward relieving the anxiety of not knowing whether this enhancement of certain benefits has taken place. To that end, I welcome this response.

To the extent that the minister's comments will be included in our written records and available to us later today as published in the *Debates of the Senate*, I shall not ask for the document to be tabled. However, when the Order in Council is completed, perhaps the minister would be gracious enough to bring the order forward so that we might have a look at it. I would appreciate that very much.

CUSTOMS AND REVENUE AGENCY

RADIATION DETECTORS AT BORDER CROSSINGS AND PORTS

Hon. J. Michael Forrestall: Honourable senators, I have a further question for the Leader of the Government in the Senate. As the minister will know, a religious scholar in the United States of some repute, Dr. Morey, has stated that a radiological weapon may well have been transported across the Canadian border and into the United States through Niagara Falls some three years ago as part of the al-Qaeda operation. The United States has recently placed radiation detectors at various points of entry into the United States in an effort to keep out radiological weapons. Will Canada be following suit and make available radiation detectors at our major points of entry, including ports?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his comments on the issue of the veterans. I wish to publicly thank my staff for acquiring this information as quickly as they did. Like the honourable senator, I felt this was information that we had to get out as quickly as we could.

Should and when the Order in Council becomes available, I shall make members of this house aware of the fact that the order has been duly signed and implemented.

In terms of the honourable senator's question with respect to the radiological detector, I do not know whether we will have similar equipment in Canada. There has been a commitment between Canada and the United States to share certain information coming from some of this new specialized equipment. If there is anything specific with respect to the radiological detector, I shall bring forward that information by way of a delayed answer.

Senator Forrestall: The minister has generally answered my supplementary question.

I am sure that honourable senators who are following this important matter would be interested in learning where we stand with the appropriate United States authorities in the sharing of this information. There is not much point in having updated equipment on this side of the chamber and one over there, when one in the middle might very well serve both purposes and might be of some functional use to our border authorities.

Senator Carstairs: The honourable senator is quite correct. There is not much point in duplicating equipment when the information could be readily shared at common points. That is all part of the ongoing negotiation between Canada and the United States with respect to border security.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM—COMMUNICATIONS AGENCIES—REPRESENTATIVE IN BRITISH COLUMBIA

Hon. David Tkachuk: My question is for the Leader of the Government in the Senate. Yesterday, I asked some questions about Groupe Everest, Groupaction Marketing Inc. and Lafleur Communications Marketing, the three Montreal firms in charge of sponsorship funds.

The Leader of the Government in the Senate offered a spirited defence of this rather strange situation where these firms are paid 12 per cent for government grants that are passed out to cultural and sports groups in the province. Since the minister gave such a spirited defence of the need for these agencies, which is another new program of the Liberal Government of Canada, can she tell me whether the province of British Columbia is blessed to have one of these agencies as well?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will begin my answer to the honourable senator by fully admitting that I did not always understand his questions yesterday, and when reading my answers, I am not sure I fully understood my answers.

I asked my staff this morning to give me a fuller briefing on the whole of the sponsorship program. Hopefully, honourable senators, I will better understand what I will say today. That might be helpful to the entire chamber.

There are nine agencies that handle the sponsorships across the country. The nine communications agencies are: Compass Communications Inc., Focus Strategies and Communications, Groupaction Marketing, Communication Coffin, Gosselin Relations publiques, Groupe Everest, Lafleur Communication Marketing, TNC Multicom Inc., and Internal Transfer.

I do not have the addresses of those particular communications firms, so I am unable to determine whether one of them is located in the province of British Columbia.

I can tell honourable senators, however, that a number of British Columbia events have met the sponsorship criteria, including the Kelowna Dragon Boat Festival, the Winnipeg International Children's Festival, the Saskatchewan Jazz Festival, and so forth.

Senator Tkachuk: Could the Leader of the Government in the Senate also provide the amounts, by firm and by province, that have been used out of this budget?

• (1420)

Senator Carstairs: Honourable senators, that information will eventually be available in the Public Accounts. I can give the honourable senator some of the figures with respect to the amounts that have been managed. The three firms that he has been particularly interested in, which I believe are Groupaction, Lafleur and Gosselin, received less than 25 per cent of the prescribed share.

This has all been done by a competitive process since February 2001 and posted on the MERX for 30 days. Forty-one agencies across the country demonstrated their interest. Fourteen agencies actually ended up submitting a proposal and, of those, nine met the criteria and were selected.

Senator Tkachuk: The Leader of the Government knows what we are like. We always ensure that we get our fair share.

I noticed in *The Globe and Mail* today a discussion about Groupaction Marketing Inc. being added to the list of the investigation of those two reports that were exactly the same. I now find out a third report will be added to the audit. It seems that this document was made public through the CBC French network. It said that sponsorship programs would be helpful in promoting the visibility of the federal government. The list includes blueberry, cow, violin, mushroom and hog festivals. I thought I would let the Leader of the Government know that, in Saskatchewan, we could qualify for all of them. I want to make sure that we get our fair share of the government's largesse. If the minister could take it upon herself to let us know, before Public Accounts come out, in case we are a little behind, it would allow us to get busy and get some of that money so the Government of Canada can sponsor all these wonderful hog, violin and blueberry festivals in our province as well.

Senator Carstairs: I will give the honourable senator an even better suggestion. He should direct those who contact him about such festivals to the Contracts Canada Web site, where they can immediately make contact and request such sponsorship.

preface it by saying that I thought it was quite appropriate for Senator Léger to quote a poem by Ronald Després of New Brunswick. I especially recall a phrase — and I will translate it, although it is always risky to translate poetry — stating that “Our empire is as uncertain as water.” Senator Léger wanted to commemorate World Poetry Day.

Coincidentally, tomorrow happens to be International Water Day. I received a press release from the Council of Canadians to the federal government, dated March 18, 2002. This was circulated by Senator Carney's office. Of course, I do not want to pick a fight with Senator Carney, but I profoundly disagree with her views on a bill we passed before Christmas, an act to amend the International Boundaries Water Treaty Act. The press release reads, in part:

The Council of Canadians today called on the federal Liberals to ban bulk water exports, create a national water strategy and reverse its decision on Bill C-6 to give the Minister of Foreign Affairs the power to license bulk water exports and diversions.

As the honourable senator knows, I am the sponsor of that bill, and I could not get my argument across that it is not a bulk water export bill. Nevertheless, some people persist in thinking that. Perhaps they are poetically inclined. I do not know.

Does the government hold to the same interpretation as the Council of Canadians and does it intend to retreat on Bill C-6?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. The Government of Canada totally disagrees with the Council of Canadians. Canada's position on bulk water removal is clear. The purpose of the bill is to prohibit the bulk removal of water from all major drainage basins in Canada.

Bill C-6, which received Royal Assent December 18, 2001, as a result of the honourable senator's hard work and that of others, will protect the Great Lakes and other boundary waters from bulk water removal under federal law, which confirms Canada's commitment. All provinces have developed similar legislation or regulations, as Canadians are looking to all levels of government to assure the future protection of water. It is important to look at the Web site to see what the Government of Canada is saying to the public as a whole. Anyone can go to the Government of Canada Web site, where they will find the following about Bill C-6:

The purpose of this enactment is to better implement the Treaty relating to Boundary Waters and Questions arising along the Boundary between Canada and the United States by prohibiting the removal of boundary water from the water basins in which the boundary waters are located and requiring persons to obtain licences from the Minister of Foreign Affairs for water-related projects that affect the natural level or flow of waters on the United States side of the border.

INTERNATIONAL BOUNDARY WATERS TREATY ACT

COUNCIL OF CANADIANS—BULK WATER REMOVAL— POSITION OF GOVERNMENT

Hon. Eymard G. Corbin: Honourable senators, my question is for the Leader of the Government in the Senate. Let me

[Senator Carstairs]

NATIONAL DEFENCE

•(1430)

[Translation]

WAR IN AFGHANISTAN—ASSURANCE THAT PRISONERS TURNED
OVER TO UNITED STATES NOT FACE CAPITAL PUNISHMENT

DELAYED ANSWER TO ORAL QUESTION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, has the government sorted out its policy with reference to Canadian Armed Forces personnel taking prisoners in the war on terrorism and turning those prisoners over to the United States, a country which continues to impose the death sentence under its criminal law and military law, whereas we in Canada have repealed the death sentence from the National Defence Act and the general criminal law?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this house a response to a question raised in the Senate on March 12, 2002, by Senator Roche regarding the posture review on the deployment of nuclear weapons.

FOREIGN AFFAIRS

UNITED STATES—POSTURE REVIEW ON
DEPLOYMENT OF NUCLEAR WEAPONS

Prior to turning over prisoners, has the government determined its policy vis-à-vis seeking a guarantee from the American authorities that they would never seek the death penalty for anyone they charged?

(Response to question raised by Hon. Douglas Roche on March 12, 2002.)

Hon. Sharon Carstairs (Leader of the Government): As I have explained to the honourable senator before, and I know that he has received a delayed answer to this effect, the death penalty has not been excluded from the Geneva Conventions. The policy of Canada is to follow the Geneva Conventions inasmuch as we have a responsibility to do so. As he knows, prisoners have been turned over to the United States. They will continue to be turned over to the United States if they are captured. Many of those prisoners will remain in Afghanistan and will be subject to Afghani law.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the centrepiece of global non-proliferation and disarmament efforts and is therefore of critical importance to Canada's non-proliferation, arms control and disarmament policy. The NPT represents a three-part bargain among its members: nuclear non-proliferation by non-nuclear weapon States, nuclear disarmament on the part of nuclear weapon States and cooperation in the peaceful uses of nuclear energy among all States Parties.

Senator Kinsella: Honourable senators, this issue is perhaps the most serious, and it has been missed by the media and everyone else in Canada in the discussion about the Canadian Forces turning over prisoners to the American armed forces. Canadian values reject the proposition that the death penalty ever be imposed. We have done so in our ordinary criminal law and our military law. The National Defence Act was amended. Canadians have rejected, as a basic principle, the imposition of the death penalty.

At the 2000 NPT Review Conference, the five nuclear weapon States provided an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI of the Treaty. As Canada's overriding objective has been and remains the complete elimination of nuclear weapons, we have welcomed this unequivocal undertaking.

Is the Leader of the Government telling us that, notwithstanding our domestic law, the government's policy is that it will ignore our domestic values and allow the death penalty to be imposed because the Geneva Conventions permit the death penalty? Even without receiving assurance from another power, would we turn over a prisoner who may be subject to the death penalty? Is that the position of the Government of Canada?

Canada's delegation to the April 8-19 NPT Preparatory Committee meeting in New York will seek to preserve the Treaty's authority and integrity, underlining that global stability and security depend on the implementation by the international community of *all* the treaty's legally-binding obligations, as well as the politically-binding commitments which have augmented the Treaty regime through successive review cycles.

Senator Carstairs: I suggest to the honourable senator that we are not engaged in domestic law since the events are not taking place in Canada.

This will require work on a broad range of issues, from encouraging the widespread adoption of IAEA safeguards in order to promote compliance with the Treaty, to supporting initiatives to combat potential nuclear terrorism, to emphasising the need for progress towards the fulfilment of Article VI obligations, including the 13-Step action plan elaborated at the May 2000 Review Conference. Canada will be active in all these areas at the forthcoming NPT Preparatory Committee meeting.

[English]

ORDERS OF THE DAY

YUKON BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Christensen, seconded by the Honourable Senator Léger, for the third reading of Bill C-39, to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts.

Hon. Charlie Watt: Honourable senators, I am pleased to have this opportunity to speak to Bill C-39 in respect of the Yukon Act.

Honourable senators, I want to bring to your attention a matter that stretches back almost to the beginning of time in Canada, 1867.

We know that there was much wrongdoing and that many mistakes have been made right from the beginning to the present. I do not think we can be expected to correct all the mistakes, but we certainly should learn from them and not make the mistakes again in a similar fashion.

Honourable senators, bear with me as I try my best to bring the matter into perspective so that you may all understand where we come from and how we deal with the subject of claims from time to time.

I do not think that, in the history of this country, anyone has ever spoken to an institution such as this chamber in an effort to lay out the reasoning and attitudes of Aboriginal people as they relate to why the Government of Canada has had such a clear obligation toward Aboriginal people from the beginning.

Honourable senators, one day, before we received visitors from other parts of the world, we were the only people in North America occupying this continent. Over time, we have received a number of people from different parts of the world. I do believe that the Inuit and Indians have done their part to accommodate them and to help them to survive in North America, when the climate made it a difficult place in which to survive. We have contributed a great deal to the well-being of these people.

I am greatly concerned that in its present form Bill C-39 represents a clear violation of the Constitution of Canada and, for that reason, will be declared by the courts to be of no force and

effect in those parts of the Yukon Territory where land claims remain unresolved.

It is important to note that about one half of the Yukon Territory, including the city of Whitehorse, continues to be subject to outstanding land claims.

I should also note that it is virtually certain that Bill C-39 will be challenged in court on constitutional grounds if it is enacted in its present form. As Senator Christensen noted in her speech on March 13, the 1870 order is already the subject of outstanding litigation.

Moreover, honourable senators, representatives of the affected First Nations have informed me that further formal steps have been taken recently to prepare to challenge Bill C-39 on constitutional grounds, and that further legal proceedings are anticipated if the bill is enacted in its present form prior to the settlement of First Nations outstanding land claims.

I have to say that I fully appreciate why the affected First Nations will turn to the courts to protect their rights to their un-surrendered lands. It is what I would do in their circumstances. Indeed, it is exactly what we in Nunavik did do, leading up to 1975, when our constitutional protected right to a settlement of our claims was ignored.

Honourable senators, based on my experience, I cannot help but believe that we are certainly not advancing the cause of anyone in Yukon by enacting legislation that so clearly conflicts with the constitutionally protected rights of the affected First Nations and that that will not survive a challenge in court.

To fully appreciate why Bill C-39 is fatally flawed, it is essential to know something of its background. The historical roots of Bill C-39 stretch back to the very first session of the first Parliament of Canada in 1867. On December 16 and 17, 1867, the House of Commons and the Senate invoked section 146 of the British North America Act and adopted a joint resolution requesting the transfer of two great tracts of land known as Rupert's Land and the North-western Territory from Britain to Canada. Those two areas included traditional territory of a great many Aboriginal people of Canada, including my people, in what is now Nunavik, formerly Northern Quebec.

In that joint declaration of 1867, the members of the other place and the Senate made the following solemn pledge:

— that upon the transference of the territories in question to the Canadian government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

That undertaking by the Commons and the Senate of Canada in 1867 became entrenched as part of the Constitution of Canada in 1870, under the terms of the Rupert's Land and North-western Territory Order.

It is important to note, honourable senators, that when we speak of the rights of the Aboriginal people under the 1870 order, we are not speaking about rights that originated in an act of Parliament. Instead, we are speaking of rights that were first expressed in a resolution jointly adopted by the Senate of Canada and the House of Commons in 1867 and later enacted by Imperial Order of Great Britain.

After acquiring what were then Rupert's Land and the North-western Territory, in 1870, on the constitutionally entrenched condition that Aboriginal peoples' claims to compensation be settled in accordance with certain principles, the Government of Canada immediately initiated what has come to be known as the post-Confederation treaty process.

Many honourable senators may already know that the essential purpose of the post-Confederation treaty process, which the Canadian government had pursued for six decades, from 1870 to approximately 1930, was to fulfil the obligation that the Canadian government assumed under the 1870 order to settle the affected Aboriginal peoples' claims prior to opening their homeland to settlement by others.

•(1440)

It is absolutely critical to remember that, at the mid-point of the post-Confederation treaty process, gold was discovered in the Klondike. However, even though the subsequent gold rush resulted in Treaty No. 8, the Canadian government made no attempt whatsoever to honour the obligations it had assumed under the 1870 order to the Aboriginal people of the Yukon Territory.

Following the conclusion of the post-Confederation treaty process around 1930, Canada made no further attempt to enter into treaties with the Aboriginal peoples whose lands were required for the purposes of settlement. This remained the case until 1973.

I think it is fair to say that 1973 was a great turning point in the history of Aboriginal land rights in Canada. On January 31 of that year, the Supreme Court of Canada released its landmark decision in the Nisga'a Peoples' court case known as the *Calder* case. Two weeks later, on February 14, 1973, the late great Chief Elijah Smith travelled to Ottawa with the other Chiefs of Yukon Indian People, as they were then known, and presented Prime Minister Trudeau with the claim document entitled *Together Today for Our Children Tomorrow*.

If you wish to access this presentation, honourable senators, it is on film in the National Film Board. I have seen it on the Aboriginal television network, so it can be accessed.

On August 8, the then Minister of Indian Affairs, Jean Chrétien, made two historic public announcements. First, he announced Canada's new comprehensive claims policy, and in that regard confirmed that the Government of Canada was prepared to negotiate treaties or land claims agreements with those Aboriginal people of Canada who could establish to

Canada's satisfaction that their aboriginal claims, rights and interests remained intact. Second, the minister announced that the claims of the Yukon Indian people were the first comprehensive land claims to be formally accepted under Canada's new policy.

Honourable senators, it should be clear that the constitutionally entrenched terms and conditions upon which those First Nations' traditional territories were transferred to Canada remain unfulfilled in those parts of Yukon Territory where the First Nations' claims remain unsettled. From my perspective, it should also be just as obvious that Bill C-39 is flagrantly inconsistent with those constitutionally entrenched terms and conditions.

Under the terms of the 1870 order, the Government of Canada acquired control of the lands of the affected First Nations, subject to the constitutionally entrenched undertaking to settle their claims prior to opening their lands to settlement by others.

However, as our colleague Senator Cochrane observed in the eloquent remarks she made on March 19, as the result of Bill C-39:

The territory will be able to sell and lease land. It will be able to decide what type of development takes place on property through its power to issue permits.

Perhaps more significantly, the territory will retain the money made from the sales and leases of Yukon water, land and resources. Basically, as a result of Bill C-39, decision-making power with regards to land, minerals and waters will rest firmly in the hands of the people and Government of Yukon —

It appears to me, honourable senators, that one does not need to be a lawyer to realize that there exists a rather large and obvious conflict between the constitutionally entrenched obligation of the Government of Canada to settle the affected First Nations' claims before opening their lands to settlement by others, on the one hand, and the granting of the authority to the third party, through Bill C-39, to do the very thing which the 1870 order was intended to protect against, on the other hand.

To put it in other words, honourable senators, how can Canada suggest that it is fulfilling the solemn undertaking which the Senate of Canada made in 1867, and which received constitutional protection in 1870, when prior to the settlement of the First Nations' formally recognized claims the Canadian government is proposing to enact legislation to grant to a third party the ability to sell the affected First Nations' territory out from under their feet, and to keep the proceeds from that sale?

In conclusion, honourable senators, if you turn your backs to the solemn pledge our predecessors made in December 1867, and vote to pass Bill C-39 in its present form, you will be doing a great disservice to the people of Yukon, Aboriginal and non-Aboriginal alike, and to the reputation of the Senate of Canada.

Every once in awhile we are presented with an issue which requires us to give full expression to the essential, original purpose of this institution of which we are all privileged to be members. I say to you, honourable senators, that Bill C-39 presents us with such an issue. I urge all honourable senators to reflect again upon the constitutionally protected undertaking we made to the Aboriginal people in the 1870 order, and to consider the terrible consequences for the Yukon Territory if we turn our back on that commitment.

The Hon. the Speaker: Senator Watt, I am sorry to advise you that your allotted time of 15 minutes has expired.

Honourable senators, is leave granted for an extension?

Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I agree that Senator Watt may take the time to finish his comments, as is customary in such a situation.

[English]

Senator Watt: I thank honourable senators for their consideration.

Speaking for myself, the conflict between Canada's obligations to the First Nations, on the one hand, and Bill C-39, on the other, is such that I cannot, in good conscience, do anything other than speak against this bill. I urge all of you who wish to uphold the honour of the Crown to do the same.

Senator Cools: The honour of the Crown. The honour of the Crown.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I assume the leave granted for Senator Watt to finish his speech will be inclusive of time for questions and comments.

Therefore, honourable senators, I listened very carefully to what Senator Watt said, and he has brought a new dimension to our debate at third reading on this bill.

Senator Watt has told us, honourable senators, that if we pass this bill, it will be found to be *ultra vires*. Senator Watt has told us that there is an Aboriginal rights issue that flows from, not 1982 and the Constitution Act as embodied in section 35, but 1867, when our predecessors in this chamber supported a joint declaration with members of the other place that was later confirmed by statute in 1870. There are serious constitutional questions. I am not convinced, as I look at the record of the proceedings of the Standing Senate Committee on Energy, the Environment and Natural Resources, that the detailed constitutional questions have been addressed.

[Senator Watt]

•(1450)

Therefore, it seems to me that we need to consult with our colleagues who have constitutional expertise to ensure that this issue is one that meets the test of the Constitution. I am not ready to go so far as to suggest that we refer the matter to the Standing Senate Committee on Legal and Constitutional Affairs. However, I will take the weekend to reflect upon it. I therefore move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

THE ESTIMATES, 2002-03

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to consideration of the thirteenth report (interim) of the Standing Senate Committee on National Finance (2002-03 Estimates), presented in the Senate on March 19, 2002.

Hon. Lowell Murray: Honourable senators, I move the adoption of this report.

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

Hon. Anne C. Cools: Honourable senators, I wanted to make it clear on the record that this is the first interim report and that the committee will be continuing its study of the Main Estimates, 2002-03 over the next year.

I wish to put on the record the committee's sincere appreciation of the Treasury Board officials who appeared before us again and again and who, with great discipline, openness and forthrightness, did their very best to address the concerns and the questions of honourable senators. As honourable senators know, the committee met on Tuesday, March 12, 2002, with officials Mr. David Bickerton and Ms Laura Danagher. I wanted the record to note that the committee is very appreciative of their diligent and excellent work.

In addition to that, honourable senators, since it is important that we express our sincere appreciation, and since when Senator Murray spoke to the last report he thanked all the members of the committee, I thought that, as deputy chairman, I should take the opportunity to thank Senator Murray for his chairmanship of the committee and for his very able, steady and balanced hand —

Some Hon. Senators: Oh, oh!

Senator Cools: — as he tends to keep the committee on the very right and proper track. On behalf of senators on our side, I wish to express our appreciation for the work of Senator Murray.

In addition to that, I think that I can speak for all honourable senators in thanking the other members of the committee for their earnest, diligent and hard work. This is a subject matter that is inherently difficult and troublesome. The supply process here in the Senate is very different from what it is in the House of Commons.

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

Motion agreed to and report adopted.

The Senate adjourned during pleasure.

[Translation]

•(1510)

ROYAL ASSENT

Her Excellency the Governor General of Canada, having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (*Bill S-14, Chapter 02/2002*).

An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act (*Bill C-37, Chapter 03/2002*).

An Act to amend the Canadian Commercial Corporation Act (*Bill C-41, Chapter 04/2002*).

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

•(1520)

[English]

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE ADJOURNED

Hon. Jane Cordy, for Senator Kirby, rose pursuant to notice of February 5, 2002:

That he will call the attention of the Senate to the status of palliative care in Canada.

She said: Honourable senators, it gives me pleasure to rise today and draw the attention of the Senate to the status of palliative care in Canada.

Palliative care is an issue on which the Senate of Canada has always been at the leading edge. In 1995, the Special Senate Committee on Euthanasia and Assisted Suicide, chaired by Senator Joan Neiman, tabled a report entitled, "Of Life and Death."

Senator Carstairs followed up by chairing the 2000 subcommittee to update, "Of Life and Death." This subcommittee was created to develop a five-year report card on the special committee's unanimous recommendations. This report, entitled, "Quality End-of-Life Care: The Right of Every Canadian," was tabled in the Senate in June 2000.

The subcommittee's final report included 14 recommendations for the federal government. The recommendations dealt with five areas: the need for a national strategy on end-of-life care, the need for income and job protection for caregivers, the need for increased education and training for health care providers, the need for home care and pharmacare programs and the need for increased research and dissemination of findings. Momentum on carrying out these recommendations has been building and continues to build since the subcommittee reported to the Senate in June of 2000.

The Standing Senate Committee on Social Affairs, Science and Technology has been studying the role of the federal government in health care today. One of many issues discussed was the issue of primary care reform and, in particular, how palliative care fits into this continuum of care. We have heard witnesses on this subject, and their observations were noted in the second volume of the report.

According to Dr. Michael Gordon of the National Association of Canadian Actuaries, "The time has come to ensure that all Canadians who require palliative care have access to it."

I would like to assure all honourable senators that the issue of palliative care will be an issue of great importance as we work toward a workable solution to the pressures now facing our health care system.

Last December, the chair of our committee, Senator Kirby, received a letter from the Honourable Allan Rock, Minister of Health, and from the Honourable Sharon Carstairs, Minister with Special Responsibility for Palliative Care. This letter was tabled in the Senate by Senator Kirby on December 5, 2001. The purpose of the letter was to provide committee members with an update of the federal government's initiatives since the tabling of the subcommittee report to update "Of Life and Death" entitled, "Quality End-of-Life Care: The Right of Every Canadian."

Today, I want to review the major milestones that have been accomplished since that final report was tabled in June 2000. These key accomplishments directly respond to many of the top priorities in the subcommittee's report. However, it is not my intention to provide a detailed account. I will leave that to my colleague Senator Carstairs who intends to speak on this topic at a later date. I will, however, address three main points that were addressed in that letter.

Since the mid-1990s, the Government of Canada has identified palliative care as a very important initiative that allows our seniors and those who are terminally ill to live their remaining time in dignity, surrounded by family members and loved ones. For that reason, the government has been part of programs such as rural palliative home care projects, community-based palliative care for Canadian seniors, and now, with the appointment of Senator Carstairs as Minister with Special Responsibility for Palliative Care, the government has given this very important issue a voice in cabinet.

Another major initiative undertaken by the government was the establishment of a secretariat in Health Canada to provide support to both the Minister of Health and Senator Carstairs in the development of a national strategy on palliative care. The secretariat also serves as a focal point for the coordination of initiatives across federal departments and strengthens opportunities to work with various stakeholders to identify priorities for both collaborative and complementary action.

As well, the inclusion of palliative care on the agenda of Canada's health ministers at their annual conference last September sent the signal that all levels of government have identified palliative care as an issue of significant importance. For the first time, federal, provincial and territorial governments were able to share information on current initiatives.

It is clear to me that the Senate reports have served to raise the profile of this most important issue of palliative care. They have motivated Canadians across the country and across the health spectrum to work together to ease end-of-life suffering for the terminally ill.

Honourable senators, I have raised this afternoon only some of the main issues related to the status of palliative care in Canada. I look forward to further discussion on this most important topic.

On motion of Senator Morin, debate adjourned.

[*Translation*]

ADJOURNMENT

Leave having been granted to revert to Government Notices of Motions:

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 Monday, March 25, 2002, at 4 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 25, 2002, at 4 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, March 21, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament	02/03/05	4 + 1 at 3rd	02/03/19		
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05	02/03/12	Banking, Trade and Commerce	02/03/14	0	02/03/19		
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05	02/03/20	Legal and Constitutional Affairs					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negatived 01/12/10	11 1 at 3rd 01/12/13	01/12/18	02/02/19	1/02
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2 + 1 at 3rd 02/03/12	02/03/19		
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
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, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce					
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05	02/03/20	Energy, Environment and Natural Resources					
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
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, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05	02/03/12	Legal and Constitutional Affairs	02/03/21	0			
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduc ed)	01/11/27	Energy, the Environment and Natural Resources	02/03/21	1			
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs	02/03/13	0			
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20	02/03/21	3/02
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy,the Environment and Natural Resources	02/03/07	0			
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21	02/03/21	4/02
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-49	An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001	02/03/19	02/03/20	National Finance					
C-51	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	02/03/20							
C-52	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	02/03/20							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08	01/12/18	36/01
							Senate agreed to Commons amendment 01/12/12		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0			
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01	02/03/21	2/02
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12</i>	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				
S-22	An Act to provide for the recognition of the <i>Canadien</i> Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08		
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04							
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13							
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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