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**Thursday, May 9, 2002**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Thursday, May 9, 2002

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

Prayers.

### SENATORS' STATEMENTS

#### TENTH ANNIVERSARY OF WESTRAY COAL MINE DISASTER

**Hon. John Buchanan:** Honourable senators, today, May 9, 2002, marks the tenth anniversary of one of the worst coal mining disasters in Nova Scotia's history. On May 9, 1992, people awoke to the news that there had been an explosion at the Westray coal mine in Plymouth, just east of Stellarton, Pictou County, Nova Scotia, at 5:20 a.m.

For days, all Canadians and many people throughout the world listened to radios and watched the television, hoping that the men who were in the deeps of that mine on that early morning would be found alive. That was not to be. Twenty-six miners joined the list of others who have died in coal mine disasters throughout Nova Scotia, mainly in Cape Breton and Pictou County.

Honourable senators, it is important that I mention the serious coal mine disasters that have occurred in our province over the years and the number of miners who have died.

Sixty miners died in a mine explosion in 1873 in Stellarton. Another explosion at a coal mine in Stellarton killed 44 miners in 1880. A total of 125 men died in an explosion at Spring Hill in 1891. Sixty-five died in a Cape Breton coal mine explosion in 1917. Eighty-eight died in the Stellarton coal mine on January 23, 1918. Sixteen died in a Sydney, Cape Breton, mine in 1938, when a cable broke, sending a rake adrift. Thirty-nine died at the mine at Spring Hill, Nova Scotia, in 1956. An explosion at Glace Bay killed 12 miners on February 24, 1979, and other miners have died in other accidents in our collieries throughout the years.

In May 1992, draggermen from across Nova Scotia and New Brunswick worked tirelessly for days, endangering their own lives, searching for their comrades in the bowels of the earth.

For honourable senators who are not aware, draggermen are the bravest and the best. It is their perilous duty to venture into the gas-filled remains of wrecked mines and look for survivors, as they did after the Westray explosion. More than a dozen teams of draggermen from across Nova Scotia and New Brunswick were sent to Westray over the weekend. Working in four shifts, they inched their way through the methane-laced tunnels with oxygen tanks strapped to their backs.

**The Hon. the Speaker:** Senator Buchanan, I am sorry to inform you that your three-minute time allocation has expired.

**Senator Buchanan:** Honourable senators, I seek leave for a few minutes more.

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

**Hon. Senators:** Agreed.

**Senator Buchanan:** I thank honourable senators for their indulgence.

Honourable senators, I will read from the Report of the Westray Mine Public Inquiry. The commissioner, Justice K. Peter Richard, wrote:

I would be remiss if I did not comment on the selfless bravery shown by the rescue teams in the days following the explosion. The conditions in the mine were terrifying. The force of the explosion resulted in severe instability within the roof and walls of the mine. Rock falls, of varying degrees of intensity, were almost continuous. Signs of the devastation were rampant, as were signs of impending danger. The poisonous, unbreathable atmosphere and the actively "working" ground surrounding the mine openings, with the attendant grinding and cracking, were extremely stressful. Yet these men, miners trained in mine rescue, each wearing his personal life-support system, went unquestioningly into that perilous environment with the hope of finding some of their comrades alive.

Unfortunately, the rescue efforts, although Herculean and very dangerous, did not result in saving the 26 miners. Fifteen bodies were found and recovered; 11 remain in the mine, their eternal resting place.

The memorial service held shortly thereafter is something that I shall never forget and neither will any of the other people who were present. It is forever etched in our minds. Conversations with the mothers, wives and brothers of the lost miners will always be in my memory bank.

When honourable senators go to Nova Scotia, they must ensure that they visit the memorial that has been set up in Plymouth, next to Stellarton, with the names of the 26 miners. It is a poignant reminder of this terrible disaster that took place 10 years ago.

May God bless the families of those men and hold them in the palm of His hand forever.

• (1340)

[Translation]

#### FACULTY OF VETERINARY MEDICINE— UNIVERSITY OF MONTREAL

**Hon. Jean Lapointe:** Honourable senators, I have recently been informed by MP Diane Saint-Jacques of a serious problem being experienced at this time by the University of Montreal's Faculty of Veterinary Medicine, which is located in Saint-Hyacinthe. Given the public health implications of this, it is unthinkable and illogical that the federal government would not intervene immediately in this matter.

It is our responsibility to call loud and clear for the preservation of this Faculty of Veterinary Medicine, as well as several others in Canada, which are also going through a major crisis. The senior levels of our government need to take into consideration that the health of Canadians is inextricably tied to the health of our animals, to a very large extent.

Let us bear in mind the terrible crisis recently experienced by European farmers and consumers. Let us take steps to avoid such a tragedy happening here. It is important that we remain vigilant and take very prompt action in this matter.

[English]

#### INTERNATIONAL TRADE

##### UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT—COMMENTS BY MINISTER

**Hon. Pat Carney:** Honourable senators, I attended the Softwood Summit called by B.C. Premier Gordon Campbell in Vancouver on April 29 to plan B.C.'s response to the huge tariff wall built by the U.S. to impair Canada's \$10 billion softwood lumber exports to American consumers. About half of those exports, or \$5 billion, come from B.C. forests and forest communities. International Trade Minister Pettigrew attended as well, at least in person, if not in spirit. Obviously, his mind was elsewhere. That is the only explanation for his subsequent statement that there have been no direct job losses linked to the tariffs yet. The Liberal minister blamed the job losses on "structural changes" in the industry.

That certainly was news to British Columbians who have been laid off or working part time, or whose job security has been threatened since the last agreement ran out in March of 2001.

His statement sparked anger and disbelief in British Columbia, where casualties in the softwood trade war are estimated at about 19,000 so far. Rick Doman, Chief Executive of Doman Industries on Vancouver Island, has laid off about 2,000 people, mainly because of the softwood lumber duties. One visible result is the empty storefronts and office for-rent signs among the famous murals in the pretty sawmill town of Chemainus.

On May 2, as honourable senators know, the International Trade Commission confirmed duties averaging 27.22 per cent and rising to as much as 31 per cent in British Columbia. Honourable senators, their reasons will be made public in a report on May 16, and the Department of Commerce will publish the anti-dumping and countervailing duty orders by May 23 of this year.

Clearly, Minister Pettigrew never heard Premier Campbell tell the industry, labour, Aboriginal and municipal delegates to the Softwood Summit that up to 50,000 jobs in British Columbia alone are at risk. He never saw the maps presented by the premier indicating that, in some areas, 40 per cent of the labour force is vulnerable, in forest communities.

The federal minister turned a deaf ear to the reports, at the summit, from mayors of coastal and interior towns, of laid-off workers who have exhausted their unemployment benefits and have little chance of alternative employment. He tuned out the First Nations chief who talked of unemployment levels of 70 and 90 per cent in Aboriginal communities.

The minister's indifference to what he was told is reflected in the puny package announced this week, of 50 million federal dollars for offshore trade promotion and advocacy advertising in the U.S. Honourable senators, that is about the same as this Liberal government spent in its so-called sponsorship programs to buy golf balls, golf tees and similar essentials to promote unity in the province of Quebec.

Supporting a united front on softwood trade will take more than planting tulips on Parliament Hill. It will take some political will at the highest level to persuade Americans that if they want Canada's support in Afghanistan and security of access to Canadian energy supplies, we want security of access to American forest products markets.

There is no sign that such a commitment by the federal government exists. Senator Carstairs, Leader of the Government in the Senate, has advised us there is no cabinet committee and no working group set up to deal with this issue. Until one does exist, there is no mechanism to combine the cabinet ministers with the mandate and money to fund the support systems needed.

British Columbians will continue to expect more of their national government. I hope our voices will be heard by Minister Pettigrew and his colleagues.

##### UNITED STATES—NATURAL GAS PIPELINE FROM ALASKA

**Hon. Nick G. Sibbeston:** Honourable senators, I rise to speak on a matter of some urgency to the Northwest Territories and to Canada as a whole.

In the United States, both the House of Representatives and the Senate have adopted provisions mandating an Alaska Highway route to transport Alaskan natural gas to southern markets. More alarming is the U.S. Senate proposal to subsidize the price of Alaskan gas in order to make sure a route is economically feasible.

These proposals risk stranding Canadian gas in the Northwest Territories and damaging the prospects for the development of a Mackenzie Valley pipeline to deliver that gas. Even though it appears that a stand-alone Northwest Territories pipeline is viable in the current market, these measures may delay this important project for many years. Moreover, by interfering in the floor price of natural gas, they may put exploration and development of new

gas wells throughout North America at risk. This represents gross interference in what should be a market-driven decision. As the Honourable Steve Kakfwi, Premier of the Northwest Territories, has pointed out, these moves violate the spirit and intent of free trade and have the potential to damage Canada-U.S. relations.

This goes beyond issues of federal support for public infrastructure, something desperately needed by all three territories, or of developing market-based mechanisms to assist our Aboriginal people and other northerners to participate in this development. What the American Congress is proposing is to make it illegal to even consider alternatives to the Alaska Highway route and, further, both Democrats and Republicans seem prepared to destroy one of the freest markets in North America, merely to gain political advantage.

The Canadian government and the Bush administration have made it clear that they are route-neutral and do not favour interference in the marketplace in this matter. However, politics has all too often gotten the better of good sense. There is still a risk that these measures will be adopted by the United States.

Fortunately, there is still time. Because the House of Representatives and the Senate pass quite different laws, there is a process whereby the two Houses, along with the President, work together to create a compromised law. Canada must make its position clear on this matter. I have been assured in correspondence with the Prime Minister that he intends to do everything he can to influence the final legislation. I plan to add my voice to those of the Prime Minister and Premier Kakfwi. I urge other honourable senators to do so as well.

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## ROUTINE PROCEEDINGS

### CRIMINAL LAW AMENDMENT BILL, 2001

#### MESSAGE FROM COMMONS—REPORT OF COMMITTEE

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

Thursday, May 9, 2002

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

#### SEVENTEENTH REPORT

Your Committee, to which was referred the motion of the Honourable Senator Carstairs, P.C., that the Senate do not insist on its amendment numbered 1(a) to Bill C-15A, 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, has, in obedience to the Order of Reference of Tuesday, May 7, 2002, examined the said motion and Message and now reports as follows:

Your Committee recommends that the Senate do not insist on its amendment numbered 1(a).

Your Committee does, however wish to report back with observations which are appended to this report.

Respectfully submitted,

LORNA MILNE  
*Chair*

#### APPENDIX TO THE SEVENTEENTH REPORT OF THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Your Committee has decided not to insist on its amendment numbered 1(a) of Bill C-15A because of assurances received from officials of the Department of Justice who appeared before us on May 8, 2002. Specifically, your Committee received testimony clearly stating that the child pornography provisions of Bill C-15A would not subject Internet Service Providers (ISPs) to criminal liability when they do not have knowledge of the content of the material stored on or transmitted through their systems. Indeed, in previous testimony before your Committee, Departmental officials recognized that ISPs are not required to monitor what is on their systems, nor should they for privacy reasons. Those officials assured your Committee that it is the Government's intention that ISPs would only be held liable under the proposed law if they knew they were transmitting child pornography and they continued to offer the service. Furthermore, your Committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

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

On motion of Senator Milne, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

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• (1350)

## QUESTION PERIOD

### AUDITOR GENERAL

#### ATTACKS ON COMPETENCY BY LIBERAL MEMBERS OF PARLIAMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, given that the Auditor General of Canada is an officer of Parliament, I ask the following: Is it not incumbent on all honourable senators, indeed all honourable members of both Houses of Parliament, to dissociate ourselves from the attacks that have been made on the Auditor General?

Of the Leader of the Government in the Senate, I ask: Does the government support or reject the attack being made on the Auditor General by certain Liberal MPs in the other place?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for his question. The Government of Canada has full confidence in the Auditor General. It is the Government of Canada that asked the Auditor General to become engaged in this matter and to conduct the audit. They have agreed with her recommendations. Clearly, that shows the confidence level that the government has in this officer of Parliament.

**Senator Kinsella:** Honourable senators, can the minister advise this house if the government agrees with the conclusions reached by the Auditor General?

**Senator Carstairs:** Honourable senators, the government certainly agrees that the Auditor General should conduct a more thorough audit of the programs on which she has indicated she wishes to conduct a greater audit. We also agree with her decision that the RCMP should investigate to see if any criminal wrongdoing has occurred.

**Senator Kinsella:** Honourable senators, I have two points. First, given the political nature of the office of the Prime Minister's Ethics Counsellor, one can understand that the Liberal backbenchers might think that the position of Auditor General is a partisan political position, but it is not.

Is it the position of the government that the Auditor General has become politicized, as stated by one MP in the other place?

**Senator Carstairs:** Honourable senators, the Auditor General conducts her affairs as an officer of Parliament and as a thoroughly independent and non-political officer of Parliament.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### AUDITOR GENERAL—AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS— RESPONSIBILITY OF MINISTER

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, many questions are being raised by the report of the Auditor General. Among them is the following theme: What is the responsibility of ministers?

On June 12, 1991, Prime Minister Chrétien, then a member in the House of Commons, stated the following, on page 1566 of Hansard:

...I would like to tell the people of Canada that when we form the government, every minister in the cabinet that I will be presiding over will have to take full responsibility for what is going on in his department. If there is any bungling in the department, nobody will be singled out. The minister will have to take the responsibility.

My question to the Leader of the Government in the Senate is this: Why does the minister responsible in this instance not take his responsibility?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Honourable Don Boudria has taken his responsibility quite seriously. After all, when it was first reported that good value might not have been received, it was the Honourable Don Boudria who called in the Auditor General. He asked the Auditor General to investigate this matter thoroughly and indicated that if it were necessary to call in the RCMP, he would be prepared to do that as well.

### AUDITOR GENERAL—AUDIT OF VISIBILITY AND SPONSORSHIP PROGRAMS—PUBLIC INQUIRY

**Hon. Gerry St. Germain:** Honourable senators, my question is also to the Leader of the Government in the Senate. I would hope that Minister Boudria, after his vicious attacks when he was part of the rat pack, would make things right at this time.

We have the RCMP now investigating a situation that puts into question whether the RCMP commissioner is really at arm's length now that he is a deputy minister. I think back to the fishing expedition and the witch hunt wherein they went after former Prime Minister Mulroney and ended up paying a \$2-million settlement because they were wrong and they refused to withdraw their investigation.

Would the minister care to comment as to whether we should have a public inquiry that is totally at arm's length as opposed to going through this process?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let us begin with the statement of Minister Boudria's activities as a member of the official opposition. He took his duties seriously then as a member of the opposition and it is clear that he takes his duties seriously now. The honourable Minister of Public Works has been very direct and open. He has not done anything for which anyone in this country could not have praise.

In terms of the part of the question with respect to the RCMP, the RCMP conducts criminal investigations in this country. I do not think that there has been a question of their integrity with respect to criminal investigations. They have said today, in light of a number of questions raised because they received a sponsorship program through the musical ride, that if they see any conflict of interest, they will turn the investigation over to another police force.

## THE SENATE

### AUDITOR GENERAL— HEARING IN COMMITTEE OF THE WHOLE

**Hon. Marcel Prud'homme:** Honourable senators, one of my dreams has always been to have the Senate be much more efficient. Senator Carstairs just mentioned, and rightly so, that Ms Fraser is an officer of Parliament. We have had extremely good experiences when we have had officers of Parliament appear before us in this chamber. Is it not time to consider doing so again? I put that suggestion forward to the Honourable Senator Lynch-Staunton because I alone cannot make that request. Perhaps the official opposition, joined by the government, or

the government, joined by the opposition, could consider having her appear on the floor of the Senate in her capacity as Auditor General to learn how she sees the future and whether she thinks that she may need more power or new avenues and new communication with the Canadian public. If she does not have enough power, it would be a good occasion to ask her if she needs that kind of power. If such were the case, I am sure some honourable senators who are alert to that fact could draft the necessary proposal and not wait for the bureaucrats to do it.

• (1400)

**Hon. Sharon Carstairs (Leader of the Government):** That is an interesting proposal, honourable senators. I note that the Auditor General recently attended a meeting of the Standing Senate Committee on National Finance, ably chaired by Honourable Senator Murray. She has made herself available under those circumstances.

After consultation with me, she recognized — because I pointed it out to her — that briefings had been offered on a regular basis to members of Parliament, but the custom of offering those same briefings to the Senate had failed and was not being followed. That has been reinstituted.

The indications are that Ms Fraser is extremely interested in having dialogues with members of Parliament and members of the Senate. Any further dialogue should be seriously considered.

**Senator Prud'homme:** Honourable senators, I know the Auditor General is extremely available. I know that she attended the National Finance Committee, and that committee is as influential as a committee can be.

Many events have taken place since the Auditor General appeared before the Standing Senate Committee on National Finance. For her own integrity, and for the integrity of the office she holds, being a witness in Committee of the Whole is certainly much more than just being available for briefings.

Inviting the Auditor General to appear before Committee of the Whole is a suggestion that I should like honourable senators to start considering. I do not expect to hear “yes” or “no” today, but I expect and hope that senators will start reflecting on the possibility of using the Senate in a more efficient way.

**Senator Carstairs:** I thank the honourable senator for his suggestion. It is worthy of consideration.

## AUDITOR GENERAL

### ATTACKS ON COMPETENCY BY LIBERAL MEMBERS OF PARLIAMENT AND OFFICIALS

**Hon. Marjory LeBreton:** Following up on this situation that is troubling to Parliament and all Canadians, in this morning's newspapers we were confronted with the headline, “Liberal MPs Attack the Auditor General.” We were told on the CBC news at noon that spin lines have been circulated by the Prime Minister's Office. Obviously, the objective here is to shoot the messenger, so to speak, and the Prime Minister's Office is leading the charge.

[ Senator Prud'homme ]

Yesterday evening, at a Politics and the Pen Dinner at the National Arts Centre, Ms Francie Ducros, Director of Communications in the Prime Minister's Office, blatantly remarked, where several people heard her, the following: Who audits the Auditor General? That is hardly a statement by someone who is concerned about openness and fairness. It is a serious and damaging remark by a high-level official in the Prime Minister's Office. It is proof positive that we are seeing a coordinated and concerted effort by the Prime Minister's Office to smear the Auditor General, an officer of Parliament.

Would the Leader of the Government in the Senate use whatever power she might have to put an end to these unwarranted and underhanded attacks?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Leader of the Government in the Senate will not listen to hearsay. It is important that we have more proof of the very serious allegations and issues that the honourable senator has brought to the table.

Several weeks ago, for example, the same honourable senator raised the issue of the use of Challenger jets. She and Senator Forrestall were absolutely convinced that the new Challengers were delivered on March 28, although they had not been, and that they had been used to go to Florida that weekend, although they had not. Frankly, having previously had that kind of information brought before us, I want to see some serious proof.

**Senator Kinsella:** What did they fly to Florida in?

**Senator LeBreton:** Honourable senators, this is an interesting diversionary tactic. We were asking the question based on information that Senator Forrestall had.

The minister did not answer my question: What will the minister do and what powers will she, as a member of cabinet, use to put an end to the unwarranted and underhanded remarks about the Auditor General, an officer of this Parliament?

**Senator Carstairs:** First, I need facts. I need evidence that the Prime Minister's Office has used undue influence, and I have no such facts or evidence. I just have hearsay from the other side, similar to the way that I had hearsay about the Challenger jet.

**Senator Kinsella:** Ask Jean Carle.

## THE SENATE

### AUDITOR GENERAL—MOTION EXPRESSING CONFIDENCE IN INTEGRITY AND COMPETENCE

**Hon. Lowell Murray:** Perhaps we can clear the air here, honourable senators, by asking the Leader of the Government in the Senate the following question: If an honourable senator brought forward a motion expressing the confidence of the Senate in the integrity and competence of the Auditor General, could we count on the minister's support?



**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have absolute faith in the Auditor General, and I would, in fact, support such a motion.

### UNITED NATIONS

#### IMPLEMENTATION INTO LAW OF THE CONVENTION ON THE RIGHTS OF THE CHILD

**Hon. A. Raynell Andreychuk:** Honourable senators, on Wednesday, May 8, 2002, Secretary-General Kofi Annan opened the first UN Children's Summit at the United Nations General Assembly in New York. The Secretary-General, it is sad to state, admitted, "...we, the grown-ups, have failed you," the children, "deplorably." He recognized, among a variety of concerns, that far too many children "have seen violence that no child should ever see." He also addressed other concerns, such as child poverty and the right to receive quality education. It was noted that the issues surrounding children are not just in the developing countries but exist in developed countries.

Since the government appears to be committed to this summit and to the children of this country, does the government have plans in the near future to adopt enabling legislation to implement into national law the United Nations Convention on the Rights of the Child that Canada ratified in 1991, thereby giving legal force to the rights owed to Canada's youth?

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for her question. That conference is taking place. The Deputy Prime Minister is there this afternoon to give a speech on behalf of Canada.

The honourable senator has correctly identified that these problems exist not just in developing countries but in developed countries as well. Our record in handling child poverty, while making progress, is far from the goal we clearly laid out 11 years ago.

In terms of her specific reference, I do not know of any enabling legislation in the works at this time.

**Senator Andreychuk:** Honourable senators, if we are committed to children, and if we go to a world summit where we state that we are in support of the United Nations Convention on the Rights of the Child, it is incumbent upon the government to pass enabling legislation. If we are to maintain a leadership role in this issue, we must ensure that we implement this convention.

**Senator Carstairs:** The honourable senator has clearly put on the record her belief that we need enabling legislation. It is something I can bring forward to the cabinet table quite gladly because I share aspects of it, as she knows from our previous discussions.

### HEALTH

#### QUALITY OF FIRST CROP OF MEDICINAL MARIJUANA—BRITISH COLUMBIA AS GROWING AREA

**Hon. Pat Carney:** Honourable senators, Health Minister Anne McLellan has revealed that Canada's first crop of officially sanctioned medical marijuana is bad weed, containing impurities

which will delay, by several months, plans to provide marijuana to Canadians who need it for medical purposes.

• (1410)

Has the government considered sourcing marijuana from British Columbia, which is widely recognized at home and abroad as the supplier of top-quality weed?

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator perhaps knows, the seed that is used for the growth of medicinal marijuana comes from marijuana seized during criminal charges. Some of it has been proven to not be of the variety necessary for the treatment of certain individuals, in this country who have been given permission not only to use marijuana but also to cultivate it themselves for medicinal purposes. The marijuana used by patients who have been given permission to use it is frequently cultivated by those same people. There are, however, other sources that they can access. I cannot tell the honourable senator whether some of those sources are in the province of British Columbia.

**Senator Carney:** Honourable senators, as the honourable minister has explained, the first crop was from seeds that were confiscated by police and grown in an underground mine in her province of Manitoba. Marijuana is considered British Columbia's biggest cash crop, and revenue sources are dim these days. It is grown in the fresh open air of the Gulf Islands and the interior valleys of British Columbia.

Since the government has announced that it is testing the crop to find quality standardized seeds, could the minister give us assurance that the B.C. product will be given equal consideration?

**Senator Carstairs:** Honourable senators, marijuana crops, other than the crop grown in the Flin Flon mine in my province of Manitoba, are not tested because those crops are grown, for the most part, illegally. As the crops are not at this point tested, their medicinal properties for the treatment of certain individuals are not known.

However, I will bring to the Minister of Health the representation of the honourable senator from British Columbia—that she believes the British Columbia crop is among the best in the world.

[Translation]

### NATIONAL DEFENCE

#### STATE OF MILITARY EQUIPMENT

**Hon. Roch Bolduc:** Honourable senators, my question is for the Leader of the Government in the Senate. I will warn you, I am not a specialist in Canadian military equipment.

[English]

We have Aurora patrol aircraft that we purchased in 1980. We also have 39-year old CC-130 Hercules — I have had a couple of flights in them — CF-18 fighter jets, and battle tanks acquired in 1978, 30-year old armoured personnel carriers and tactical helicopters and, of course, the 40-year-old Sea King helicopter.

[Translation]

Do we have some relatively new military equipment, apart from the submarines — which, I understand, can submerge but not resurface — that would allow us decent participation in a war, should one occur?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I am pleased to inform the honourable senator that new equipment has been acquired. Some of that equipment is considered the top of the line in the world. There are new armoured reconnaissance vehicles called the Coyote, which are at the present time performing in Operation Apollo. The Coyotes are looked upon with envy by our American brothers, and apparently by the British as well.

New rifles have been purchased, which, again, are considered state of the art. We still have a great number of pieces of equipment that are aged, some of which is in the process of being replaced. More money is being spent on defence than has been spent for a number of years.

As the honourable senator knows, the Defence Department took a significant cut, as did all departments, during the period of the 1990s when we were trying to get our economic house in order. Defence commitments have gone up and will continue to go up.

#### PURCHASE OF SUBMARINES FROM UNITED KINGDOM—INVOLVEMENT OF LOBBY GROUPS

**Hon. Marcel Prud'homme:** Honourable senators, Senator Bolduc mentioned submarines. I am a patient man. Honourable senators know that my patience is unlimited. I am still waiting to sit on a committee some time.

In May 11, 1995, my colleague, the Honourable Senator St. Germain asked a question about submarines. Immediately, I rose and asked a question. It is reported at page 1634 of the *Debates of the Senate* of May 11, 1995. I do not expect an answer today, but I want this matter to receive attention.

I asked:

Honourable senators, I have a supplementary question. Are there any lobby firms interested in this “interesting” contract? If so, would the minister provide me with the names of the lobby firms and/or the lobbyists?

My good friend, the Honourable Senator Fairbairn said:

I will look into that question and report back.

[ Senator Bolduc ]

On July 11, 1995, the Honourable Senator Graham took an interest in my question. On November 28, 1995, as reported at page 2367 of the *Debates of the Senate*, I was told that the matter —

...is currently being considered by the Government. It will take a decision on the merits of this proposal....It has communicated this position to the British government...

I have never received an answer to my first “interesting” question. Who, if any, were the lobbyists interested in selling us these lemons that now will be put at the disposal of our naval personnel in Halifax and probably in Vancouver, who, it would seem, will be put in danger? I will not continue because this is not a speech.

I would like very much if the Leader of the Government in the Senate will return to the referenced dates, which I could provide, and look into the non-answer that I received. I remain with the same opinion, that it was a very lucrative and interesting exchange of services that took place then.

I remind honourable senators that the date was May 11, 1995. My information at that time was that this was the contract of the century for some lobbyist firm. I do not know. I want an assurance that we were not sold lemons because some people who had great influence then saw fit to stick their noses into the prospect of Canada buying these submarines.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator has clearly asked a question dating back some seven years, for which I am sure that he has received answers, but he has put those questions again today.

**Senator Prud'homme:** I have received no answer.

**Senator Carstairs:** If he has not received those answers, I will do my best to obtain those answers. As is perhaps known, I keep a rather quick list on the status of delayed answers. I was informed today that only four delayed answers are outstanding. I will add this question to the list. There will now be five delayed answers outstanding.

As to the preamble by the honourable senator, I too look forward to the day when Senator Prud'homme submits more than one committee as his choice, because I am sure that we can then accommodate him.

**Senator Prud'homme:** Honourable senators, I was told that there is one committee with total veto given to members of the Liberal Party. I do not take that lightly. Yes, I have given my choice. It was the same choice all three times. Yes, the minister offered me a seat on the committee while I was in Saudi Arabia, but she was told that it could be any committee except the one I had chosen.

I am sorry that this debate has been reopened. I have not broached this topic for some time. However, I am barred from sitting on the Standing Senate Committee on Foreign Affairs because of pressure by some people.

I regret that the minister saw fit to reopen this subject. It is a matter that I have been trying to forget since my last trip with our pleasant former speaker, Senator Molgat, to Saudi Arabia. Yes, I proposed a choice according to how I felt. Since the honourable senator has reopened the debate, I will reopen the debate as well, although I am not interested in doing so. The Leader of the Government knows my choice and I can live without that debate again. I attend committees as often as many other members of committees and more than the majority of members of the Senate. I regret that we have reopened this can of worms today.

• (1420)

**Senator Carstairs:** Honourable senators, I opened the can of worms because the honourable senator put it on the record. It is also important to put something on the record in response to his comments: There has been no black-balling of the honourable senator. We had an over-subscription of senators from this side who wished to sit on that committee and an over-subscription by senators of the official opposition who wanted to sit on that committee. Frankly, it was a numbers game.

[Translation]

#### ANSWER TO ORDER PAPER QUESTION TABLED

##### APPLICATION OF ANTITERRORISM ACT

**Hon. Fernand Robichaud (Deputy Leader of the Government)** tabled the answer to Question No. 20 on the Order Paper — by Senator Lynch-Staunton.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of Denis Lebel, Mayor of Roberval. Mr. Lebel is the guest of Senator Gill.

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

[English]

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS.

**The Hon. the Speaker:** I should like to introduce to honourable senators visiting pages from the House of Commons.

Mariane Beaudin of Ottawa, Ontario, is studying political science at the University of Ottawa's Faculty of Social Sciences.

Graeme Truelove, from Delta, British Columbia, is studying political science at the University of Ottawa's Faculty of Social Sciences.

Welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

## ORDERS OF THE DAY

### COMPETITION ACT COMPETITION TRIBUNAL ACT

#### BILL TO AMEND—THIRD READING

**Hon. Marie-P. Poulin** moved third reading of Bill C-23, to amend the Competition Act and the Competition Tribunal Act, as amended.

Motion agreed to and bill read third time and passed.

### BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

#### SECOND READING

On the Order:

Resuming debate on the motion of Honourable Senator Austin, P.C., seconded by the Honourable Senator Cook, for the second reading of Bill C-50, to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, it has been almost six months since China acceded to the World Trade Organization, WTO, after one and one-half decades of careful and painstaking multilateral negotiations. Canada was among those countries that welcomed that accession and with good reason. China is quite plainly an economic giant in the world today. It has the seventh largest economy in the world with a GDP, in the year 2000, of \$1.5 trillion. It is Canada's fourth largest export market and, in the year 2000, our bilateral trade in goods with China exceeded some \$15 billion.

Honourable senators, that is a significant amount of trade for Canada. Given China's accession to the WTO, we can expect our trade with that country to increase. With a market of 1.3 billion people, the sky is the limit. However, this will take time. China is still a country in transition from a centrally-planned economy to a market-based economy.

We must also remember that its record in abiding by trade agreements is, by some estimates, not very good. According to a United States congressional committee, China has broken every agreement it made with the United States over the last 10 years. We will need to proceed with caution, and the time limit safeguards in Bill C-50, we believe, will help us do just that. They will help us protect Canadian interests while the economy and industries in China implement changes required by the WTO. Those changes will take time, to be sure, so the safeguards are necessary. They are a precaution, but a finite one, that demonstrates our faith in the transition process that membership in the WTO demands.

In the negotiations leading to its accession, China agreed to the various safeguard provisions that Canada is proposing. Bill C-50 codifies, as I understand it, those provisions in Canadian legislation and makes the necessary changes in a variety of relevant acts. This will want to be probed in some detail by the committee to which this bill will be referred.

Honourable senators, we must not underestimate the momentous significance of what we are engaged in. I am speaking not only of the safeguards themselves but also of what they represent. China's accession to the World Trade Organization further engages that large, populous country with the free and democratic world. In doing so, it places certain obligations on China that are characteristic of the open societies with which China will engage. Those obligations include areas such as intellectual property; free access to markets; and, for students of human rights, the elimination of discriminatory and unfair practices; and, in a very special way, respect for human rights and human rights values.

We, on this side, support the principles of this bill and will be looking forward to participating in the detailed analysis of it in committee.

**The Hon. the Speaker:** 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 Robichaud, bill referred to the Standing Senate Committee on Foreign Affairs.

### CRIMINAL LAW AMENDMENT BILL, 2001

#### MESSAGE FROM COMMONS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee of Legal and Constitutional Affairs (Bill C-15A, 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 the House accordingly), presented in the Senate earlier this day.

**Hon. Lorna Milne** moved the adoption of the report.

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

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I would like to say a few words to thank Senator Carstairs for having agreed to refer the message of the Commons on Bill C-15A to the

Standing Senate Committee on Legal and Constitutional Affairs. I think it is the very nature of our institution. As legislators, it is our duty to close all the doors that we open, to reassure Canadians who care about our work and the integrity and rigour with which it is done.

• (1430)

Honourable senators, you will understand that in committee I succeeded in presenting to my colleagues and to officials of the Department of Justice the case for an amendment to Bill C-15A in order to ensure that we were not promoting charges against Internet service providers. I will not repeat my arguments. Those who are interested may read, with considerable interest, I hope, the exchanges that took place yesterday in committee.

To wrap up our consideration of Bill C-15A and so that senators will have a complete picture, I wish to read the observations in the seventeenth report of the Standing Committee on Legal and Constitutional Affairs, which was tabled in this chamber a little earlier today.

This is the appendix to the report. The committee decided, and I quote:

Your Committee has decided not to insist on its amendment numbered 1(a) of Bill C-15A because of assurances received from officials of the Department of Justice who appeared before us on May 8, 2002. Specifically, your Committee received testimony clearly stating that the child pornography provisions of Bill C-15A would not subject Internet Service Providers (ISPs) to criminal liability when they do not have knowledge of the content of the material stored on or transmitted through their systems. Indeed, in previous testimony before your Committee, Departmental officials recognized that ISPs are not required to monitor what is on their systems, nor should they for privacy reasons. Those officials assured your Committee that it is the Government's intention that ISPs would only be held liable under the proposed law if they knew they were transmitting child pornography and they continued to offer the service. Furthermore, your Committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

In conclusion, I draw your attention to the last sentence:

Furthermore, your committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.

Honourable senators, we have a system in which criminal law is established by one jurisdiction and, in most situations, administered by a different level of government.

This sentence contains a wish: that the authorities of the federal Department of Justice use every possible means to ensure that the provincial authorities who are responsible for the administration of criminal law be informed of the government's real intentions with Bill C-15A.

[ Senator Kinsella ]

This sentence is very important because this administration of criminal law — which was the purpose of my amendment — can, unfortunately, sometimes in good faith but sometimes in bad faith, be administered in an unprofessional manner, and certainly not in the interests of justice. It is for this reason that this sentence was added.

[English]

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I want to say just a very few words. First, I thank all honourable senators who participated in this debate. If any proof was needed — and I think no proof is needed — that the Senate serves an important function in the Parliament of Canada, the debate in this chamber on this bill has been substantive, positive, calm and thoughtful. That is what we are supposed to do in this chamber, and we have done it.

As to Senator Nolin's suggestion, I will hand deliver a copy of this report to the Minister of Justice because I think it is important that it not simply fall on his desk, as many documents do, but that he knows exactly what we aimed to achieve in this chamber on this bill.

**Senator Nolin:** Thank you very much.

[Translation]

**Hon. Gérald-A. Beaudoin:** Honourable senators, I believe that the Senate was very wise to once again refer Bill C-15A to the Standing Senate Committee on Legal and Constitutional Affairs.

It is completely in line with the parliamentary system and the bicameral system. We have two chambers that must adopt or reject bills.

We were able to hear from two experts from the Department of Justice. Two fundamental questions were raised. The first dealt with *mens rea* in criminal law. We had the opportunity to revisit the debate. Many senators were present in committee yesterday, and the discussion was most interesting.

The second question dealt with the description of crime. It is very difficult to draft legislation on the elements of a crime. We were right, I believe, to ask legal experts why they came to their conclusions. They explained it very well, and we in the opposition decided in the end to abstain from the vote, because the answer seemed sufficient.

The motion we were considering was adopted. We made observations, which Senator Nolin just read, and we adopted them. In my opinion, it was something that we had to do because, when a very important debate touches on freedom and the Criminal Code, I think one can never be too prudent in such matters.

[English]

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

• (1440)

## LOUIS RIEL BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Gill, for the second reading of Bill S-35, to honour Louis Riel and the Métis People.—(*Honourable Senator Stratton*).

**Hon. Terry Stratton:** Honourable senators, I rise today to speak at second reading of Bill S-35, to honour Louis Riel and the Métis people. I would start by congratulating its sponsor Senator Thelma Chalifoux, as I believe she has been able to include in this bill the celebration of many aspects of the rich heritage of the Métis people of Canada.

This bill deals with the issue of Louis Riel and his contribution to the history of both Canada and Manitoba. It acknowledges that the arrowhead sash is to be recognized as a symbol of the Métis people. It also encourages the various parts of the Government of Canada to honour Louis Riel and to honour the Métis people through appropriate displays of the arrowhead sash. Finally, it requires the Minister of Canadian Heritage to "take appropriate action for the preservation of the memory of Louis Riel and the advancement of Métis culture and history."

Given this government's propensity to enter into contracts and spend money, this last clause might make this bill one that requires a Royal Recommendation, as it deals with the expenditure of public funds. However, I will leave that discussion to others.

Clause 3 of this bill states:

The conviction of Louis Riel on August 1, 1885 for high treason is vacated.

I understand that this is legal language that speaks to the present and the future and does not rewrite the past. If my interpretation is correct, this bill is not an attempt to rewrite or change history; it acknowledges that a conviction was registered. This bill attempts to reconcile our national history. Louis Riel is part of our history, and we should formally recognize that fact. This bill is an attempt, through statute, to effect a degree of social reconciliation.

It is my contention, honourable senators, that this is unnecessary. I would take us back to Tuesday, March 10, 1992, at which time the Right Honourable Joe Clark, then Minister responsible for Constitutional Affairs, placed a resolution before the House of Commons that was agreed to by members of all political parties in both Houses. The resolution stated as follows:

That this House take note that the Metis people of Rupert's Land and the North Western Territory through democratic structures and procedures took effective steps to maintain order and protect the lives, rights and property of the people of the Red River;

That this House take note that, in 1870, under the leadership of Louis Riel, the Metis of the Red River adopted a List of Rights.

That this House take note that, based on the List of Rights, Louis Riel negotiated the terms for the admission of Rupert's Land and the North Western Territory in the Dominion of Canada;

That this House take note that these terms for admission form part of the *Manitoba Act*;

That this House take note that, after negotiating Manitoba's entry into Confederation, Louis Riel was elected thrice to the House of Commons;

That this House take note that, in 1885, Louis Riel paid with his life for his leadership in a movement which fought for the maintenance of the rights and freedoms of the Metis people;

That this House take note that the *Constitution Act, 1982*, recognizes and affirms the existing aboriginal treaty right of the Metis;

That this House take note that, since the death of Louis Riel, the Metis people have honoured his memory and continued his purpose in their honourable striving for the implementation of those rights;

That this House recognize the unique and historic role of Louis Riel as a founder of Manitoba and his contribution to the development of Confederation; and.

That this House support by its action the true attainment, both in principle and practice, of the constitutional rights of the Metis people.

In speaking in support of this resolution, Mr. Clark stated that it was now time to recognize the constructive and important role Louis Riel played in defending the interests of the Metis people and his contribution to the political development of Canada and of the West. He went on to say that the adoption of this resolution demonstrated how Canada has matured as a nation and that in our common history we find strength, not weakness.

It should be noted that the spokesperson for the Liberal Party on that occasion was the member for St. Boniface, now Senator Ron Duhamel. He supported this resolution but wished to have added to it that Louis Riel be recognized as one of the Fathers of Confederation. However, the important point for us is that he did support this resolution as a method of reconciliation. He stated:

I appreciate this resolution by the government. I feel the government has taken a major step forward.

It is not unusual for the government to seek the redress of wrongs committed, at some far distant time, in the development of our country. For example, in September 1988, former Prime Minister Mulroney rose in the House of Commons to extend a formal apology on behalf of the Government of the Canada to citizens of Japanese ancestry who, in the Second World War, were wrongfully incarcerated, had property seized and were disenfranchised. He said at the time:

Mr. Speaker, the treatment of Japanese Canadians in wartime was not only unjustified on moral and legal grounds, it went against the grain of the country itself.

More recently, the Honourable Ron Duhamel, when he was Minister of Veterans Affairs, dealt in the House of Commons with the issue of 23 Canadian soldiers who were executed for desertion and in one case for cowardice in the First World War. These 23 members of the Canadian Expeditionary Force lie buried in Europe. In announcing that the names of these fallen Canadians would now be entered into the First World War Book of Remembrance along with their colleagues, Minister Duhamel — now, of course, Senator Duhamel — stated:

We can revisit the past but we cannot recreate it. We cannot relive those awful years of a nation at peril in total war, and the culture of that time is subsequently too distant for us to comprehend fully.

I agree with these sentiments and the methodology used to address certain periods in the history of this country.

Honourable senators, I believe the resolution passed in the Senate and the House of Commons in 1992 dealing with Louis Riel and the Metis people is the most appropriate way to deal with all aspects of this matter. I look forward to listening to the interventions of other honourable senators in this chamber.

**The Hon. the Speaker:** Will the Honourable Senator Stratton permit a question?

**Senator Stratton:** Yes.

**Hon. Gerry St. Germain:** Honourable senators, I thank Senator Stratton for his open-mindedness and for the thought he has put into preparing his speech. However, I do have a couple of questions. As I understand it, he said that a vacated conviction, from his perspective, deals only with the present and the future, and not with the past. If that is correct, why would he oppose this legislation?

The honourable senator read Mr. Clark's resolution that refers to the rights of the Metis people being recognized and affirmed in the Constitution Act, 1982. I, too, believe that we cannot legislate wrongs into rights and we should only seek to do what is correct in our own time.

However, having said that, these are merely words that have been spoken. I think Senator Stratton would have to agree that, from the time the European settlers came to this land, the Metis people and our native peoples have been downtrodden,

have been beat upon and have never been recognized for what they have done; nor have they been given their rightful position in treaties or in any other respect.

With specific reference to the Metis people, there is no living proof that they received anything. Perhaps the honourable senator can tell us what proper recognition the Metis people received in the Constitution.

My question is this: Why are you such hypocrites when dealing with the Metis and native issues? Why do people not deal realistically with all of the native issues?

• (1450)

**Senator Stratton:** Honourable senators, I am referring to the Constitution Act, 1982. When you get to the issue of vacating the conviction, you, in essence, are opening a door. My fear is that you are opening a door. I think Senator Duhamel said it best when he was Minister of Veterans Affairs. He said that you cannot do that, because once you open that door, it stays open, and then other issues come forward as a result of that. He said that you have opened Pandora's box and it can never be closed again.

In dealing with the soldiers executed by the British in the First World War, Senator St. Germain said that you simply cannot go back and recognize and understand the issues back then. One of those soldiers, who was from Winnipeg, was executed because he returned 24 hours late.

Honourable senators, it is impossible to go back and rewrite that, and nor should we, because by doing so we would open doors that would allow others with causes to come forward and say, "What about me?" It would be a never-ending issue. We must accept history. In my view, it was unjust with respect to Louis Riel, but that is history.

I do not know if I have answered the honourable senator's question.

**Senator St. Germain:** I can accept Senator Stratton's explanation. We all have our views, and we must be respectful of each other in this place and in any place.

As a supplementary question, I would ask the honourable senator why we are merely paying lip service to the Metis cause. The present government has named an interlocutor who is supposed to deal with the Metis causes in this country. I speak only of Metis, but our attitude toward all of our Aboriginal peoples is just as bad. The debates that go on regarding Louis Riel, the Metis people, or what have you, merely pay lip service to the issues.

Why does government after government sweep this issue under the table and not deal with the rights that were given to these people? Like the treaty rights given to Indians, which have been denied, the rights given to the Metis in Manitoba in the Manitoba Act have been totally ignored. Does the honourable senator wish to comment on that?

**Senator Stratton:** Honourable senators, I am a member of the opposition. That question would, perhaps, be more properly addressed across the floor.

What I tell people when they are dealing with governments of any kind is that persistence will pay off. I tell people that that they must not quit. I urge them to keep pushing, and ultimately, hopefully, what they ask for will be granted with respect to the rights of the Metis.

On motion of Senator LeBreton, debate adjourned.

## BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-441, to change the names of certain electoral districts.—(*Honourable Senator Kinsella*)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, Bill C-441 seeks to change the names of a number of constituencies.

For example, in the province of Quebec, it is proposed that the name of the riding Mercier be changed to La-Pointe-de L'Ile. That would be sensible because, on the Island of Montreal, there is a provincial riding called Mercier, but it is in a different part of town from the federal riding of Mercier. Therefore, the change from Mercier to La-Pointe-de-L'Ile makes sense.

I found interesting, from a different point of view, the proposal to change Lévis-et-Chutes-de-la-Chaudière to Lévis. Honourable senators might find it curious that, in 1867, a riding called Lévis was created. Then, in 1998, with the passage of Bill C-410, that name was changed from Lévis to Lévis-et-Chutes-de-la-Chaudière. We now have before us a request to change it back to Lévis. I do not know the rationale for having changed it in 1998, but it does raise one's curiosity.

Honourable senators, this type of bill does have some consequences in terms of costs. These changes require expenditures to be made for the publication of maps and other documentation. The committee studying this bill may want to ask the Chief Electoral Officer, Mr. Kingsley, how much these changes cost.

Honourable senators, as we all know, after each decennial census there is a requirement to look at the distribution of the ridings across the country. As the last census was only last year, this redistribution process began less than two months ago, I believe on March 12.

As honourable senators also know, based on the last decennial census, the province of Ontario will have four more ridings. Clearly, there will be a significant redistribution, because the creation of three ridings will raise the total number of ridings from 103 to 106 in the province of Ontario. That will obviously entail some name changes. The same situation applies in the provinces of British Columbia and Alberta.

Since the province of Quebec will not require extra ridings as a result of the decennial census, it may be easier to change these names than it might otherwise be. Changes, however, could be required as a result of the movement of the population within the province.

Honourable senators, the committee examining this bill may wish to probe those concerns.

**Hon. Marcel Prud'homme:** Honourable senators, before I ask that this order be adjourned in my name, I wish to ask Senator Kinsella a question.

I am trying to hold back my anger.

**The Hon. the Speaker:** Senator Kinsella, will you take a question?

**Senator Kinsella:** Yes, certainly.

**Senator Prud'homme:** My colleagues should occasionally pay attention to these types of bills. Senator Nolin and I have been working on electoral boundaries for many years. In my case, it has been for 36 years.

• (1500)

I went to court. I am the only one, aside from Senator Nolin, who has won every time I appeared in court on these matters.

Honourable senators may be aware that a friend of mine asked Parliament to change the word Laprairie to La Prairie. People may not catch the difference. The first spelling was L-a-p-r-a-i-r-i-e and the request was to change that to L-a P-r-a-i-r-i-e.

[Translation]

It got ridiculous. Do you realize that this is the kind of thing we have to deal with?

[English]

I was asked to take the adjournment of this debate. I will be of service to the Senate on this subject in the next few years, in a faithful and useful way.

[Translation]

**Senator Kinsella:** Honourable senators, I am one of those who believe that Senator Prud'homme is of great use to the Senate, as always. He is one of our best and has accumulated some extraordinary experience in Parliament.

This is a very important question, since it concerns the cost of a name change. This is not a simple change. This is one of the reasons I believe this bill requires careful consideration in committee. I hope that those who appear before it will be able to provide detailed explanations of these changes. That said, I shall leave our colleague Senator Prud'homme to raise the matter.

On motion of Senator Prud'homme, debate adjourned.

[ Senator Kinsella ]

[English]

## STUDY ON STATE OF HEALTH CARE SYSTEM

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

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part 1*, tabled in the Senate on April 18, 2002.—(Honourable Senator Cook).

**Hon. Joan Cook:** Honourable senators, I am pleased to have the opportunity to speak today to the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology, a study on the state of the health care system in Canada.

I wish to acknowledge the commitment that members have given to this task over the past two years and to thank Senators Kirby and LeBreton for their leadership.

Honourable senators, committee members have travelled throughout Canada, listening to the concerns and learning how the deliverers of health care perform within the present system. They cope with overwhelming odds and manage to provide a reasonable continuum of care.

The reality is that there is a broad range of options that must be fully explored. Today, I shall confine my remarks to accessibility in the area of rural health.

Dr. John Wooton, quoted in Farm Family Health, said:

...if there is a two-tiered medicine in Canada, it's not rich or poor, it's urban versus rural.

Canadians living in rural and remote areas are limited to a smaller range of health care providers. Rural hospital closures and centralization of health services have had a tremendous impact on rural residents. Honourable senators must understand that, if rural people are forced to travel for care, some will not travel. Others will simply delay. Transport, hotel costs and inclement weather are factors. Forcing people to travel long distances for health care, even to a centre of a higher standard, will adversely affect health outcomes. Many communities across Canada are simply too small to support a general practitioner.

Experts suggest that, while policy approaches to dealing with physician shortages in rural and remote areas have been economic or financial, most of the determinants of practice locations involve a complete mix of factors involving far more than financial considerations. Personal background, professional



education and practice factors, as well as personal considerations such as the education of children, recreation, spousal job opportunities and community size, are important influences in practice locations.

Unfortunately, there is little data on registered nurses or other health care providers in similar settings.

A variety of measures have been proposed to help alleviate the shortage of physicians in underserved areas. These include reserving undergraduate medical school places for qualified applicants willing to commit to rural area practice; revising admission criteria for medical schools to favour qualified rural applicants; enhancing rural area exposure in both undergraduate and post-MD training; developing new residency training programs designed explicitly to prepare specialists who serve as rural regional consultants; and introducing or increasing financial incentives to encourage choice of specialities in short rural supply.

Many doctors do come to rural communities as a result of incentive programs. The problem is that doctors are not staying. Witnesses told the committee that there is a role for the nurse practitioner in the rural health care system and to have them classified as "salaried care providers." This would open up access and decrease waiting. The nurse practitioners would work, in collaboration with the doctors, to ease some of the workload and alleviate many critical situations.

Many witnesses pointed out the need to develop a national vision of home care in which tele-homecare plays a significant role. Once a national vision is clearly developed, specific tele-homecare activities, national in scope, should be developed. This will require strong federal leadership along with collective and immediate action on the part of all stakeholders.

Many experts see tele-health as a very positive step of providing health care to the rural residents of our country. The committee believes that tele-medicine is a critical component of the overall rural health policy of the federal government.

Witnesses confirmed that many gaps exist in information on the health status of individuals and communities in rural Canada. It is the view of witnesses that rural health issues tend to be eclipsed by those in urban areas.

As Health Canada's Office of Rural Health points out, the reality is that rural health needs differ from those of urban areas. These needs stem from the particular environment, such as the hazards associated with rural occupations, including mining, fishing and farming; demographic trends, such as an increase in the seniors' population in some rural areas; and the common health needs associated with the presence of a significant number of Aboriginal communities. In addition, there are more problems associated with delivering health services in rural and remote environments compared to an urban setting. Distances are greater, the number of health care providers is smaller and specialist services may not be readily available.

• (1510)

The options emerging from the work of the committee thus far are: first, the continuing rationing of publicly funded health services, or by allowing waiting lists to grow; second, increase government revenue from individual Canadians, either by raising taxes directly or through other means, such as health care insurance premiums; third, making some services available to those who can afford to pay, while maintaining a publicly funded system for all other Canadians.

These options define the hard choices Canadians now face. What is not acceptable is that we allow the public system to continue to deteriorate.

Canadians will have to balance their desire for publicly funded health care services against their willingness to pay for that service.

"Volume Five: Principles and Recommendations for Reform — Part 1," sets out the parameters for reform, and the next phase of the committee's work is designed to make the full implications of these choices as crystal clear as possible to Canadians.

Honourable senators, on a personal note, I believe implicitly in the integrity of the committee's work thus far, and I am confident that the next volume will reflect a clear vision of how the implementation of these principles will ensure a responsible approach to health care reforms. Canadians will then be able to make an informed choice, a choice that speaks to Canadian values.

I look forward to participating in the next stage of this important and challenging study.

On motion of Senator LeBreton, debate adjourned.

## 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 Jaffer*).

**Hon. Nicholas W. Taylor:** Honourable senators, I have asked the permission of Senator Jaffer to speak to this item and then have the item stand in her name when I am finished. I do not know if it is necessary to first obtain the approval of the house.

I have waited quite a while to speak on this motion because I wanted to have either Senator Setlakwe or Senator Maheu in the house. Luckily enough, Senator Setlakwe is an old friend.

Thinking back many years to when I was working as a geologist in northeast Turkey, I had the experience of the Turkish people through an interpreter. There was one person who maintained he was 100 years old. The Turks gave me a blow-by-blow description of all the terrible things the Armenians had done to them in the period from 1914 to 1920.

Historically, just to give a quick snapshot of history, the Turks were united with the Germans in the First World War, fighting the British, French and Russians. Of course, the Armenians were also in Russia. Russia wanted to open another front, so it invaded eastern Turkey.

As honourable senators know, Churchill, in one of the few failures in his life, ordered the Allies to land at Gallipoli.

The Turks were able to repel the Armenian and Russian invasion, although it did make some inroads.

Perhaps 15 years later, I was in Nagorno-Kharabakh where the Armenians settled north of the Caucasus. I was able to hear, as I had from many of my Armenian friends, of the massacre of the Armenians by the Turks after the Russians had withdrawn from the war. The Armenians no longer had Russian protection.

In listening to both sides — having been a geologist on the ground with the Turks and having listened to many Armenians here in Canada — there is no doubt that they are both right. As to who killed the most in those times, it is hard to discern.

There is a carry-over from the old Muslim-Christian interface, which is happening to a limited extent even today. The Armenians were Christians and the Turks were Muslims. Christians write most of the history books one can pick up in Canada. As a matter of fact, I know very few Muslim history authors. I will be interested to discover what they think of the last 100 years of history. We have a Muslim-Christian interface even now on the issue of terrorism in the U.S.

I do not know who is right and who is wrong. However, I want to go further.

Canadians check our prejudices at the border when we come to this country. My ancestry is Irish and Scottish, and I have still not forgiven — although I should have — the British for the famine. The Ukrainians blame their famine on the Russians. In Chile, as honourable senators know, the left-wingers were deported and massacred. I could go on. History was made by one nation massacring another.

Having a large family, I have had the chance to coach hockey, baseball and football teams. It was a pleasure to see Arab boys, Jewish boys, Armenian boys and Turkish boys — and girls when I was coaching basketball — all playing together.

Honourable senators, I do not think we help the issue and I do not think we help the modern generation of youngsters when we pass resolutions censuring people for what they did in the past or in another country. It may have occurred. We have the right to hold our own views, but I do not think this is the way we want our younger people to be brought up today. I want to see them playing together, without carrying any of the prejudices their fathers or grandfathers might pass on to them. We should not legislate this or that, because it will be used against them.

In other words, honourable senators, there is no reason to haul this baggage in from the past in order to be a Canadian today. When people come to Canada today, whether they are an Arab or a Jew, Christian or Muslim, Black, Brown or White, they must check their prejudices and their massacres at the door.

• (1520)

**Hon. Mobina S. B. Jaffer:** Might I ask a question of the Honourable Senator Taylor?

**The Hon. the Speaker:** Will the Honourable Senator Taylor entertain a question?

**Senator Taylor:** Yes.

**Senator Jaffer:** Honourable senators, following on from what the Honourable Senator Taylor has said, why are there no Armenians in north-east Turkey? Can the honourable senator explain that? At one point there were two million.

**Senator Taylor:** The honourable senator has said that two million Armenians disappeared. I do not know the numbers. When I was in Turkey, they had their version of how many were missing. There was a war crimes trial after the Turks lost the war. One of the privileges winners receive is to take the losers to court. There was a court in Malta where the British hauled in the Turks; however, it fizzled out.

Honourable senators, I am merely saying that these things are difficult to prove. Even if every word said is true, there is still no reason to bring that fight into this chamber or to Canada.

On motion of Senator Jaffer, debate adjourned.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw to your attention the presence in our gallery of his Excellency Mohammed Alia Thani Al-Khusaiby, Ambassador of Oman.

Welcome to the Senate of Canada.

[Translation]

## THE SENATE

### MOTION AUTHORIZING BROADCASTING OF PROCEEDINGS AND FORMATION OF SPECIAL COMMITTEE ON RESOLUTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution.—(*Honourable Senator Gauthier*).

**Hon. Jean-Robert Gauthier:** Honourable senators, I have been thinking for a long time about the proposal to approve the radio and television broadcasting of the proceedings of the Senate and of its committees. The adoption of this motion will have a direct and major impact on Canada's democratic process.

As one of the two chambers of Parliament, the Senate is very much a part of it. Both the Senate and the House of Commons play a critical role in our democracy. At this point, we must determine whether the broadcasting of our proceedings will put the Senate's role in the limelight and make it more relevant.

Senators and members of Parliament are responsible for adopting Canadian laws. The broadcasting of our proceedings will not change the Senate's legislative role at all. However, the experience of the House of Commons will guide us through the implementation of such a system.

The Senate is the forum where Canadians, through their regional representatives, express their views on bills passed by the House of Commons and referred to the Senate for further consideration. Therefore, the Senate's task is to re-examine all the proposed legislation, and to use the same parliamentary procedures before approving it.

Two questions come to mind. Why now? How will this decision impact on the activities of the Senate?

Clearly, radio and television broadcasting will change the appreciation and understanding of our parliamentary duties in the Senate. Canadians will be better able to understand what the Senate does, the important role of the opposition in the Senate and also the democratic role that we play in this grand system of ours.

We are living in an age of communications. It is my firm conviction that, if an institution such as the Senate does not concern itself with communicating its objectives and sharing its work, it will, over time, lose all significance in the eyes of the public and will quickly become outdated.

We must innovate. We must capture the attention of Canadians and win their confidence. By broadcasting our proceedings on television Canadians will be better informed and will be better placed not only to judge the quality of our work, but also to maintain the vitality of our democracy by sharing with us their views on many of the topics discussed.

I am convinced that broadcasting the Senate's debates on television will strengthen Canadian democracy, improve understanding of the issues and most likely surprise many Canadians with the quality of debate here.

Just think about the debate on Bill C-20, the clarity bill. Think about the debate on Bill C-36, the antiterrorism bill. I find it unfortunate that these debates were not broadcast on television because, once again, we contributed to the debate with comments that were serious, constructive and well thought out.

I am unequivocal in my support for broadcasting the proceedings of the Senate and of its committees on television and radio.

The Senate is not seeking to outshine the other place. They have been broadcasting their Question Period for 15 years now. It has not changed much, except that television has given voters a real sense of what their members do. We are not there. We must change, we must improve, and we must take part in this new age of communications.

It is true that the climate of partisan confrontation is not as present in the Senate. But the Senate is just as political in the true sense of the word and, in my humble opinion, just as serious in its legislative review of the issues submitted for its consideration. We are just as accountable as the elected representatives in the House of Commons to the Canadian public. After all, we account for one third of parliamentarians, there being 105 senators in our chamber and 301 MPs in the Commons. We do the same work, but we are, in my opinion, perhaps more effective.

Thirty-three senators, or 31 per cent, are women, which is considerably more than in the House of Commons, where there are 239 men and 62 women, the percentage of women there being 21 per cent.

As for use of the official languages, senators use French 14 per cent of the time, compared to 86 per cent for anglophones. When I was an MP, it was about the same in the House of Commons. It has not changed much since.

Simultaneous interpretation has contributed considerably to a better understanding of the debates. The majority of francophone parliamentarians are bilingual, while the majority of senators and anglophone MPs are unilingual. Here in the Senate, I must admit, a number of anglophone senators are bilingual, which I much appreciate.

Everyone, without exception, has access to parliamentary publications, be they the *Debates of the Senate*, the *Journals of the Senate*, or minutes of committee deliberations, and all are available in both of the country's official languages. That is what Canada is all about: two official languages and equality of access to federal government services.

One of the serious problems today with the televising of parliamentary proceedings is that of captioning parliamentary broadcasts. During Question Period in the Commons, captioning is available only in English, not in French. In French, there is an inset and Quebec Sign Language for the hearing disabled is used.

I come from Ontario. I am 72 years of age and I cannot start learning sign language, but I do know how to read! Without captioning, I am unable to hear and to follow the proceedings.

Today, there are over 300,000 Canadians who, like me, are deaf and cannot follow the debates of the House of Commons.

• (1530)

They have a serious problem. They should have access to stenotyping and captioning of parliamentary broadcasts. I hope that, in the negotiations with CPAC, the Canadian Cable Public Affairs Channel, the House of Commons and the Senate will be required to broadcast not only the video signal but also an audio signal in both official languages. This is important for the unity of the country, and it can be done right now.

With modern technology, it is not a problem. The same picture can be used for both official languages. Today's television sets are equipped with the SAP function — second audio programming — so a person has only to select which audio they want, English or French. The picture does not change.

One day, I hope, the CRTC will be able to put its foot down and demand innovation. Cable companies will have to understand how essential it is for the unity of this country for broadcasts from the House of Commons and the Senate to include captioning in both official languages. We simply wish to confirm the linguistic duality and bicameral nature of our parliamentary system: two equal chambers within one democratic Parliament.

On motion of Senator Lapointe, debate adjourned.

## ILLEGAL DRUGS

### SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

**Hon. Pierre Claude Nolin**, pursuant to notice of May 8, 2002, moved:

That the date of presentation by the Special Senate Committee on Illegal Drugs, of the final report, on its study in reassessing Canada's anti-drug legislation and its policies, which was authorized by the Senate on March 15, 2001, be extended from August 31, 2002 to Thursday, September 13, 2002.

He said: Honourable senators, originally the date of presentation of the report had been set for the end of August. In committee, it appeared that it would be much more practical for the media to extend the date of this report by two weeks, to September 13, 2002. This is why I moved adoption of this motion.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 28, 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, May 28, 2002, at 2 p.m.

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