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**Thursday, April 18, 2002**



THE HONOURABLE DANIEL HAYS  
SPEAKER

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## THE SENATE

Thursday, April 18, 2002

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

Prayers.

### NATIONAL DEFENCE

#### AFGHANISTAN—DEATHS OF FOUR SOLDIERS

**The Hon. the Speaker:** Honourable senators, it is with great sadness that we learned overnight that four Canadian soldiers have been killed and eight more injured in a combat mission in Afghanistan.

[*Translation*]

Honourable senators, I would ask you to rise and observe one minute of silence in their memory, after which the Leader of the Government and the Leader of the Opposition will deliver their remarks. We will then move on to Senators' Statements.

*Honourable senators then stood in silent tribute.*

[*English*]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I believe I speak for all honourable senators when I state that we are greatly saddened to hear of the deaths, yesterday, of four Canadian soldiers in Afghanistan. In addition to the four soldiers killed, there are eight more wounded, two in life-threatening condition and a third in very serious condition.

This terrible tragedy is hard to understand, whatever the reasons, but especially so since this particular incident is surrounded by many questions that have yet to be resolved.

As honourable senators may know, President Bush has spoken with our Prime Minister and offered his condolences and those of the American people, as well as their complete cooperation in the ensuing investigation.

I should like to offer our sympathies and support to all members of the Third Battalion, Princess Patricia's Canadian Light Infantry, the PPCLI. They, together with other Canadian troops, have been credited with saving lives in their current mission in Afghanistan. Canadians are justifiably proud of the men and women in our military and of the heroic service they provide to our country and to regions in the world that have needed their assistance.

This kind of tragedy is beyond words, but our sorrow cannot compare to the sadness of the families of these soldiers. Our hearts go out to them and to the eight soldiers who are struggling to recover from the injuries they have received. They are in our thoughts and prayers. We wish the best for those who are struggling at the present time to recover from their injuries. To their families, we send our heartfelt wishes for a speedy recovery.

**Hon. J. Michael Forrestall:** Honourable senators, may I at once join with the Leader of the Government in the Senate in extending, to the families of the victims of the tragic accident last evening in Afghanistan, our personal and collective condolences. I should like to extend our best wishes to the eight brave fellow soldiers who were injured in the accidental bombing.

This is a very solemn occasion, honourable senators. It marks the first time there has been loss of Canadian life to combat operations since the Korean War.

We have much to thank God for. We have much to ask him. Many questions, as the Honourable Senator Carstairs has said, will have to be asked. There must be full disclosure of what happened on the ground outside Kandahar, but that will come later.

We, the living, have responsibilities to the soldiers we deploy in the name of Her Majesty the Queen and of Canada. At times like these we are, perhaps, at a loss for words. We have a lot to be concerned and to be thoughtful about.

It is at times like these that we must reach into our faith to understand. I was told once that the psalm from which I am about to quote, Psalm 46, was written for a soldier. I wish to quote from verses 9-11.

He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.

Be still and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

The Lord of Hosts is with us; the God of Jacob is our refuge.

• (1340)

Honourable senators, we each have our own faith. In a moment of peace, might I call upon each of you, in your own way, to say a prayer for the souls of the faithfully departed, for the quick mending of the torn bodies of their comrades and, above all, for peace.

## SENATORS' STATEMENTS

[Translation]

### THE SENATE

#### OATH OF ALLEGIANCE TAKEN BY HONOURABLE SENATOR LAVIGNE

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Honourable Senator Lowell Murray, the day before yesterday and then again yesterday, rose on his concern about an oath that was taken by a new senator in this chamber. In a careful examination of the record, it would appear that he certainly signed the oath as appropriately prescribed by the Constitution, and he gave that oath. However, at the end of that oath, the Honourable Senator Lavigne appears to have added some additional words.

The honourable senator recognizes that those words should not have been added, and he will take a subsequent oath using only the words as directed by our Constitution when he returns to the chamber on Tuesday. It will take place in the clerk's office. He has spoken with our deputy leader and is very happy to do what is appropriate in this case.

**Hon. Lowell Murray:** Honourable senators, I must thank the Honourable Leader of the Government and the deputy leader for what, I must assume, have been their good offices on this matter. The outcome is entirely satisfactory, as far as I am concerned.

With the consent of the Senate, I wish to withdraw the question of privilege to which I gave notice earlier today.

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

**Hon. Senators:** Agreed.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, would it not be appropriate for the Honourable Senator Murray to attend the swearing-in of the senator to ensure that the directives of this chamber are followed to the letter?

**Hon. Fernand Robichaud (Deputy Leader of the Government):** As the government leader indicated, the ceremony will take place on Tuesday.

### THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

#### CONGRATULATIONS ON SON DANIEL GRAHAM BECOMING LEADER OF THE LIBERAL PARTY OF NOVA SCOTIA

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I rise because I am quite astounded that, to date, none of the Honourable Senator Graham's colleagues, many of whom do not hesitate to engage in self-congratulations, have risen to congratulate him on the occasion of his son Danny's most convincing election victory as Leader of the Nova Scotia Liberal Party, last weekend.

I am pleased to do so and, at the same time, wish Mr. Graham a term, as Leader of the Opposition in his province, at least as long as the one that I am serving here.

### INVASION OF TERRITORIES OF PALESTINIAN AUTHORITY

**Hon. Marcel Prud'homme:** Honourable senators, the invasion of the territories of the Palestinian Authority by the Israeli army and all the consequences of that action must be of concern to us all today. I find it most disquieting that there is such total silence on our part.

I wonder what has become of the values on which we have patiently constructed Canadian society. Where are the human values we have so ardently defended at various times and various places? Where are the rights of the women, children and refugees we have made an essential element of our policy? Is it possible that we are beginning to lose our souls for considerations that are political in nature? Is it possible that we are in the process of sacrificing our principles and our values on the altar of a so-called balanced political position?

Honourable senators, the situation is alarmingly dramatic. In recent days, the Israeli army has perpetrated the most abominable crimes in Palestine. While maintaining its occupation of the major cities of the West Bank, the Israeli army has summarily executed hundreds of innocent Palestinians and arrested thousands more.

Television showed us incredibly atrocious scenes of what took place in Jenin. The bodies of children, women and elderly people still fill the lanes or lie under the debris of houses that were demolished and levelled. The stench of death is everywhere.

Humanitarian organizations are talking about a real earthquake. This infamy has a name: massacre. In this zone, which is out of bounds for journalists and Red Cross officials, Israeli soldiers have tried to hide their crimes. They followed the example of their Yugoslavian counterparts by digging common graves to bury their Palestinian victims.

At the same time, the humanitarian situation has been deteriorating in all the occupied territories, where Israel has prevented the population from having access to food and care, in violation of the most elementary rules of humanitarian international law. This is the terrible tragedy that is taking place before our eyes and on which we are as silent as lambs, as if we were condoning it.

It has been said that these are self-defence measures, supposedly designed to eradicate terrorism. The disproportionate means used do little to hide Mr. Sharon's strategy to crush and destroy the Palestinian Authority and, in so doing, to renege on the commitments made in Madrid, Oslo and Washington, to which Mr. Sharon has always been firmly hostile.

They even went so far as to call President Arafat a terrorist. Have they forgotten that Mr. Arafat was awarded the Nobel Peace Prize? Such recognition by this prestigious institution irrefutably invalidates this claim. The truth is crystal clear. Mr. Arafat used to have peace partners, namely Mr. Rabin and Mr. Peres, but this is no longer the case with Mr. Sharon, who is known for his aggressiveness, violence and murder. Remember Sabra and Shatilah.

Violence goes together with occupation. Unfortunately, the peace for which people in the region long will not happen, as long as Israel continues to occupy the territories. The Beirut Summit, which endorsed the Saudi initiative, extended a hand to Israel, so that this region could finally enjoy peace, serenity and the return of the occupied territories, in exchange for full normalization of relations. What does the population want?

[English]

### VIOLENCE AGAINST JEWS

**Hon. Colin Kenny:** Honourable senators, two weeks ago this Monday, April 1, vandals spray-painted anti-Israeli messages on the walls of Ottawa's Temple Israel. According to press reports, one of the messages threatened: "All oppressors will die...Murderers." Within a week, additional anti-Semitic incidents were reported to the Ottawa police. These attacks — and they are deliberate attacks — on one of Canada's religious communities are completely unacceptable under any circumstances. The graffiti is intended not to express a point of view or engage in legitimate debate but to intimidate, to frighten and to isolate.

Left unchallenged, these incidents can quickly escalate to other acts of intimidation. From this point, it is only a short step to having individual members of the Jewish community fear that they, or a family member, may be victims of a physical attack.

As Canadians, we have all come here from other parts of the world. Many experienced violence and hatred in their countries of origin. However bitter the divisions and conflicts in our countries of origin, we cannot afford to import them into Canada. We cannot afford to let these foreign conflicts open the way to attacks on our neighbours, on our neighbours' homes or places of worship or on our neighbours' peace of mind. Incidents such as these are an offence and a threat to the values that unite Canadians: the qualities of tolerance, openness to diversity and civility. As a community, we must stand together to support our Jewish members who find themselves under attack by vandals, and worse.

Honourable senators, I hope the residents of Ottawa will show their dismay that these offences took place by doing everything in their power to help the authorities identify and prosecute those who committed them.

### THE MEN OF THE DEEPS

**Hon. Gerard A. Phalen:** Honourable senators, this year marks the thirty-sixth anniversary of one of Cape Breton's most remarkable cultural institutions: The Men of the Deeps chorus. This past fall, I was lucky enough to attend a concert featuring these men and wish to bring to this chamber's attention the remarkable accomplishments of the Men of the Deeps.

• (1350)

The Men of the Deeps has become a uniquely Canadian symbol respected wherever they have travelled. These goodwill ambassadors have performed throughout Canada and the United States. You will also note that, as their manager explains, "the men earn no salary whatsoever."

In June 1976, the men experienced the tour of a lifetime. They made an 18-day visit to the People's Republic of China. As Allister MacGillivray wrote in his book, *The Men of the Deeps — The Continuing Saga*, "In a refreshing display of true ambassadorship, the acclaimed chorus won the heart of a country where, for years, isolationism has engendered barriers towards political and cultural relations with the West."

The *Ottawa Journal* reported that the Men of the Deeps' visit to China was "one of the most successful people-to-people exchanges ever."

In 1999, the Men of the Deeps was asked by internationally acclaimed actress Vanessa Redgrave to participate in the three-day music festival in Kosovo. The festival was designed not only to celebrate the return of the Albanian refugees, but also to rejuvenate the cultural and educational communities.

In Kosovo, the chorus was to discover a sad and wartorn region, and there were many apprehensions regarding their safety. Nevertheless, these Canadian cultural ambassadors were a great success and came away with lasting memories of the children of Kosovo. As Big Jim MacLellan said, "One thing that impressed me was the determined spirit of the kids — determined that they were going to survive."

When the Kosovo concerts were over, Ms Redgrave stated that the positive impact caused by the presence of the Men of the Deeps was something she expected might happen, and she was elated.

The Men of the Deeps have received a number of awards in recognition of their contributions. In 1991, the chorus received Nova Scotia's tourism industry's highest accolade, the Ambassador's Award. On May 13, 2000, the University College of Cape Breton presented the entire group with an honorary doctoral degree. I believe it is time that we in this chamber add our voices in recognition to their contributions to Canada.

Honourable senators, in closing, I would like to quote Major-General Scott of the National Defense College after he attended a performance of the Men of the Deeps:

Your group is a national treasure. Your description through song and verse of the joys and hardships of Cape Breton coal mining is a magnificent example of Canadian culture at its very best. The emotions we felt as we listened to you made us proud to be Canadians.

## THE LATE HARRY MACLAUGHLAN

### TRIBUTE

**Hon. Elizabeth Hubley:** Honourable senators, it is a truism, but nonetheless the truth, that the greatness of a nation is the greatness of its people. All of us are aware of individuals in our respective provinces whose stature and reputation precedes them, individual Canadians who are larger than life and who have contributed inordinately to the life of their communities.

Honourable senators, Prince Edward Island lost one of its most distinguished citizens recently, with the passing of the late Harry MacLaughlan. Harry, as countless Islanders knew him, was a legendary and extremely successful businessman whose enterprise and skill was acknowledged and respected throughout Atlantic Canada.

From humble beginnings in the little farming community of Stanhope, he went on to build a remarkable business career in construction, telecommunications, tourism and the retail sector. He always did business with a handshake and was the inspiration and guiding light for young Island entrepreneurs.

Harry MacLaughlan's trademark expression was, "It's a great day!" He just could not understand people who did not have the time for others, for he truly enjoyed people, and his friendly and always positive disposition was legendary.

Mr. MacLaughlan was a man rooted in family and community. Throughout his lifetime he never strayed very far from the little north shore village of Stanhope that he loved so much.

Honourable senators, there are legions of Harry MacLaughlan stories. One of my personal favourites is the story of Harry's appearance before the CRTC in search of a licence for his cable television company. The regulatory board was taken aback, I believe, by his direct approach. The board also seemed to be a bit concerned about his educational background and business credentials.

"What is your educational background?" asked one of the commissioners.

"Well," said Harry, "I went to grade 8 in the Stanhope school, then I bought it when it closed down and moved it up the road to my place. I run a little store out of it in the summertime for the tourists!"

Harry recognized not only the value of schooling, honourable senators, but also the value of the school itself.

Harry MacLaughlan had a large impact on his province as a businessman and entrepreneur, but he also contributed greatly in other ways. He was a volunteer fundraiser for the Queen Elizabeth Hospital and many charitable organizations. He was the principal backer and most influential member of the Liberal Party of Prince Edward Island. He gave wise counsel, at times unsolicited, to several Liberal premiers of Prince Edward Island.

Honourable senators, I invite you to join me in expressing our sympathy to the MacLaughlan family and to this great Islander's many friends and colleagues.

[Translation]

## ROUTINE PROCEEDINGS

### OFFICIAL LANGUAGES

#### EIGHTH REPORT OF JOINT COMMITTEE TABLED

**Hon. Shirley Maheu:** Honourable senators, I have the honour to table the eighth report of the Standing Joint Committee on Official Languages concerning its consultation of the English and French linguistic minority communities in Canada regarding the action plan of the minister responsible for coordinating issues related to official languages.

On motion of Senator Maheu, pursuant to rule 97(3), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

### STUDY ON STATE OF HEALTH CARE SYSTEM

#### INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

**Hon. Michael Kirby:** Honourable senators, pursuant to the Order of the Senate adopted on Thursday, March 1, 2001, I have the pleasure to inform the Senate that this morning, Thursday, April 18, 2002, the Seventeenth Report of the Standing Senate Committee on Social Affairs, Science and Technology was deposited with the Clerk of the Senate. The report is an interim report on the study on the state of the health care system in Canada entitled: "Volume Five: Principles and Recommendations for Reform, Part I."

Honourable senators, 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.

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

**Hon. Lowell Murray:** Honourable senators, perhaps I have missed something.

**The Hon. the Speaker:** Honourable senators, we are now on a non-debatable motion. However, with leave, the honourable senator would be permitted to ask a question.

Is that your wish, Senator Murray?

**Senator Murray:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Murray:** Honourable senators, I would like to know under which rubric the honourable senator tabled the report of this committee with the clerk this morning, a day on which the Senate is sitting.

**Senator Kirby:** I am not sure what the honourable senator means by the word "rubric." We had authority under the order passed by the Senate some time ago to table the report with the Clerk of the Senate. As I understand it, both caucuses had agreed that, given the benefit of media interest in the subject, we would table the report this morning, while there was live press coverage.

• (1400)

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

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Nicholas W. Taylor:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, with leave of the Senate and notwithstanding rule 58(1)(a), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to sit at 1 p.m. on Wednesday, April 24, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

## NATIONAL SECURITY AND DEFENCE

### REPORT ON SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES—NOTICE OF MOTION FOR GOVERNMENT RESPONSE

**Hon. Colin Kenny:** Honourable Senators, I give notice that, on Wednesday, April 17, 2002, I shall move:

That, within 150 days following the February 28, 2002, tabling of the report of the Standing Senate Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, the Leader of the Government shall provide the Senate with a comprehensive government response.

## NATIONAL CAPITAL COMMISSION

### PROPOSAL TO SELL MOFFATT FARM— NOTICE OF INQUIRY

**Hon. Anne C. Cools:** Honourable senators, pursuant to rule 56(1) and (2) and 57(2), I give notice that on Tuesday next, April 23, 2002, I will call the attention of the Senate:

- a) to the public need for the Senate and Parliament to take into their cognizance the current conflict between Ottawa residents with their Ottawa City Council and the National Capital Commission regarding the National Capital Commission's proposal to re-zone a riverfront parkland to build a 244 housing development on that riverfront parkland, a matter well reported in the media;
- b) to the national capital parkland known as the Moffatt Farm, a riverfront parkland on the heritage waterway, the Rideau River, at Mooney's Bay, near the entrance to the Hog's Back Locks, all of which form a part of the ancient and historic Rideau Canal and the Rideau Canal Waterway System, a parkland which for decades has been held by the National Capital Commission as a commissioned public trust for its protection for the public good and for the public use;
- c) to the meaning in law of a commission, being that a commission is a public body with a public purpose, authorized by letters patent, an act of parliament, or other lawful warrant to execute and perform a public office, and further, that the National Capital Commission is no ordinary entity, or no simple arm's length crown corporation but is a commission which is a peculiar constitutional entity, intended to perform a public duty;
- d) to the current land use designation zoning of Moffatt Farm which is zoned as parkland, as are other Ottawa national capital parks such as Vincent Massey Park and Hog's Back Park, parklands whose maintenance and sustenance are of great importance and concern to Ottawans;
- e) to the National Capital Commission contracted agreements with private developers, including that one with DCR Phoenix, regarding the sale for development of the parkland, Moffatt Farm, to the same DCR Phoenix, a private developer currently acting as the National Capital Commission agent before Ottawa City Council and the Ontario Municipal Board in proceedings about the National Capital Commission proposed re-zoning of Moffatt Farm from parkland zoning to residential zoning so as to permit the National Capital Commission's sale of this parkland to private developers;

- f) to Ottawa City Council's unanimous decision on March 27, 2002 rejecting and soundly defeating the National Capital Commission/DCR Phoenix's proposal for re-zoning and development of the Moffatt Farm parkland, to the city government's strong objection to the proposed development, being the building of 244 expensive, luxurious high-end houses on the Moffatt Farm parkland, a parkland also known for its environmentally sensitive lands;
- g) the responsible ministry's and the National Capital Commission's own protocol that holds that the National Capital Commission should defer to municipal government on planning issues and land use;
- h) to another motion overwhelmingly adopted by Ottawa City Council on April 10, 2002, expressing the City's wish to purchase the Moffatt Farm parkland, also asking the National Capital Commission to honour City Council's decision and also to withdraw its own appeal to the Ontario Municipal Board asking the Ontario Municipal Board to overturn City Council and force the re-zoning of Moffatt Farm from parkland zoning to residential zoning;
- i) to that City Council motion of April 10, 2002, which said:

"WHEREAS the Moffatt Farm has been in public ownership for the past 50 years, since its expropriation, and has until 1999 been designated a Capital Park by the National Capital Commission;

AND WHEREAS the NCC has determined that this property is surplus to national needs and intends to sell it;

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space —

**The Hon. the Speaker:** Senator Cools, a point of order is being raised. Senator Lynch-Staunton?

**Hon. John Lynch-Staunton (Leader of the Opposition):** The translators are having a terrible time keeping up. Perhaps the honourable senator could slow down and give them a break.

**Senator Cools:** Certainly.

**Senator Lynch-Staunton:** However, there are planes leaving around 4:30 p.m., so do not slow down too much.

**The Hon. the Speaker:** Senator LaPierre is rising on a point of order.

**Senator Cools:** Your Honour cannot consider a point of order at this point.

**Hon. Laurier L. LaPierre:** I would like to know if we could have a shorter version of this Notice of Inquiry.

**The Hon. the Speaker:** Honourable senators, I was in error, and the honourable senator is quite correct. Points of order cannot be raised during Routine Proceedings.

**Senator Cools:** I will continue:

AND WHEREAS the Moffatt Farm is outside the General Urban Area, and designated as Waterfront Open Space in the Regional Official Plan, which is land in, or intended to be in, public ownership and intended for public recreation and environmental conservation uses —

**The Hon. the Speaker:** Senator Cools, the translation is not coming through because you are reading so fast.

**Senator LaPierre:** And too long.

**Senator Cools:** Honourable senators, I always send a copy of my materials to the translators.

**Senator Lynch-Staunton:** Perhaps they cannot speak as fast as you can.

**Senator Cools:** They have a copy of the notice:

AND WHEREAS the Moffatt Farm has no 'right of development' at this time, being designated Major Open Space, Waterway Corridor and Environmentally Sensitive Area, zoning that offers the highest possible protection;

AND WHEREAS, in the Ottawa Official Plan, the Moffatt Farm is designated as a District/Community Park, a use identified in the 1973 Carleton Heights Secondary Plan as a means to address inadequate parkland for this area of the City;

AND WHEREAS, since 1973, the population of this community has doubled and available parkland has already decreased;

AND WHEREAS the City of Ottawa has a policy to acquire, where possible, waterfront properties that form the Greenway System and preserve these lands for public open space use;

THEREFORE BE IT RESOLVED that the City of Ottawa offer to purchase the entire Moffatt Farm property from the NCC, at a price which will be based on its current and future use as a District Park; and



BE IT FURTHER RESOLVED that the City requests the local Members of Parliament (National Capital Caucus) to urge the NCC to respect Council's unanimous decision and withdraw its appeal to the OMB."

- (j) to the growing public disenchantment and disappointment of Ottawans who perceive the National Capital Commission's corporate culture as running roughshod over Ottawans with wanton disregard for local communities, of which the Moffat Farm community is only one of several which include Lac Leamy, Sparks Street redevelopment and others, all of which have resulted in diminishing public respect for the National Capital Commission and its land use proposals in the national capital area;
- (k) to the burgeoning public unease about the destiny of Ottawa's precious public lands as many Ottawans are anxious that the National Capital Commission is conducting its affairs in land use matters, more as a private development company and less as a public commission entrusted with Her Majesty's and the public's interests in the proper land use of unique, historical, heritage parklands and properties; and
- (l) to the public need for Parliament's study and review of the National Capital Commission in its entirety, including its role, structure, organization, operations, authorizing statute, its parliamentary appropriations, finances, and its relations with Canadian citizens, especially Canadian citizens living in the Ottawa area, its land dealings, its land developments, and its agreements with private developers selected by the National Capital Commission as recipients, buyers, of treasured historic Ottawa lands.

**Senator LaPierre:** On a point of information, honourable senators, can we decide that the inquiry is over?

#### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

##### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Nicholas W. Taylor:** Honourable senators, I request leave to revert to Notices of Motions. I was asked if this was a notice of motion or a motion, and at the top of my sheet of paper it says "Notice of Motion." However, it cannot be postponed to the next sitting, if we are sitting on Tuesday. I make this request because the committee has invited important witnesses to appear next Wednesday.

**The Hon. the Speaker:** Is leave granted to revert to Notices of Motions, honourable senators?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will ask again, because I want to be clear: Is leave granted to revert to Notices of Motions for Senator Taylor?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear "no." Unanimous consent would be required.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### AFGHANISTAN—STATE OF SOLDIERS WOUNDED IN FRIENDLY FIRE INCIDENT—REQUEST FOR UPDATE

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. Will she honour us by taking us into her confidence and telling us the government's understanding, as they know it thus far, of what happened in Afghanistan last night and what is the condition of the wounded? Have there been any more fatalities?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. We do know that four Canadian soldiers have been killed. We know that two are in critical condition and Senator Forrestall shared with me a few minutes ago that they may have died. However, I do not have confirmation of that at my desk at this moment. I know that the remaining wounded are being transported to Germany, if they are medically capable of being transported.

Beyond that, I do not have any further details other than to say that the Governor General, who is already abroad, will be going to Germany, on behalf of the Government of Canada, to meet with those wounded soldiers.

[Later]

Honourable senators, I should like to clarify some information given earlier during Question Period.

During Question Period this afternoon, the Honourable Senator Forrestall came over to me and told me that there were two additional soldiers who had died. I did say in Question Period that I did not have confirmation of that information. I now have confirmation that it is not true. Apparently, and very regrettably, there are four deaths, but there have not been any subsequent deaths at this time.

#### AFGHANISTAN—STATE OF SOLDIERS WOUNDED IN FRIENDLY FIRE INCIDENT—ASSISTANCE TO FAMILIES—SPECIAL DUTY AREA PENSION ORDER

**Hon. J. Michael Forrestall:** Could we have the minister's assurance, on behalf of her government, that the families of our soldiers who were lost last night will be properly given all the care and assistance that they require and are entitled to?

**Hon. Sharon Carstairs (Leader of the Government):** I am pleased to give the honourable senator that assurance. I have additional information for Senator Forrestall, in a delayed answer this afternoon, with respect to his questions about the Order in Council. The Order in Council has not yet been passed, but it will be retroactive at the moment that it is passed. All the benefits accruing to our forces abroad, including those injured or who lost their lives in this incident, will be covered.

I should report to the honourable senator that there are clearly many questions about exactly what happened last evening. We do know that one 500-pound bomb was dropped from an F-16 fighter. Our troops, at the time, were engaged in nighttime fire drill exercises. Why the bomb was dropped, we do not know. However, we have the total cooperation of the American government to conduct the investigation with us. They will provide every bit of information that is required in order for that investigation to be conclusive.

**Senator Forrestall:** It is to be regretted that the Order in Council was not dealt with, which gives cause to the possibility of undue anxiety. First, I welcome the honourable leader's assurances that the Order in Council will be retroactive. Second, will the government take the permanent step to make it effective no matter where Canadian troops may find themselves engaged in war?

**Senator Carstairs:** I thank the honourable senator for his question. We will know better when the Order in Council is completed. I know that some of the delay is because they want to make this an Order in Council which, like the previous Order in Council, will be ongoing.

**The Hon. the Speaker:** Honourable senators, it being 2:15 p.m., pursuant to the order adopted by the Senate on Wednesday, April 17, 2002, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of Senator Stratton. The bells to call in the senators will ring for 15 minutes.

Call in the senators.

• (1430)

## ORDERS OF THE DAY

### FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

#### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act;

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator

Atkins, that the Bill be not now read the third time but that it be amended,

(a) on page 8, by adding after line 35, the following:

**“9. The Act is amended by adding the following after section 13:**

#### ANNUAL REPORT

**13.1** The Minister of Foreign Affairs shall, as soon as possible after the end of each fiscal year, cause a report to be prepared on the administration and enforcement of this Act for that year and shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives it.”; and

(b) on pages 8 and 9, by renumbering clauses 9 and 10 as clauses 10 and 11 and any cross-references thereto accordingly.

Motion in amendment negated on the following division:

#### YEAS

##### THE HONOURABLE SENATORS

Andreychuk  
Atkins  
Bolduc  
Cochrane  
Comeau  
Di Nino  
Doody  
Gustafson  
Kinsella

Lynch-Staunton  
Murray  
Nolin  
Oliver  
Prud'homme  
Rivest  
Stratton  
Tkachuk—17

#### NAYS

##### THE HONOURABLE SENATORS

Adams  
Austin  
Bacon  
Baker  
Biron  
Bryden  
Callbeck  
Carstairs  
Chalifoux  
Christensen  
Cook  
Cools  
Cordy  
Day  
De Bané  
Fairbairn  
Ferretti Barth  
Finnerty  
Fitzpatrick  
Fraser  
Gauthier  
Gill  
Graham

Joyal  
Kenny  
Kolber  
Kroft  
LaPierre  
Lapointe  
Léger  
Losier-Cool  
Maheu  
Mahovlich  
Milne  
Moore  
Morin  
Pearson  
Phalen  
Poulin  
Robichaud  
Rompkey  
Setlakwe  
Sibbeston  
Sparrow  
Stollery  
Taylor

Hervieux-Payette  
Hubley  
Jaffer

Tunney  
Watt  
Wiebe—52

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

## QUESTION PERIOD

### NATIONAL DEFENCE

#### AFGHANISTAN—SOLDIERS KILLED AND WOUNDED IN FRIENDLY FIRE INCIDENT— CONDUCT OF INVESTIGATION

**Hon. Laurier L. LaPierre:** Honourable senators, it is well and good to say that the Americans will cooperate with the investigation in order to find out what happened in this terrible tragedy. However, does not the Canadian government have a fundamental moral and national responsibility not to pass on the responsibility of investigation to a foreign power but to conduct an investigation itself? Is there a procedure to that effect? I would not want the Americans to tell us only what they want to tell us. I want to be able to find out why it is that someone dropped a bomb on our boys.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I anticipate that the Americans will want to conduct their own investigation. Let me make it very clear: The Canadian investigation will be done by Canadians under a policy of the Department of National Defence, and we have been assured of the full cooperation of the United States in that study.

[Translation]

### FINANCE

#### ACCOUNTABILITY OF GOVERNMENT AGENCIES

**Hon. Roch Bolduc:** My question is for the Leader of the Government in the Senate and has to do with the foundations. It is a substantial issue.

[English]

Nine foundations have been set up since 1997 and have been given \$7.1 billion. As of March 31, 2001, they still had \$7 billion in the bank.

[Translation]

Is creating foundations a new way for the Minister of Finance to avoid reducing the deficit?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** The foundations were established, as I am sure the honourable senator knows, because they are working in areas of research in

most respects and in the provision of scholarships in other respects that we believe are best handled and administered in an arm's-length manner. Having said that, they must be accountable and audited. That is why the government is taking steps to ensure the earlier foundations that did not have the clearest mandates in terms of accountability will be brought up to the standard of the more recent foundations.

[Translation]

**Senator Bolduc:** The government finds itself in an awkward position. It created two new foundations in February and, suddenly, it has decided to take a different tack and treat them as though they were departments. The Auditor General says that there are important shortcomings and weaknesses in the delegated arrangement approach and that she is limited as to which aspects of arrangements she may examine, which prevents her from providing Parliament with the assurance that federal resources and authorities are being used as they should be.

Billions of dollars remain in the hands of foundations for years before reaching beneficiaries. When things go badly, the government has little recourse, and Parliament has few opportunities of examining these delegated arrangements.

If this is not a way to avoid reducing the deficit, is it a new way of budgeting? The Minister of Finance brings down a budget for a given year.

• (1440)

Suddenly, in March of the following year, there is too much money! The money is coming in in buckets. Thus, he thinks of creating a foundation at the end of the year, where it will not be subject to too much control. In other words, will there be two budgets every year, one at the beginning and another at the end of the year?

[English]

**Senator Carstairs:** If that were the case, honourable senators, there would be even more foundations. As I am sure the honourable senator realizes, the news out today is that, although the Finance Minister had indicated a very small surplus for this year, our economy has been so buoyant — it has not experienced the recession that the other side seems to want — that we have a surplus that will come in somewhere between \$7 and \$10 billion when the final figures are announced in September. In reality, through good fiscal management, we are again managing the economy extremely well. I know the other side does not like foundations. This side has been supportive of those foundations and will continue to be so.

[Translation]

**Senator Bolduc:** Given that it is now the month of April, you cannot create a foundation this year, you will have to pay down the debt.

[English]

## THE SENATE

### NATIONAL SECURITY AND DEFENCE— POSSIBILITY OF SPECIAL MEETING ON SITUATION IN MIDDLE EAST

**Hon. Marcel Prud'homme:** I did not have much luck yesterday with the Chairman of the Standing Senate Committee on Foreign Affairs, so I will try today, in view of events, to question another chairman. Such questions give chairmen a chance to be known and to show that they can handle their own situation.

My question is to the able Chairman of the Standing Senate Committee on National Security and Defence. I have just arrived from the other chamber, where the entire Question Period was between the opposition, some members of the government and the Minister of National Defence. In view of all the events that are taking place, and the fact that people are extremely worried, I think the Senate could play a role, as I said yesterday, in foreign affairs. Surely the chairman of the committee, who is very able, knows how to handle public opinion, television, et cetera. I say that positively.

Will he consider calling his committee for a special meeting of interested senators, so we can ask, in a very positive way, officials of the Department of National Defence pertinent questions, in order to give some comfort to the families affected by these tragic events, especially questions in regard to how the survivors will be treated and how Canada will handle its responsibilities? We have a moral obligation in this matter.

**Hon. Colin Kenny:** Honourable senators, I thank Senator Prud'homme for the question. Yesterday, the committee received an order of reference from this chamber that does not accommodate what he has in mind. Obviously, we would be prepared to do whatever this chamber directed, and the appropriate way to do that is through an order of reference.

## NATIONAL DEFENCE

### UNITED STATES—PROPOSAL TO CREATE NORTH AMERICAN MILITARY COMMAND STRUCTURE FOR LAND, SEA AND AIR—EFFECT ON NORAD

**Hon. Pierre Claude Nolin:** Honourable senators, my question concerns the United States' creation of its own military command for the land, sea and air defence of all North America, better known as the Northern Command, or NORCOM.

According to the announcement made yesterday by the U.S. Secretary of Defence, Donald Rumsfeld, NORCOM will include NORAD and many U.S. federal agencies involved in homeland security intelligence and natural disaster relief.

As you already know, Canada decided not to participate in this new command structure.

On June 16, 2000, Canada and the United States agreed to extend the NORAD agreement until the year 2005. When the NORAD agreement was extended in the year 2000, the former Minister of Foreign Affairs, Lloyd Axworthy, stated: "NORAD has been the foundation of Canadian-U.S. defence cooperation since 1958." The Minister of Defence, the Honourable Art Eggleton, also said: "Through outstanding cooperation and cohesiveness, NORAD has proven itself effective in watching, warning and responding."

Considering that a terrorist or military attack on U.S. territory could also affect Canada and that a U.S. unilateral retaliation could threaten our sovereignty on land and sea, can the Leader of the Government in the Senate tell us why the federal government did not attempt to convince U.S. authorities to create NORCOM under NORAD by extending its mandate, using the structures that have proven so successful in the past?

**Hon. Sharon Carstairs (Leader of the Government):** With the greatest of respect to the honourable senator, the announcement of a unified command plan by the United States is an American plan. It is not a Canadian plan. The United States has not sought, nor has it been given, cooperation with Canada.

With respect to the honourable senator's statements on NORAD, he, of course, is absolutely correct. NORAD remains the cornerstone of the Canada-U.S. bilateral defence relationship. It is not part of the unified command. Whether the creation of a northern command, which is part of what the honourable senator has raised today, may have potential implications for a continental security arrangement, it is too early to speculate upon. These are just announced plans in the United States. Nothing is complete. I must assure the honourable senator, however, that there will be some further engagement in informal discussions between the two countries, but nothing formal has taken place.

**Senator Nolin:** Honourable senators, I saw the report and the Defence Secretary said that the new command will become operational on October 1 this year, at Peterson Air Force Base, so it is more than a project.

Considering the creation of NORCOM — and it is a given, it will happen — and the poor state of our Armed Forces, would the Leader of the Government in the Senate concur that this new arrangement would make NORAD obsolete in the eyes of Americans in four years?

**Senator Carstairs:** Honourable senators, the short answer is no, it will not make NORAD obsolete. NORAD will continue as a bilateral defence pact between the two countries. It is also true that the united command plan, sometimes known by another name, is at this point a classified military document. We do not have access to all of the information in that document so it would be premature, quite frankly, to make any long-term or short-term forecasts at this point.

[Translation]

**Senator Nolin:** Honourable senators, would it not have been much more reasonable for Canada to participate in this organization for the defence of territory that includes Canada in order to follow the evolution of the American analysis on the ability of NORAD to fulfil its mandate? Do you believe that the Americans will bother dealing with a government other than their own? For now, NORAD is part of NORCOM. The day they decide that NORAD is more of a problem than a solution, they may decide to have their own defence unit and to replace NORAD without even Canada's consent.

[English]

• (1450)

**Senator Carstairs:** I would hope not, honourable senators, but the major concern here for me, and I believe for the Canadian government, is Canada's sovereignty. That is the issue from our perspective. We have a joint bilateral defence agreement with the United States that has worked well for both countries. However, we will not be dictated to by the United States on what Canada's defence policy should be. Canada's defence policy will be developed by Canadians, including, I hope, members of this chamber, when a defence review takes place. I believe we will be active participants in that review. It must take place in this country for Canadians.

[Translation]

**Senator Nolin:** No one is challenging Canada's sovereignty, especially not the honourable senators on this side of the chamber. However, you must admit that the Americans will not be bothered to place a phone call, even to the Minister of National Defence, before proceeding to defend their territory.

I remind you, honourable senators, that an examination of their documentation, which is most certainly not classified, reveals that Canada is part of the territory where the United States intends to establish a defence unit.

Do you think that the U.S. will bother to check with Canada? Not at all. Should Canada not, from the outset, take part in developing the defence plan for the continent?

[English]

**Senator Carstairs:** Honourable senators, it is for that reason that informal discussions have taken place. However, I do not think those discussions have been particularly complete in that we do not have all the details of the Americans' plan.

I agree with the honourable senator, that it is not realistic to think that the United States will make its defence plans and defence arrangements with anyone in mind except the United States. They have not done so in the past and I suspect that they will not do so in the future.

Having said that, we have been able to make bilateral arrangements in the past and I hope we will continue to make them in the future. However, the issue from my perspective is that Canada's defence policy be Canadian-driven and not American-driven.

[Translation]

**Senator Nolin:** Does the Leader of the Government feel that Canada's defence is so sovereign that it can ignore the defence processes and protocols of our neighbours to the south? Is it conceivable that we can defend Canadian territory while ignoring the protocols of U.S. defence?

[English]

**Senator Carstairs:** No, honourable senators, and that is why we should participate in as many informal discussions as possible. The continent has clearly become much smaller in terms of relationships, and I include Mexico. We are not islands and we cannot act entirely on our own, particularly when one of us is, as has been described in the last few weeks, a "hyper power" on the international horizon and the other two are not.

However, we must also be extremely cautious, when evolving policies, that we are not dominated by the United States. In my view, domination will be attempted at every opportunity. They tried it not so long ago. That, unfortunately, from the perspective of the honourable senator perhaps, led to the defeat of a Conservative government in the early 1960s on a ballistic missile policy.

As a result of their power and their numbers, the Americans sometimes think of Canada not so much as a sovereign nation as the fifty-first state to their north. We are not the fifty-first state and in my view we will never be. However, in order to ensure that we do not become the fifty-first state, we must develop our own strategies.

**Senator Nolin:** Therefore, honourable senators, does the leader agree that we must be at the table during the discussions?

**Senator Carstairs:** Honourable senators, in four answers I have indicated that those informal discussions are important. NORAD has worked well. Obviously, it is a joint defence structure, but we play on an equal playing field, and that is the issue here.

#### NATIONAL SECURITY AND DEFENCE REPORT— FUNDING OF DEPARTMENT

**Hon. Norman K. Atkins:** Honourable senators, my question is directed to the Leader of the Government in the Senate. The Auditor General's recent report deals with money put beyond the reach of Parliament. The Auditor General has pointed out that since 1995 some \$7.1 billion has been sitting in various bank accounts, some of which has not been touched for years. Many of the problems facing our military today, especially the issue of retention of personnel, stem from a serious lack of funding.

Can the Leader of the Government in the Senate tell us whether cabinet has reviewed the recent report, tabled on February 28, 2002, by the Standing Senate Committee on National Security and Defence? Will the Minister of National Defence be announcing increased funding for our military, which I believe is in mortal danger due to its underfunding?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I can only tell you what I have been told by the Honourable Minister of Defence, and that is that he has reviewed the document that was tabled in the Senate by the committee so ably chaired by Senator Kenny.

In terms of increased defence funding, defence spending has been increased in the last three budgets brought down by this government. Is that enough? Will that meet all of our expectations? It is clear that there will have to be increases in the future and the government is committed to that.

**Senator Atkins:** It is hardly enough, honourable senators. Will the Leader of the Government in the Senate take to the cabinet a proposal to collapse some \$4 billion sitting in funds identified by the Auditor General and request that these monies be transferred immediately to the budget of the Department of National Defence?

**Senator Carstairs:** No, honourable senators, I will not bring such a request to the cabinet table for the simple reason that the foundations that were established, such as the Millennium Scholarship Foundation that provides scholarships for students across this country, have not spent all their money. It was anticipated that they would not because, in this case, there would be no money for future students. That was not a one-year program. It is a program in perpetuity.

## JUSTICE

### NUNAVUT—GUN CONTROL REGISTRATION PROBLEMS—DEADLOCK ON PROPOSED REGISTRATION REGIME

**Hon. Willie Adams:** Honourable senators, my question is directed to the Leader of the Government in the Senate.

The question deals with the difficulty the Nunavumiut are having obtaining their firearms licences. When firearms regulations were under the jurisdiction of the RCMP, there were two firearms officers and one firearms clerk for all of Nunavut. Through radio programs, an officer, speaking in Inuktitut, would explain to people in the communities how to complete their applications and answer other questions pertaining to firearms.

Since the transition to the Department of Justice, the budget allows for only one firearms officer for all of Nunavut. I also discovered recently that the office has been closed. All services are now provided out of Regina, with the regional office being in Edmonton.

[ Senator Atkins ]

One of my concerns is about the elders in Nunavut, many of whom speak only Inuktitut. Since 1999, elders have been considered alternately certified under the Aboriginal Adaptations Regulations from taking the Canadian Firearms Safety Course because they grew up around guns and hunted regularly to provide food for their families. If this declaration is enclosed with an elder's firearms application, the licence should be processed without hesitation. Unfortunately that is not the case. Their applications are being returned with a request to provide proof of the Canadian Firearms Safety Course.

• (1500)

Also, house numbers and street names are required on the application. Most of our communities are so small that these are not necessary. Even obtaining a photograph is difficult in some of the communities.

These problems are causing frustration and unnecessary delays. People in our communities are still having problems with this process. Since their guns are not registered, they cannot get ammunition, and without ammunition they cannot go out on the land to hunt for their families. There is a high rate of unemployment in Nunavut and many people hunt on a regular basis to supplement their family's food supply.

My question to the Leader of the Government is: Is there any way in which firearms applications can be processed in a more timely manner while taking language and culture into consideration at the same time?

**Hon. Sharon Carstairs (Leader of the Government):** I thank Senator Adams for his question. As he knows, when I was the sponsor of Bill C-68, my biggest concern was for those who live in the northern territories. Therefore, I made a visit to three communities there to learn what their unique difficulties would be.

Clearly, the language is paramount. If a firearms officer speaks English but the person who wishes to obtain a certificate speaks only Inuktitut, there is a serious problem. The government has tried to respond to that. As a result, 6,000 individuals who live in Nunavut have gone through the participation program. I will raise this matter again with the appropriate minister.

However, the question points out the difficulties we sometimes have in a computerized society in which some people do not meet all the information requirements of the computer. For example, as the honourable senator said, many northern communities have neither street names nor numbers on the houses. The computer will send back the form requesting the residence number or the street name, and that has caused enormous frustration for many of the people participating in the program.

I am aware of the honourable senator's concerns. I have raised this matter before. I assure the honourable senator that I will raise the matter once again.

**Hon. Charlie Watt:** Honourable senators, my question for the Leader of the Government in the Senate is supplementary to Senator Adams' question.

I am the chairman of the working group dealing with gun control. The information I received recently from my negotiators is that they have run into a deadlock with officials because they will not accept an innovative idea with respect to using Nunavut beneficiary cards. Rather than issuing a separate permit, we suggested putting the information in the beneficiary card so that all the information about an individual would be in that card. That is what we were proposing. We were not too far from striking a deal with the Department of Justice. For some reason, at the last minute, they had to return to their superiors to see whether they could advance the matter.

Could the honourable senator deliver the message to the minister, that after our meeting with officials, we thought the matter would proceed quickly? We had talked about a signing ceremony with the leaders from the North in June. That is still my target. I believe that is still the target of the minister. If this deadlock could be rectified, that would be helpful.

**Senator Carstairs:** Honourable senators, I am not sure I can rectify the matter. However, I shall certainly let them know about the deadlock at the ministerial level, if it has not made its way up from the bureaucratic level. Hopefully, we will be able to help in arriving at a conclusion.

[Translation]

#### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table in this house responses to two questions. The first is a response to a question raised on March 13, 2002, by Senator St. Germain regarding payment of legal fees for RCMP Constable Michael Ferguson. The second is in response to questions raised by Senator Forrestall on March 14 and 19, 2002, concerning the war in Afghanistan, veterans benefits to troops, and the special duty area pension order.

#### SOLICITOR GENERAL

##### RCMP—TREATMENT OF CONSTABLE MICHAEL FERGUSON—PAYMENT OF LEGAL FEES

*(Response to question raised by Hon. Gerry St. Germain on March 13, 2002)*

Legal representation for this RMCP member is complex given the severity and length of the process.

I can assure you that the RCMP fully supports the payment of legal expenses for representation of their members in matters relating to their duties.

In this case, the Government has in fact paid legal expenses for the preliminary hearing.

However, I understand that there are outstanding accounts in relation to representation at trial.

I have been advised that these matters are being reviewed and that legal expenses will be paid for in accordance with expenses allowed under Treasury Board policy.

#### NATIONAL DEFENCE

##### WAR IN AFGHANISTAN—VETERANS BENEFITS TO TROOPS—TERMS OF SPECIAL DUTY AREA PENSION ORDER

*(Response to questions raised by Hon. J. Michael Forrestall on March 14 and 19, 2002)*

We have begun the process of amending the Pension Act to include Afghanistan and several other geographical areas that pertain to Operation Apollo and the anti-terrorism campaign.

This will require Governor-in-Council approval to formalize a change to the definition of Special Duty Areas (SDA), which provides CF members "Insurance Principle" coverage under section 21(1) of the Pension Act.

Once the SDA approval is obtained, Veterans Affairs Canada will be able to apply the Pension Act to all eligible cases retroactively to the approved dates, which will be at least September 11, 2001.

In the meantime, all members in-theatre on Operation Apollo are fully covered under Section 21(2) "Compensation Principle" of the Pension Act; i.e. if they are injured while in service they will be covered by the Act. Based from experience, the approval process will take between 6 to 12 months.

There are four main allowances provided to CF members deployed on CF missions abroad:

- Operational Foreign Service premium (Ops FSP) - for being outside Canada;
- Hardship allowance (HA) - depending on the harshness of the environment;
- Risk Allowance - depending on the risk to the individual; and
- Hardship bonus - for personnel having already served on a hardship mission.

These benefits vary from mission to mission and are adjusted periodically based on feedback from the local commander and from monthly deliberations by the Departmental Hardship and Risk Committee (DHRC).

Personnel with dependants are also entitled to a separation expense of (\$ 4US per day).

[English]

## ORDERS OF THE DAY

### FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING—  
MOTION IN AMENDMENT—  
VOTE DEFERRED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to speak to Bill C-35, which was before the Standing Senate Committee on Foreign Affairs. Yesterday, Senator Stratton spoke to the bill. I support his comments about this bill not having received sufficient scrutiny, particularly in the community. Certainly, most of the action has been around Bill C-36 and other bills introduced at the time of the anti-terrorism legislation.

One of the witnesses before us in the Standing Senate Committee on Foreign Affairs noted that, curiously, this bill came after September 11 and was placed before the House of Commons precisely at the time that we were looking at terrorism issues. One wonders if the justification for bringing Bill C-35 lay in the deliberations of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations sometime previously. Like the witness, I also wonder why these bills are now being brought before us. Is there a feeling that they would be passed with greater ease now than at other times?

With respect to Bill C-35, this proposed legislation would grant greater diplomatic immunity to a greater number of people. Traditionally, diplomatic immunity was for missions abroad. It was a reciprocal arrangement in which our diplomats would receive diplomatic immunity in the countries they were serving in and would not be under undue pressure or threat. We, in turn, would afford diplomats to our country the same protections. It would allow diplomats to move freely and speak freely on behalf of their countries.

I do not quarrel with the granting of diplomatic immunity. I am extremely supportive of diplomatic immunity. Despite the fact there are from time to time cases of impaired driving or more horrific acts, my point of view is diplomatic immunity serves a purpose, and we must find a way within the diplomatic community and within the processes in the Vienna Convention to ensure that diplomats act responsibly.

From time to time diplomats have not exercised their authority appropriately. We should take steps, in consultation with diplomatic missions around the world, to ensure responsible behaviour. Diplomats around the world do, by and large, act professionally and within the traditional ambit of what is expected of them, both publicly and privately.

Traditional diplomacy was extended to treaty-based organizations, and those organizations could set up in any country with the knowledge that, in fact, diplomatic immunity would be granted to their people. If treaty-based organizations held a conference, diplomatic immunity was extended. We passed laws in Canada to allow that to happen.

• (1510)

One of the reasons for diplomatic immunity is that reciprocity is given. If there is behaviour that is inappropriate, the term *persona non grata* applies. In other words, we can ask people to leave the country. There is a time limit within which they must leave and be dealt with, and the offending diplomat is removed from Canadian soil.

Bill C-35 extends this diplomatic immunity beyond treaty-based organizations and beyond the normal diplomatic missions to any intergovernmental organization of two or more countries. For any conferences that will be held in Canada, people will be given diplomatic immunity.

My difficulty with this provision is that these people may not be coming from the normal diplomatic stream. They may not be easily tracked or checked, and they will be afforded all of the diplomatic immunity that those who have traditionally served would receive.

If we pass this bill, I believe that we will embark on a process that we are not certain will be reciprocal in other countries. We are not certain what the outcome will be for the safety and security of Canadians, nor for the Canadian reputation or our national interests. Therefore, I have some overriding concerns about diplomatic immunity being extended beyond treaty-based operations. Several witnesses who appeared before the committee echoed that concern.

There are two basic concerns within Bill C-35 that I wish to address. I have already indicated that the bill expands the scope of immunity. Bill C-35 grants the immunity to treaty-based organizations and to non-treaty-based organizations. That is where it is problematic.

In the evidence that was given before the committee, we heard from Mr. Matas on March 12, 2002. At page 23:7 of the evidence of the committee, Mr. Matas said:

The timing of the bill is very strange. The bill was introduced October 1, 2001, very shortly after the events of September 11. Why the government should be introducing proposed legislation that extends immunity to terrorists in Canada is a mystery to me. It preceded the introduction of Bill C-36 by a couple of weeks. For the government, on the one hand, to propose to provide immunity to terrorists and, on the other hand, to take it away is dissonant. In any case, it is problematic to extend immunity at any time.



Treaty organizations are based on international law. There is a context in which it makes sense to say that these people should be allowed to meet. There are obligations binding them, other than the ones relating to the meetings, and those can have some disciplinary force. However, immunity is extended to non-treaty organizations, there is no legal binding or constraining context in which they are operating. By allowing treaty organizations to meet under treaty law, the force and scope of international law is expanded, yet by granting immunity to non-treaty organizations you are doing nothing of the sort. International law is weakened and undermined.

Honourable senators, I believe we should listen to Mr. Matas, who has a long and venerable career in international law. He went on to say:

There is a duty in international law to prohibit and prosecute the perpetrators of terrorism, war crimes, crimes against humanity, genocide, disappearances, torture, or extrajudicial execution. These duties are obligations that are pre-emptory norms of international law. According to the Vienna Convention on the Law of Treaties, these norms supersede all other treaty norms. According to the Vienna Convention on the Law of Treaties, any treaty that grants immunity for these crimes is void....

The proposed legislation does not fit with our obligations to surrender, prosecute, or extradite. There needs to be some meshing of this proposed legislation with our duties under the Rome Statute of the International Criminal Court and our own legislation about crimes against humanity and war crimes. It should be clear that regardless of whether it is a treaty organization or a non-treaty organization, there is no immunity for these international crimes where the prohibition is a pre-emptory norm of international law.

In addition to the issue of protecting Canada against terrorism and complying with the International Criminal Court, the concern raised before the committee, which I share, is that anyone coming into Canada who was in any of these categories had to apply for a minister's permit. In his response to the Senate committee, Mr. Matas pointed out:

In addition to a granting of immunity, they need something to circumvent the prohibition in the Immigration Act. What they receive now is a minister's permit, person by person.

We have concerns that these people are being granted minister's permits, and indeed they are. According to the testimony of Joan Atkinson, Assistant Deputy Minister, Citizenship and Immigration Canada, a number of people who are alleged to have committed crimes against humanity were given a minister's permit to attend the last francophone summit. That is of some cause for concern.

Bill C-35 makes it a lot easier for these people to get in, because instead of the positive grant of a minister's permit this proposed legislation proposes a blanket grant. The only people that will be kept out are people who are specifically mentioned in the Order in Council. It is less likely that people will be mentioned in an Order in Council than denied minister's permits, because the granting of a minister's permit requires a positive act of the government.

Mr. Matas goes on to say:

The government has to say, "We will put this person in the Order in Council," and simple bureaucratic inertia will make it a lot easier for war criminals and criminals against humanity to come into Canada.

The department indicated that they wanted this new Order-in-Council mechanism because they were more concerned about the dignity of the perpetrators having to go through this process. They use the example of the Nelson Mandela problem, as it was stated. Mr. Matas, in his testimony before our committee, quite rightly stated:

The government officials have also talked about what they call the Nelson Mandela problem, that in order for Nelson Mandela to come to a conference he would need a minister's permit because he has been convicted of a crime in South Africa and that we should not have to put someone like Nelson Mandela through the embarrassment of having to get a minister's permit. We reject that characterization. If you look at the Immigration Act, in order to be inadmissible it is not enough for a person to be convicted of a crime abroad. The person has to have been convicted of an act that, if committed within Canada, would be an offence. It is our view that nothing Nelson Mandela ever did, if he did it in Canada, would have been an offence. Opposing apartheid is not now and never was an offence in Canada. It is a mischaracterization to suggest that there is this sort of problem.

I share also with Mr. Matas that we should not be as concerned with the perpetrators and their dignity, but we should be concerned with the dignity of the victims of these people. Mr. Matas quite rightly pointed out in testimony before us, at page 23:11:

What is the national interest in having these people come to Canada?

I should, in parenthesis, say here that some senators asked: What if we brought some of these alleged perpetrators here for the purposes of an international conference that might lead to peace? This is the answer from Mr. Matas:

The conferences themselves can still take place. It is just that some people would not be allowed to attend; if they did, they would run the risk of being prosecuted for the crimes they had committed. What advantage do we get in having war criminals and the like coming to international conferences? It would hardly improve the quality of the deliberations. The departmental officials stated that it is an advantage in having these people here to deal with some of the very issues of concern that may be some of the root causes of these things.

In our view, the root cause of many of these human rights violations is impunity. If you enhance impunity you will add to the root causes. If you get violators sitting around and talking about root causes, they will blame someone else, and typically they blame the victims. We should not be hosting international conferences where this sort of discourse is invited.

• (1520)

**The Hon. the Speaker:** I regret to inform the Honourable Senator Andreychuk that her 15 minutes have expired.

**Senator Andreychuk:** Honourable senators, I ask for leave to continue.

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

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I will grant a few minutes to the honourable senator to allow her to finish her comments.

[English]

**Senator Andreychuk:** Honourable senators, I will try to be as brief as I can.

We can allow people into this country who may have been alleged to be perpetrators. Let us not make the mistake of saying that if someone is alleged to be a perpetrator, then he should not be allowed into Canada. It is only if they have been adjudged to be perpetrators that we do not wish them to come into Canada. There is a distinct difference.

The Dayton accord and Mr. Milosevic were given as examples. Would we have allowed him in if we had had the Dayton accord? Some thoughtful people are saying that perhaps we should not have dealt with Milosevic. In any event, at the time of the Dayton accord, he was not adjudged to have been a perpetrator. It was only alleged by some sources. Thus, he would not have been precluded from coming to Canada.

My second point is that with this bill we would grant to the Royal Canadian Mounted Police the right to determine security issues that, in my opinion, should by right be in the hands of politicians. As was pointed out in evidence before us, it is not just an issue of security and safety for those conference delegates; it is also an issue of security and safety for those property owners around these conference areas and of the right and freedom of protesters to express themselves freely within the context of this conference.

[ Senator Andreychuk ]

Minister Graham quite rightly pointed out, and I commend him for this, that in Quebec City the government went to great pains to meet with the NGOs and to offer an environment for them to have some discourse with Canadian officials and others. However, that is not the point here. The point here is that demonstrators want to have an impact on those who are at the conference, and not necessarily those who consent to meet with them. It is that impact between the protesters and those who are there that the protesters want. I caution honourable senators that here I am speaking about peaceful demonstrators and no others.

In Bill C-35, the RCMP have the right to designate, which is my particular concern. It is not that they have the safety and security to worry about in emergency exigent circumstances, but that they will be the ones who will designate the controlling, limiting and prohibiting of access in any area to the extent and in the manner that is reasonable in the circumstances.

The test set out in Bill C-35 is exactly the kind of test that Justice Hughes in the APEC inquiry was found to be wanting, as Senator Stratton said yesterday. Yet we are now entrenching that as reasonable and acceptable in Bill C-35. I do not believe that should be the case.

The issue of saying how far protesters in legitimate protests should be from the conference is surely a balancing of rights. When we balance rights, it should be a political decision, not a decision taken by the police who, traditionally, have the job of safety and security. To put that onus on them is unreasonable. However, we learned in the APEC inquiry that the political persons are, perhaps, not appropriate, either.

The next line of defence might be some guidelines for the police. In Bill C-35 there are no guidelines.

The last point is that at least the demonstrators should have some prior notice of exactly where these delineated areas will be and, therefore, have an opportunity to question them. The government says that these delineated areas and the clauses in Bill C-35 that deal with this matter will be subject to Charter challenges. As our witnesses quite rightly pointed out, if you do not know where the area is until after the fact, then going to court to prove the delineation was wrong is not an acceptable or affordable right. After-the-fact redress is not the kind of redress that the Charter contemplated, nor one which Canadians expect.

Consequently, the broad, outlined delineated areas where the protesters cannot go should be published prior to the event. This is also for good security reasons because then they will know what the limits are. If we, as citizens, believe that our rights are being hampered, then, before the fact, we would be able to mount a Charter challenge.

After the speeches I heard yesterday, I believe the issues I am raising are fundamental to the good governance of Canada and to the proper implementation of the Charter of Rights and Freedoms. We hold very dear the right to protest, the right to freedom of expression and the right to movement. We weigh those in proportionality to our right to security.

I believe that kind of pre-testing is necessary. Had there been better rules prior to APEC, Canada's reputation would have been centred on the APEC forum and not on the inquiry that was held afterward.

#### MOTION IN AMENDMENT

**Hon. A. Raynell Andreychuk:** Therefore, honourable senators, I move, seconded by Senator Stratton:

That Bill C-35 be not now read a third time but that it be amended

(a) in clause 3, on page 4, by adding after line 19, the following:

“(1.4) An order made under subsection (1) does not grant immunity in any civil or criminal proceeding respecting the commission of an act of terrorism, torture or genocide, an enforced disappearance, a summary execution, a war crime or a crime against humanity.”; and

(b) in clause 5, on page 6,

(i) by adding, after line 39, the following:

“(3) Where the Royal Canadian Mounted Police proposes to control, limit or prohibit access to an area under subsection (2), the Commissioner shall publicly announce a description of the delineated area before the later of

(a) 30 days after the dates of the intergovernmental conference are publicly announced; and

(b) 30 days before the first day of the intergovernmental conference.”; and

(ii) by renumbering subsections 10.1(3) and (4) as subsections 10.1(4) and (5) and any cross-references thereto accordingly.

• (1530)

[Translation]

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

**Hon. Jean-Robert Gauthier:** Honourable senators, the interpreters did not receive a copy of Senator Andreychuk's motion in amendment. I could not follow the discussion. I have no idea what happened because my interpreter does not understand. In future, would you kindly provide the interpreters with the texts in French and English so that I can follow and understand what is going on?

[English]

**The Hon. the Speaker:** Honourable senators, shall we then continue with the Order Paper while the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, is distributed to all senators?

**Hon. Senators:** Agreed.

[Translation]

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I propose that Senator Gauthier adjourn the debate.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I would like to counter-propose that Senator Gauthier not adjourn the debate.

[English]

**The Hon. the Speaker:** Is it agreed, honourable senators, that while we await the distribution of the motion in amendment, we continue with the Order Paper and then return to that item when it has been distributed to all senators?

**Some Hon. Senators:** Agreed.

[Translation]

**Senator Kinsella:** Honourable senators, this is a motion that requires unanimous consent. I do not agree with it. The solution is very simple. Senator Gauthier should adjourn the debate. I want to move the adjournment of the debate.

**Hon. Eymard G. Corbin:** Honourable senators, I think it is common courtesy to allow all senators to read any proposed amendment in the official language of their choice. I remind you that this principle was clearly established and confirmed during the infamous debate on the GST. This is common courtesy and it also reflects the spirit of the Official Languages Act. Senator Gauthier's request does not go beyond these considerations. We should not only accommodate him because of a particular technical problem, but also the other senators who wish to read this text. A text that is read outside its context is sometimes hard to understand. We are simply asking that the text be distributed. We are not asking for adjournment of the debate. We are asking that the text be distributed in both official languages. This is a common courtesy in any Parliament.

[English]

**The Hon. the Speaker:** Does any other honourable senator wish to make a helpful comment?

Honourable senators, I have made a suggestion. The question is whether it requires unanimous consent to proceed as has been suggested, that is, that we proceed with the Order Paper while a copy of the amendment proposed by the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, is distributed in both languages, which have been available and which have been read by the Honourable Senator Andreychuk and myself.

I assume that we have encountered this situation many times before. It would be in order either to pause during the proceedings so that the amendment can be considered or to proceed. However, an honourable senator might suggest this procedure, as it is not in order for the Chair to suggest it.

In terms of where we were in the Order Paper, and on this particular matter, Senator Kinsella is prepared to move a motion to adjourn the debate. I did not put that motion. I have heard argument as to whether it is in order to proceed in another way, and I have heard from one senator, the Honourable Senator Corbin. I think the Honourable Senator Robichaud was making the same point, namely, that we should proceed as we have in the past.

**Senator Stratton:** It should be ready now.

**The Hon. the Speaker:** It is entirely in order to propose an adjournment of the debate after the motion in amendment has been distributed. Accordingly, I will call for a pause at this time for the material to be distributed, following which we will continue.

**Senator Stratton:** Good stonewalling.

**The Hon. the Speaker:** Honourable senators, I am not sure that all senators have the material yet, but I would appreciate knowing if you have it. Regrettably, I no longer have it.

Honourable senators, it was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton —

**An Hon. Senator:** Dispense!

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am somewhat distressed at the way that the debate on amendments has been proceeding in the last few months. I cannot recall, recently anyway, when a serious amendment — and they are all serious — being put by this side has even been commented on by the other side. That is not debate. That is mirror imaging of what is going on in the other place. Numbers are being used as a substitute for proper debate.

Yesterday, Senator Stratton suggested participation by Parliament in the implementation of this bill by asking, through his amendment, that the Minister of Foreign Affairs report annually to Parliament. This suggestion was rejected without any debate and without any explanation. This was a pure and simple gesture by the Senate of Canada asking for participation in the implementation of a bill that could lead to dangerous decisions, as explained by Senator Andreychuk today. This bill grants blanket immunity to official delegations, without any check whatsoever as a substitute for what is called ministerial decisions or ministerial letters. Furthermore, it gives the RCMP extraordinary powers.

• (1540)

We can accept that reluctantly, perhaps, but we cannot accept that once these powers are given, we absolve ourselves of any responsibility of ensuring that these powers are carried on responsibly. That was all that Senator Stratton asked for yesterday: that the Minister of Foreign Affairs report annually to provide both chambers and their respective committees the opportunity to see that the intent of Parliament is carried out, and to make the minister and his department conscious of the supervisory eye of Parliament. However, this aspect was not even

debated here. As soon as the amendment was read, the yeas and nays were called. It was the same procedure with the one amendment today that covers two different aspects of the bill.

I deplore the fact that we have come to this level of debate such that no amendment is deserving of any consideration by anyone on the majority side. If this pattern continues, anyone who would believe that we are carrying out our responsibilities as a chamber of sober second thought would be living in a dream world.

**Senator Kinsella:** Honourable senators, if the government will not give an answer, perhaps this side will have to provide the government's answer, as well.

In the amendment that is before us, the government does not agree with clause (a), not for any reason other than it is just policy. It does not agree with any amendments that are proposed by the opposition.

The government also does not agree with amendment (b) in clause 5 on page 6 of the bill. There is no reason for that; it is just the policy of the government in the Senate — they do not give reasons. That is the best argument we are hearing from the government: Debate in the Senate is not to be engaged in, and the opposition putting its time and effort into studying these bills, whether in committee or at third reading, is also irrelevant. Maybe the Senate of Canada has become irrelevant. Nevertheless, there is a certain seepage of sham to it. Unless this government, and those who support the government in this place, give serious consideration to this *modus operandi* that we have been seeing for the last little while, they will do great harm to this institution.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Will 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"?

**Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

[ The Hon. the Speaker ]

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators.

**Hon. Terry Stratton:** Honourable senators, pursuant to rule 67(1), I wish to defer the vote to the next sitting of the Senate.

**Hon. Bill Rompkey:** Honourable senators, I propose that we defer the vote until 2:30 p.m. at the next sitting of the Senate after tomorrow.

**The Hon. the Speaker:** Honourable senators, the house requires unanimous agreement.

**Senator Rompkey:** On a point of order, honourable senators, my reading of rule 67(3) in respect of a standing vote states: "until 5:30." My interpretation is that it could be up until 5:30, but I am open to counsel on that. If it must be 5:30, then it will be 5:30.

**The Hon. the Speaker:** The vote will be at 5:30 p.m. unless otherwise agreed to. Is there any desire, honourable senators, to consider a time other than 5:30 on the next sitting day after tomorrow? Allow me to quote the rule. Rule 67(3) of the *Rules of the Senate* states:

When a standing vote has been deferred, pursuant to section (1) above, on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

Honourable senators, the vote is deferred until 5:30 p.m. at the next sitting of the Senate after tomorrow. The bells will ring at 5:15 p.m. for a vote at 5:30 p.m. Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

## **BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT**

### **SECOND READING—DEBATE ADJOURNED**

**Hon. Joseph A. Day** moved second reading of Bill C-43, to amend certain acts and instruments and to repeal the Fisheries Prices Support Act.

He said: Honourable senators, I am pleased to rise today to speak at second reading of Bill C-43, which makes minor technical amendments and corrections to various statutes. These amendments would not likely be substantial enough to justify several stand-alone bills.

Bill C-43 does not bring about any substantive policy changes to our statutes. Rather, like most technical amendments bills, it makes a number of important housekeeping changes to bring various statutes up to date with other statutes that have undergone changes previously. Some honourable senators may recognize certain provisions of Bill C-43 because much of it consists of amendments proposed in the Miscellaneous Statute Law Amendment bill, or MSLA, a matter previously reviewed by the Senate Legal and Constitutional Affairs Committee last fall.

When the House and Senate committees reviewed the original draft legislation, members asked for additional information on a number of the provisions. As a result, several provisions were excluded in the MSLA bill that passed last fall as Bill C-40.

Honourable senators, the process used for the Miscellaneous Statute Law Amendment procedure is quite different from that of regular bills.

• (1550)

In the Miscellaneous Statute Law Amendment or MSLA process, the proposals in the form of a draft bill are first reviewed by the House and Senate committees independently. If any member of either of these committees objects to any proposal, then that proposal is dropped from the draft bill.

However, Bill C-43 differs from an MSLA bill because it is a regular bill. As such, the provisions in Bill C-43 are not subject to the unique criteria of that abbreviated process.

The technical amendments bill now before us, Bill C-43, also contains some amendments that came to the government's attention after the MSLA bill process last year, including the correction of cross-references in public service pension legislation and updating the minimum age at which lieutenant-governors can begin to collect a pension. This will be of particular interest to Senator Wiebe.

I point out to honourable senators that in this bill there are 15 different statutes that we propose to amend. I do not propose to go over each of the proposed amendments at this time. My submission is that they would be better dealt with in committee. My obligation as sponsor of this bill is to help this chamber understand the general principles of the bill that I am now asking the chamber to give second reading.

Honourable senators, allow me to review some of the bill's proposed changes. We are asking that the Fisheries Prices Support Act be repealed because the Fisheries Prices Support Board, which was created by that statute, is no longer operational. The board ceased to exist in 1995 — there were no further appointments to the board — and the board has not performed any significant work since 1982. Honourable senators will understand why it would be appropriate to repeal that particular legislation.

[Translation]

Bill C-43 will amend the National Capital Act to take into account the recent municipal amalgamations in Ontario and Quebec. As a result of these amalgamations, Bill C-43 would amend the National Capital Act to take into account changes in the composition of the National Capital Commission, and changes to the boundaries of the National Capital Region.

[English]

Clauses 5 to 9 of Bill C-43 would amend the Canadian Film Development Corporation Act so that the corporation can now use the name Telefilm Canada. This is the name it normally uses, but it has not been its legal name. Bill C-43 would permit the use of the name Telefilm Canada for legal purposes.

Bill C-43 would also amend the Lieutenant Governors Superannuation Act to lower the age at which retired lieutenant-governors may begin to draw their pensions from 65 to 60. When Senator Wiebe reaches the age of 60, he would be entitled to begin to draw his pension as a retired lieutenant-governor. This amendment would bring the pension arrangements for lieutenant-governors more in line with the federal public service. Apart from reducing the age at which a person can receive a pension, no other changes are being made to the overall pension policies or arrangements for lieutenant-governors.

Bill C-43 also makes several amendments related to ACOA, the Atlantic Canada Opportunities Agency, in order to streamline the agency's administration. One amendment is to permit the minister to enter into agreements with provinces without Governor in Council approval. This is similar to the work by other ministers. Other amendments allow ACOA to enter into an arrangement with Enterprise Cape Breton to act on ACOA's behalf in that particular area within its mandate.

A final amendment to the ACOA Act would specify that the ACOA board would meet at least once per year. None of these amendments represent substantive policy amendments that affect the mandate of ACOA. Rather, they are simply designed to streamline the administration and reduce the duplication of services, rendering the agency's administration consistent with other agencies of similar nature.

Bill C-43 would amend the National Film Act, removing the requirement that appointments above a specified level must have Governor in Council approval. The National Film Board would, however, continue to be subject to Treasury Board policies.

The bill would amend the Nuclear Safety and Control Act so that the commission can establish employment standards without Treasury Board approval. However, the commission would be subject to Treasury Board policies. They just would not have to go for approval in each instance.

[Translation]

Another amendment would be to the Public Service Staff Relations Act so that student employees of the Canadian Food Inspection Agency would not be covered under that act and not be represented by bargaining agents, consistent with other student employment programs across the public service.

[ Senator Day ]

Bill C-43 would also amend the Telecommunications Act to clarify that the consent of the Minister of Industry is required to begin a prosecution under Part IV.1 of the Act. This amendment is consistent with the rest of the Telecommunications Act.

Finally, this bill includes a correction to the Yukon First Nations Self-Government Act, so that the French and English versions are consistent.

[English]

Honourable senators, these amendments are all minor and technical in nature, and do not reflect significant policy issues.

[Translation]

When the Senate committee reviewed the MSLA proposals, some senators expressed concerns with the amendments to the Atlantic Canada Opportunities Agency Act, the National Film Act, and the Yukon First Nations Self-Government Act.

I understand that some senators expressed concerns either because they felt that the amendments did not meet the strict criteria of the MSLA program, or because they felt they lacked adequate information about the proposals.

Of course, Bill C-43 is not an MSLA bill, and so it is not subject to the unique criteria of the MSLA program. Instead, it is a normal bill that must go through all of the regular legislative processes.

[English]

I hope that honourable senators will support the timely second reading of this bill so that we can send it to committee where the amendments to 15 different statutes can be dealt with in detail.

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

• (1600)

## NATIONAL ANTHEM ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Corbin*).

**Hon. Nicholas W. Taylor:** Honourable senators, I wish to speak for a few minutes in support of Senator Poy's motion. I very much agree with the thoughts behind the motion. The idea that women should be excluded from the national anthem is one that has bothered me for some years. I do not say that because I have seven daughters who continually remind me that they must stand aside.

I should like to take a moment to read a letter from an old friend of mine who was in the Canadian Armed Forces that liberated Holland in the last war. He is quite alive and well. He says it much clearer and better than I could. The letter is from Mr. Stuart Lindop, a University of Alberta graduate who joined the Canadian army in the Second World War. He was with the regiment that liberated Holland. He wrote:

It has become increasingly clear that our bureaucratic spin-doctors are completely out of touch with the harsh reality of morale in the armed forces. They certainly seem to be unaware of how fragile morale can be. "Esprit de corps" which plays a vital role in morale hinges upon being certain that every member of any given unit, of whatever size; a troop, squad, company, especially a regiment, is fully trained, disciplined and prepared to lay down their very lives — if necessary — for one another. A tremendous feeling of self-worth — worthiness — is all important. A mutually shared feeling of worthiness being the key element if one is to lay one's life on the line for another human being.

Subtly, one might say subliminally, doubt about one's worthiness can have tremendous impact upon one's behaviour in a crisis situation. How about women in our various units? Their National Anthem doesn't consider them worthy of mention or recognition! If our government is really concerned about women in Canada's Armed Forces, there will not be a protracted —

— debate on the change to the national anthem.

I think Mr. Lindop says it is better, honourable senators, than any other words that I could say in support of Bill S-39.

When this bill is referred to committee, I intend to make another suggestion. If we are going to change one or two words, we should just change the word "and" to "or": "our home or native land" rather than "our home and native land." Most people mumble through the whole thing anyway, so they do not know whether they are saying one or the other. The point is that roughly one third of Canadians are immigrants to this country at any one time. The Oxford use of the English word "native" originally meant anything that not only grew naturally but could grow naturally. In other words, native grasses did not have to be native but could be planted. In modern usage, "native" also means born there; consequently, "our home and native land" refers only to those who are born in Canada. Those born outside of Canada are excluded.

Honourable senators, I will move an amendment at committee stage — I am told that is the best place to do it — to replace the word "and" with "or": "our home or native land."

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, it is with little enthusiasm that I rise on a Thursday, at 4:05 p.m. I know that honourable senators have other things on their mind right now,

but since I spent many Thursdays listening to other senators, I will take a few minutes to give you my thoughts on our national anthem.

On June 18, 1980, I supported the current texts of Canada's national anthem. There are not one but two national anthems in Canada. There is also Canada's royal anthem, but we will not talk about this one.

When we look at the history of our national anthem, and I am referring to the French version, to the *Ô Canada!* where it says "Terre de nos aïeux, Ton front est ceint de fleurons glorieux!", I get the impression that I am living in another century, in the century of Louis XIV with his lace, fleurons, crowns and swords. I find that this is a text that does not at all reflect contemporary Canada and the Canada we want for our successors and our children. This is a religious and military text. If we look at the other verses of the national anthem, that is Routhier's original poem with its four verses, we see that it is first and foremost a text that was written for St. Jean Baptiste Day, in Quebec. This is the origin of the hymn in French. Later on, poets from English Canada were asked to write an English version. The English text is not a translation of the French text, far from it.

Senator Poy wishes to modify the English text, and I commend her on her initiative. I am not annoyed with her, but how long will we keep this up? One honourable senator wants to propose an amendment, and Senator Taylor has proposed another amendment. Will we rewrite for the next 10, 20 or 25 years a text that was a literary text to begin with? Let us describe it as a poem, if we could, both in French and in English. A literary text is fundamentally a work of art. I know of no one who wants to change poems written by Mallarmé, Rimbaud, Victor Hugo or our French-Canadian or Acadian poets. We do not fiddle with them. A poem is fundamentally conceived as a product of its time. It is a testimony that reflects the time and the state of mind of the artist who conceived it. Even though the two texts of *O Canada* are now public domain, this does not mean that we should permit ourselves to change these fundamental texts left and right. This is what bothers me.

I supported Minister Fox's initiatives in the House in 1980. I was tempted to let them know how I felt. I did not. I felt the same way then as I do today.

• (1610)

This is a ridiculous situation. We talk about Canadian unity, yet we have a text based on completely antiquated concepts and ideas. In English as well, we have a text which is solemn in nature but which in no way reflects the Canada of today.

We can agree on the origins of the country but, since the great migrations in the 1900s, Canada has fundamentally changed and continues to change in its composition and in its objectives. We have only to think of our national situation in North America with everything going on around us to have no trouble saying: "we stand on guard for thee."

We will continue to “porter l’épée,” but these are not the right words to inspire future generations and make them proud to be Canadians.

This is my point of view. I am not asking you to agree with me. I have never been moved by either the French or the English version. Obviously, we all want to have a national symbol to identify with. If it is not the flag, it is the national anthem. We have had heated discussions about the Canadian flag and about the national anthem. The latter was adopted gradually and with difficulty, and, even today, it is obviously far from satisfactory to everyone. It is obviously a compromise, and an odd one at that. This is perhaps Canada’s problem, that we can never agree on anything.

What does this national anthem mean to Senator Cook, who is from Newfoundland, the last province to join Canada? What does she feel when she sings, “O Canada, our home and native land...”?

Surely she must feel a wave of nostalgia for her lost Newfoundland, with whatever autonomy it had, since it was dependent on the British Crown at the time.

Nor is it the kind of national anthem which necessarily binds Canada together from coast to coast. We have regional tensions, we have known strong separatist tensions. Such tensions still exist in certain parts of the country.

I suggest that we continue to sing the national anthem. Make small changes along the way, if you wish, but I think that at some point if not in five years, then perhaps in ten, we should launch a national contest for a Canadian anthem that expresses the same sentiments in both languages and which genuinely reflects how Canadians think and feel.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I am totally in agreement with the principle of national unity that Senator Corbin has stressed. It is essential to have a national anthem singable by everyone.

There could be a bilingual anthem, with the first two lines in English, the third and fourth in French, and so on. That was sometimes done in the Montreal Forum. That way, Canadians could sing part of the words in French and part of the words in English. On special occasions, everyone could then be singing the same words. What does Senator Corbin think of this proposal?

**Senator Corbin:** Senator Kinsella’s proposal is interesting, but not new. I recall that a lady living in Quebec City proposed the same thing back when we were looking at the many private members’ bills on our national anthem.

This might cause some problems. Not long ago, Canadians did not even like having French on their cereal boxes. I do not know whether attitudes have changed enough in Canada since then, but the proposal is attractive. We do, after all, have an Official Languages Act, and perhaps that is the way we need to go.

[ Senator Corbin ]

I am quite convinced that our younger generation which, in all parts of the country is taking immersion courses in both official languages, would support this idea. Canada is, however, not exclusively composed of young people, and older people may be a little less flexible on this. Ideally, I do believe that Canada will go that route, one day.

**Hon. Laurier L. LaPierre:** Honourable senators, how can we not acknowledge that a country is a continuum?

[English]

It begins somewhere, and it continues. Whether you are at the beginning, in the middle, or toward the end of it, you are still a part of it, completely and in its entirety. Consequently, this nonsense of attempting to significantly alter our national anthem is, in a sense, a plot which, at the end of the day, weakens it considerably.

“Native land,” whether you were born here 40,000 years ago, in 1653, as I was, or yesterday, or whether you came the day before yesterday, it is still your native land because you accept it, unless you have become the type of person who essentially wishes not to accept the continuing reality of what Canada is. It is the native land of all the people who are here, and therefore the little children who will be born of those who come today or tomorrow will say, “Where the heck is my native land?” Should their parents, through a fiat of some sort, say: “No, it is no longer my native land”? The native land is Canada. There is no other native land. Whether you are born here or whether you have come here, that is what it means, and that is what it is all about.

I will not involve myself in the discussion that the English-speaking Canadians wish to have about whether the words “our sons” include or do not include the daughters. That is their business. They can do what they want with that part of their hymn. It is not my business; it is theirs.

On the other hand, I would like you to understand that the national hymns of peoples all over the world are written at moments of great crisis in order to bring about a sense of community, of cohesion, among the people.

• (1620)

The words of the French national anthem are horribly threatening and frightening. They reflect the destruction of an entire way of life.

[Translation]

However, it was necessary, at one point in the history of France, to rally the French people at the dawn of their new age of liberty. It is the same thing with our national anthem, which was written at a great but difficult time in our history. This anthem, these words, are sacred, and they belong to all Canadians.



[English]

The English version is the same. It was written just before the First World War, a crisis of great dimension in our reality as a nation. A poet wrote a hymn to enable people to understand the events, and we recently celebrated the eighty-fifth anniversary of Vimy Ridge.

I beg honourable senators to stop this exercise. We cannot rewrite the national anthem every generation. The national anthem is reflective of the continuity of life. It belongs to Canada, to the generations that have gone before us and to the generations that will come after us. It does not belong to senators who currently exist. It belongs to the people of Canada.

May I remind honourable senators that the foundation of this country is pluralism and diversity, which includes bilingualism and the acceptance of and respect for other nations and other peoples. If we do not accept diversity and pluralism, we will die as a people. We will have no reason at all for existence.

I travel the length and breadth of this country all the time, and on every occasion that I sing *O Canada*, I sing the French version. Next to me stands a person who sings the English version, and my heart soars because I have accepted diversity. People who accept diversity do not kill one another. They love and respect each other and they express that in their songs, their dance and their stories. That is what this is all about.

I might be forced to move that we change the oath of allegiance, that we eliminate the monarchy in Canada, and that we stop all the bowing and scraping in this chamber, with the carrying of rods, et cetera, in order to adjust to the new reality of Canada. All of this protocol is completely irrelevant to 95 per cent of Canadians. I will not do that, but you are telling me that we must change our national anthem in English now, and tomorrow or the day after in French, because it is not acceptable to the present generations.

Honourable senators, if you do that, everything will be on the table and everything will have to change, because the principle will stand. I do not want it to change.

Furthermore, what about the native people who have been on this sacred land of theirs for 40,000 years? Where is their hymn? They are not even mentioned. I have not heard one person wanting to change the anthem to reflect their presence among us. Why is that? The sons and the daughters of the rich and the famous wish to be included in their national hymn. The people who come on planes from around the world to our beautiful country no longer wish to call this land their native land. Yet, no one has suggested that we add at least a paragraph to celebrate the contributions of the first peoples of our country, without whom we would not be here in the first place.

Consequently, I beg honourable senators to stop this nonsense once and for all. Let us galvanize ourselves to sing *O Canada* in both languages. If I knew the language of the Dene or other first peoples, I would give them a version in order that I could sing it with them. This is what Canada is about.

On motion of Senator Jaffer, debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### ELEVENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the adoption of the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled: *Modernizing the Senate Within: Updating the Senate Committee Structure*, presented in the Senate on March 20, 2002.—(Honourable Senator Di Nino).

**Hon. Laurier L. LaPierre:** Honourable senators, Senator Di Nino has yielded his place to me, and I stand to support the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled “Modernizing the Senate Within: Updating the Senate Committee Structure.”

I approve of the recommendation that we put committees into different blocks. Unfortunately, two of the committees on which I sit are in block two and I will need to stop sitting on one of them if this recommendation becomes the rule. However, I have been promised by the whip that, if I am nice and good, I will be able to sit on the Agriculture and Forestry Committee, which will be in block three.

I should like the Rules Committee to seriously consider changing the name of that committee to “Agriculture, Forestry and Rural Development.” Rural development is increasingly becoming a big issue in our country. Consequently, it is important that we address it in a significant way.

There is another issue with which I should like the Rules Committee to deal. When someone cannot attend a committee, we receive a computerized notice requesting a replacement for that senator. As do other honourable senators, I go to those committees. I even go to the Banking Committee, even though I can hardly keep order in my own bankbook. However, I am not prepared to contribute at that committee because I have been given no information.

Would it be possible for each committee to have a slate of alternates who have agreed to be called upon to replace a senator who is unable to attend? Such a system would enable us to receive information on the issue that the committee is studying and we would be better informed. That may be a better way of proceeding.

Next, there was a question about the cost of special committees. I suggested that we should have inquiries before the Senate agrees to a special committee to do a special study. If there is no great interest in the matter, senators would so indicate by not talking about it.

• (1630)

While I am on the subject of inquiries, it would be helpful to have a rule that a proposal for an inquiry, may not be discussed for as long as the 15 days which are accorded for its discussion. For example, today we spent an enormous amount of time on an inquiry that may go down the pipe.

While I am at it, and I come back to Senator Corbin's remarks to Senator Gauthier, the interpreters could not follow Senator Cools, who had to read "the bible" so quickly. The result is that senators who depend upon the interpretation were impaired in their capacity to participate in the debate in this chamber. Consequently, their right has been in some way affected, and therefore there ought to be a rule that we should take sufficient time as we read "the bible" to enable the interpreters to interpret it.

As far as the oath is concerned, when Senator Lavigne did what he did, my heart pumped faster than usual. I was delighted. I have taken part in ceremonies of citizenship oaths as an Officer of the Order of Canada, and I have always deplored that we did not swear allegiance primarily to our country, Canada, rather than to a figurehead who lives so far away across the sea. When he said "Canada," I said to myself:

[Translation]

"Laurier, you are supposed to have guts."

[English]

"And you did not have the guts to do that when you were sworn in."

I know the complication that has arisen from this, but there may be an opportunity in the future for the Rules Committee to look at the oath.

Next, honourable senators, we do not have enough celebrations. This year is the fiftieth anniversary of the tradition of having a Canadian-born Governor General as the Crown's representative in this country. The first Canadian Governor General was not Mr. Massey; the first was Vaudreuil in 1755. However, that was in another era, and therefore it must belong to our sons, daughters and native land, and that sort of thing. Mr. Massey, in the new era of Confederation, was the first Canadian Governor General, 50 years ago. What about 50 years of television, the Canadian Broadcasting Corporation, the

National Ballet, the Canada Council, the Théâtre du Nouveau Monde: When do we mark these events? We should invite those people and their representatives here and celebrate the great contribution in Stratford, the great contribution they have made to our country, and we do not do that. We should celebrate more often than we do.

My last recommendation follows. On Wednesday nights, the Standing Committee on Rules, Procedures and the Rights of Parliaments should organize a salon so that we can go sit down somewhere, drink some good port or good Canadian wine and talk among ourselves. We never do. We debate. We yell at each other through five sword lengths between us. Whatever that means to the current generation of Chinese people who live in Richmond is beyond me, but that is another problem. We could perhaps begin to talk with one another and have a pleasant time, maybe get to know each other better, and then perhaps we will not be inimical from time to time with one another.

I want the rules to take on our life, to be able to help us to reach the highest levels of discussion, ideas and the manifestation of friendship and pluralism, which is so important in our country.

**The Hon. the Speaker:** This debate is under the name of Senator Di Nino. Is it agreed that the debate will stay under the name of Senator Di Nino?

**Hon. Senators:** Agreed.

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

[Translation]

## ADJOURNMENT

Leave having been given 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 Tuesday, April 23, 2002, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 23, 2002, at 2 p.m.

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