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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, April 25, 2002

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

SENATORS' STATEMENTS

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

CONGRATULATIONS ON THIRTIETH ANNIVERSARY OF APPOINTMENT TO SENATE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while the name "Pierre Trudeau" more often than not brings up memories of controversy and far-from-unanimous support for many of his policies and suggestions, there were occasions when a decision of his was received unanimously. One was taken on April 27, 1972, when he appointed Senator Alasdair Graham to this place.

Hon. Senators: Hear, hear!

Senator Lynch-Staunton: It will be 30 years on Saturday that Senator Graham has graced this chamber. I wish to congratulate him and, in doing so, I know I echo all honourable senators, who have seen him at work here in many capacities. He certainly is a credit to the institution. I am proud to consider him a friend and delighted to stand up and congratulate him. I wish him many more active years in this place.

Hon. Senators: Hear, hear!

Hon. Jane Cordy: I should like to follow up on the words of the Leader of the Opposition, Senator Lynch-Staunton, to recognize a fellow Nova Scotian. The individual to whom I refer has served as Deputy Leader of the Senate and Leader of the Government in the Senate. He was formerly a teacher, which I did not realize until recently. He is a journalist. He is an exemplary parliamentarian, not to mention a good friend.

It is my pleasure to point out to honourable senators today that he will reach a very important milestone over the weekend. This Saturday will mark 30 years since the Honourable Senator Alasdair Graham was called to the Senate of Canada by the Right Honourable Pierre Elliott Trudeau.

Senator Graham was born in Cape Breton, and, more specifically, Bridgeport, or Bridgeport-Dominion, as he often tells me. Bridgeport was also the birthplace of my mother. I guess that means we both have good genes.

For three decades, Senator Graham has humbly and tirelessly served the people of Cape Breton, Nova Scotia and Canada. I want to take this opportunity to thank him publicly for his service.

Honourable senators, I invite you to join with me in saluting Senator Graham, the dean of the Nova Scotia delegation, in this illustrious house, and to congratulate him on his achievement.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Honourable senators, as the new dean of Parliament, I am happy to echo the comments of my two colleagues. One of the great joys of my political life was to be chief organizer for Senator Graham, as President of the Liberal Party of Canada, when another honourable senator, the Honourable Keith Davey, decided that he might run against him. I thought that Keith had enough responsibilities, so I offered my services to Senator Graham. I do not know if that is the reason he was elected President of the Liberal Party of Canada, but I can say one thing: He did not miss a vote in Quebec. I am glad to see that he and I are still here.

[Later]

Hon. B. Alasdair Graham: Honourable senators, I was taken by surprise, quite obviously, by the kind words of Senator Lynch-Staunton, who led off today's statements, and also by the words of tribute by my friend Senator Cordy, who has roots in my home and native land, Bridgeport-Dominion, and, of course, my old friend Senator Prud'homme. I am very surprised, but I thank you all for your expression of good wishes.

I note with surprise the presence of some members of my family in the gallery: my two daughters; Eileen Barrett, with her husband George; and Jeanie Wamboldt, who is with her husband Jeff, who just took two-year-old Jacob out of the gallery. Jacob was sucking on a bottle, but I guess even the bottle could not sooth his jangled nerves caused by being in this place. Of course, my very energetic and faithful assistant Josephine Laquian is here today. I have many, many wonderful memories of this place.

I was appointed in 1972, but I recall that I was first invited to come to the Senate in 1971. I was at the Cape Breton Development Corporation, and I was convinced by the president of the corporation, Tom Kent, that I had more valuable service to render to my fellow Cape Bretoners — indeed, the wonderful coal miners of that area — by staying in that part of the world, which my colleague Senator Murray knows so well. Then, a year later, I got another call. I never thought that I would get a second call or another invitation to come to this chamber.

I have memories of coming here. When I accepted the appointment, I really did not understand what it meant. The Senate is what one makes of it. We used to sit at night sometimes. After I was sworn in with George McIlraith, Henry Hicks — a former Premier of Nova Scotia and former President of Dalhousie University — and the late Senator Margaret Norrie, I sat just to the right of where Senator LaPierre is sitting now. The late Paul Martin, Sr. was the Leader of the Government in the Senate. If I remember correctly, Senator Welch, a well-known Conservative from the Annapolis Valley — and I do not have the Hansard to prove it — got up and made quite a speech. It was a rather partisan speech, one of the most partisan speeches I remember in this chamber, about the

condition of the highways in Nova Scotia. I received a note from the leader, Senator Martin, saying to me, the newly-minted Senator Graham, "I would like you to respond to Senator Welch." That was the first indication that I had enough common sense and good judgment not to respond as a rookie, and I did not.

The Senate is a wonderful place to be. As I say, the Senate is what one makes of it. There are tremendous opportunities and possibilities.

I love you all. God bless. Thank you.

Hon. Senators: Hear, hear!

[Translation]

FUNERAL OF SERGEANT MARC LÉGER

Hon. Viola Léger: Honourable senators, yesterday afternoon I attended the funeral of Sergeant Marc Léger. No, we are not related — as far as I know — but we surely share the same ancestry. In Lancaster, Ontario, population 750, I was among a group of ordinary Canadians, a true microcosm of this country.

We were there to attend a funeral, but not just an ordinary funeral. I had the impression that everyone there who had ever worn a uniform had donned it and joined in the funeral cortège. There were officers of the provincial police, firefighters and scouts, all of them in uniform. A group of young people bore a huge flag made out of ten provincial flags sewn side by side. There were military police, war veterans — many with canes — proudly wearing their decorations, and the scarlet-coated RCMP.

At the head of the procession was a lone drummer and the flag-draped coffin of Sergeant Marc Léger.

The church was a tiny one. It was so small that they had to put all the chairs from the parish hall outside to accommodate everyone.

• (1340)

It was such a small church that I could not locate it by its steeple when I arrived in town. This was a church like thousands of others across our country. This is where the funeral of one of our four fallen soldiers was held, and it was more than fitting.

The Queen Mother's funeral has just been held with all due pomp and circumstance. This funeral, too, for a soldier, one of ours, had its own pomp and circumstance. It was a wonderful day and I was pleased to be a member of the throng. Elders were there; youth were there. We were there with Sergeant Léger's family — his wife, his parents, his grandparents. We were there with them, and for them. I believe that one's presence is what counts, regardless of the circumstances.

We sang; we paid tribute; we wept. A soldier died for us.

[English]

PARKINSON'S AWARENESS MONTH

Hon. Yves Morin: Honourable senators, April is Parkinson's Awareness Month.

[Senator Graham]

[Translation]

Some 100,000 Canadians who suffer from Parkinson's disease have spasms and atrophied and stiff muscles. They also have increasing difficulty writing, walking and speaking. Drugs may alleviate symptoms, but unfortunately they still cannot cure these people.

[English]

Parkinson's disease affects people living far from the equator more than it affects those living close to it. It affects men more than women, and the older more than the young. Despite the attention given to young sufferers, such as Canadian actor Michael J. Fox, the incidence of the disease peaks at the age of 60.

The Parkinson's Society of Canada provides support to Parkinson's sufferers and their caregivers throughout the country, while supporting research to find a cause and a cure for the disease. The Canadian Institutes of Health Research also funds many projects to increase our understanding of Parkinson's, especially at the University of British Columbia, which has become a world-renowned centre in the research of this condition.

Research into Parkinson's received a tremendous boost last month with the announcement, by CIHR President Dr. Alan Bernstein, of CIHR's guidelines for stem cell research. This research holds great promise for the potential development of transplant therapies for Parkinson's.

[Translation]

Thanks to research, we are able to alleviate the daily fear and despair experienced by people suffering from Parkinson's disease and their families by providing them with hope and with the promise of a better future.

Honourable senators, I urge you to support the Parkinson's Society of Canada by buying a tulip. Your contribution will help support efforts to promote research and awareness, as well as to protect all those who suffer from this disease.

ROUTINE PROCEEDINGS

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON ISSUES FACING
INTERCITY BUSING INDUSTRY—
REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 25, 2002

• (1350)

The Standing Senate Committee on Transport and Communications has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on September 26, 2001, to examine and report on issues facing the intercity busing industry, now requests approval of funds for 2002-2003.

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

Respectfully submitted,

LISE BACON
Chair

(For text of budget, see today's Journals of the Senate, Appendix "A", p. 1464.)

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

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

OFFICIAL LANGUAGES

PRIVY COUNCIL VOTE 35— NINTH REPORT OF JOINT COMMITTEE PRESENTED

Hon. Shirley Maheu, Joint Chair of the Standing Joint Committee on Official Languages, presented the following report:

Thursday, April 25, 2002

The Standing Joint Committee on Official Languages has the honour to present its

NINTH REPORT

In accordance with the Order of Reference of Wednesday, March 6, 2002, the Committee has considered Vote 35 under PRIVY COUNCIL in the Main Estimates for the fiscal year ending March 31, 2003, and reports the same.

Respectfully submitted,

SHIRLEY MAHEU
Joint Chair

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

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

TENTH REPORT OF JOINT COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the tenth report of the Standing Joint Committee on Official Languages, concerning the hope that the government will consider the advisability of increasing funding for the Office of the Commissioner of Official Languages.

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

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.

ELEVENTH REPORT OF JOINT COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the eleventh report of the Standing Joint Committee on Official Languages, concerning a recommendation that the Office of the Commissioner of Official Languages undertake an awareness campaign designed to make Canadians more familiar with the Official Languages Act.

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

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]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your Committee was authorized by the Senate on April 16, 2002, to examine and report on the need for a national security policy for Canada, respectfully requests, that it be empowered, to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within and outside Canada for the purpose of such study.

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

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 1470)

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE PRESENTED

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

Thursday, April 25, 2002

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

FOURTEENTH REPORT

Your Committee recommends that an increase of 3.1 per cent to the salary ranges of the Senate Executive Group (SEG) be awarded effective April 1, 2001.

Respectfully submitted,

RICHARD KROFT
Chair

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

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

ABORIGINAL PEOPLES

BUDGET—STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH— REPORT OF COMMITTEE PRESENTED

Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, September 27, 2001, to examine issues affecting urban Aboriginal youth in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place in Canada, for the purpose of its examination.

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

Respectfully submitted,

THELMA J. CHALIFOUX
Chair

(For text of budget, see today's Journals of the Senate, Appendix "C", p. 1482)

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

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

QUESTION PERIOD

THE SENATE

BILL TO AMEND FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT— ROYAL ASSENT

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate and is with regard to the time allocation imposed on Bill C-35. During the debate on Bill C-35 yesterday, we asked why the urgency, why the government would impose closure on this bill, shutting down debate when we had indicated that another few days or a week would send this bill off after being properly debated. We were not really given an answer to that question. We assumed also that, if the amendments were defeated and the bill passed after the votes later this afternoon, there would be Royal Assent. Will the bill be receiving Royal Assent today?

Hon. Sharon Carstairs (Leader of the Government): The answer to the honourable senator's question is "no." That is partly because, if the honourable senator will recall, it was agreed originally that the vote would be at 5:30. Therefore, we were trying to make plans for some time after 5:30. Then, after a little scrum with some people on the other side of the chamber, it was decided that the vote would be at 3:00.

• (1400)

It was decided that we could not arrange the ceremony for a time when large numbers would be present here. We now try to initiate Royal Assent procedures for times when a large number of senators are present in the chamber and members in the other place. In that way, the formal ceremony will be conducted with a great deal of decorum and with a large presence of honourable senators and members of Parliament.

Senator Stratton: May I hold the leader to that? From what has been said, I should expect that Royal Assent will be much more ceremonial than it has been.

Is the Leader of the Government telling honourable senators that even though the time for the vote was changed yesterday from 5:30 to 3:00, no ministers at all could be available? How many ministers are there?

Senator Carstairs: Honourable senators, I did not indicate that no ministers were available. I indicated that my experience in this chamber has been that when we have Royal Assent ceremonies extremely late in the day, the attendance is not that great. I think that is true on both sides of the chamber.

Also, we went through a long debate and discussion in this house that resulted in a bill going to the other place. I believe that bill received unanimous support. When it was passed, I indicated that Royal Assent ceremonies would take place at times convenient to the members in both places, that we would strive for high attendance not only of members of this chamber but of the other chamber as well. Quite frankly, having given my word to do everything in my power to make that happen, I think it would be best to hold the ceremony on Tuesday. I understand that will take place at or about 3:00.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I believe the minister has contradicted herself. In answer to the first question by Senator Stratton, the minister said that Royal Assent had been arranged for after 5:30, after the vote was to be taken, but since we agreed to change the vote to 3:00, it was no longer possible. I do not understand how it is harder to get senators in the chamber around 3:00 than it is after 5:30.

Senator Carstairs: Honourable senators, I do not believe I said that. I said that, at the time, we thought the vote would take place at 5:30.

Senator Lynch-Staunton: That is right.

Senator Carstairs: With that timeline, I did not think there would be large numbers of individuals in this chamber at 6:00 or 6:30. We have not had great experience in this chamber with keeping honourable senators in large numbers at 6:00 or 6:30 on a Thursday afternoon.

Senator Lynch-Staunton: Obviously, it would be better to have the Royal Assent at 3:00, when more senators are here. That does not answer the question.

Time allocation was imposed on the bill in order to get it through as fast as possible. There is a sense of urgency. The Royal Assent is necessary to have the bill proclaimed, and now we are casually told, "Well, we thought the vote would take place at a certain hour, it was changed, and we will wait until next Tuesday."

Honourable senators, there is a flagrant contradiction here that I find cannot be explained properly, except that the government simply wants to clear the decks and have Royal Assent when they feel like doing so.

Senator Carstairs: Honourable senators, we will have Royal Assent on the very next day that we sit in this chamber. I hardly think that is a great delay when you consider the other side did not speak to the bill for two full weeks.

Senator Stratton: Honourable senators, I gave an explanation as to what took place.

Senator Lynch-Staunton: Ludicrous.

Senator Stratton: I was a day late in returning. Instead of speaking on Tuesday, I spoke on Wednesday, which created an uproar, all because I was a day late on my commitment. Now the government conveniently delays the Royal Assent for a day because it is more convenient, and we will have a well attended ceremony. I get royal heck from honourable senators opposite for being a day late on my commitment. There does not seem to be any worry about being a day late on Royal Assent for a bill on which the government imposed time allocation.

Senator Carstairs: With the greatest respect to Senator Stratton, no one raised in this chamber any argument about the honourable senator not being here for the two weeks.

Senator Stratton: The leader just did so.

Senator Carstairs: However, we had a number of speeches from the opposition side yesterday, all of which could have taken place in the two weeks when Senator Stratton was not here.

Senator Lynch-Staunton: Honourable senators, that is incorrect, I am sorry. All along, the agreement was that we would not debate the bill until Senator Stratton, who was our critic on the bill, had the opportunity to speak first. That is basic courtesy. Senator Stratton was more involved with the bill. He attended the committee hearings and he, by the tradition of this place, at least until a few minutes ago, was to be the first speaker on our side.

There was never any agreement — in case the honourable senator wishes to raise it again — that he would be the only speaker. The agreement was that he would be the first speaker. He missed it by a day and now we are told that we cannot have Royal Assent because we could have debated it for two weeks.

I think the leader should stop discussing this issue because she is getting herself into a mess.

Some Hon. Senators: Oh, oh!

Senator Carstairs: Honourable senators, I will not take direction about whether I can speak to a subject from the Leader of the Official Opposition.

The Honourable Leader of the Opposition and I have a clear disagreement. I certainly agreed that we would wait two weeks for Senator Stratton to speak. At that point there was not agreement that no one else on that side would speak to the issue.

Senator Lynch-Staunton: There was never any agreement that we would have additional speakers or not have additional speakers. It is not for us to volunteer to the government our strategy on a given bill. If the leader or someone in the leadership had asked about our plans on the bill — whether we have amendments, whether we have additional speakers — we would have said that, as far as we know at this very moment, we may or may not. However, it was not asked and it is not up to us to volunteer.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Honorable Senator Oliver on November 21, 2001, regarding Treasury Board. The response has come to us in the form of a rather lengthy report, which I am pleased to table along with the response.

TREASURY BOARD

REPORTS BY DEPARTMENTS EVALUATING EQUALITY AND DIVERSITY AGENDA—REQUEST FOR TABLING

(Response to question raised by Hon. Donald H. Oliver on November 21, 2001)

To reinforce its commitment to improving the participation of visible minorities in the Public Service of Canada, the government approved up to \$10 million annually for use in implementing the *Embracing Change* Action Plan until 2003. These monies are being disbursed to support initiatives that will help implement the Action Plan and achieve the benchmarks.

The Treasury Board Secretariat (TBS), in consultation with departments, is producing regular reports on the implementation of the Action Plan. Attached is a copy of the latest report for the Honourable Senator.

The Treasury Board Secretariat has begun consulting with departments in order to determine what, if any, evaluations may have been prepared.

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw your attention to the presence in the gallery of the Forum for Young Canadians.

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

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business I would like to deal with the third item, then return to the Orders of the Day as proposed in the Order Paper.

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

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill C-43, to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act.

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to say a few words on Bill C-43, to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act.

The Honourable Senator Day did a fine job summarizing the substance of this bill, and I will not go over it again, except to draw attention to a few issues that concern me.

First, despite its appearance, Bill C-43 is not a corrective bill, as Senator Day claims. This bill is new in itself; it does, however, take up several elements that were rejected by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill C-40. They are the following elements: the Atlantic Canada Opportunities Agency Act; the Canadian Film Development Corporation Act; the Cinema Act; the Nuclear Safety and Control Act; the Telecommunications Act; and the Yukon First Nations Self-Government Act.

• (1410)

Like the preliminary version of Bill C-40, Bill C-43 proposes to repeal the Fisheries Prices Support Act, which will result in the dissolution of the Fisheries Prices Support Board and in subsequent amendments to five other federal acts, to reflect the government proposal. These acts are: the Access to Information Act, the Financial Administration Act, the Payments in Lieu of Taxes Act, the Privacy Act and the Public Service Staff Relations Act.

I note that the proposed amendments to the Energy Monitoring Act, the National Energy Board Act, the Railway Safety Act and the Canadian Environmental Protection Act (1999) were not included when Bill C-43 was drafted.

Bill C-43 includes two administrative changes to the National Capital Act. First, it changes the representation of the cities that are located in the National Capital Region on the board of that federal agency. This amendment is in response to the municipal mergers that led to the creation of the new cities of Ottawa, on January 1, 2001, and Gatineau, on January 1, 2002.

Second, the schedule to the National Capital Act that describes the National Capital Region is updated to include the boundaries of the two new cities. It should be noted that these two amendments had been withdrawn from the preliminary version of Bill C-40 by the Department of Justice, because they only reflected the creation of the new city of Ottawa and not that of Gatineau.

Bill C-43 also amends the Lieutenant Governors Superannuation Act by lowering from 65 to 60 the age at which a lieutenant governor qualifies for a deferred pension.

Bill C-43 also amends the wording of clauses 10 and 11, the retirement compensation arrangement of the Special Retirement Arrangements Act, to harmonize them with the Public Sector Pension Investment Board Act, Bill C-78, which was adopted in September 1999.

This act provided for the establishment of the Public Sector Pension Investment Board, mandated to administer and invest employer and employee contributions under the pension plans of the federal public service, the Canadian Forces and the RCMP. As well, it authorized the creation of pension funds relating to pensionable service credited to contributors from the retirement pension fund after April 1, 2000.

Amendments similar to those proposed in Bill C-43 have been made via Bill C-78 to the Public Service Pension Act, the Canadian Forces Superannuation Act and the RCMP Superannuation Act.

As can be seen from this overview, Bill C-43 is a technical bill. I am not opposed to it. The government's approach to it is, however, open to question. It is using an omnibus bill to reintroduce provisions that were rejected by the Standing Senate Committee on Legal and Constitutional Affairs in its preliminary examination of Bill C-40. This strikes me as somewhat unusual. I therefore hope that Bill C-43 will be referred to that same committee for a proper examination. I also hope that all necessary explanations to justify the government's bill will be forthcoming from it.

[English]

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Baker, that this bill be read the second time.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Day, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CRIMINAL LAW AMENDMENT BILL, 2001

MESSAGE FROM COMMONS—DEBATE ADJOURNED

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-15A, to amend the Criminal Code and to amend other Acts.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Robichaud:

That the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, an Act to amend the Criminal Code and to amend other acts to which the House of Commons has disagreed; and

That a message be sent to the House of Commons to acquaint that House accordingly.

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

Senator Carstairs: I thank honourable senators for the very hard work that was done in the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-15A.

The issue of child pornography is complex and difficult. This is not an issue that many of us take great comfort talking about. I do not think there are any fundamental disagreements on this side or the other side that child pornography, in all of its forms, can be evil and that it can produce actions that none of us in this chamber would agree with.

I wish to be very clear. When the amendment that is now in dispute first came to this chamber, I had genuine concerns. That is one reason the words "on division" were included in the vote on this bill before it was sent to the other place.

• (1420)

My concern was that, by permitting this amendment, we might be making it easier for Internet providers to evade liability, not because they would have been the producer of the program, which was never in question, but for knowledge that the program was on their service.

Senator Nolin moved an amendment that had to be dealt with carefully and with due consideration. I do not want our rejection of that amendment to in any way be considered a reflection on what he tried to do, because I think he honestly tried to make the bill better. I believe all senators try to improve bills, but this is not an easy area to address. I know that Senator Nolin did not enter this area without a certain amount of trepidation in his thought processes.

As we saw happen in the other place just a few days ago, such issues can easily degenerate. We could hear, "You like pornography," or "You will support pornographers," which is not the mindset of anyone in this chamber, least of all Senator Nolin. I want that firmly on the record.

The other House has accepted two of the three amendments we made. It accepted an amendment dealing with the process for review of allegations of wrongful conviction. This amendment would limit the minister's power to delegate the exercise of the new investigative power to members of the bar of a province, retired judges or any other individual who, in the opinion of the minister, has similar background or experience. The other House also accepted a very technical amendment that added a cross-reference, in order to correct an oversight.

The other House did not accept the amendment to exempt Internet service providers from criminal liability when they merely provide the means or facilities of telecommunications. The opinion of the previous Minister of Justice, when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs, was that such an amendment was unnecessary since the offence could not be committed by service providers who did not have knowledge of the content of the material stored on or going through their system.

This position was reaffirmed by the parliamentary secretary to the present Minister of Justice, when he spoke in the other place about the other amendments. I am prepared to take the word of the parliamentary secretary, speaking on behalf of the Minister of Justice, that ISPs will not be found guilty of transmitting or distributing child pornography when they are not aware of the content. However, if service providers knowingly transmit child pornography, they should and would be found guilty.

There is a concern that, as drafted, the amendment would allow service providers to be exempt from criminal liability, even if they knew they were transmitting child pornography. That was my concern from the beginning.

For all these reasons, I propose that this house concur with the message from the other House.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, in fact, there was considerable confusion. One has only to read the debates of the other place to realize that confusion reigned. I move that debate be adjourned, but I will have comments to make.

On motion of Senator Nolin, debate adjourned.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Leaving having been given to revert to Notices of Motions:

Hon. Nicholas W. Taylor: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

[Senator Carstairs]

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m. on Tuesday, April 30, 2002, for the purpose of hearing witnesses by video conference on its study of Bill C-10, an act respecting the national marine conservation areas of Canada, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, thank you for the opportunity to speak to you today on Bill S-18.

Any bill aimed at maintaining and improving the health of Canadians should be examined carefully by Parliament. The issue of the safety of our drinking water affects every person in Canada.

[Translation]

In the past, diseases caused by the contamination of drinking water were a cause of considerable suffering for Canadians, particularly at the beginning of the century, when typhoid was rampant.

[English]

Since that time, many advances in water treatment and water analysis have been made. Disinfection by chlorine is now practised throughout Canada, as are numerous clarification techniques. Today, water quality monitoring is a highly technical process that involves sensors and computers to monitor a large number of water quality parameters.

In spite of this progress, water-borne diseases continue to be an important health concern. We have only to think of the recent E.coli 0157:H7 outbreak in Walkerton, or the 1994 toxoplasmosis outbreak in Victoria, to recognize the impact of these diseases.

Canadians are, with reason, worried about this situation. The Government of Canada responded to their concern in the most recent Speech from the Throne when it pledged to fulfil its direct responsibilities for water safety. I understand Senator Grafstein's desire to strengthen the regulatory process that controls Canada's drinking water by introducing his clean drinking water bill.

Under Bill S-18, the Food and Drugs Act would be modified to include drinking water in the definition of "food." This would enable federal control and inspection of water for human consumption coming from community water systems.

• (1430)

While the bill's intentions are praiseworthy, I am unable to support it. I will not dwell at length on the constitutional or judicial aspects of the bill.

[Translation]

Others have done so for me. I know that Senator Bacon has already spoken to this issue as it relates to the bill.

[English]

Honourable senators, I will instead address the bill from a scientific and technical standpoint, given my personal experience with the Food and Drugs Act and as a past member of the Science Advisory Board of Health Canada.

In my view, it is impossible to modify the Food and Drugs Act, to make it effective legislation for regulating drinking water, for several reasons.

First, and most simple, water is not food and food is not water. From a public health standpoint, these are completely different entities and require completely different regulatory approaches.

[Translation]

In all the dictionaries, the definition of "food" excludes drinking water because it cannot release energy. It is physiologically and pathologically different.

[English]

This is an important distinction. First, in Canada, disease from ingested tainted food is generally more serious than disease from tainted drinking water. Diseases such as listeriosis, from unpasteurized cheese, salmonellosis, caused by uncooked chicken, and Creutzfeldt-Jakob disease, also known as mad cow disease, require specific surveillance and control.

Second, our food and drug legislation must consider the serious issue of genetically modified food, an issue that has no relation to water.

Finally, from a public health standpoint, the nutritional value of food is as important as food safety. Water is never nutritious. It must be safe, period.

In addition to the inherent differences between food and water, the regulatory process for each is very different. Our regulation of food under the joint supervision of Health Canada and of the Canadian Food Inspection Agency applies only to a limited number of plants involved in the distribution of food across provincial borders. It does not include the great majority of food processing establishments in Canada, or restaurants, caterers and food outlets, all of which fall under provincial jurisdiction.

Bill S-18, by proposing to amend the Food and Drugs Act, does exactly the opposite. It would require federal control and inspection of every water system of the country, crossing the boundary into areas of provincial jurisdiction. This approach runs counter to actions taken in every other country, despite the fact that many of them are also facing serious drinking water problems.

Honourable senators, no other country recognizes drinking water as food. Most, including the United States and the European Union, have placed the responsibility of drinking water in their departments of the environment. A role for Environment Canada is seriously lacking in Bill S-18.

No other country has gone as far as Bill S-18 in centralizing control and inspection of its drinking water system, despite the fact that few face the challenges of geography, distance and different water systems that Canada faces. In Prince Edward Island, for example, most people get their drinking water from groundwater, through wells. In the Prairies, drinking water is kept in dugouts fed by surface runoff. In the North, drinking water is trucked into some communities, while in coastal B.C., drinking water comes from mountain watersheds in the forests. It is obvious that water quality issues will be very different depending on where one lives.

Inherent differences between food and water and departures from international precedent alone are sufficient reasons to believe that Bill S-18 is not the answer to our drinking water issues. However, the logistics of controlling drinking water are yet further reasons.

Simple inspection of water plants is not sufficient. Up to 40 per cent of water-borne outbreaks are associated with water that conforms to current treatment and water quality standards. Common water-borne diseases, such as cryptosporidiosis, which was responsible for the recent North Battleford outbreak, are not routinely detected in current water analysis, nor is the responsible protozoa eliminated by chlorine disinfection and many forms of filtration.

To maintain high-quality drinking water requires a multiple barrier approach involving multiple agencies. First, water sources, whether groundwater or surface water, need to be protected from contaminants. Containing and disposing of large volumes of animal waste from growing pig and cattle operations is a constant challenge and a situation that is not well regulated in Canada.

Human sewage disposal is another source of contaminants. One city's sewage is another community's water supply. However, municipal waste water systems in Canada have serious deficiencies compared with many European cities. Neither of these sources of contaminants can be considered "food safety."

Second, water needs to be treated, usually by disinfection. Historically, the response to all drinking water problems has been, "when in doubt, add chlorine!" However, chlorine by-products are now suspected of causing bladder cancer and miscarriages in pregnant women. Thus, chlorine levels are now kept at a minimum.

Balancing the need to disinfect with the risk of chlorine toxicity is not easy and could result in more boil-water advisories. This is an important application of the precautionary principle, not the result of negligent practices. It requires experience and judgment by operators and should not be condemned.

Third, we need a sound infrastructure for water and sewage distribution and treatment. Spending in this area, in Canada, has been deficient for many years, in part because of the lack of financial resources of our municipalities.

Canada has the lowest cost for drinking water among all OECD countries. The U.K. and France, for example, charge more than \$3 per cubic metre. In Japan and Sweden, the charge is more than \$2. In the U.S., the amount is \$1.25. In Canada, the average rate is 70 cents per average cubic metre. While this has enabled Canadians to use water freely, in a way that is unheard of in other countries, we need to consider whether the cost of low prices, in terms of public safety, has been too high.

Finally, honourable senators, we need comprehensive testing. Most countries have national guidelines for the detection of water-borne contaminants. We know that Canada has lagged in this respect and that both the U.S. and Europe have stricter guidelines. However, over the last two years, the provinces have been working, in cooperation with Health Canada and Environment Canada, to produce Canadian guidelines and are continuously improving them. This collaborative process, rather than a top-down approach, will certainly ensure greater local compliance.

Providing Canadians with safe drinking water is a complex and challenging task. A simple change of definition in a food safety act will not solve this complex problem. It requires action on the part of municipalities, provinces and the federal government.

I mentioned earlier the most recent Speech from the Throne, which sets out the federal government's role clearly:

The Government of Canada will fulfil its direct responsibilities for water, including the safety of water supplies on reserves and federal lands.

The Government will also lead in developing stronger national guidelines for water quality by enhancing scientific research and continuing its collaboration with partners.

It will fund improvements to municipal water and waste water systems through the federal-provincial-municipal Infrastructure Canada program.

It will also invest in research and development and advanced information systems to protect surface and ground water supplies from the impact of industrial and agriculture operations.

• (1440)

[Translation]

Honourable senators, our government's strategic program to ensure the quality of drinking water is a realistic and effective plan that will guarantee that Canadians have safe, refreshing and

good-tasting water, without there being any need to push the limits of, not to say distort, legislation that is working well.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, I wish to ask the Honourable Senator Morin a question.

The Hon. the Speaker: Will you take a question, Senator Morin?

Senator Morin: Certainly.

Senator Grafstein: Honourable senators, I wish to thank Senator Morin for bringing this information to the Senate's attention. I would have preferred to have this information available to the committee, which unanimously approved the bill. In the circumstances, I have two questions for the honourable senator.

If water is not a food, why is it that the Food and Drugs Act regulates bottled water?

Senator Morin: Honourable senators, bottled water is regulated by the Food and Drugs Act because it crosses provincial boundaries.

Senator Grafstein: Perhaps the senator misunderstood my question. The Food and Drugs Act regulates bottled water, but water is not a food. Why, then, is it regulated under the Food and Drugs Act?

Senator Lynch-Staunton: Perhaps it is a drug, in consideration of all the elements in it.

Senator Morin: That being said, bottled water is a special circumstance because specific standards of purity must be met.

I understand the question, but the major issue, if I may, is that the Food and Drugs Act does not apply in small municipalities. It never reaches the municipal level. Restaurants, food outlets and caterers are not covered by the Food and Drugs Act. The Food and Drugs Act applies in large plants that supply food to restaurants across provincial boundaries.

The other major point is that no other country uses its food and drugs act to regulate water. Rather, they use environmental legislation to regulate water, because the process requires much more than simply testing the water of the municipal or regional facilities. For example, the authorities of New York City have chosen not to use the filtration system, and they have very strict rules in respect of the watershed that distributes water to the city.

Water not being considered food is one aspect of the argument that has not been followed by other countries, although the other arguments are just as strong as that one.

[Senator Morin]

Senator Grafstein: If the Food and Drugs Act has nothing to do with drinking water, as the honourable senator contends, why is it that, in the Walkerton report and the North Battleford report, there are references to both municipalities calling on the research facilities of the Department of Health to assist them in sorting out the nature of the problem in their towns?

Senator Morin: It was not the act that responded but the scientists from Health Canada, who are experts in microbiology. They responded when called upon for assistance. They are also called upon to deal with issues under the Food and Drugs Act and other aspects of microbiology surveillance. They can be called upon to study food that has been imported and may contain microbiological problems. These scientists also test air quality, for example. Recently they were called upon to study the makeup of some powder that was sent to various cities. They do not deal only with food and drugs.

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 2:45 p.m., pursuant to the order adopted by the Senate on Wednesday, April 24, 2002, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of the Honourable Senator Lynch-Staunton.

Pursuant to agreement, the bell to call in the senators will be sounded for 15 minutes.

Call in the senators.

FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

BILL TO AMEND—THIRD READING

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 Di Nino, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended on page 7, by adding after line 13, the following:

“**10.2** (1) If the Royal Canadian Mounted Police intends to carry out responsibilities under section 10.1 in relation to an intergovernmental conference, it shall notify the Royal Canadian Mounted Police Public Complaints Commission of its intention, and the Commission shall monitor the activities performed by the Royal Canadian Mounted Police in carrying out its responsibilities.

(2) After each conference in relation to which the Royal Canadian Mounted Police Public Complaints Commission has monitored activities under

subsection (1), the Commission shall submit to the Solicitor General of Canada a report on the activities performed by the Royal Canadian Mounted Police, and the Solicitor General shall cause the report to be laid before both Houses of Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that either House of Parliament is sitting.”

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Andreychuk, that the Bill be not now read a third time but that it be amended:

(a) in clause 5, on page 6, by replacing lines 35 and 36 with the following:

“Canadian Mounted Police may take any measures defined by the Governor in Council as appropriate in the circumstances, including controlling, limiting”; and

(b) in clause 8, on page 8, by adding, after line 35, the following:

“**13.1** The Governor in Council may make regulations to define, for the purposes of subsection 10.1(2), measures that are appropriate in specified circumstances.”

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by seconded by the Honourable Senator Kinsella, that the Bill be not now read a third time but that it be amended in clause 5, on page 7, by adding, after line 13, the following:

“(5) No member of the staff of a minister of the Crown in right of Canada and no member of the public service of the Government of Canada who is not a member of the Royal Canadian Mounted Police shall advise or instruct any member of the Royal Canadian Mounted Police in the performance of his or her duties under this section.

(6) Any person who contravenes subsection (5) is guilty of an offence punishable on summary conviction and is liable to a fine of not less than fifteen thousand dollars.”.

• (1500)

Motion in amendment of Senator Lynch-Staunton negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Atkins
Beaudoin
Bolduc
Buchanan
Cochrane
Comeau
Gustafson
Johnson
Keon

LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Rivest
Stratton
Tkachuk—19

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Kirby
Baker	Kolber
Banks	Kroft
Biron	LaPierre
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Milne
Cools	Morin
Cordy	Pearson
Day	Pépin
De Bané	Phalen
Fairbairn	Poulin
Fitzpatrick	Poy
Fraser	Robichaud
Fury	Rompkey
Gauthier	Setlakwe
Gill	Sibbeston
Grafstein	Sparrow
Graham	Taylor
Hervieux-Payette	Tunney
Hubley	Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Motion in amendment of Senator Bolduc negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Bolduc	Murray
Buchanan	Nolin
Cochrane	Oliver
Comeau	Rivest
Gustafson	Stratton
Johnson	Tkachuk—19
Keon	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	Kirby
Baker	Kolber
Banks	Kroft
Biron	LaPierre
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Milne
Cools	Morin
Cordy	Pearson

Day
De Bané
Fairbairn
Fitzpatrick
Fraser
Fury
Gauthier
Gill
Grafstein
Graham
Hervieux-Payette
Hubley

Pépin
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Taylor
Tunney
Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Motion in amendment of Senator Di Nino negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Atkins
Beaudoin
Bolduc
Buchanan
Cochrane
Comeau
Gustafson
Johnson
Keon

LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Rivest
Stratton
Tkachuk—19

NAYS
THE HONOURABLE SENATORS

Adams
Austin
Bacon
Baker
Banks
Biron
Carstairs
Chalifoux
Christensen
Cook
Cools
Cordy
Day
De Bané
Fairbairn
Fitzpatrick
Fraser
Fury
Gauthier
Gill
Grafstein
Graham
Hervieux-Payette
Hubley

Joyal
Kenny
Kirby
Kolber
Kroft
LaPierre
Losier-Cool
Maheu
Mahovlich
Milne
Morin
Pearson
Pépin
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Sparrow
Taylor
Tunney
Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question is on the motion of Senator Graham, seconded by the Honourable Senator Pépin, for the third reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read third time and passed, on division.

• (1510)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Cook, for the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Morin*).

The Hon. the Speaker: Honourable senators, the sitting is resumed.

Just prior to suspending the debate, Senator Morin had the floor and was responding to a question from Senator Grafstein. However, Senator Morin, your 15 minutes have expired.

Hon. Jeremiah S. Grafstein: I have one brief question, and then I will conclude, with the concurrence of Senator Morin.

The Hon. the Speaker: Senator Morin, do you wish to seek leave for additional time?

Hon. Yves Morin: I do.

The Hon. the Speaker: Is leave granted?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I agree to allow the senator to ask one question and receive one answer.

[*English*]

Hon. Senators: Agreed.

Senator Grafstein: Thank you, honourable senators, and I especially thank Senator Morin for his courtesy.

The honourable senator has brought to our attention the fact that, in Canada, there are federal guidelines for drinking water; on the other hand, unlike any other jurisdiction such as Europe or the United States the honourable senator tells us that there is no centralized regulation. Is it not correct that, in Europe there is central regulation of water at the EU? Is it not correct that in the United States, there is centralized federal regulation under an agency in Washington that took that power in 1974 in order to ensure that there were enforceable, clean drinking standards across the United States?

Senator Morin: I thank the honourable senator for his question. I will start with Europe. The European Union has set up a commission that has a mandate to review what is being done in the individual countries. It has taken what is called a river basin approach because the effluents that feed the civic water supplies come from different countries. The EU is in a situation that we are not in here in Canada; therefore, there are rather strict controls on these river basins.

The individual countries actually regulate water. However, they must report to the European Union. You will find on the Internet the various rules that have been set up by the European Union. The EU asks individual countries to report on a number of controls that each country performs, itself. These controls are related mainly to waste disposal plants, which is much more of an issue than the water purification plants.

The European Union does not actually itself perform the controls. It asks for reports to be done on a regular basis, not only on water purification plants, chlorination and so forth, but also on what is happening in the river basins — because one river may flow into a different country. Each individual country wants to be sure that the water coming into its river has been under some control in the other country. Europe has a completely different situation from Canada, where we do not draw our drinking water from another country.

The United States, under the Environmental Protection Agency — not under the Food and Drugs Act — has set up a number of guidelines that are extremely strict. A recent review has been conducted of the work that has been done under the U.S. Environmental Protection Agency guidelines. Even though the EPA itself does not do the actual verifications and tests in the various cities, it publishes its guidelines and expects the various municipal authorities and states to respond to them.

In one year, over 10,000 systems in the U.S. have violated the health-based drinking water standards of the EPA. In addition to these 10,000 violations, it has been shown that the states report to the U.S. Environmental Protection Agency only 55 per cent of major violations and only 10 per cent of monitoring and reporting violations.

• (1520)

In spite of the fact that the U.S. has strict regulations, they are regularly violated by the states and municipalities. Our approach in Canada of having less strict regulations set by the provinces under the leadership of the federal government will lead to much better compliance, and in this case I strongly believe that the Canadian approach is preferable.

Hon. Charlie Watt: Honourable senators, I rise today to express my strong support for Bill S-18. There is no doubt that the tragedy in Walkerton and, more recently, the further grave situation in North Battleford, awakened all Canadians to the severity of the national public health issue caused by substandard drinking water, which can be found in too many areas of this country.

The honourable senator sponsoring Bill S-18 spoke eloquently on this subject, and I wish to commend him for keeping the issue of clean, safe drinking water in full public view, where it belongs.

Honourable senators, Bill S-18 is not the first federal initiative to address the water quality issue. In 1996 and 1997, the government-sponsored Drinking Water Materials Safety Act would have set a national guideline for the quality of drinking water. It did not get past first reading. The federal government has also been active in the development of a national guideline for drinking water since 1968. Currently, the Federal-Provincial Subcommittee on Drinking Water is responsible for regular revision and updating of a national guideline for drinking water quality. Those and other initiatives recognize the critical nature of the water quality issue for all Canadians. The question is: Are they enough?

Honourable senators, I favour a strong national standard and I am deeply concerned that the current policy framework in the area of water quality lacks an enforcement mechanism. For example, at present, provincial and territorial compliance with the national drinking water guideline is entirely voluntary. What is needed, in my view, is legislation with teeth. By bringing drinking water under the Food and Drugs Act, Bill S-18 represents a vital step forward in this key public health matter.

Honourable senators, I have listened carefully to the statements opposing Bill S-18 on constitutional grounds. In 1997, in the pre-Walkerton era, constitutional arguments also resulted in the withdrawal of the Drinking Water Material Safety Act. While I do not discount constitutional concerns, neither do I discount the urgency of addressing the national public health issue highlighted by the Walkerton crisis. In my view, the health of Canadians and the right of safe drinking water must come first.

Honourable senators, the remainder of my remarks will focus on one segment of the Canadian population that suffers most acutely from the problem of safe drinking water and the gap resulting from the absence of a national standard. I refer to Canadian Aboriginal people and, in particular, the First Nations community living on reserves, whose situation Senator Grafstein has already described as the "most obscene of all." The facts and figures to support this assessment are not lacking.

To cite just a few examples, in 1996, the Royal Commission on Aboriginal Peoples found that in Ontario alone, 22 per cent of the First Nations' water treatment plants represented an immediate risk to health, while an additional 44 per cent failed to meet government standards.

A 1995 Health Canada survey found that 171 First Nations water systems, or about 20 per cent of the total surveyed, posed possible health risks. In 2000, Health Canada determined that

about 12 per cent of Canadian First Nations communities — that is 80 to 100 communities — still have potentially hazardous water, including 30 in Saskatchewan, 27 in British Columbia and 14 in Ontario.

Health Canada reported that in July 2001, 47 First Nations communities were under boil-water advisories. In March 2002, 67 First Nations' water systems posed health risks serious enough to require boil-water orders. Some First Nations communities in Saskatchewan and Quebec, for instance, have been under such advisories for years.

Honourable senators, these are only a few of the figures highlighting the precarious position of First Nations members when it comes to safe drinking water. In 2001, the National Chief of the Assembly of First Nations reminded us all that, while longstanding water problems in First Nations communities do not make headlines, unsafe water kills newborn and elderly in those communities every year. He recalled eight children dying of gastroenteritis from contaminated drinking water in one season in James Bay communities.

Honourable senators, no one doubts that the federal government has made efforts to address the severe water problem facing First Nations communities. The issue is whether they have been effectively addressed. In March of this year, the federal government announced that it would spend an additional \$215 million to upgrade and maintain water services on reserves. This amount falls far short of the nearly \$800 million said to be required in an internal government report. Only last December, University of Alberta researchers found that confusion, duplication, omission and mismanagement of drinking water on reserves resulted from the federal practice in funding, delivering and designing water systems.

Honourable senators, the federal government has a special role and unique responsibility in relation to Canada's Aboriginal peoples. This special role makes the argument for the enforcement of national water quality standards in First Nations communities especially compelling. The special role is a constitutional one, arising from Parliament's legislative jurisdictions over "Indian and Lands reserved for the Indians." Is there any doubt that this provision authorizes Parliament to legislate national water standards for the First Nations communities? Canada's unique responsibility also has a constitutional dimension, in my view. It is a fiduciary responsibility, long recognized by imperial and domestic governments and by the Supreme Court of Canada. In their submission to the Walkerton Commission of Inquiry, the Chiefs of Ontario stated:

• (1530)

In the context of policies relating to drinking water on reserve, Parliament's fiduciary responsibility requires that positive measures be taken, in full consultation with affected communities, to assist First Nation efforts to attain and maintain a safe and reliable community water supply... Change is clearly needed. The federal government's policies need to be overhauled, more resources need to be dedicated to the goal of ensuring safe and reliable drinking water in First Nation communities, and First Nation people need to be permitted to meaningfully participate in the search for sustainable solutions in their communities.

Honourable senators, I believe the federal government has a positive duty to enforce national quality water standards on First Nations reserves. I also believe that Bill S-18 represents needed change. To those who would argue that it might not be a complete answer to the water quality issue affecting the First Nations communities, I would answer that as responsible legislators we should adopt Bill S-18 as an important first step in the process of ensuring that all Canadians, and Canada's Aboriginal people in particular, have access to safe, clean drinking water.

Senator Grafstein: Honourable senators, I would like leave of the Senate to take the adjournment so that I might speak to Senator Morin's comments next week. I shall give you the rationale briefly.

I spoke at third reading, immediately after the senator, without being aware that there were substantive objections to the bill, because the committee had approved the bill unanimously. Senator Morin advised me several weeks ago that he had some problems with this. Today, I heard for the first time, although Senator Morin did offer to give me his speech yesterday, the nature of these objections.

Normally under our rules, when there is a private member's bill, a senator can only speak once on third reading. If it is a government bill, one is obviously able to speak twice on third reading to respond to any criticism under the bill, I believe. Therefore, I seek leave of the Senate to respond to Senator Morin's critique briefly. I will try to limit myself just to the issues that he raised, which are different from those that were raised before the committee where we had independent witnesses to respond.

I would do that early next week, with the consent of honourable senators. Therefore, I crave the leave of the Senate to take the adjournment.

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

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Honourable Senator Sibbeston, I saw you rising and I understand you wish to ask a question?

Hon. Nick G. Sibbeston: Honourable senators, I was hoping to speak but I am content to speak next week.

Senator Grafstein: Due to the circumstances, honourable senators, perhaps Senator Sibbeston can take the adjournment and, with leave, I will follow him.

On motion of Senator Sibbeston, debate adjourned.

[Translation]

ILLEGAL DRUGS

BUDGET— REPORT OF SPECIAL COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Pierre Claude Nolin, Chair of the Special Committee on Illegal Drugs, presented the following report:

Thursday, April 25, 2002

The Special Committee on Illegal Drugs has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 15, 2001, to reassess Canada's anti-drug legislation and policies, now requests approval of funds for 2002-2003.

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

Respectfully submitted,

PIERRE CLAUDE NOLIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix "D", p. 1492.)

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

On motion of Senator Nolin, pursuant to rule 57(1)(e), report placed on the Orders of the Day for consideration two days hence.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE PRESENTED

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

Thursday, April 25, 2002

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

TWELFTH REPORT

Your Committee, which was authorized by the Senate on March 1st, 2001, to examine such issues as may arise from time to time relating to energy, the environment and natural resources, now requests approval of funds for 2002-2003.

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

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

(For text of budget, see today's Journals of the Senate, Appendix "E", p. 1500.)

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

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

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF HEALTH CARE SYSTEM— REPORT OF COMMITTEE PRESENTED

Hon. Michael Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 25, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTEENTH REPORT

Your Committee, which was authorized by the Senate on March 1st, 2001, to examine and report upon the state of the health care system in Canada, respectfully requests that it be empowered to travel outside Canada for the purpose of its study.

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

Respectfully submitted,

MICHAEL KIRBY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "F", p. 1510.)

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

[Senator Taylor]

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

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 Jaffer*).

Hon. Joan Fraser: Honourable senators, it is with considerable trepidation that I rise to speak on this bill because so many people whose opinions I respect have spoken in favour of it, and because I have great respect for the motivations of Senator Poy in submitting the bill. However, after considerable thought I have concluded that I cannot give my support.

Honourable senators, a national anthem is not a restaurant menu to be changed whenever we see fit. I have spent a good portion of my adult life working for women's equality, and it is a cause in which I fervently believe. However, I do not think this is the best way to advance that cause, and it seems to me that the disadvantages of the bill far outweigh the advantages.

• (1540)

The main argument that has been advanced for this proposed change to the English version of the national anthem is that the present words "in all thy sons command" exclude women and thus do not fit with the values that Canada proudly espouses in the 21st century. It is further argued that to adopt the alternative phrase, "in all of us command," would be to return to the original English lyrics as written by R. Stanley Weir. With respect, I do not think that either of these arguments stands up to examination.

Let us look first at the question of values. The fact is that the words of many national anthems do not bear very close examination in light of today's values. Often they glorify violence or a particular ethnicity.

[Translation]

Honourable senators, the most striking example — and I am sure you will agree — is without a doubt *La Marseillaise*. It starts off in a way that is understandable considering the times in which it was written, referring to the fearsome soldiers of the enemy and tyranny's bloody standard, accusing them of cutting the throats of the women of France. Then the anthem moves into what, to modern eyes, is totally unacceptable: the horrifying wish to let impure blood flow in our furrows. Jean-Marie Le Pen could not have put his philosophy in any clearer terms. Yet even the most civilized of French citizens sing these words without hesitation, not because they are a literal translation of the values France incarnates, but rather because they have been sung for 200 years, and *La Marseillaise* is among their country's most cherished traditions.

[English]

The United States is not much better. *The Star-Spangled Banner*, as we all know, talks about “the rockets red glare” and “bombs bursting in air.” *Hail to the Chief*, which is the anthem of the U.S. president, offers a startling set of values. Its words begin “Hail to the chief who in triumph advances. Honoured and blessed be the evergreen pine,” and I do not think it was written by an ecologist.

As we know, *God Save the Queen* asks the deity to “send her victorious.” Argentina’s national anthem says, “We vow to die with glory.” Ireland: “We’ll sing a song, a soldier’s song...Impatient for coming fight.” Greece: “From the graves of our slain shall thy valour prevail.”

Advance Australia Fair, the Australian anthem, has been mentioned here as a model because the Australian Parliament removed what was deemed to be a sexist line, but *Advance Australia Fair* has other problems. It does not mention Aboriginal people or, indeed, anyone much except people of British stock, but it certainly glorifies them. It is replete with references to British courage and the like, and it actually includes the line, “Britannia rules the wave” — not “waves.” They left off the final “s” so that it would rhyme with “brave.”

Against such models, Canada’s little reference to its sons seems to me, at least, less than offensive. Would we not be reverting to the original in making the change suggested by Senator Poy? Well, no.

Here are Mr. Weir’s original lyrics:

O Canada! Our home, our native land,
— “our native land,” not “and native land” —

True patriot love thou dost in us command,

We see thee rising fair, dear land, The True North strong
and free;

Then we go on to stand on guard, five times, I think.

No one is suggesting that we revert to “we see thee rising fair, dear land,” let alone to all those “standing on guards,” so we are not, in fact, talking about going back to the original version.

Here is another problem: If we want to acknowledge women’s concerns, why not other groups? Why not acknowledge Aboriginal people and immigrants and fishermen and bankers and software engineers?

Does the reference to “God” not offend many Canadians, if taken literally? There is no end to the changes we would have to make if we wanted the national anthem to reflect all of our values explicitly. The values are clear — but we are not talking about the values, we are talking about the national anthem.

I have a further problem with the wording proposed in this bill. I say this with particular deference to Senator Banks. The wording is, in my view — forgive me — leaden. Try to sing “in all of us command.” It simply thuds embarrassingly. Weir’s original phrase, “thou dost in us command,” has a finer ring, but I suppose that, if we adopted that, we would be assailed for using archaic language.

I do not mean to suggest that the present wording of *O Canada* is perfect. It certainly is not, and not only for the reasons suggested by Senator Poy. I myself have always had trouble with the awkward phrase, “From far and wide, O Canada, we stand on guard for thee.” Since standing on guard is basically a stationary activity, I do not see how one can stand on guard from far and wide.

That line was, of course, created the last time Parliament decided to meddle with the English lyrics of *O Canada*. It was a fine example of what happens when you let a committee of politicians try to write poetry. I do not see why we should now compound the error.

The main point about a national anthem is that it is, or becomes, part of the country’s national traditions. It is the song that generations of citizens sing and it is their singing of it, not the words themselves, that hallow it. That is why the French still sing of “sang impur” and the Americans sing of bombs and rockets. Indeed, that is why French-speaking Canadians still sing, in *O Canada*, of the cross and the sword. It is not because they want to turn Canada into a theocracy or a military dictatorship, but because these are the words that have been sung for generations. They have been sung in circumstances where Canadian patriotism was a brave cause to espouse. As long as I live, I will never forget hearing them sung with thunderous fervour by thousands of Quebecers at the famous rally in the Paul Sauvé arena on the eve of the 1980 referendum. To change those words would be to betray history.

Honourable senators, let the same be true of the English words to *O Canada*, imperfect as they may be. They never will be perfect, but they are ours. Let that be an end to it.

On motion of Senator Fraser, for Senator Jaffer, debate adjourned.

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Nicholas W. Taylor moved the second reading of Bill S-42, to amend the Canada Post Corporation Act (householder mailings).—(*Honourable Senator Taylor*).

He said: Honourable senators, I will be brief. This bill proposes a fairly simple change to the Canada Post Corporation Act, to provide to members of the Senate the same householder mailing privileges as members of the House of Commons have. The bill does not deal with addressed mail.

The bill would allow members of the Senate to send, postage free, in any calendar year, up to four mailings of printed matter to a limited number of persons residing in the province from which the senator is appointed. I will not go into the details at this time. They are laid out in the bill.

Under the current legislation, senators are entitled to mail as many “addressed” pieces of mail as they wish, as are members of the House of Commons. However, we are required to address each piece of mail individually, which is very onerous for a mailing of 50,000 pieces.

• (1550)

In addition to that, members of the other place are also entitled to four postage-free householders to their constituents, as well as an unlimited number of what they call “10 percenters.”

Furthermore, they are entitled to a preferred rate of 82 cents per kilogram for bulk mailing above and beyond their four allotted postage-free householders and unlimited 10 percenters.

For example, as it stands now, if a senator wished to circulate a bulk 50,000 piece “to the householder” mail-out to his or her home province, it would cost \$4,800, \$0.09 apiece, plus \$6 per 1,000 copies for transportation and tax. The exact same mail-out would cost a member of the other place \$164 — that versus \$4,800. That is a considerable difference.

I realize that most of my distinguished colleagues are concerned about cost. In the 2001-02 Main Estimates, \$22.21 million is allocated to Public Works and Government Services for Canada Post as compensation for the cost of providing mail privileges for literature for the blind and to the House of Commons, the Senate of Canada, the Library of Parliament and the Governor General.

Although the forgone revenues represented by these free mailings is not precisely measured, it is based on volumes that can be approximately assigned as follows: literature for the blind, \$13 million; House of Commons, \$7.8 million; Senate of Canada, \$666,000; Library of Parliament, \$333,000; and the Governor General, \$111,000.

Assuming that all members of the Senate use their total allowable postal privileges, the total cost would be \$2.7 million. In other words, if every senator started to use the same privileges as those of the House of Commons, our total would rise from \$666,000 to \$2.7 million, still far short of the House of Commons’ \$7.8 million.

I maintain that one of the major responsibilities of the Senate is to serve all Canadian citizens. Unfortunately, a large segment of the population does not know what the Senate does on a day-to-day basis. Therefore, honourable senators, this legislation could be used as an educational tool so that the Canadian public will better appreciate the role of the Senate in Canadian politics.

Also, we have taken a more proactive role in tabling legislation. Therefore, we should have the opportunity to communicate with the public our objectives and reasoning behind our proposed legislation.

Right now, Senate bills and speeches made here are reported through the rather imperfect media of the *Ottawa Citizen*. Those who subscribe to the *Debates of the Senate* can get a look at a senator’s speech, but senators themselves are faced with astronomical costs for mailing out copies of such speeches.

[Senator Taylor]

I suggest that the Senate is changing. A number of people have said to me in the last few years, “You seem to be more active there now.” I think part of that increase in activity will be communicating to the public what the Senate does. The easiest way to do that is through householder mailings.

I thank honourable senators for their attention.

Hon. Bill Rompkey: Honourable senators, I rise to support Senator Taylor and to commend him for bringing forward this matter.

I am one who used householder mailings quite frequently in the House of Commons, as did many of us. They are very useful tools. The accusation is often made that the Senate is unaccountable. Householder mailings would be one way of improving accountability. They would allow us to share with the public what goes on in the Senate. In fact, householder mailings can provide an opportunity for members of the public to respond. Quite frequently, I used to make available in my mail-outs a place for people to respond, and in fact I received responses, which enabled me to know what people were thinking.

I would remind honourable senators that the Senate has a newsletter, which has been existence for about a year and a half now, and interest in it is growing. However, the Senate newsletter has to be addressed. What Senator Taylor is proposing is a mailing that is widespread and not targeted to particular individuals.

A householder mailing has the potential to be an important communications tool for us. I congratulate the Honourable Senator Taylor for bringing forward this issue. It is something that honourable senators should support.

On motion of Senator Chalifoux, debate adjourned.

FIRST NATIONS SELF-GOVERNMENT RECOGNITION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-38, declaring the Crown’s recognition of self-government for the First Nations of Canada.—(*Honourable Senator Tkachuk*).

Hon. Janis G. Johnson: Honourable senators, I listened with great interest to the remarks that Senator St. Germain made on Bill S-38, which deals with recognizing the powers of First Nations people inhabiting lands reserved for their communities.

I rise in my place today to say that I look forward, as I am sure all honourable senators do, to listening to the remarks that the Honourable Senator Tkachuk will be making when the Senate next sits.

The Hon. the Speaker *pro tempore*: Honourable senators, is it agreed that the motion remain standing in the name of the Honourable Senator Tkachuk?

Hon. Senators: Agreed.

Order stands.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Volume Five: Principles and Recommendations for Reform — Part I*, tabled in the Senate on April 18, 2002.—(Honourable Senator Kirby).

Hon. Michael Kirby moved the adoption of the report.

He said: Honourable senators, I rise to begin a debate that I hope will involve many members of this chamber. The debate will focus on the recent report of the Standing Senate Committee on Social Affairs, Science and Technology, the first of two volumes containing conclusions on our health care study. I hope that as many honourable senators as possible will participate. This chamber provides a unique forum, in the sense that an open, unrestricted debate on what Canada's health care policy ought to be for this century is unlikely to occur in the other place. Therefore, all of us have a unique opportunity to participate in the debate on this important issue.

Before making a few remarks, I should like, on behalf of the committee, to pay enormous thanks to our committee clerk, Cathy Piccinin, and to our two researchers, Odette Madore and Howard Chodos, all of whom have worked above and beyond the call of duty for the last year and a half. They have been very instrumental in helping the committee to carry out its work and, indeed, to produce all the documents that we have thus far produced.

Honourable senators, in the next few minutes, I will point to some highlights and then raise some questions that we hope all Canadians will be prepared to debate.

The fragile and deteriorating state of our health care system means that Canadians confront some very hard choices, if they are to have the health care system they want, as they have indicated to us through pollsters and the news media.

• (1600)

After more than two years of study, our committee has concluded that Canada's publicly funded health care system is not fiscally sustainable, given the current funding levels. We have clearly documented this conclusion in our report. Honourable senators, that same conclusion was reached by four different

provincial inquiries into the health care systems in their respective provinces. I am referring to inquiries conducted in Quebec, Ontario, Saskatchewan and Alberta, each of which came to the same conclusion.

It is also clear that Canadians want the federal government to play a strong role in restructuring and reforming health care. In that connection, the lack of fiscal sustainability and the desire for a stronger federal role mean that Canadians will have to pay more for their publicly funded hospital and doctor program than they have paid until now. Not only will individual Canadians have to pay more to the federal government to sustain the system, but also they will face increased funding demands necessary to close the most serious gaps in the health care safety net, especially those gaps that relate to prescription drugs and home care.

Honourable senators, federal revenues are already stretched, and any additional federal funding for health care will have to come from so-called "new money." This means that Canadians will have to balance their desire for publicly funded health care services against their willingness to pay for those services.

In its latest report, which was released one week ago today, on April 18, the committee outlined 20 principles for restructuring the publicly funded hospital and doctor system. There are two underlying themes to these principles. First, there is an urgent need to restructure the system so that all players — providers, institutions, patients and yes, indeed, governments — have the appropriate incentives to improve the efficiency of health care delivery. Second, there is a need to improve transparency and to make both the funders and the providers more accountable to the public by ensuring that information about the system — its cost, its waiting times, its performance and its outcomes — is widely available. Today, none of this information is widely available, or available at all, in the sense that most of the institutions do not know the greater part of the information just described. The rationale for this focus on the noted underlying two themes is to produce a more patient-focused system.

The committee has also concluded that restructuring must entail separating the functions of insuring, delivering and evaluating health care. Among the gains that will result from this separation are four of particular note. First, the efficiency of health care delivery will increase because there will be greater competition among institutional providers; second, the system will become more transparent and accountable by generating more accurate and objective evidence-based information about access — waiting times — outcomes and costs than is now available; third, it will be possible to make decisions about what will be covered and what will not be covered under the public health insurance plan in an open and transparent manner rather than the behind-closed-door manner, which goes on at the present moment; and fourth, this separation will help make the system more patient oriented and responsive than it is now, especially if our recommendation for a maximum waiting time — referred to as the "care guarantee" in our report — is implemented.

An important element of restructuring involves moving to a service-based funding arrangement for remunerating hospitals, that is, moving hospitals away from the current system that is based on an annual global budget that is not tied to the specific levels of services delivered to patients to a financing system for hospitals and clinics that would be based on essentially paying them for the specific services they have provided, once they have

provided them. The big advantage of moving from a global or annual budget system to a service-based budgeting system is that it will enable Canadians to see, for the first time, the direct relationship between the level of government and insurer funding and the number and types of medical procedures that are to be performed in the hospital or clinic.

This will help shift the public debate away from dealing exclusively with dollars in the abstract, which is what we do now by funding \$10 million more for this hospital resulting in \$10 million less for that hospital, to focusing concretely on evaluating the quantity of services that can be provided to the patients for any given funding level. Also, the separation of insurer from provider means that the insurer, or the government, will be indifferent with respect to the corporate structure of the institutional providers, as long as two conditions are met: First, that any given institutional provider in any province is paid the same amount for performing a given service; and second, that the quality, regulation and evaluation process is the same for every institution, regardless of its ownership structure.

Honourable senators, once the restructuring has been completed in accordance with the committee's recommendations, it will be the most efficient providers who will supply the services. It will not matter from a public policy/public interest point of view if these providers are publicly or privately owned, or if they are not-for-profit or for-profit.

The committee concluded that the reform of primary care should lead to the establishment of primary care group practices or clinics that will operate 24 hours per day, seven days per week. This recommendation is based on two very important principles: First, it will lead to better integration of health care services and it will relieve much of the pressure on hospital emergency rooms because the first stop, if one is a member of a 24-hour clinic, will be at the clinic and not at the emergency room. Second, it will lead to a much more patient-oriented health care system because a primary health care clinic will involve a wide range of services, not merely the services of nurses and doctors. Those other services may include therapy and general health-related services.

The entire committee is handling the communication of the results of the report, and it is a wonderful team effort. Senator LeBreton spoke to the report in Toronto yesterday; Senator Keon spoke to a large group of seniors at the Congress Centre earlier today; Senator Cook will speak to the report at an event in Newfoundland; Senator Cordy will be in Nova Scotia; Senators P  pin and Morin have already spoken to it in Montreal; and I will be in Calgary next week.

Honourable senators, this has been one of the greatest team efforts in which I have ever been involved — and it is a wonderful experience to be part of a team.

The committee is well aware, on the basis of some of the comments from audiences we have spoken to since we released the report, that there will be some opposition on the part of some doctors to the creation of 24-hour clinics. We have said, in our report, that there needs to be flexibility in the way in which primary care reform is implemented to reflect local realities. It is, nevertheless, crystal clear to the committee that we must move

towards a system that is centred on meeting the needs of patients around the clock. If the health care system is to be truly patient-oriented, it must be based on meeting patients' needs and not based on those things that are simply convenient for doctors. The banking system was able to move away from its old hours of operation, 10 a.m. to 3 p.m., and become customer-focused, and so a similar change in approach should surely be possible in reforming primary care delivery. Many witnesses told us that, if there is one thing Canadians should be able to expect from their publicly funded health care system, it is access to health care services when they need them.

To ensure that access, the committee has proposed that a maximum waiting time be established for each type of medical procedure or treatment. When that time is reached, the insurer should pay for the patient to immediately receive the procedure or treatment in another jurisdiction, and if necessary, in another country, such as the United States.

This care guarantee is a central component to our reform. It is central because it is making the system truly patient-focused. Equally important, its implementation will also help convince Canadians that it is worthwhile to put more of their hard-earned money into the health care system. To persuade Canadians to contribute more, it is essential that they see that they are receiving better service in return for their investment. The care guarantee will be the proof that they are receiving better service.

In the long run, the reforms proposed by the committee will make the system more efficient and will help to save money. However, in the short term, initiating reform in a complex system such as health care will require considerable additional investment, just as the restructuring of any industry costs money.

• (1610)

Yesterday we heard from Duncan Sinclair, Chairman of the Ontario Health Services Restructuring Commission. His view was that restructuring costs alone, assuming the federal government paid half, would cost several billion dollars a year for a period of probably up to 10 years.

Once it is recognized that the publicly funded health care system does not currently have sufficient resources to respond to all demands being placed upon it, let alone to close the gaps in the health care safety net or finance the reforms necessary that will ultimately make the system more efficient, Canadians must decide what trade-offs they find acceptable.

In our report, honourable senators, we have said Canadians fundamentally have three different and unique options. The first is the continued rationing of publicly-funded health care services either by consciously deciding to make some services available and not others — that is, by de-listing services or by allowing waiting lists to continue to grow. The committee said that is one of the options available to the Canadian public. We have also said categorically that we have rejected that option.

The second choice is to increase government revenue from individual Canadians, either by raising taxes directly or through other means, such as national health care insurance premiums, so that the rationing of services can be reduced or eliminated and waiting lines shortened.

The third option is to make some services available to those who can afford to pay for them by allowing a parallel, privately funded tier of service while maintaining a publicly funded service for all other Canadians.

These options, and particularly the last two, which we see as the only realistic options, define the hard choices that Canadians now confront.

Having eliminated the first option, Canadians are then left with a stark choice: Either Canadians agree to pay what is needed to ensure the collective provision of hospital and doctor services or they permit the creation of a parallel private sector system of health care services. In other words, either Canadians decide collectively, as they have historically done since the mid-1960s, to fund the health care system that they have said they want — and that the committee hopes we are able to keep — or they accept that individuals who can afford to must be allowed to purchase private health care insurance to cover services that are now covered by public insurance.

What is not acceptable is that we allow the public system to continue to deteriorate and simultaneously deny people the right to spend their own money to obtain the service they want in Canada.

The next phase of the committee's work is designed to make the full implications of these choices as clear as possible to Canadians. The committee believes that a responsible approach to health care reform requires making the cost of reform to individual Canadians as specific and understandable as possible. Therefore, the committee has publicly undertaken to do what, to the best of our knowledge, no other parliamentary committee has done: not only to provide an estimate of how much it will cost to sustain Canada's publicly funded health care insurance system, but also to specify the options that are available for raising the money required to maintain the system.

Honourable senators, the committee believes that the time for debating health care reforms is rapidly drawing to a close. By the end of the year, the time for decision-making will be upon us. In order for Canadians to be able to make an informed choice, they must understand the impact of various proposals on their own pocketbooks. It is the strong view of the committee that any report that does not enable Canadians to do this will fall short of meeting the real needs of the Canadian public.

On motion of Senator Keon, debate adjourned.

KYOTO PROTOCOL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Taylor calling the attention of the Senate to the necessity of Canada ratifying the Kyoto Protocol, which was

signed on December 10, 1997.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, on April 2, a poll was released that showed that 78 per cent of Canadians favoured Canada's ratification of the Kyoto accord. That poll also showed, remarkably, that 66 per cent of Albertans favoured ratification of the Kyoto accord. However, we must remember that 33 per cent of Canadians are not in favour of the accord. As we all know, we must be prudent and careful.

We need to ensure that all Canadians are well-informed about the questions that obtain on whether we should ratify the Kyoto accord. I expect we will be hearing a great deal about this in the next few weeks. The more we hear, the better, because what we have been hearing has not been entirely accurate; it has been the result of sensationalism.

Ratification of the Kyoto accord would mean a commitment to reduce our greenhouse gas emissions to somewhat more than 20 per cent of what they would be projected to be in the year 2012 if we maintained our current course and if the graph continued in the same direction.

We have all heard the argument that ratification of Kyoto would be the death knell of the oil and gas industries in Canada. There is also an argument that any industry, industrial sector or industrial nation that refuses to adapt to innovation and change in the economic landscape and to consumer demand will be destroyed.

Honourable senators, we must be careful not to get into a bunker mentality. We must not hit the trenches on this question. Those businesses that went into a bunker mentality following the introduction of both the FTA and NAFTA, the businesses that said they could not deal with these agreements, that they required protections and could not adapt, have, to a large degree, failed. Those businesses that saw the FTA and NAFTA not as a problem but as a challenge and an opportunity have, in the main, prospered and thrived.

Following the Second World War, the big, old, traditional heavy smoke-stack industries in England did not want to change and balked at those kinds of changes. The businesses that continued to balk at those changes went down, to a large degree. A second industrial revolution happened in England at the end of the Second World War, which has resulted in a new level of competitive success for British industry.

Honourable senators, we must listen and do new thinking on these questions. I do not pretend to know what that thinking is, but I know that it is out there.

As Senator Taylor reminded us, a proprietor of an 80-year-old refinery might be opposed to Kyoto, while proprietors of a new, relatively clean refinery that already exceeds the Kyoto requirements would welcome the introduction of Kyoto as levelling the playing field in which they operate.

A new report was released just days ago called "The Bottom Line on Kyoto: The Economic Benefits of Canadian Action."

• (1620)

This study, incidentally, conservatively weighed both the costs and the benefits of instituting the Kyoto accord, and it showed accumulative net economic savings of \$4 billion across the economy, reaching \$1.6 billion a year, or \$47 per capita, by 2012, as well as the net addition of 52,000 jobs, an annual gain in household wages and salaries and a \$2-billion increase in the GDP.

We need to hear about things like that. We need to hear about the fact that British Petroleum reports that its projects aimed at improving energy efficiency and reducing flaring have resulted in huge savings to that corporation, and resultant increases in their dividends.

Suncor has cut its emissions for every barrel of oil produced by 42 per cent, compared with what they did in 1990.

We must consider those costs and those benefits on the same page. Do we have to do something about global warming? Of course we do. There is no longer any credible scientific opinion anywhere arguing against the view that if we are not causing global warming we are at least contributing to it. We are contributing to ecological, meteorological, health and economic problems with our profligate use of fossil fuels, as well as other non-renewable resources.

As Winston Churchill once said, talking about another subject: "Of course we will do it at the end, but at what greater cost and what greater sacrifice?"

We need not only to welcome but also to seek out and encourage that new thinking. We need better and more information. Meetings, for example, at Bonn and Marrakech have profoundly changed the assumptions that are contained in the original Kyoto agreement. Using extrapolations of the 1997 agreement, as it was worded then, which is what most of the naysayers are doing, is simply irresponsible. It is not a reasonable argument. We will have better numbers in May, because we should, by then, hear a report from the analysis and modelling group, which is co-chaired by Canada and Alberta, that is trying to find some reasonable numbers.

No one, of course, can tell us what the exact numbers will be. When the dust settles, will there be a cost? Of course, there will be a cost. There will be a cost whatever we do, or whatever we fail to do. We have come, as I said several weeks ago, to a fork in the road, and as Yogi Berra reminded us, "When you come to a fork in the road, take it."

There is a scientist in Alberta, David Schindler, who has won practically every scientific award known to man and whose opinions mean a great deal to me. He has pointed out some things of which I wish to make you aware.

Last week, we heard in one of our caucus meetings that Alberta has the lion's share of fresh water in Canada, and we certainly have a lot of it. However, the measurable water flow of the mighty

Peace River, as it is called — and this is not blue sky, this is not guessing, this is not tap dancing — is now down from its long-term average by 35 per cent. The measurable water flow of the South Saskatchewan River at Medicine Hat is down 53 per cent from its long-time norm.

Senator Stratton: You could walk across it three weeks ago.

Senator Banks: That is right. The water flow of the North Saskatchewan River at Prince Albert is now down by 62 per cent. I do not know how many of you have looked at the snowcap in the Rocky Mountains in the last several years, but it is melting away. We are losing our fresh water and the Arctic ice. We lost a piece of Arctic ice the size of Prince Edward Island two weeks ago.

What is the greater cost in the long run? Is it the greater cost to pay now, whatever that cost is, or, as the man on the television commercial says, "You can pay me later"? We all know the answer to that.

I hope, honourable senators, we will pay attention to both sides of the ledger, that we will look at the costs and the benefits and that we will look at the costs now compared to the costs down the road, which will surely be greater if the preponderance of scientific opinion is even half right. We must ensure that our constituents do the same thing, that we all are well-informed, so we do not run around saying, as Chicken Little did, that the sky is falling.

I commend to honourable senators' attention all the good things that Senator Taylor has told us about the Kyoto accord, because we must move in that direction. We must pay attention to the information, and we must make sure that Canadians pay attention to the information.

Hon. Joan Fraser: Will the honourable senator accept a question?

Senator Banks: Yes, I will, honourable senator.

Senator Fraser: First of all, congratulations. That was a wonderful summary of a great many things we need to know.

I wondered, given that the honourable senator referred to the present costs, whether he had come across, and can confirm, a number I came across recently when I was preparing to make some remarks at a meeting; that is, that in the past 10 years or so, extreme weather-related or other global-warming-related phenomena — ice storms, floods, droughts, forest fires, pest infestations — have cost Canada in the order of \$16 billion. That is the order of magnitude we are talking about already.

Can the honourable senator confirm that?

Senator Banks: I thank the honourable senator for her question. I, too, have read that number. In fact, we were delivered a poster referring to those national disasters the other day.

I would hesitate to attribute all those phenomena specifically to global warming, as we cannot necessarily be sure that all the problems of greenhouse gas emissions, or even of losing the continental ice shelf in the Antarctic, can be attributed specifically and only to what we do. However, there is no question that we are contributing to global warming, and that some part of that \$16-billion cost would likely have been avoided had we not been so profligate in our expenditures.

However, honourable senators, that is not the only one. I should like to add — and I cannot remember the exact number — that an astonishing number of people are hospitalized every year due to what we might loosely call meteorological problems — the cost of which is not figured into those to which you referred — which have demonstrably and irrefutably worsened in the last 10 years.

The honourable senator is correct that we could be avoiding some of those costs, and those are the things that have to be put on the other side of the ledger when we hear about the costs of mitigating the harm we are causing ourselves.

Hon. Nicholas W. Taylor: I, too, have a question for the honourable senator.

As honourable senators know, a large percentage of the world population is not industrialized like we are in the West, yet they are rushing into the industrial era. While they may only be consuming a small percentage of energy per capita as compared to us at present, the day will come when they will consume a great deal of energy.

In view of the fact that the Kyoto accord does not set limits on emerging nations, does the honourable senator think the western industrialized world has a duty to set an example, so that, in fact, if we talk to people in areas like China and Southeast Asia in the future, we can say, "Look, we have done it, and we are doing it"? Otherwise, they will say: "Look, you did it, and you did not do anything about it, so we want to do it."

• (1630)

Senator Banks: That is certainly true. We have to set an example for the world. I am not sufficiently naive to rely upon our setting a good example as Boy Scouts, if we were to do that, to suggest that someone in Africa or in Asia, who is about to embark on the construction of a new power plant, will say, "The good guys have cleaned up their act, notwithstanding that they did the wrong thing for 100 years, so we will follow suit." I think they are more likely to ask: "What is the cheapest way to get the power?"

The greatest advantage I see from Kyoto is that it will embark us on a search, with a great deal of incentive, to find ways to produce energy of all kinds that is more efficient and cheaper. That will be the reason that China and other parts of Asia and Africa will follow our example.

I remind honourable senators that technology is capable of remarkable things. Most of us here are old enough to remember that when Texas Instruments invented the first pocket calculator, it cost \$900. Now you get one free with a fill-up when you jump to the pump. That kind of technological, exponential leap has happened within a very small part of my lifetime. The same thing

will no doubt obtain with respect to energy production. All we need to do is add to the incentive to give us another boot over the hill. I think it is that example, the practical one rather than the perhaps moral one, that will be followed by others.

On motion of Senator Stratton, for Senator Spivak, debate adjourned.

[Translation]

NOMINATION OF HONORARY CITIZENS

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.—(*Honourable Senator Cools*).

Hon. Marcel Prud'homme: Honourable senators, having already had the opportunity to speak to this inquiry, I would like to inform the chamber that Senator Nolin, with leave of Senator Cools, wishes to speak to this inquiry at the next sitting of the Senate.

[English]

The Hon. the Speaker *pro tempore*: Therefore, this motion will stand under the name of Senator Nolin.

Does the Honourable Senator Cools agree?

Senator Cools: Absolutely.

Order stands.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

(a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

(b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, this item has been standing in my name. Obviously, senators know that I believe this to be a very important matter, a very important question and one of tremendous significance to the Armenian community. I have made it quite clear to honourable senators that I am interested in the subject matter and have tried to point out to honourable senators that it is an involved and complicated matter because the business of declaring a particular conflict a genocide has the effect of assigning legal conditions and legal meanings retroactively. In today's community, I think of international criminal courts and international criminal tribunals. This is a matter to be undertaken with a degree of seriousness.

I had informed honourable senators that it had been my hope and intention to give a fulsome and full-bodied speech on the subject matter. As honourable senators know, I have been terribly preoccupied and very busy and unable to give this matter the attention that I would have wanted. Other senators are prevailing upon me to yield so that they may be able to speak to the subject matter. One of those senators is Senator Jaffer. Having said that, I should like to take the adjournment in the name of Senator Jaffer.

On motion of Senator Cools, for Senator Jaffer, debate adjourned.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby, pursuant to notice of April 16, 2002, moved:

That notwithstanding the Order of the Senate adopted on March 25, 2002, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records), be empowered to present its final report no later than June 6, 2002.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

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

Hon. Colin Kenny, pursuant to notice of April 18, 2002, moved:

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.

Motion agreed to.

[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 the Senate do now adjourn until Tuesday, April 30, 2002, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 30, 2002, at 2 p.m.

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