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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, June 13, 2002

[Translation]

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

Prayers.

SENATORS' STATEMENTS

HOUSING CRISIS

Hon. Lucie Pépin: Honourable senators, the major urban centres of our country are being hit by an unprecedented housing crisis. This year, a number of Canadians are going to have to face the consequences of this crisis, which has gone on for some time now. Once again, it is the poor who will be hardest hit.

We are told that this housing crisis is the result of a booming economy. According to some experts, there are no more rental housing starts because people prefer to buy. The market has figured that out and acted accordingly. Others say that construction costs are now so high that the monthly rent for a new apartment is as high as a mortgage payment. Another factor mentioned is that certain provinces no longer have rent control.

It is very likely that a number of different factors come into play. During this real estate boom, encouraged by low mortgage rates, there is a tendency to forget that poverty continues in our cities. Thousands of Canadians are unable to think about buying a house, far from it. Their concerns are much different. Many of them cannot even find a place to live.

There has been a number of other explanations offered to justify the housing shortage. One of them involves us directly. Some citizens' action groups have laid part of the responsibility for the present crisis at the door of the federal government, for having withdrawn from social housing programs in 1994.

Clearly, the government's withdrawal from this program has not been without consequences for the most vulnerable members of society. A number of the mayors of major Canadian cities have even declared this a "national disaster." This is completely understandable, because if a government pulls out of funding social housing, this generally results in a drop in vacancy rates, rent hikes and an increase in the numbers of the homeless.

The affordable housing program was announced in the 2001 Speech from the Throne. I know that a final framework has been developed and approved by the federal, provincial and territorial ministers responsible for housing. An amount of \$680 million earmarked for this initiative was mentioned in the December 10, 2001 federal budget.

The fact that our government is trying to solve this issue is a very positive step forward, because housing is a fundamental need for all Canadians. The state must give new impetus to the rental housing sector and, to this end, we must ensure that this program is properly targeted and that the funds are used properly.

Interest groups in Canada are going even further and asking that the government reinstate the social housing program for Canadians. It might not be such a bad idea.

[Later]

[English]

INTERNATIONAL FEDERATION OF AGRICULTURE PRODUCERS

APPOINTMENT OF JACK WILKINSON AS PRESIDENT

Leave having been given to revert to Senators' Statements:

Hon. Jim Tunney: Honourable senators, I wish to bring to your attention the recent election of Mr. Jack Wilkinson as President of the International Federation of Agriculture Producers. Mr. Wilkinson is currently the President of the Ontario Federation of Agriculture and will hold both portfolios. He farms at New Liskeard, in Northern Ontario.

This appointment is significant, as Canada not only heads this important and extremely visible body, but now holds three seats: Bob Friesen, President of the Canadian Federation of Agriculture, was elected and is the Vice Chairman of IFAP. Bob is a pork and turkey farmer from Wawanese, Manitoba. Leo Bertoria, who is President of the Dairy Farmers of Canada, also sits on the executive and chairs the IFAP Dairy Committee. He is a dairy farmer from Langham, Saskatchewan, with a spread of 728 acres.

The IFAP's role is to improve the situation of farmers globally. They represent 89 farm organizations with an estimated membership of 500 million farmers in 68 countries.

I am sure their mandate will be demanding. I do believe, however, that we have an extremely talented and experienced group of Canadians dealing with the many important agricultural issues at hand. Canada is certainly honoured to have such a strong representation of three farmers to the top echelons of this highly recognized worldwide organization.

ROUTINE PROCEEDINGS

THE SENATE

REPORT OF DELEGATION TO AUSTRALIA TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a report concerning a Senate delegation that travelled to Australia from June 17 to 24, 2001, as part of the ongoing parliamentary exchanges between Canada and Australia.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, June 13, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament (*formerly entitled the Standing Committee on Privileges, Standing Rules and Orders*) has the honour to present its

FIFTEENTH REPORT

1. In accordance with its mandate under Rule 86(1)(f)(i), and in obedience to its orders of reference of March 15, 2001 and October 18, 2001, your Committee is pleased to present the following report regarding the mandates and names of committees.
2. During the course of its deliberations with respect to the restructuring of committees, the Chair and Deputy Chair of your Committee consulted the Chairs of other committees, or in some cases met with the committees themselves, concerning the adequacy of existing mandates. There was wide agreement that existing committee mandates are not creating problems of effectiveness, and that a consolidation of existing mandates would not reduce workloads or demands on Senators' time. The prevailing view was that, if anything, the replacement of existing committees by new ones possessing combined or widened mandates would exacerbate existing problems. Your Committee concurs in these findings and, therefore, is recommending only one change, requested by the Standing Committee on Foreign Affairs, to recognize a distinct mandate concerning *Francophonie* relations in addition to mandates concerning Commonwealth relations and foreign relations.
3. Discussions have also been held with the Chairs of committees in order to ascertain whether there is general satisfaction concerning the existing names of committees, and their accuracy in reflecting the mandates currently in effect. These discussions have identified three committee names that, in the view of current Chairs, require modification. Your Committee agrees that committee names need to reflect, as fully as possible, the policy mandates of committees (including changes that have emerged in the policy fields reflected in these mandates) in order to maximize the transparency of the committee system, and therefore recommends three substantive changes, along with a technical change to the English name of your Committee:
 - that the "Senate Committee on Foreign Affairs" be replaced by "Senate Committee on Foreign Affairs and International Trade;"
 - that the "Senate Committee on Fisheries" be replaced by "Senate Committee on Fisheries and Oceans;"
 - that the "Senate Committee on National Finance" be replaced by "Senate Committee on National Finance and Government Operations;" and
 - that the "The Committee on Rules, Procedures and the Rights of Parliament" be replaced with "The Committee on Rules, Procedure and the Rights of Parliament."

Your Committee, therefore, recommends:

That rule 86 of the *Rules of the Senate* be amended:

A. by replacing paragraph 86(1)(f) of the English version with the following:

"(f) The Committee on Rules, Procedure and the Rights of Parliament, composed of fifteen members, four of whom shall constitute a quorum, which is empowered:

- (i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate;
- (ii) upon a reference from the Senate, to examine and, if required, report on any question of privilege; and
- (iii) to consider the orders and customs of the Senate and privileges of Parliament."

B. by replacing paragraph 86(1)(h) with the following:

"(h) The Senate Committee on Foreign Affairs and International Trade, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign, Commonwealth and *Francophonie* relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid; and
- (iv) territorial and offshore matters."

C. by replacing paragraph 86(1)(i) with the following:

"(i) The Senate Committee on National Finance and Government Operations, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to federal estimates generally, including:

(i) national accounts and the report of the Auditor General; and

(ii) government finance.”

D. by replacing paragraph 86(1)(o) with the following:

“(o) The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries generally.”

Respectfully submitted,

JACK AUSTIN, P.C.
Chair

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

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

NATIONAL FINANCE

BUDGET—EXAMINATION OF ADMINISTRATIVE CONTRACT AT GOOSE BAY, LABRADOR AIRFIELD—REPORT OF COMMITTEE PRESENTED AND ADOPTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on National Finance has the honour to present its

EIGHTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, June 6, 2002 to examine and report upon the administrative contract now in existence at the Goose Bay, Labrador airfield, as well as the Request for Proposals to review the contract, to ascertain the effectiveness of this method of base operations in Canada in providing services for both military and non-military training activities, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary 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,

LOWELL MURRAY, P.C.
Chairman

(For text of report, see today's Journals of the Senate, Appendix "B", p. 1763.)

[Senator Austin]

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

Senator Murray: Honourable senators, this report concerns a \$10,000 item passed by the Standing Senate Committee on Internal Economy, Budgets and Administration for a study that begins on Tuesday. While I would not put up with this if someone else was asking for it, with leave of the Senate, and notwithstanding rule 58(1)(g), I move that the report be adopted now.

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

Hon. Senators: Agreed.

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

Motion agreed to and report adopted.

• (1340)

ESTIMATES, 2002-03

FOURTH INTERIM REPORT OF
NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on National Finance has the honour to present its

NINETEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates, more specifically, the National Capital Commission and herewith presents its fourth interim report.

Respectfully submitted,

LOWELL MURRAY, P.C.
Chairman

(For text of report, see today's Journals of the Senate, Appendix "C", p. 1768.)

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

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

STUDY ON INTERNATIONAL STATE AND NATIONAL STATE OF AGRICULTURE AND AGRI-FOOD INDUSTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Leonard J. Gustafson, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 13, 2002

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate to examine international trade in agricultural and agri-food products, and short-term and long-term measures for the health of the agricultural and the agri-food industry in all regions of Canada, has, in obedience to its Order of Reference of March 20, 2001, proceeded to that inquiry, and now presents an interim report entitled, *Canadian Farmers At Risk*.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chair

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

Senator Gustafson: Honourable senators, I will be sending this document to all of the provincial Ministers of Agriculture in Canada, each individually, as well as to the federal minister.

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

SCRUTINY OF REGULATIONS

BUDGET—REPORT OF JOINT COMMITTEE PRESENTED

Hon. Wilfred P. Moore, for Senator Hervieux-Payette, Joint Chair of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, presented the following report:

Thursday, June 13, 2002

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

SIXTH REPORT — “A”

Your Committee, which is authorized by section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, to review and scrutinize statutory instruments, now requests approval of funds to attend the “Red Tape to Smart Tape” conference, to be held in Toronto on September 25 to 27, 2002.

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,

CÉLINE HERVIEUX-PAYETTE, P.C.
Joint Chair

(For text of report, see today's Journals of the Senate, Appendix “D”, p. 1772.)

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

Senator Moore: With leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be taken into consideration now.

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

Hon. Senators: Agreed.

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the opposition would prefer to consider this matter later this day.

The Hon. the Speaker: I shall put the motion again, to clarify what I understand the will of the house to be.

With leave of the Senate and notwithstanding rule 58(1)(g), it is moved by the Honourable Senator Moore, seconded by the Honourable Senator Kroft, that this report be taken into consideration later this day.

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

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

THE SENATE

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO STUDY CANADIAN MEDIA

Hon. Joseph A. Day: Honourable senators, I give notice that, pursuant to rule 57(1), two days hence I will move:

A) That a Special Committee of the Senate of Canada be appointed to examine and report upon:

- 1) the evolving nature of the Canadian media industry, composed as it is of newspapers, magazines, radio, television, the internet and the world wide web, satellites and telephony;
- 2) the patterns of ownership and control of Canadian media;

3) the extent and nature of the competitive forces at play in the marketplace as they relate to Canadian media; and

4) the trends that are likely to influence any or all of these matters in the coming years;

B) That the Committee further have the power to examine and report upon:

- 1) freedom of the press and its role in a democracy;
- 2) the public's right to diversity of information, opinions and entertainment, provided by a broad array of sources;
- 3) the responsibility of the Canadian media industry to the Canadian public;
- 4) the role and place of public broadcasting in Canada;
- 5) how Canadians are being served by new forms of electronic media, better known as the "new media";
- 6) the trends in Canada towards cross media ownership, or "convergence," and the impact of such trends, if any, on editorial independence and the diversity of opinions and ideas in the marketplace of ideas;
- 7) the quality of journalism training and of the employment opportunities for journalists in Canada; and
- 8) the role of Parliament and government agencies, including the Canadian Radio-television and Telecommunications Commission (CRTC) and the Competition Bureau, in monitoring the media industry and safeguarding Canada's cultural identity and social fabric.

C) That the Committee have power to engage the services of legal, technical, clerical and other personnel, as it may deem necessary in relation thereto;

D) That the Committee have power to send for persons, papers and records; to examine witnesses; to report from time to time and to print such papers and evidence from day to day, as may be ordered by the Committee;

E) That the Committee be authorized to permit coverage by electronic media of its public proceedings, with the least possible disruption of its hearings;

F) That the Committee be composed of 6 members, to be nominated by the Committee of Selection; and

G) That the Committee present its final report no later than March 31st, 2004.

• (1350)

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

AID TO FARMERS TO PROVIDE FOOD AID TO STARVING NATIONS

Hon. Leonard J. Gustafson: Honourable senators, my question is addressed to the Leader of the Government in the Senate. The World Food Organization announced yesterday that 800 million people in this universe of ours do not have proper food. We have just tabled a report in this house entitled, "Canadian Farmers at Risk." It would appear to me that there is probably no subject that is more important, or should be more important, to this Senate and to our government than the priority of food, whether it is to the Third World or supporting the producers of the food.

I ask the Leader of the Government in the Senate if she will use her good office to promote this notion with the Prime Minister. I realize that, for the first time, I recently heard the Prime Minister mention that he will do something for agriculture in a positive way. I am pleased about that, I must say. It is extremely important that something be done quickly because, for various reasons — subsidies, drought, flood, you name it — our farmers across the Prairies are seriously hurting.

Will the leader use her good office to deal with these very important issues, namely, starvation around the world and the ability to produce food that is so necessary for Canada and the rest of the world?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for putting such an important question before the house this afternoon. I will use whatever influence I can to ensure that our agricultural policy and our aid policy go hand in hand.

Senator Gustafson: I thank the Leader of the Government for that commitment. We will surely be watching what the government is doing in this regard.

The Standing Senate Committee on Agriculture and Forestry spoke to representatives of both the U.S. and Europe. It appears that the Americans and the Europeans have decided that they have a major responsibility to people who do not have the ability to buy food. We, in Canada, are probably within the top 10 per cent of fortunate people who can produce food and also can afford to buy it. It seems that the Americans have decided that they must support their farmers and allow cheap food to go to the Third World.

We, in Canada, have a cheap food policy. Canadians eat for 9 per cent of their income. It costs about 30 per cent of their income to drive an automobile. I am in favour of a cheap food policy for people who cannot afford food. The problem is that farmers cannot support them alone. It must become a responsibility of all our society.

Would the Leader of the Government in the Senate agree that this is the direction in which Canada must go? We must take seriously our responsibilities to other, less fortunate nations in the world. What I am telling the Senate, and the Leader of the Government in the Senate, is that our farmers cannot carry that load alone.

Senator Carstairs: The honourable senator referred to the work of the Americans and the Europeans. I think he undervalues the work that has already been done in this field by Canadians. The Government of Canada, through the Prime Minister, has already made a significant announcement with respect to the Africa fund. People in Africa are the most undernourished of any people in the world. The Prime Minister has already indicated that we must increase our foreign aid money. The government is moving in the right direction, but I will encourage it to keep going. I will bring the words of the Honourable Senator Gustafson to my colleagues.

PUBLIC WORKS AND GOVERNMENT SERVICES

REPLACEMENT OF SEA KING HELICOPTERS— SPLITTING OF PROCUREMENT CONTRACT

Hon. J. Michael Forrestall: Honourable senators, I have two questions for the Leader of the Government in the Senate. They relate to questions that have been asked for some months now, about advice that was given to the Minister of Public Works of the day over the intention to split the helicopter replacement program into two contracts, the basic helicopter provider and the systems provider.

The deputy minister of the day, in a memorandum to the minister, which I have in my hand, says, in part:

...we are to proceed with the procurement process as set out in the original LOI.

— or letter of intent, and that was to happen without modification. That embraced the two systems, two contracts. He continues, in brackets:

(This *inter alia* sets aside industry recommendations for one contract, changes on certification and our own recommendation that we switch integration responsibility from the mission systems provider to the basic helicopter provider as a means of reducing integration and certification risk).

I want to ask the minister about that. It was the government's intention to split the contract, despite the caution from their own professionals in the department — and from the military, presumably — that the contract should not be split because it would result in cost overruns and other certification difficulties that would delay final certification and, thus, acquisition for use by the appropriate branch of the Canadian Armed Forces. In this memorandum, the deputy minister sets that out. He says, "We will proceed," and he asks the minister to sign the usual form: either "I agree," and the minister's name, or "I disagree," and the minister's name. The minister signed neither, needless to say.

Can the government leader tell us whether or not the Canadian public were made aware of the potential risk involved in splitting this contract? Second, to what degree has that decision been a

factor in what is now an interminable — and that is the most charitable word I can use — delay in awarding this contract?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me deal first with the latter part of the question. I do not think it has been a factor in delaying the awarding of the contract in any way, shape or form. There is no question that the government made the decision that splitting the contract would provide for increased competition for the mission systems and provide Canadian-based companies with the opportunity to pursue the initiative in that they could, perhaps, be the prime mission system integrator.

Senator Forrestall: I am tempted to ask, although I would not expect a reply, why the minister of the day did not sign the memorandum to give assent. That leaves people wondering, and is somewhat dangerous, I suppose; nevertheless, this appears as a further risk that the government was prepared to take. It leaves one with the assumption that the department did not want to go ahead with that two-contract process without the minister's signature, without his direction and the feeling, as I have indicated, that it was encouraging certification risk.

• (1400)

REPLACEMENT OF SEA KING HELICOPTERS— SPLITTING OF PROCUREMENT CONTRACT— REVIEW BY AUDITOR GENERAL

Hon. J. Michael Forrestall: Would the Leader of the Government in the Senate know if the Auditor General is looking into whether the unnecessary costs might have been incurred by splitting the contract, thereby incurring the extra risk and the element of delay? We already know that the costs are now \$100 million for the first 10 months. We are almost at the end of another full year, which could, presumably, add \$110 million or \$115 million, bringing the total to \$200 million caused by delays so far. That is exactly what the deputy minister of the day advised and encouraged the government to avoid.

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, the Auditor General is free to investigate anything she wishes. She often does not give specific information to the government as to those investigations, in keeping with accepted auditing principles. Therefore, I cannot tell the honourable senator whether the Auditor General is looking into this matter.

Senator Forrestall: You do not know.

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Gerald J. Comeau: Honourable senators, many of us were stunned to learn recently that Radio-Canada, the publicly funded broadcaster, whose main goal, among others, is to unite all Canadians, will no longer be broadcasting *La Soirée du hockey*, while CBC, the sister station, will continue to broadcast *Hockey Night in Canada*. Something is dreadfully wrong with this picture.

Will the Leader of the Government in the Senate, as this chamber's representative in cabinet, lend all her support, effort and good office to reverse this intolerable situation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I am sure the honourable senator knows, that question was put to me before by the Honourable Senator Rivest. At that point, I gave my commitment, and I have carried through with it, to indicate my grave concern about this matter to the Minister of Canadian Heritage. She, in turn, has indicated her grave concern with respect to this decision.

Senator Comeau: Honourable senators, something is dreadfully wrong here. If we let this go on much longer, it will send an extremely negative signal to minority francophone communities.

[Translation]

This is a very negative message to minority French language communities across Canada. Time is of the essence. We must move forward with this issue and not put it off for too long. As you know, there are problems in Canada's minority communities. The message of the federal government must be very clear and unequivocal. We say no.

[English]

Senator Carstairs: Honourable senators, the honourable senator raises an important issue, not only to members on this side, but to members opposite.

We have had many discussions recently about the relationship between Crown corporations and government ministers. The CBC is an arm's-length body. Certainly, the Heritage Minister can make her views clear, and she has done that; however, we cannot expect her to violate the arrangements that are presently in place between ministers and their Crowns.

[Translation]

Senator Comeau: This is totally unacceptable. The CBC, the English network, receives funds from Parliament. If the CBC provides services to Canada's anglophones, Radio-Canada must provide similar services to Canada's francophones. Otherwise, the CBC should no longer get any funding.

Hon. Jean-Claude Rivest: Honourable senators, in view of what Senator Comeau just said, I simply wish to remind the minister that it is true that the CBC is an independent organization. However, in addition to the funds to which Senator Comeau referred, the CBC must also comply with the Official Languages Act. Part VII of the Official Languages Act refers to the promotion of cultural communities. Canada's objective regarding linguistic duality does not involve only individual language rights. In fact, the Canadian Broadcasting Corporation, which is subject to all the measures set out in the Official Languages Act, has a responsibility toward francophones outside Quebec, regarding a very important cultural activity, in the broad sense of the word, namely hockey.

[English]

Senator Carstairs: Honourable senators, the honourable senator has raised the Official Languages Act. He can be assured that it has also been raised with Radio-Canada.

The problem is a difficult one. The corporation made the decision. The inequality of providing television coverage in this country in only one official language is, in my view, unacceptable. I have expressed that view, and I shall continue to express it.

Hon. Joan Fraser: When the Leader of the Government does whatever it is she intends to do with these questions and inquiries respecting Radio-Canada and the CBC, would she include the thought that some Canadians would be thrilled if hockey were taken off the main channel of both the CBC and Radio-Canada.

Some Hon. Senators: No, no!

The Hon. the Speaker *pro tempore*: Order, please.

Senator Carstairs: Honourable senators, I must say that I have heard that view before; it is not a new one. However, I should think that if Canadians were polled from coast to coast to coast, many would agree that NHL hockey should be broadcast in both official languages.

Hon. Lowell Murray: Honourable senators, if we are into ventilating our program preferences, let me say that I do not disagree with Senator Fraser on that point.

However, the question is whether Réseau des sports, RDS, should not be available to francophone audiences outside Quebec as a condition of licence set by the CRTC. If this matter were before the CRTC for consideration, I am sure it would be receptive to representations from the government to that effect.

Senator Carstairs: Honourable senators, that is an excellent suggestion. Unfortunately, as the honourable senator probably knows, RDS is available only on cable, and not all Canadians, be they French or English-speaking, have access to cable. That seems to be the major difficulty here.

For those individuals who live in areas of the country where cable is not accessible — and I happen to live in one of those parts of the country — then the matter of whether programming is broadcast beyond the province of Quebec is moot.

There is a very broad issue here as to whether, in fact, Radio-Canada, because it can reach the broadest possible audience, is the broadcaster that should be carrying hockey. However, bear in mind that Crown corporations sometimes make decisions with which the government does not agree but over which it has limited influence.

As to the CRTC, certainly, an application could be made for an appeal on this matter. I would caution honourable senators, however, that in the entire time the CRTC has been in existence, only three appeals have been granted by cabinet. Policy violations must be involved for an appeal to be granted.

Senator Comeau: Official languages should be counted.

Hon. Shirley Maheu: Honourable senators, would the Leader of the Government in the Senate agree to ask her cabinet colleagues whether Radio-Canada, or SRC, is subject to section 16 of the Charter of Rights and Freedoms, the basic law of the land?

Could the leader inquire into that issue and report back to the Senate as to why a Crown corporation does not have to obey the law of the land?

• (1410)

Senator Carstairs: Honourable senators, I can answer that question; however, I certainly can take further representations on behalf of the honourable senator. The answer is that Crown corporations must obey the law of the land. They are subject to section 16; and in this case, they are also subject to the Official Languages Act.

Hon. Marcel Prud'homme: Honourable senators, as evidenced by the questioners on this matter, I am sure it is obvious to the government leader, as it is to all of us, that this is not a partisan issue. It is very basic.

[Translation]

The CBC has a mandate. We must go back to the thinking which led us to create it in the first place and remember that its mandate is to show Canadians what is going on from one ocean to the other.

[English]

I would agree with the honourable senator's comments about arm's length. I have lost my illusion about being at arm's length on many issues. We must respect that, but under extraordinary circumstances. I put to you, Minister, that this is an extraordinary circumstance, where cabinet can take action and the CBC would have no option but to revert back to what is in existence.

As I say, we should be able to watch hockey. I am not a hockey fan, but I know people who are, and many in this chamber are partisan in that respect. I can imagine what would happen if Senator Butts, our very beloved, sympathetic fan of the Canadiens, were to be cut off from her hockey. If hockey broadcasts were to be cut from the CBC English network and broadcast only in French, one can imagine the result. I can see the uproar in provinces further west, especially places in your own province, Minister. I am not accusing my honourable friend or pushing her or treating her badly, but she must make people understand what it would be like if the situation were the reverse. I would like to hear the reaction of honourable senators and the reaction across Canada if hockey fans could not watch Don Cherry.

Senator Carstairs: As to the honourable senator's latter question, I put the mute button on for Don Cherry. With regard to his other questions, this is clearly a non-partisan issue. This issue impacts Canadians who speak French, whether they live in Manitoba, New Brunswick, Nova Scotia or Quebec.

The minister has indicated her concern about this issue, and I think the CBC has been made aware of her concern, in particular Radio-Canada. We will have to wait to see how the matter plays out in the next few weeks.

Hon. Serge Joyal: I wish to bring to the attention of the government leader a fundamental point that has been raised by the other senators, on the constitutionality of the decision.

Last week, on June 5, the Federal Court of Canada declared that the agreement between CPAC and the transmitter, ABC, was unconstitutional because it did not respect the principle of equality of both languages. Here we have a Crown corporation,

which must clearly submit, as the government leader has mentioned, to the principle of the Official Languages Act, that treats two constituencies differently. This raises the question of the constitutionality of the argument that CBC is putting forward. CBC is saying, "I offer to broadcast, but I have signed an agreement. I am sorry, but having signed the agreement, I am bound by it." This is absolutely unconstitutional. On the basis of that principle, many Crown corporations would not respect their constitutional obligations because they have signed agreements with third parties that impose upon them a clear violation of the Constitution of Canada. Will the Leader of the Government look into that matter?

Senator Carstairs: I thank the honourable senator for his suggestion. I will certainly bring that argument forward. Since he is much more knowledgeable, more eloquent and a member of the Privy Council, I would suggest that he bring that argument directly to the Honourable Minister Sheila Copps herself. Perhaps she has not been made aware of it, but it is indeed a powerful argument. I will bring it forward, but I encourage the honourable senator to do the same. If Senator Beaudoin wishes to join in, I think he and Senator Joyal are well recognized in this chamber, along with Senator Grafstein, as being knowledgeable about our Constitution. I would think that non-partisan voices working together might have a significant impact.

OFFICIAL LANGUAGES

FEDERAL COURT DECISION DECLARING HOUSE OF COMMONS IN VIOLATION OF ACT

Hon. Jean-Robert Gauthier: Honourable senators, I have a question on official languages. It concerns a recent decision of the Federal Court of Canada. On June 5, Judge O'Keefe ruled on a New Brunswick case, *Quigley v. Canada (House of Commons)*. Senators may recall that as a result of our dealings with CPAC, they broadcast some committee meetings of the Senate and most of the Question Period of the House of Commons.

The judge said that the House of Commons was in error by not respecting section 25 of the Official Languages Act, whereby when one transfers obligation to another person, that person must know that official languages provisions apply. It is the same situation as with the Contraventions Act. CPAC is the official transmitter of our messages. It transmits committee meetings of the Senate.

My question is twofold. First, will the House of Commons, through the Department of Justice, appeal this decision? I do not know that this will happen. It has until September 5 to do so.

Second, what will the Senate do to ensure that we are not criticized, that our house is in order and that we meet the requirements of the Official Languages Act? When the contract with CPAC is settled, will one of the clauses be that CPAC must respect the Official Languages Act, to which we are tied as an institution of government?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator undoubtedly knows, I have a hard enough time speaking for the Senate of Canada, let alone the House of Commons. I will not attempt to speak for the House of Commons as to whether or not it will appeal this decision.

However, as to our actions in this chamber, the honourable senator raises a very important consideration. I will ensure that the Chair of the Standing Committee on Internal Economy, Budgets and Administration is made aware of the June 5 decision of the Federal Court of Canada and that we ensure that we fulfil all of our obligations as a result of that decision.

[Translation]

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to come back to the point raised by Senator Maheu. It is true that section 16 of the Constitution places both official languages on an equal footing, in all federal areas. I would accept your invitation, Madam Minister, to look into this with the people from other parties. We have an obligation to provide services in both official languages. The CBC is in this situation. It comes under federal jurisdiction and both networks are equal. Both networks must provide programs and respect the equality of both networks. In this sense, one can say that the obligation is a constitutional one. The CBC has signed a contract, and it must respect the Constitution.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his advice. As soon as I get copies of the official transcripts of today's proceedings, let me assure the honourable senator that I will ensure that the Honourable Sheila Copps receives them. Again, I would encourage Senator Beaudoin to have further contact with her because of his detailed knowledge of our Constitution.

Hon. Tommy Banks: Honourable senators, I like hockey as much as anyone. I even listen to Don Cherry. He is entertaining.

My question is for the Leader of the Government in the Senate. In the course of her inquiry with respect to the questions of Radio-Canada and the Canadiens' games, would the leader please inquire as to whether the Montreal Canadiens hockey club made a demand of Radio-Canada in respect of the number of games that, if it were to enter into an agreement, it would carry, which the corporation found unable to do given its schedule?

Senator Carstairs: I understand that this was the crux of the matter, honourable senators, as to why this decision was made. The issues raised by honourable senators, the importance of the constitutional and official languages issues, should surely take precedence. Senator Nolin has indicated that he thinks this matter is all about dollars. If that is so, then I concur that the decision must be revisited in order to ensure appropriate service for all Canadians, no matter what their official language.

[Translation]

COVERAGE OF SPORTING EVENTS

Hon. Laurier L. LaPierre: Honourable senators, I agree with all those who have condemned the stupidity of the CBC, and with the fact that a large portion of the Quebec people, a people to whom I belong, will no longer be able to view this important television program.

[Senator Carstairs]

[English]

I wish to refer again to the intervention of Senator Fraser. Could the minister return to cabinet and ask for a directive to the CRTC that only one sport per year be played on the national network? One year it could be hockey, the next it could be football or golf.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am unable to answer for Senator Fraser, and Senator Fraser is not able to answer questions during Question Period. I am afraid the honourable senator will have to ask Senator Fraser his question directly.

There have been many questions in this country regarding the amount of sports coverage on CBC. This is not a new issue. As to whether the CBC should cover every sport, there is no doubt.

Last night on the television news, I learned that the people of Windsor, Nova Scotia, are fighting hard to be recognized as the first community in Canada where a hockey game was played. I saw Halifax also indicating that they think they were the first. Amateur historians — and I do mean “amateur” — appeared saying that they feel that it was Montreal where the first game of hockey was played.

Some Hon. Senators: Hear, hear!

Senator Carstairs: I can assure honourable senators that the only reason Western Canada has not made a claim in this regard is that we came along later than Eastern Canada did.

The Hon. the Speaker *pro tempore*: Honourable senators, the time for Question Period has expired.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: Can we have overtime?

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to a question raised in the Senate on March 7, 2002, by Senator Angus, regarding the U.S. Department of State report on money laundering.

JUSTICE

UNITED STATES DEPARTMENT OF STATE REPORT ON MONEY LAUNDERING

(Response to question raised by Hon. W. David Angus on March 7, 2002)

The Government is currently finalizing regulations that will require the reporting of cross-border movements of large amounts of currency and monetary instruments.

It is anticipated that the proposed regulations will be published shortly in the *Canada Gazette* for public comment and that they will be finalized and come into force in the fall.

FINTRAC is now officially a member of the Egmont Group of Financial Intelligence Units. Its membership was recently approved at the Egmont Group meeting in early June.

ORDERS OF THE DAY

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill S-41, to re-enact legislative instruments enacted in only one official language, and acquainting the Senate that they have passed this bill without amendment.

[English]

APPROPRIATION BILL NO. 2, 2002-03

THIRD READING

Hon. Anne C. Cools moved the third reading of Bill C-59, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003.

Motion agreed to and bill read third time and passed.

EXCISE BILL, 2001

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Moore, for the third reading of Bill C-47, respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

Hon. Terry Stratton: Honourable senators, I should like to make a few comments with respect to this bill.

I believe raising taxes is the wrong way to go, in most cases. However, this bill is an exceptional circumstance. I believe that cigarettes should be expensive. In Manitoba, cigarettes are now \$8.40 a package, which is absolutely staggering. That means that each cigarette costs 35 cents. In the days when I was hooked on cigarettes, I could buy two cigarettes for a nickel. I believe this pricing trend should go further.

The money that is earned from these taxes totals \$240 million per year. This money should be put into the health care system, or given to the Canadian Cancer Society or the Canadian Lung

Association, or used for a communications strategy to reduce smoking. This money should not just go into government coffers. That would be ripping off the taxpayer once again, though this time the taxes would come from smokers.

With respect to the excise taxes levied on spirits, wine and tobacco, the concern that I raised at committee was that such a tax is fine for the larger wineries. However, smaller wineries do not have storage facilities for excise storage. It would be a costly burden to those smaller distilleries and estate wineries. Clearly, this matter has not been properly worked out. I was not satisfied with the answers I was given with respect to those questions.

Bill C-47 should pass. I will not stand and object to taxing something that is killing some 45,000 Canadians per year. It is to be hoped that this measure will discourage smokers. Please, when the government returns to raise taxes on cigarettes — and they will; they do it every couple of years, and every couple of years I stand up and vent my spleen with respect to the government committing another tax rip-off — put the money where it is needed.

• (1430)

I just fundamentally do not believe it. Put it back where it is needed. Put it back in the health care system.

Senator Kinsella: Subsidize wine.

Senator Stratton: Yes, subsidize wine, a glass of red wine a day.

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

Motion agreed to and bill read third time and passed.

[Translation]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Hubley, for the second reading of Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Hon. Pierre Claude Nolin: Honourable senators, I wish to speak at second reading stage of Bill C-15B and provide some comments. First, I would like to deal with the Firearms Act. The debate that took place in this chamber when the Firearms Act was passed is still fresh in my mind.

There is a section of Bill C-15B that concerns me: section 52, which refers to the new section 97. It seems to me that the Governor in Council is seeking to acquire a discretion that we should question, at the very least. Clause 97(1) reads as follows:

Subject to subsection (4), the Governor in Council may exempt any class of non-residents...

I would like the committee to hear department officials explain to us why they did not ask for the right to identify non-residents by name. Why did they choose to exempt the class, rather than individuals? It seems to be a rather exceptional exemption. Why not name them?

As for the rest of this part of Bill C-15B on the Firearms Act, it is improvements and updates to a bill that has already cost us ten times what it should have. I have no intention of reopening that debate. I am sure that some of my colleagues will be more than happy to do so.

However, what I take issue with is the first part of the bill, regarding cruelty to animals. Sections 444, 445, 446 and 447 of the Criminal Code deal with the issue. Now we are being asked to eliminate these four sections and create a series of new ones.

We are all opposed to cruelty to animals. But, honourable senators, read carefully the legislation that we are being asked to pass. As regards all the legislation governing criminal law that we pass, a Crown prosecutor has to prove that the offences were actually committed. This part of the bill, as it now stands, will make it very difficult for a Crown prosecutor to build an adequate case.

Let me give you some examples. The definition of "animal" reads:

...means a vertebrate...

How was it determined that all vertebrates could feel pain? I presume that it is because vertebrates have a vertebral column. If they have a vertebral column, they have a nervous system, and if they have a nervous system, they have nerves, and if they have nerves, it must hurt. We, human beings, are excluded from that definition. I continue with the definition of "animal":

...and any other animal that has the capacity to feel pain.

Let us be serious. Is a lobster included in this definition? A lobster is not a vertebrate. Can we hurt a lobster? Perhaps. When we cook it? No. I imagine that it depends on how we kill it, is that not so, Senator Robichaud? It is a good thing Senator Robichaud is here, because I am sure that he loves lobsters and knows how to kill them properly. I myself learned it recently.

Hon. Marcel Prud'homme: You must put it in hot water.

Senator Nolin: No, not in hot water. On the contrary, if you want to grill it, you must first cut it in half. But did you know that to cut it in half, you must do it from the eyes and not the tail? But who knows about this? Senator Robichaud knows. Senator Milne says we should put it in boiling water. But if we do not put it in head first, the lobster will suffer.

Now that we had some fun with our friends the experts on shellfish, let me read clause 182.2(1) of the bill before us:

Every one commits an offence who, wilfully or recklessly,

(a) causes or, being the owner,...

I presume that I am the owner of the lobster I am cooking, having just bought it.

[Senator Nolin]

...permits to be caused unnecessary pain, suffering or injury to an animal;

If you have a problem with the term "unnecessary," perhaps the need to eat would be a defence. I would warn you that this is punishable by five years in prison and a \$10,000 fine.

Now, clause 182.3(1):

Everyone commits an offence who:

(a) negligently...

I will read the definition of "negligence" shortly. In the meantime, I will say that I have nothing against prohibiting cruelty to animals. I just want to see criminal law made proper use of. I do not want to see laws passed just for the fun of it; I want to see effective legislation. If certain sections of the Criminal Code need improving, that will be done.

I will now continue the quote from clause 182.3(1):

...negligently causes pain, suffering or injury to an animal;

Why put in nearly the same thing twice? In the first case, there is a five year maximum sentence, and in the other two years maximum. Why have two offences? You will tell me "negligence" comes into it. Clause 182.3(1) provides a definition of "negligence."

...negligently means departing markedly from the standard of care that a reasonable person would use.

This definition of "negligently" and clause 182.2(1) I read earlier:

...wilfully or recklessly...

It seems to me that "wilfully or recklessly" is the definition I have just given for "negligently." It is pretty much the same thing. This is just one example. We will have to consider the bill carefully in committee. I have a problem with the proposed amendments.

We are not here to create offences just so Parliament can feel good and people will think that Parliament will suppress cruelty to animals once and for all.

We are here to assess whether or not jurisprudence corresponds to the Criminal Code and to ensure that cruelty to animals is suppressed. The bill deals with what police and peace officers will be called upon to do.

I just presented the lobster argument. Imagine how happy defence counsels, those who must see to it that their clients are not found guilty, will be pulling out the lobster argument. The judge will listen to it. He will not be able to imagine how Parliament authorized this. What was Parliament's real intention?

• (1440)

I cannot support this bill. I am aware that we will consider it in committee. I am eager to hear what the officials from the Department of Justice will have to say.

The Hon. the Speaker *pro tempore*: It was moved by Senator Fraser, seconded by Senator Hubley, that this bill be now read the second time. Is it your pleasure, honourable senators, to adopt this motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

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

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I ask that second reading of Bill C-5 be moved up one day to this day.

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

Hon. Senators: Agreed.

[*English*]

SPECIES AT RISK BILL

SECOND READING—DEBATE SUSPENDED

Hon. Tommy Banks moved the second reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

He said: Honourable senators, it is my pleasure to speak at second reading of Bill C-5, which is probably, with the possible exception of the anti-terrorism bill and perhaps the clarity bill, the most familiar to all Canadians of any bill that has come before us, certainly since I have been in this chamber. The bill even has a nickname: "Sara." Forgive that familiarity, but this is an "old lady," as legislation goes, and I hope that honourable senators will give her the deference that is her due.

Honourable senators, the story about how Bill C-5 came to its present state is a good one. It is a testament to the workings of our democratic process and to our Constitution. This proposed legislation has shown, if any bill ever has, our process at work. It speaks to a universal and fundamental concern of all Canadians — that of our natural legacy. Bill C-5 is one of the tools that we need to protect Canada's 70,000 known species, many of which are found only in this country.

This bill is also one of the tools that we need to ensure that our rich ecosystems continue to be productive and continue to draw hundreds of thousands of visitors to our shores each year to marvel at our trees, our ecology, our wildlife, our abundance of water, and our vast and varied landscapes and waterscapes.

Honourable senators, Bill C-5 is not the only tool in our arsenal to protect nature, but it is an important addition. If nature were to take its normal course, one species of life would disappear about every 1,000 years. Sadly, species are disappearing much more quickly than that in Canada and all over the world. There are 402 species classified by the Committee on the Status of Endangered Wildlife in Canada as being at risk. There are likely more that have not yet been identified. Scientists have found that problems with habitat are one of the main causes of that risk. Habitat is where animals live, feed and raise their young, and if there is no habitat, there is no wildlife.

Species know no borders. They do not make a distinction between the borders of towns, cities, provinces and countries. They go wherever their natural instinct takes them. They take root where the habitat is friendly to them. That is why protecting species and their habitat cannot be dictated by any one jurisdiction. Solutions to the problem cannot be dictated, designed or proposed by any one government.

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, it being 2:45 p.m., pursuant to the order adopted by the Senate on Wednesday, June 12, 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 Spivak.

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

Call in the senators.

NUCLEAR FUEL WASTE BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Jaffer, for the third reading of Bill C-27, respecting the long-term management of nuclear fuel waste,

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

(a) in clause 2, on page 2, by replacing line 9 with the following:

““nuclear fuel waste” means domestic irradiated fuel”; and

(b) in clause 15, on page 8, by replacing line 41 with the following:

“recommendation of the Minister, may select.”

• (1500)

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Kinsella
Atkins	Lynch-Staunton
Beaudoin	Nolin
Bolduc	Oliver
Buchanan	Prud'homme
Comeau	Rivest
Di Nino	Robertson
Doody	Rossiter
Forrestall	Stratton—19
Keon	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Baker	Kolber
Banks	Kroft
Callbeck	LaPierre
Carstairs	Léger
Christensen	Losier-Cool
Cook	Maheu
Cools	Mahovlich
Corbin	Milne
Cordy	Moore
Day	Pearson
De Bané	Pépin
Fairbairn	Phalen
Ferretti Barth	Poulin
Fitzpatrick	Poy
Fraser	Robichaud
Furey	Rompkey
Gauthier	Sparrow
Gill	Stollery
Grafstein	Tunney
Graham	Watt—44

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we now return to the main motion.

It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Jaffer, that this bill be read the third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

An Hon. Senator: On division.

The Hon. the Speaker: On division.

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

SPECIES AT RISK BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Maheu, for the second reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. Tommy Banks: Honourable senators, before I resume, I wish to pay a personal compliment to Senator LaPierre, who today has brought a vision of sartorial splendour to the chamber.

Some Hon. Senators: Hear, hear!

Senator Banks: Senator LaPierre is always colourful figuratively; today he is colourful literally, and it is very welcome in the spring to remind us of this wonderful season.

As I was saying, honourable senators, with respect to Bill C-5 and the protection of our endangered species, we have many tools at our disposal. We must remember that Canada's very Constitution is based on the concept of partnership, which is why the bill that is now before us is just one of the tools in our arsenal. I should like to tell you a bit about the other tools.

There is an overall strategy for the protection of species at risk in Canada, that recognizes the shared responsibility of all orders of government. There is the Accord for the Protection of Species at Risk, an agreement of the provinces and territories that has already produced a number of successes. Stewardship, as the cooperative approach to protecting habitat, is another tool. It has also produced a number of successes.

The proposed bill before us, Bill C-5, is the third tool. It is designed to complement the work done by the other levels of government and to build on a partnership approach under that accord, and that accord is working. Since its endorsement, most provinces and territories have introduced or amended their legislation to meet commitments under that accord, and that is not all.

Canada is meeting commitments to protect species through international and domestic agreements. We have many successes in stewardship actions. The Habitat Stewardship Program is entering its third year, and there are literally hundreds of projects, large and small, on the ground and working as we speak.

Outside of the stewardship program, there are hundreds more programs and projects going on right now in backyards and municipalities, on private land and on public land. Canadians are involved. They are willing and able, and they are doing it every day. The third tool is the bill that is now before us.

Honourable senators, we have heard a lot of controversy over this legislation. There are those who say that Canada does not need this legislation and who claim that the proposed bill is too strong. There are those who say that it is not strong enough. They cannot all be right and they cannot all be satisfied, yet that is exactly why this proposed legislation is a success, because it takes a reasoned approach.

• (1510)

It emphasizes cooperation and partnership, backed by strong prohibitions. It endeavours to address, though not always to satisfy, all the arguments. It effects compromise where needed and supports the Canadian constitutional structure. It emphasises strong working relationships with provinces and territories. It builds on a history of shared wildlife management. It is cooperative. It is not coercive, unless coercion becomes absolutely necessary. That, honourable senators, is what makes a good bill.

A good negotiation is one in which everybody at the table leaves with a little bit less than they came for, and leaves having given up a little more than they wanted to, but with something with which they can live. There are key elements contained in this legislation about which I wish to remind honourable senators.

Independent science is entrenched in this law through the legal establishment of the Committee on the Status of Endangered Wildlife in Canada, colloquially known as COSEWIC. For 25 years, that organization has provided scientific assessment of species. Now it is legally recognized as an arm's length assessment body. It is those scientists who will determine recommendations as to what species are at risk in Canada. The legislation provides that the government will make the legal list based on that assessment.

Why should the government make that determination? It is because we, under the democratic process, have the ultimate responsibility for making decisions that could involve serious economic or social implications.

Honourable senators, COSEWIC has come up with a list, as of the end of last year, that contains 233 species it deems to be at risk. This bill contains a list, which is exactly those 233 species to be on the initial list, to which the statutory obligations will apply immediately upon proclamation of this act. That is a very significant indication of the government's commitment to species at risk.

Another important element of the proposal before us is the cooperative approach. This is an approach that we know will work because it is already working. We know that cooperation and stewardship as a first response for protecting critical habitat works best. We know that because it is already working, and has been during the long debate on this legislation. We know that it will work best because we have studied other systems, other legislation. In the U.S., for example, the courts are choked with cases while species, which are their subject, languish.

Steps have been taken to ensure, in this bill, that the federal house is in order, with strong protection measures contained in this bill for critical habitat on lands that fall within federal jurisdiction. While we emphasize the cooperative approach, we ensure in this bill that there is strength to back it up. There are automatic prohibitions against the destruction of critical habitat

in national parks, marine conservation areas, migratory bird sanctuaries and national wildlife areas.

Other critical habitat on federal lands, and for aquatic species as well, is automatically protected, if it is not already protected through stewardship initiatives or other federal legislation, within 180 days after it is identified in a recovery strategy or an action plan. The bottom line, honourable senators, is that there is certainty that all critical habitat on lands under federal jurisdiction is protected.

Bill C-5 extends the federal government's authority for protection to all species' critical habitat on provincial and private lands, if the cooperative approach, or other governments, fail to protect those species' habitat. The safety net provisions will ensure that if other governments fail to provide basic protection against killing and harming a named and listed species or its habitat, federal prohibitions can be brought to bear. The safety net was deliberately designed to provide the first opportunity for protection of species' critical habitat under provincial and territorial jurisdiction to the responsible provincial or territorial government. The prohibitions are strong, but they rely on an approach to try cooperation first before relying on legal prohibitions to try to change people's behaviour.

Building on strong science and the cooperative approach, I wish to tell you about two more crucial elements of this proposed act. The first is the provision it makes for the establishment of a national Aboriginal council on species at risk. Honourable senators, Aboriginal peoples have been essential in the formation of this bill. They have provided invaluable advice, and many years of discussion and experience, which most of the rest of us simply do not have. This Aboriginal council is consistent with the government's goal of stronger relationships with Aboriginal peoples. It is also consistent with our international obligations in that regard.

The other element I wish to address, which has been of great interest to Canadians, is the question of compensation; a complex issue. There has been an enormous amount of work done in this area and in developing what is contained in this bill, which is a viable policy. The government has always said that there will be compensation provisions. However, it is merely prudent that it requires some type of practical experience in implementing the legislation and in dealing with questions of compensation as they arise. Establishing a definitive approach without that needed experience may well end up excluding some legitimate claims. For now, the determination of compensation will be made on a case-by-case basis. When the government has more experience, then more definitive approaches can be described and added to the legislation.

In the meantime, general compensation regulations obviously apply, and will be made ready soon after the proclamation of the act, to enable any person to make a claim if it is needed.

The government is committed to thorough consultation with every person who can help it gain that experience and has a stake in a fair and effective system.

Honourable senators, the fundamental principles of consultation, cooperation, transparency and accountability are in every aspect of this bill. They are in the assessment process, the recovery process and the public registry, where any Canadian at

any time can track the processes which are underway. In fact, there are measures in the proposed Species at Risk Act that will make it the most transparent of any piece of environmental legislation.

This proposal did not arrive here, as most of us know, after just a few months of work, or even a few years. This bill has been nearly nine years in the making. Those nine years did not see a continuing series of one-off proposals. They were a cumulative process that built policy one step at a time, one block at a time, exactly the way our country has been built. There have been more than 150 consultation sessions. There were many sessions in the House of Commons and in the standing committee meetings, 200 hours of formal consideration prior to reaching this place; and we will properly devote many more hours to examining these questions. Every reasonable effort has been made to accommodate diverse views: those who say it is too strong, those who say it is too weak and those who say it should not be there.

The result, I believe, is the proposal that is here before us now that is the best legislation that the government could possibly design. Now, we need to add the experience of actually putting the bill, and the act which it will become, to work. It is time to move forward after nine years, use this tool with the others that are in our arsenal and get on with the job. I strongly urge the support of this bill by all honourable senators.

Some Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in rising to speak at second reading debate on Bill C-5, I am reflecting upon a series of metaphors. As I listened to the honourable senator who has just spoken in support of the bill, the metaphor that was running through my mind is from the world of music, a field in which the honourable senator is one of Canada's legends.

• (1520)

Honourable senators, the great performances of Oscar Peterson at the piano and the wonderful jazz of Duke Ellington would have been forgone had they taken as long in their preparation as the government has taken in the preparation of this bill. The honourable senator has just advised that it is over nine years.

I believe that there is universal support for the principle that we ought to have modern and contemporary legislation that deals with the serious issue of wildlife species that are at risk, not only at home but around the globe. This bill aims at preventing wild species in our country from becoming extinct or lost from the wild. It also, in a positive vein, a proactive one, aims to secure their recovery.

I remind honourable senators that, in 1992, the Progressive Conservative government, the Government of Canada of the day, signed and then became the first industrialized country to ratify the United Nations Convention on Biological Diversity. That convention included a commitment for legislation and a regulatory framework for the protection of threatened and endangered species.

In 1996, the previous Liberal government introduced legislation to fulfil Canada's commitments made four years earlier. Thus, we saw the introduction of Bill C-65, entitled the Endangered Species Protections Act. That attempt by the government was roundly

criticized by scientists, environmentalists and landowners. As honourable senators know — again drawing from the inspiration of the world of music and their patron saint, Saint Cecilia — it died on the Order Paper at the House committee stage, with no requiem.

In April 2000, four years subsequent to that, the government introduced Bill C-33, which was but a modification and a renaming of Bill C-65. This second legislative attempt to fulfil Canada's commitments with respect to endangered species was also roundly criticized. Bill C-33 also died on the Order Paper at second reading in the other place.

Here we are with Bill C-5, representing the third legislative attempt to fulfil Canada's commitments on endangered species that the Conservative government of 1992 had committed the country to. The fact that it has taken 10 years since Canada signed and ratified the UN Convention on Biological Diversity to get to where we are today speaks to the less-than-ambitious legislative agenda and intentions of this government and its predecessor governments since 1993. It is the government that must bear the burden for this failure to pass endangered species legislation in a timely fashion.

In terms of our role, honourable senators, it is the responsibility of this house to review and scrutinize this legislation as thoroughly as possible. In other words, we cannot be pressured to do a second-rate job on scrutinizing this piece of legislation simply because the government is under a tight legislative agenda and it is the bill's third time at the plate. If there is a way to strengthen and improve this bill, we should.

Here we are at second reading, honourable senators, and it is with enthusiasm that we can support the principle of the bill to the extent that it is building upon the commitment contained in the UN Convention on Biological Diversity. However, we will need to delve into the details of the bill to ensure that it meets that commitment.

According to the government, Bill C-5 is intended to complement existing federal, provincial and territorial legislation related to endangered species. The government says it will also fulfil the federal commitment under the federal-provincial accord for the protection of species at risk that was signed in 1996. The honourable senator who has proposed the bill in this place has addressed the consultative process that has been ongoing for the last number of years relating thereto.

In terms of general substance, there are a number of additional aspects of Bill C-5 that are important. For instance, Bill C-5 prohibits the killing, harming, harassing, capturing or taking of species officially listed as threatened, endangered or extirpated. The bill provides a definition of "extirpated," which means a species that is extinct in our country but not all around the world. We are left with the opportunity, from a proactive point of view, of trying to reintroduce a species into Canada's wildlife.

Bill C-5 also provides for emergency authority to list species and take action to prohibit the destruction of critical habitat for a listed species if it is in imminent danger. In general, I believe that these are important goals.

Another point I found interesting on the issue of the content of the bill is the provisions for recovery strategies and action plans to identify the critical habitat of a threatened or endangered species needing protection.

Last summer, with a group of students, I recall visiting some of the Fundy isles. A number of habitats of the bald eagle and other coastal birdlife are being threatened. The bill provides for a process that, once identified, critical habitat will be protected by conservation agreements, provincial or territorial legislation, or federal prohibitions.

Part of the machinery that is envisaged and to be provided for by this bill is the establishment of the Committee on the Status of Endangered Wildlife in Canada, which is to have legal status under this act. The committee will continue to operate at arm's length from the government. It will assess and classify the status of wildlife species, and these assessments will be published and will form the basis for the minister's recommendations to the —

• (1530)

The Hon. the Speaker: Can you hear the Chair? Senator Kinsella, let us try again.

Senator Kinsella: Honourable senators, under the Species At Risk Act, there will be mandatory recovery strategies and action plans for endangered —

Hon. John Lynch-Staunton (Leader of the Opposition): There is no translation. The sound is working but the translation is not coming through.

The Hon. the Speaker: Honourable senators, we will have to request technical assistance. May I have your permission to suspend for five minutes to have the benefit of that technical assistance?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1550)

The sitting of the Senate was resumed.

Senator Kinsella: Honourable senators, in conclusion, I should like to shed light on four points.

First, as much as possible, scientists and not politicians should be engaged in the listing of endangered species; in other words, those who are working in the field, such as scientists, but also inclusive of the community, including our First Nations peoples, who have a special relationship to the land and the wildlife of the nation.

The second principle is the view that any endangered species act will provide for the mandatory protection of critical habitat on federal lands.

The third principle is that, under the purview of the federal government, the protection of migratory birds, which are cross-boundary species, should be given focus.

Finally, it is my hope that, through our deliberations in committee, we will ensure that the bill contains clarity on the

compensatory regime for individuals and organizations and, in particular, for the First Nations peoples, for whom it is important that care be taken that there not be an unfair or unreasonable impact on their Aboriginal rights and their way of life.

Honourable senators, we look forward to the careful analysis of this bill in committee. In principle, this bill goes in the right direction.

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

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 Banks, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 13, 2002

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, will proceed to the Senate Chamber today, the 13th day of June, 2002, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

CONGRATULATORY ADDRESS TO HER MAJESTY QUEEN ELIZABETH II ON ANNIVERSARY OF FIFTY YEARS OF REIGN

MESSAGE FROM COMMONS CONCURRED IN

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons, as follows:

Thursday, June 13, 2002

[Translation]

RESOLVED,—

That an humble Address be presented to Her Majesty the Queen in the following words:

TO THE QUEEN'S MOST EXCELLENT MAJESTY

We, the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the fiftieth year of Your reign.

We wish Your Majesty health and happiness and wish that Your reign continue in peace and prosperity for many years to come.

ORDERED,—

That the said Address be engrossed; and

That a message be sent to the Senate informing Their Honours that this House has adopted the said Address and requesting Their Honours to unite with this House in the said Address by filling up the blanks with the words, “the Senate and.”

ATTEST

William Corbett
The Clerk of the House of Commons

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, before I move my motion, which I hope I can call upon the Honourable Leader of the Opposition to second, I wish honourable senators to understand that the motion will read, “the Senate and...”

Thus, honourable senators, the new motion will read as follows:

We, the Senate and the House of Commons of Canada in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the fiftieth year of Your reign.

We wish your Majesty health and happiness and wish that Your reign continue in peace and prosperity for many years to come.

That the said address be engrossed; and

That a Message be sent to the House of Commons indicating that the Senate has concurred with their motion.

• (1600)

In order to do that, honourable senators, I move, seconded by the Honourable Senator Lynch-Staunton:

That the Senate do agree with the House of Commons in the said Address by filling up the blank spaces left therein with the words “the Senate and.”

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

[The Hon. the Speaker]

Hon. Marcel Prud'homme: Honourable senators, as an independent senator, I support this motion. Believe it or not, I am a French-Canadian monarchist and I am not ashamed to say it.

For Her Majesty, it is not a problem to decide for Canadians. It is up to Canadians to decide their constitutional future. In the meantime, I say “Long live the Queen,” because that is what we say in Canada.

But honourable senators will recall a pointless and unseemly debate which took place in the House of Commons over similar things. They will also recall that I wondered whether the French version was indeed the same as the English version. It was realized that there were major differences, depending on the language used to address a message to Her Majesty.

I hope that, in future, the Leader of the Government will always consult the government in advance in order to prevent unseemly conduct.

[English]

Honourable senators will remember the words “I beg humbly” and the debate that took place. These words opened up a long discussion in the House of Commons. I thought that this was ungracious and unnecessary. With a little bit of consultation, that debate could have been eliminated. We could have said that Canada has a Constitution and that our Gracious Queen is the Queen of Canada until Canadians decide otherwise. That is what I always said. I know it is surprising to some senators, but do not be surprised. I became a member of the Privy Council by Her Majesty's own hand and not by that of the Governor General, so I have more attachment to the Queen. I pledged allegiance 17 times in my life, which I think is enough. I say “long live the Queen” so we will not have to decide if we should continue with her succession.

I am happy as an independent senator to join in supporting this motion, but in the future there should be some consultation between the two Houses so that we are not surprised. I hope in the future when an important item such as this takes place in our constitutional life in Canada that there will be more consultation so that we can join with each other and do exactly what we are doing today.

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

Motion agreed to.

OFFICIAL LANGUAGES

MOTION TO DEPOSIT REPORT OF JOINT COMMITTEE WITH CLERK OF THE SENATE ADOPTED

Leave having been given to revert to Notices of Motions:

Hon. Shirley Maheu, with leave of the Senate and notwithstanding rule 58(1)(f), moved:

That the Standing Joint Committee on Official Languages be permitted, notwithstanding usual practices, to deposit its report on the justice system and official language communities with the Clerk of the Senate, even if the Senate is not sitting, and that the report be deemed to have been tabled in the chamber.

Motion agreed to.

ESTIMATES, 2002-03

THIRD INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—MOTION IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Robertson, for the adoption of the seventeenth report of the Standing Senate Committee on National Finance (Estimates 2002-03 (Treasury Board Vote 5)—Third Interim Report), presented in the Senate on June 6, 2002.

Hon. Anne C. Cools: Honourable senators, this is a motion for the adoption of the seventeenth report of the Standing Senate Committee on National Finance. It relates to a study of Treasury Board Vote 5. It is my intention to move an amendment to this motion, so perhaps I should do that forthwith.

MOTION IN AMENDMENT

Hon. Anne C. Cools: Honourable senators, I move, seconded by the Honourable Senator Watt:

That the seventeenth report of the Standing Senate Committee on National Finance (Estimates 2002-03 (Treasury Board Vote 5) — third interim report) be not adopted by the Senate but that it be referred back to the Standing Senate Committee on National Finance for further study.

Honourable senators, essentially, I am asking to refer the report back to the committee for further study.

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

Senator Cools: Honourable senators, our Standing Senate Committee on National Finance has done some very important work on this issue. I want to assure honourable senators that this report represents excellent work and I think substantive work. It is my opinion, however, that we could improve upon this report. It should be strengthened by gathering a broader range of evidence. Frankly, the committee should hear a few more witnesses. I think that the report would be greatly enhanced by a wider and even deeper study of the subject matter. In actual fact, the committee only heard from two categories of witnesses, being the Auditor General and the Treasury Board. In my opinion, the study of the committee should be broadened.

Honourable senators, I am mindful that we are expecting the Governor General momentarily for Royal Assent, so I wish to take the adjournment of this debate and continue my remarks in a more fulsome way at a later date.

On motion of Senator Cools, debate adjourned.

• (1610)

[Translation]

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

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, an act to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Beaudoin*)

Hon. Gérard-A. Beaudoin: Honourable senators, I would like to say a few words concerning Bill C-18 introduced by our colleague, the Honourable Senator Grafstein.

The purpose of this bill is to amend the Food and Drugs Act, adding drinking water to the list of foods covered by this act. More specifically, this amendment, if accepted, would enable the federal government to monitor water distribution systems throughout Canada.

The bill's sponsor, Senator Grafstein, has stated in this house that the power to legislate in this area belongs to the federal government by right of its residual jurisdiction relating to peace, order and good government, public health and the concept of "responsible government."

I am more of the opinion that jurisdiction over water, particularly water supply systems and water purification, falls under provincial jurisdiction. This is clear and based on a number of the provisions of our Constitution.

Provincial jurisdiction as far as property and civil rights are concerned is fundamental; it is set out in section 92(13) of the Constitution Act, 1867. It is global and encompasses provincial authority over a multitude of activities within its territory: sport, recreation, labour, local commerce, land, local marketing, local transportation, and labour relations.

The jurisdiction of the legislatures over municipal institutions is critical as regards the protection of the environment. Pollution is concentrated in cities and urban planning is now a leading sector. Regulations on zoning, sewers, waste collection, waterworks, water treatment plants, drinking water supply, sanitation of premises, sanitation and construction are made by provincial legislatures. If we add to this already impressive list the pollution caused by noise, odours and smoke, and the protection of the environment through measures designed to improve aesthetics, we get a very broad area.

Dean Peter Hogg also believes that water treatment is under provincial jurisdiction. In his book entitled *Constitutional Law in Canada*, 4th edition, he says, on p. 738:

[English]

This power and the power over municipal institutions, section 92(8), also authorizes municipal regulations of local activity that affects the environment, for example zoning, construction, purification of water, sewage, garbage disposal and noise.

[Translation]

Moreover, section 109 of the Constitution Act, 1867, provides that the provinces are the owners of the natural resources located on their territory. There is no doubt that water is a natural resource. In a speech delivered in this chamber on April 25, Senator Morin clearly demonstrated that water is not food under the Food and Drugs Act.

It seems to me that Bill S-18 is trying to do indirectly what it cannot do directly: the federal Parliament would appropriate a jurisdiction over water and water distribution networks that clearly belongs to the provinces. This is not acceptable in a federal system like ours.

[English]

To summarize, I understand perfectly well the preoccupation of Senator Grafstein. However, the honourable senator is not selecting the proper legal remedy to achieve his goal. Water is a natural resource and it is an essential element for human beings, animals and vegetation. In itself, it is not a dangerous substance that should fall under the jurisdiction of Parliament in the Criminal Code. On the contrary, and this has been the case since Confederation. I do not understand why it should now fall under federal authority in the Food and Drugs Act. Water is a provincial matter under section 92.(13) and section 109 of the Constitution Act, 1867.

Honourable senators, I conclude that Bill S-18 violates the division of powers between the federal government and the provincial governments. It is for that reason that I will vote against Bill S-18 at third reading.

Hon. Jeremiah S. Grafstein: Honourable senators, I should like to thank the honourable senator for taking the time to examine this issue of Bill S-18. It would have been more helpful had he raised the issue before the Standing Senate Committee on Energy, the Environment and Natural Resources, which exhaustively examined this and other questions.

Perhaps I might draw to the attention of the honourable senator the most recent authoritative statement on whether the federal government has the jurisdiction to deal with water, water pollution and water regulation. I refer the honourable senator to the report of the Commissioner of the Walkerton Inquiry, the Honourable Dennis R. O'Connor, Justice of the Ontario Court of Appeal, who was specifically mandated by the provincial government to examine the provincial problem with respect to water and water regulation. Part 1, chapter 13.2 of the report states:

The provincial jurisdiction over water is not, however, exclusive. The *Constitution Act, 1867* grants the federal powers to regulate various aspects of water resource management.

Commissioner O'Connor further states, and I quote:

[Senator Beaudoin]

The federal government has also regulated water pollution for the "peace, order and good government" of Canada, and to protect the health and safety of Canadians. It has used its criminal power to support regulations concerning the release of toxic substances into the water. In addition, section 36 of the *Constitution Act, 1982* specifically provides that both the federal and provincial governments are committed to "providing essential public services of reasonable quality to all Canadians."

That, to my mind, flatly contradicts what the learned honourable senator has brought to our attention. More important, the federal government has already opined on this question.

Senator Bolduc: Honourable senator, is that a question?

Senator Grafstein: The honourable senator has referred to some specifics and I would like to provide one more specific to which he may respond. I will be brief.

Is the honourable senator aware that Bill C-76 was introduced by the federal government in 1996 and was called the Drinking Water Material Safety Act? The bill died on the Order Paper and was reintroduced in October 1997 as Bill C-14.

• (1620)

The honourable senator knows full well, as we both served on the committee, that the federal government is pre-empted from introducing any bill dealing with the Constitution without it first receiving an internal opinion from the Department of Justice that it is within its purview to do so.

We have, honourable senators, two contradictory statements. We have Mr. Justice O'Connor and the Department of Justice internally giving a memorandum to Parliament.

Senator Beaudoin: Honourable senators, I have quoted Dean Peter Hogg, who is considered to be one of the greatest constitutional experts in Canada. I know that some lawyers may disagree with that, and I will allow them to do that.

That is not the problem; the problem is that purification of water at the municipal level has been under provincial jurisdiction since Confederation. I am not saying that the Parliament of Canada cannot intervene in the event of pollution, or to prevent exposure to dangerous substances such as explosives or toxic matter. The problem is that we are in a provincial field of legislation.

I am dealing with water as a natural element on the planet. Water in itself may be contaminated. Water has navigational purposes, and navigation is a federal responsibility. I do not challenge that. At the municipal level it is, and has always been considered to be, a matter of provincial jurisdiction. We may agree to disagree on this, and we may even go to the Supreme Court where, I am sure, there would be an interesting debate.

However, with Peter Hogg on my side, I believe that I have some authority on this. Of course, it is possible to consider other authors who have written on this point. It is certainly not in the residual federal power, as that has been strictly interpreted by the

Supreme Court. We have many decisions on this. It is not included in them, I regret. I agree with the objective of the honourable senator, but I do not agree with the methods being used to correct the situation.

I am strongly in favour of the Canadian federation; but I wish to respect the division of powers. This power is provincial. Although I would like to pass legislation that relates to water, we do not have the power to do that. That is all.

Senator Grafstein: I will not belabour this point. I would ask Senator Beaudoin: Is it not fair to compare Mr. Hogg to the justice of the Supreme Court of Ontario who was given some specific responsibility to inquire into this matter, and stated that the federal government shares this power with the provinces? It is not an exclusively provincial jurisdiction. That was his point.

Senator Beaudoin: Peter Hogg is quoted more often than the judge to whom the honourable senator refers.

We are not infallible, of course. Only the Supreme Court may rule at the last instance. This is the first time in my life that I have heard someone compare Peter Hogg to a judge, and concluding, *ipso facto*, that the judge is right. Why do we have courts in this country?

I have done my duty, and I have reached my conclusion. I regret it, perhaps, but to me it is as crystal clear as water.

Senator Grafstein: If this were a laughing matter, I would be laughing. However, people are dying because of bad water in this country, and I take this matter very seriously.

Has the honourable senator examined the Drinking Water Materials Safety Act, 1996, Bill C-76, later reintroduced as Bill C-14? As the senator well knows, the government cannot, of its own volition, introduce a bill in Parliament without receiving an internal opinion from the law offices of the Crown that the bill is constitutionally sound. That bill was introduced not once, but twice in the other place and, as a precondition, as the honourable senator knows full well under our internal rules, that cannot happen without the law officers opining to the officials that it is constitutionally sound.

Senator Beaudoin: Honourable senators, I agree that from time to time the Government of Canada asks the Department of Justice for constitutional law opinions. However, most of the time, they ask Peter Hogg. What else can we do?

Debate suspended.

BUSINESS OF THE SENATE

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Beaudoin's time is up. It is now 4:30 p.m. Honourable senators, do you agree, as discussed, that the Senate now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1640)

ROYAL ASSENT

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

An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act (*Bill C-43, Chapter 17, 2002*)

An Act respecting the national marine conservation areas of Canada (*Bill C-10, Chapter 18, 2002*)

An Act 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 (*Bill C-50, Chapter 19, 2002*)

An Act to re-enact legislative instruments enacted in only one official language (*Bill S-41, Chapter 20, 2002*)

An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores (*Bill C-47, Chapter 22, 2002*)

An Act respecting the long-term management of nuclear fuel waste (*Bill C-27, Chapter 23, 2002*).

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed Her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 (*Bill C-59, Chapter 21, 2002*)

To which bill I humbly request Your Excellency's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

FOOD AND DRUGS ACT**BILL TO AMEND—THIRD READING—
REFERRED BACK TO COMMITTEE**

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 Beaudoin*).

Hon. Roch Bolduc: Honourable senators, when I was Deputy Minister of Municipal Affairs in Quebec, I was responsible for monitoring the province's water treatment systems. If memory serves me well, there were 1,500 or 1,800 of them. Obviously, a few engineers are needed in municipalities to monitor all these systems. This has been a municipal responsibility since the time of Confederation. This is a local responsibility and it has always been under provincial jurisdiction. The provincial government, under the Municipal Act, gives this responsibility to the municipal councils; this is the case across Canada. The municipalities are doing a good job looking after it. I use Quebec as an example, because it is the one I remember best. At the municipal level, there are engineers and consultants to advise municipalities, so as to ensure a safe water supply. This is reasonable. Obviously, in the department of the environment, there were engineers specialized in sanitary hygiene to study these issues.

I do not wish to open up a debate on the constitutionality of this responsibility. In my opinion, it is clear, it is a municipal responsibility. It is a local issue. I remember that when Mr. Charest was the federal environment minister, he introduced a bill that contained a provision whereby the federal government would become involved every time there was an environmental problem in Canada. Every time the federal government injected cash into the study of a project, it had jurisdiction. I did not agree. He was the minister in my government. It was problematic. Normally, we are in the habit of following party lines. However, I could not accept this bill. I had too much experience to let it go. I was convinced that it would not work. There is such a thing as common sense. The Constitution is based on common sense. It is a local issue; we should leave it to the municipalities. That is the only way it can work in the real world.

• (1650)

The fact that contamination occurred in Walkerton does not mean that something will happen in La Tuque or somewhere else. If, out of Canada's 3,000 water systems, there is an incident in one, why panic and say that the federal government needs to be in charge? From the point of view of public administration, that is not an argument.

There are so many problems in the areas over which the federal government does have jurisdiction, so let us deal with them. The same goes for the provinces. As for the municipalities, one of the first things I would propose is that there be a constitutional amendment that would provide the municipal institutions of Canada with constitutional protection against provincial or federal encroachment. I have already proposed this once and it was not felt necessary.

Our position needs to be reviewed. Otherwise, the federal government will end up with jurisdiction over everything. I do not want to launch into a polemic against Senator Grafstein because he is a friend. We sat together a long time on the Foreign Affairs Committee and he, like me, came around to thinking that free trade was a good thing. We are practically on the same wavelength, as far as international policy goes, and I have a great deal of respect for Senator Grafstein. He is a talented speaker, but that said, I find he is exaggerating here.

I love my friends, but I love truth more. I must therefore say that he is exaggerating. A matter need not be under federal jurisdiction just because it is important. Some things need to be under Ottawa and some do not.

As far as the environment is concerned, many important matters do need to come under federal jurisdiction. For example, all of North America is affected by pollution generated by plants in Ohio. This is a major problem that affects all of America, a problem the federal government must settle with the United States.

Then there is the St. Lawrence system, which affects eight U.S. states and three Canadian provinces. Its pollution affects an area that starts in Chicago and ends in the Maritimes.

Where the rivers and streams of Quebec are concerned, let us let Quebec look after them. When I was Deputy Minister of Municipal Affairs, the then premier did not want to do so, and he was wrong in this.

My point of view on this is a simple one. Let us maintain the division of jurisdictions so that we are not under the rule of a single level of government. Power must be shared as much as possible. Montesquieu was right about this. Let us share power as much as possible between the legislative, executive and judiciary. Here, in our British-based system, power is insufficiently shared, and this is unfortunate.

From time to time, an incident may occur, but such things happen. If there is a motorcycle accident in Quebec, will we say that it comes under federal jurisdiction? Come on! It is a matter of common sense. I am appealing to people's common sense.

I went through similar experiences when I was Deputy Minister of Municipal Affairs. I can tell you that, considering the variety of situations, it is very wise to leave things as they are. In the municipal world, people manage as best they can. There is no distribution, no redistribution. Whether one is rich or poor, one pays for his water, and if one consumes more, one pays more.

When we want to redistribute as was done in health and education, we nationalize at the provincial or federal level. However, at the municipal level, there are at least 15 very important local activities that must remain local, without redistribution.

I remember that the minister at the time loved giving subsidies. I would tell him: "Just hold on, Mr. Minister, we must not give too many subsidies, because the money comes directly from the pockets of the neighbours, who must also pay for their water."

We must be reasonable. The municipal jurisdiction includes 15 important activities that must remain at the municipal level, because the variety of situations is such that it would be impossible for the federal government to monitor them all. It

would be a complete mess. The federal government already has its hands full. In fact, there has not been a week when I did not ask questions about a mess in the federal administration. Senator Grafstein's bill is good, but I will vote against it.

Hon. Pierre Claude Nolin: I understand Senator Bolduc's point of view. I read the bill and, indeed, some parts are a source of concern regarding provincial jurisdictions.

I am sure that when Senator Bolduc was deputy minister of municipal affairs, regulations were in place to ensure the quality of water and to provide for penalties if some individuals provided public drinking water that was not drinkable.

In the bill before us, if we take only the offence of providing a non-sanitary food to the public, it is an offence that comes under federal jurisdiction. This is a power in criminal law regarding which there can be no problem. This complements the provincial power to establish waterworks and distribute water to the businesses and residents of municipalities.

There can be joint jurisdiction over the safety of drinking water. Would Senator Bolduc agree with this joint jurisdiction?

Senator Bolduc: I am a rather practical person. Right now, there are provincial water safety regulations. There are 900 water supply systems in Quebec and everything has been working well for 25 years. It can occasionally happen that the water is polluted at one location for two or three days, and a provincial inspector advises the public to boil water.

Why complicate things? I can imagine that if someone deliberately throws toxic substances into a water supply system, that it is a crime. The *Sûreté du Québec* will deal with the case. I do not see what the RCMP would have to contribute to such a case, but if it has to get involved, it will. What can I say?

Senator Nolin: Almost everyone agrees that the role of the criminal law is to curb actions or omissions which cause significant harm to individuals or to society.

You talk about someone who might pollute water through negligence. You cannot prevent the federal government from using its criminal law authority to create an offence and to provide for penalties. It is legitimate and Senator Bolduc cannot oppose it.

Senator Bolduc: If there is criminal negligence, it is obvious that the Criminal Code applies. I imagine that there must be provision in the Criminal Code for such a case. It seems elementary to me.

Senator Nolin: It is not obvious.

Senator Bolduc: I was not aware that it was not obvious. I plead ignorance.

• (1700)

[English]

Hon. Jerahmiel S. Grafstein: First of all, I thank Senator Nolin for drawing Senator Bolduc's attention to what I said. This is a shared responsibility. This is not to exclude the provinces from dealing with infrastructure, but it is to deal with contaminated water.

Is that senator aware that only 12 out of 45 water treatment plants between Montreal and Quebec were able to achieve a minimum standard to avoid the risk of a serious pollutant, giardiasis? Is he aware that 300 municipalities draw water from the rivers at Quebec without filtering? Is he aware that at least one-third of the municipalities in the last year have issued serious boil advisories?

What happens when the province fails to meet its responsibility under the Constitution with respect to public health? What are we to do? Should we ignore it or should we clinically act?

[Translation]

Senator Bolduc: I was not aware of the figures my colleague mentioned. I read the papers, like everyone, and no one has died in Quebec from contaminated drinking water. Potable is a relative concept. Some people think that if sanitary engineers study the problem, they will solve it. Apparently, some people go about things differently, it works, and people are not dying of contaminated water every day. We must not exaggerate. There are cases where there are problems. The system is not perfect. Take the bridges and highways as an example. If we waited until the roads were free of potholes to drive our cars, we would wait a long time!

[English]

Senator Grafstein: Honourable senators, I have a final question. Is the honourable senator aware that it was reported in the Montreal press on May 18, less than a month ago, that in a colloquium on water and health held at Laval University, the university of Senator Morin, a group called *L'association canadienne-française pour l'avancement des sciences* dramatically pointed out that each and every Quebecer suffers from gastrointestinal problems from bad water at least once a year?

[Translation]

Senator Bolduc: He cannot be serious! I am a Quebecer. I am no superman, and I have never gotten sick in 45 years.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I will be brief, except to remind honourable senators that one of our great responsibilities is to see that every bill that comes before us, whatever its origin, meets the basic constitutional tests that can be applicable to it.

I disagree with Senator Grafstein that a government bill carrying a Department of Justice seal of approval is foolproof. We have seen too many bills that have been passed here and given Royal Assent challenged before the Supreme Court and struck down. For instance, I think of the Tobacco Act, and there are many more.

In the cases before us, some serious concerns have been raised as to respect for the division of powers. I should also like to bring to the attention of honourable senators not only the exchange of today but Senator Bacon's remarks on April 16. I remind honourable senators that Senator Bacon was a senior minister in the Bourassa government, and conscious of the division of powers, as that government was over the years.

She said about this bill:

...the federal government is encroaching on an area of provincial and territorial jurisdiction. She added:

Furthermore, historically the provinces have held the legislative power over drinking water within their boundaries, subject only to any conflicts with legislation enacted under the federal regulatory system.

Clearly, taking away the power over water resources from the provinces is an infringement of the federal government over provincial jurisdiction.

Perhaps I cannot put her on the same level as Peter Hogg, because she is not a legal authority, but she is someone with great practical experience, and her opinion cannot be treated lightly. Accordingly, honourable senators, we would be remiss to proceed with this bill any further without getting some clarification and some direction as to the constitutionality of it, and in particular, whether it respects the division of powers, and, if it does encroach or does not respect it, how it can be corrected. The purpose of the bill is something with which I think we all agree, but does it respect this division of powers?

REFERRED BACK TO COMMITTEE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in amendment, I move that this bill be not read a third time but be referred to the Standing Senate Committee on Legal and Constitutional Affairs so that that committee can review the bill in light of the remarks made by Senator Bacon on April 16, 2002, and those made by Senator Beaudoin today concerning the effects of the division of powers set out in the Constitution Act, 1867, on this bill.

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

Hon. Jeremiah S. Grafstein: Honourable senators, I want to thank the honourable Leader of the Opposition for giving me an opportunity to address this and some other misconceptions about this bill.

I want to thank all honourable senators, including the committee that dealt with this bill, because I think it is important, when we focus on this bill, to look at what it is and what it is not.

Last month, Canadian scientists around the world were in great excitement. The Hubble telescope in space brought photographic evidence that ice and, therefore, water exists on the planet Mars. Without water, the scientists concluded, there could be no life. With water, life can be sustained, and we all now accept that water is inseparable from life and health.

Honourable senators, again let me thank you for indulging me on a voyage of discovery, the very grim discovery that the sorry state of drinking water is not just in Quebec, Honourable Senator Bolduc, but also in every region, in every territory across Canada. I would not have brought this bill forward if it were just a problem in Ontario; I would not have brought it forward if it were just in one of the regions. However, the committee found strong evidence that there are serious and up-to-date drinking water problems in every region of this country.

Why has that happened? The answer is simple: Municipal and provincial officials who have first responsibility, as Senator

Bolduc pointed out, for dealing with the infrastructure and the distribution of clean drinking water have been derelict in their responsibilities under the Constitution. In Quebec, they acknowledged it last year when they dumped another \$600 million into the infrastructure, and still it is not working. Under the Constitution, they were derelict in their duty to ensure good public health.

There is a clear and unequivocal dereliction, and that is the only reason I brought the bill forward, and I respect Senator Bolduc and those other honourable senators from Quebec who are sensitive about invasion. This is not an invasion. This is not an invasion of provincial authority. The provinces stay where they are, as do the municipalities. There is a clear and unequivocal dereliction of duty at the provincial and municipal levels in every region, province, territory and every jurisdiction in Canada.

Can this staggering problem be remedied? Can we assist without invasive powers? We had overwhelming evidence from the unanimous report of the Standing Senate Committee on Energy, the Environment and Natural Resources, from the Sierra Legal Fund and from the Sierra Club that a precise, surgical renovation to our law, as outlined in Bill S-18, could quickly ameliorate the situation. This bill would not displace provincial authority.

This bill would go, as Senator Nolin pointed out, using the criminal power as it relates to food and drugs, which has never been challenged in Quebec. Through all the problems about Quebec, we never heard a challenge about food and drugs because Quebecers and all Canadians feel exactly the same way about public health: Where public health is involved, do the right thing, and respect constitutional lines while doing it.

What would this bill do? It would goad the provinces to faster action by transforming voluntary federal guidelines that already exist into an enforceable standard of regulations on a cost-effective basis. Senator Banks drew this to our attention, and for that I thank him. He said we have to have not just voluntary standards but standards that are enforced by sanctions. There will be no duplication of effort. Voluntary guidelines already exist under the aegis of the Department of Health, within the federal government. Some argue that these standards are not good enough; they should be higher.

What are we to do? Higher standards on the existing legislation can be easily obtained by moving it up a notch or two under regulation. The mechanism for obtaining provincial consensus is already in place. They meet regularly under the aegis of the federal government. The organization already exists with respect to doing that, and unquestioned research facilities already exist within the ambit of the Department of Health, unlike Ontario or Saskatchewan or, dare I say, Quebec.

• (1710)

Inspection mechanisms are already in existence and in place under the Food and Drugs Act. Hence, a simple amendment to the Food and Drugs Act is the most cost-effective, the least invasive, the sanest, the most rational and the speediest way of federal oversight, to bring greater accountability to those

responsible for managing the infrastructure in each municipality and under provincial authority. There is no problem. It is not an invasion of authority and it does not blur the lines of provincial or federal responsibility.

Just last month, the Province of New Brunswick called on the federal Department of Health to research the current E. coli outbreak there. In Ontario, during the fallout of Walkerton, when no research facilities could be found, the federal department was called upon to analyze the problem and recommend solutions. Why? It is because the federal government has had the unquestionable research expertise in place for years and years. Senator Morin certainly knows that.

What does this bill not do? This bill does not displace existing provincial or municipal authorities or their statutory responsibilities.

Senator Cordy, from Nova Scotia, said it would be solely a federal government responsibility under this bill. That is not correct. That misreads the bill. This bill leaves everything in place, but it adds federal oversight on a cost-effective basis. The declaration of this bill would bring greater oversight, accountability and health information to the public.

In the provinces of Quebec, Ontario and Nova Scotia there is no public announcement. The Honourable Senator Bolduc did not know this information, nor did I. I had to read it in the newspapers and collect it. There are serious problems. The colloquium held at Laval was correct. I was surprised. The public does not know. Under our statutes, the public has a right to know when their health is being affected. However, the federal responsibility is not there and the provincial governments are not fulfilling their responsibility. I read 3 million lines of evidence from the inquiries in Saskatchewan and Ontario, all of it showing a dereliction of provincial and municipal duties. The same is true in Quebec, but not to the same extent.

What can we do here? If we do this, we have the problem of costs. Senator Bolduc is sensitive to such costs. The health costs are burgeoning. Health costs are running out of control. What happens? We estimate that no less than \$1 billion a year, possibly more, is now spent across the country as a result of bad drinking water for children and adults. In Vancouver, 17,500 people go to the hospital every year because of bad drinking water. That is the evidence. It is estimated that Walkerton cost taxpayers \$150 million to \$200 million. People died and 2,300 became sick, many with chronic illnesses that are worse than they thought two years ago, all a result of the dereliction of the public duty to serve just 5,000 people — \$200 million for 5,000 people. It could have been my mother. God bless her, she is 101 and will be 102 in October. She taught me at an early age — as your mother taught you, Senator Bolduc — that an ounce of prevention is worth a pound of cure. Had we spent \$5 million in Walkerton, we would have saved the taxpayers \$195 million — from one small town.

This bill will compel provincial governments, municipal governments and the federal government — which does not come to this with clean hands — to rethink their priorities about preventive steps on public health. This bill will prevent runaway medical costs. How?

Water is cheap in Canada. Senator Morin pointed this out. Canadians are profligate when it comes to the use of water. Canadians are the highest users of water per household in the

world precisely because water is so cheap. Senator Morin affirmed that the cost differential between us and the United States and Europe is large. We have the cheapest water in the world. There is ample room to build affordable models at the provincial and municipal levels to stop this horrendous problem of water pollution so that we can have within the existing mechanisms a way to regulate and inspect our water systems on a cost-effective basis.

In the final report, Mr. Justice O'Connor estimated that it would only cost between \$9 and \$17 per household to renovate the entire situation in Ontario. That is less than the cost of movie tickets for two. We are not talking about horrendous transfers of funds, but about a reallocation of provincial authority in the right place with federal oversight.

I believe — and I say this carefully — that there is no constitutional impediment for us to exercise this power under the Food and Drugs Act. I thank Senator Nolin for pointing out to me informally, and we agree, that the Food and Drugs Act has an unquestioned criminal power for contaminated food. By the way, Mr. Justice O'Connor agrees that the federal government has the authority if it chooses to exercise it. It is a shared authority.

Is there a demonstrable breakdown in provincial and municipal responsibilities? There is.

Under our form of constitutional checks and balances, the Fathers of Confederation envisaged that the federal government would be the great equalizer; that the federal government could be enlisted to tilt the balance and compel greater legal, constitutional, provincial accountability under the division of powers and the sweeping federal override of oversight. That is how the Constitution was constructed, precisely for this question. It is when the provinces fail to fulfil their provincial responsibilities under their division of powers that the federal government is supposed to be enlisted, and for precisely that reason. That is what the Fathers of Confederation said. Their duty to the citizens of Canada, as Senator Banks said, is accountability through sanctions.

Quebec has never challenged the clear powers exercised under the Food and Drugs Act, nor, in my belief — and I come from Ontario — would the people of Quebec challenge the federal exercise of these very sanitary, surgical powers as proposed, especially when the citizens of Quebec discover that the bill would guard their public health and ensure clean drinking water to all the population.

Citizens across the country are no longer indifferent to their public health. As I pointed out already, the recent colloquium of scientists in Montreal said that they estimate that each and every Quebecer suffers from gastrointestinal problems from bad water. The reason we can say this only about Quebec is because similar intensive studies have not been done in the rest of the country; nor has the federal government done any.

Senator Morin — and I am sorry he is not here — raised a very interesting and curious question about water as food. Is water a food? Senator Morin argued eloquently that since water does not produce energy, it ought not be designated as food. Perhaps he should have looked more carefully at how we administer public health under the Food and Drugs Act as we have from the outset decades ago. The Food and Drugs Act protects the public health

by regulating carefully and conscientiously the foods and the drinks we consume regularly for not just energy, as the honourable senator pointed out, but for growth and for health. The Food and Drugs Act covers what we do to correct the malfunctions of our bodies. It regulates not only how we consume energy but how we consume matters for biological or biochemical reasons as well.

Water is needed by the human body not only as a source of minerals, but also as a source of micronutrients. Water is essential to maintain the liquid balance in our bodies, as the human body is composed of 90 per cent water, and no scientists disagree with that. The Food and Drugs Act regulates not only energy sources, as Senator Morin suggested, but it also regulates vitamins, minerals and, of course, micronutrients, which include energy, all under the same act. It would be scientifically illogical to exclude drinking water when Canadians absolutely depend on their bodies to function in good health.

Finally, the Food and Drugs Act does regulate water. It regulates distilled water. Doctors tell me that if we depended solely on bottled water, this in itself would be unhealthy because too much dependence on just distilled water is a bad thing for the body. We must have naturally-treated water to restore the balance.

• (1720)

The federal government already regulates under the Food and Drugs Act by means of bottled water, packaged ice and, as Senator St. Germain pointed out, chewing gum. The federal government already regulates water in public parks, buses and airplanes.

The Hon. the Speaker: Senator Grafstein, I regret to advise that your time has expired.

Senator Grafstein: Might I have leave to continue?

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

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, surely we could grant the Honourable Senator Grafstein a few minutes to finish his speech.

[English]

Senator Grafstein: I believe that every senator who spoke on this matter agrees that bad drinking water poses a serious problem to public health. Nobody disagrees with that. Even Senator Beaudoin pointed out that he agrees that this is a problem, but that this bill is not the right solution, as did Senator Bolduc. Everybody agrees; there is no disagreement.

I have consulted a number of medical and scientific experts on this question of water. They unanimously advise me that the question is the wrong question, not whether water is food under the Food and Drugs Act, but whether it is a question of public health. That is what the Food and Drugs Act was directed to.

On this question, there is unanimous agreement: There is a serious, clear and present danger to our public health posed by bad drinking water. All public health officials agree that the federal government has the authority under the Food and Drugs

Act as the most cost-effective, sane and rational way to remedy this bad problem.

In Europe, the European Union, by its commission in Brussels — and Senator Bolduc and I visited there — have enforceable EU standards to cover the entire EU space. They issue regular reports on violations. They do spot checks, but they do not displace the local municipalities or the local state, departments or regions.

In addition, national regulations are still in place and are still vigorously imposed. As a matter of fact, because the EU brought in oversight, that forced the municipalities in Europe to intensify and strengthen their regulatory mechanisms. It acted as a cudgel to force them to do that.

In the United States, the situation is clear-cut. Under the Clear Drinking Water Act, passed in 1974, the federal government assumed regulatory oversight, as I am proposing, over drinking water in every state and municipality. This was not an invasion; it was oversight. This oversight did not relieve the lower orders of government in the United States from their responsibility.

If this bill is adopted, federal inspectors would provide regulatory oversight comparable to that of the United States without relieving the municipalities or the provinces of their responsibility under their laws. Passing this law would provoke immediate change in every region and every province of this country.

Honourable senators, how did I come to draft this bill? I am not a water expert. I blame our caucuses. After the Walkerton matter, I began to listen carefully to my colleagues in Senate caucus. I became curious. I learned of the problems of drinking water, not just in Ontario but in every region across the country: Quebec, Newfoundland, Manitoba, Nova Scotia, Saskatchewan, Alberta, British Columbia, Prince Edward Island and New Brunswick; in every province. I heard anguished stories from senators from the territories and the Aboriginal communities. We heard them in the Senate. I started collecting newspaper clippings and I started reading.

I found that the media treated bad drinking water as a local problem. Hence, the reason Senator Bolduc did not find out about what was happening in his own province is that it is dealt with as a local problem in the media. It is never a regional or a national problem. When it is a boil advisory, nobody else reads about it.

The national media never collected data on a national basis, nor did the federal government or the provinces. The Province of Quebec is just starting to collect this data. The Province of Ontario still does not. That is what the Sierra Club says: They do not do what they are supposed to do.

The federal government does not noticeably collect or publish regular data related to the health costs of bad drinking water across the country. We do not keep track of it either. However, we do have an obligation. The Minister of Health has a statutory obligation under his statutory duties to collect this information and make the public aware of it. We do not do that. That is wrong. Somebody could bring an interesting action against him.

[Senator Grafstein]

In order to extrapolate figures, I called upon Dr. Schindler, one of Canada's leading international experts on water. We met at a water summit in the Mohawk territories last summer. My good friend Dennis Mills, member of Parliament from Toronto, brilliantly organized this summit.

Together with Dr. Schindler, Mr. Mills helped me to devise a cost model based on American experience, because we had no figures for Canada that would allow us to assess the cost of all this. From that, we calculated that no less than 100,000 people a year in Canada become sick or even chronically ill from bad drinking water, and probably more. We believe the situation is worse in Canada.

We have already found out from Senator Chalifoux that babies are deformed or, worse, dying. Six to seven babies died on one reserve on an annual basis. If you extrapolate those numbers that means over 100 babies die every year in Canada because of bad drinking water in the Aboriginal communities. That is a scandal. This is the 21st century.

Senators Watt, Chalifoux and Sibbeston all eloquently affirmed what I have said in this debate. This does not come from me, but from them.

Senator Watt has been on my back about this subject for two years, asking how we might alleviate the situation. He is right. Think about it, honourable senators: Children dying because of bad drinking water in Canada, in the 21st century, in the best country in the world.

In his report, Mr. Justice O'Connor agreed that the situation in the Aboriginal communities in Ontario is abysmal, and far below even Ontario's abysmal standards of care when it comes to drinking water. That is not right.

What are we to do when confronted with a clear and present danger to our public health? I believe the federal government is obliged, under their statutory responsibility for public health, to take cost-effective, surgical, non-duplicative and efficient action. That is why this bill was crafted, to provide clean drinking water regulations that are enforceable, as Senator Banks has said, right across the country for the first time.

Senator Morin admonished me. He said, if Canada brings clear drinking water under the Food and Drugs Act, we would be the only country in the world to do so. That is absolutely correct. Canada would be leaders in the field of regulating clean drinking water throughout the world. That is where we should be. Canada should lead on clear and safe drinking water.

Finally, honourable senators, I offer a thought about the pivotal role of the Senate. The Senate was designed to represent the regions, the minority interests, and uphold constitutional principles. The Fathers of Confederation designed a powerful, sovereign, independent role for the Senate to act precisely as a check and balance when there are egregious political actors in the federal-provincial stream, be it the executive, the House of Commons or the provinces. That is why the Senate was established, to act as a check and balance when the provinces, the federal government or the House of Commons act egregiously. Clearly, this appears to be one of those cases.

When any constitutional player overplays or underplays his role, the Senate was crafted, according to the Fathers of Confederation, to independently restore the constitutional equilibrium by the use of its powers. We have the power to pass this bill. Is it not our Senate duty to instigate action when the House of Commons and the executive fail to deploy their constitutional powers?

How to implement this bill? If we implement it, it would immediately do what it did in the United States. In the United States, because of the Clear Drinking Water Act, any citizen can dial up to a Web site and find out when the last water advisories were in their region. All you have to do is put in your area code and you will get that information. We could do that right away. It is cost effective. We could gather that information.

Honourable senators, I believe that passing this bill would immediately provide an explosive wake-up call. I would not have been as passionate today had I not read an article in today's *Globe and Mail* that says that after two years in Ontario, guess what? The wake-up call did not wake anyone up. Why? Two years after the Walkerton disaster, the Ministry of the Environment says that the health of hundreds of thousands of the province's residents have been put at risk because of problems with drinking water testing. This is two years after Walkerton, after the renovation and the inquiry.

• (1730)

The report goes on to say:

The communities involved are in Southwestern Ontario, the Hamilton region, the Niagara Peninsula and Eastern Ontario, and affect hundreds of thousands of people.

When the minister was asked yesterday whether that was an accurate estimate, that hundreds of thousands were at risk, his answer was: "It is probably in that range."

By the way, the House of Commons already dealt with this bill in a strange way. It passed a resolution some months ago adopting the principles of this bill.

Honourable senators, it is my hope that we deal with this bill expeditiously and bring it to a vote. Leave the responsibility and ticklish questions that have been raised here to the other place. They want this bill. Every caucus has asked me for this bill.

I would ask honourable senators to reject the amendment and to pass the bill.

The Hon. the Speaker: I must advise that Senator Grafstein's time has expired, the leave having been given for him to complete his remarks not going beyond that.

Do you wish to speak, Senator Bolduc?

Senator Bolduc: I have already spoken.

[Translation]

It seems that I am authorized to speak to this amendment. I know Senator Grafstein well and he believes strongly in what he has proposed.

[English]

The Hon. the Speaker: There is a question regarding Senator Bolduc's right to speak. Senator Bolduc is not asking a question. We are on a debatable motion. He did speak earlier on the main motion, but now that we have an amendment before the house, he is entitled to speak again.

[Translation]

Senator Bolduc: Honourable senators, I understand Senator Grafstein's attitude very well. He has looked into the question thoroughly, and he is convinced that the solution lies in federal intervention. In other words, "big brother knows best." In Quebec City or in Toronto, they do not know what is what. They do not have a clue. We do; we have experts in Ottawa who will solve the problem. Thinking like this is a serious error. I have experienced this. It is all very fine on the theoretical level, but in reality, I had a number of engineers working for me in environment, all with Sanitary Engineering Masters degrees from Harvard, Yale or some other U.S. university. They were top notch, even better than the municipal people. It is the same in Toronto. I am sure of it.

Montreal and Toronto have their experts. They have consulting engineers they can call upon. You would have me believe that Ottawa is going to develop a group of experts better than the municipal ones? This is unrealistic. You are enthusiastic, but not realistic. It will not work. In life we need to know what we are talking about. In this field, the best sanitary engineers are already there in the municipalities, in the consulting engineering firms, in the government at Quebec City, Toronto or wherever. Perhaps there are problems in the provinces. You have referred to the problems in some Aboriginal communities. This has been a federal jurisdiction for 45 years and the federal government has never dealt with it. The problems have not been solved.

Do you think it is going to look after all of Canada? This is as theoretical as those discussions between philosophy professors. The senator's presentation was good, well argued, and I have not researched the question as thoroughly as he has, but I have lived it, and that makes a big difference. The engineers in Ottawa who will be involved will not be any better than those in Montreal's sanitary unit laboratory. We must be realistic in our day-to-day approach to such technical issues. What will it be? Another laboratory in Ottawa to solve problems? This is not serious! The intention is great, but in my 40 or 50 years in public life, I have learned that speeches at second reading stage delivered by governments and others always deal with intentions. Intentions are great, but the problem is that implementing these intentions has perverse effects in that bureaucracy produces results that are not what they were meant to be.

Read the speeches made at second reading stage. Take the example of firearms. An act was passed to control firearms. The idea was to monitor things and prevent tragedies such as the one that occurred at École Polytechnique, in Montreal. This initiative was going to cost \$75 million. We are now at \$800 million and there are still many people in Canada who have not registered their firearms. If you only knew the mess created by this legislation, you would not want another federal jurisdiction on top of the provincial jurisdiction to ensure clean water.

[English]

Senator Grafstein: Was that a question?

The Hon. the Speaker: No, that was an intervention.

[Translation]

Senator Bolduc: I have made a thorough study of public administration in Canada since 1867, including the reports of the Rowell-Sirois commission and others. You will find that where jurisdiction is not clear, where there is hesitation because governments were more conservative at the beginning of one century or the end of another, the federal government starts out by saying that it will do research. After some time has passed, it sends the results of its research to the provincial governments for their information. The federal government tells itself that since the provincial governments are not reacting, it will set standards, create an inspection unit, perhaps a few standards, then inspection for compliance and, finally, the jurisdiction becomes federal.

Half of the existing federal public policies began in this way. That is the administrative history of Canada, on which I am very well versed.

[English]

Senator Grafstein: May I ask a simple question?

The Hon. the Speaker: Will you permit a question, Senator Bolduc?

Senator Bolduc: Yes, of course.

Senator Grafstein: I could not agree more with the honourable senator that exaggerated bureaucracies are not the solution. An inflationary intervention by the federal government is not the solution. We are talking here about an existing regime. Whenever the Province of Quebec, the Province of Ontario and the Province of New Brunswick — as it did just last month — run into problems, they refer the matter to the research facilities at Health Canada.

Senator Bolduc: In certain cases, yes.

Senator Grafstein: Having said that, would the honourable senator not agree that Europe is a more complicated space than Canada, and, notwithstanding that, the EU decided in Brussels to have a commission oversight on all water, not to displace the provincial governments, and that the same decision was made in the United States? They decided to do that for exactly the same reason.

The honourable senator and I have travelled extensively through Europe together.

Senator Bolduc: As well as the U.S.

Senator Grafstein: Will the honourable senator not agree that, if the United States and the EU have set up this oversight provision, that we can do it better than both of them at less cost and more effectively?

[Translation]

Senator Bolduc: There are 50 states in the United States. There are not just Texas, California, New York State, and Florida. There are Wyoming and Montana as well.

• (1740)

So they may have decided to develop national standards, but that is their problem. For most of Canada, the provincial services are fine.

If you ask experts in the field if the standards are high enough, they will answer that health standards are never high enough. They will say that there is no limit. That is why we are in the hole and the system is in trouble! In the health care system, there are perverse incentives. I can tell you that it is not by pouring money into the system that we are going to solve the problem. We need to change the incentives. There is no other way. Costs are rising 7 per cent, 8 per cent and 10 per cent every year.

There may be cases of this in Canada. Earlier I gave you the example of the problems in areas where Aboriginals live. These lands were under federal jurisdiction, and still the problem was not solved. Do you believe that the federal government will solve the other problems? I do not think so.

If the province of Prince Edward Island, with its population of 150,000 residents, has a serious problem and needs help, and turns to Ottawa, it has the right to do so. I have nothing against this, but we must not require everyone to do so.

It is like telling me that people in Ottawa, in the city of Ottawa, are better than people in Montreal, Toronto or Vancouver. Really now! There are scientists throughout the country. There are some in Calgary and Edmonton. We are not in some out-of-the-way place here. We have to be practical and realistic. I think you are introducing a formula whereby there will be one more area of federal activity. There is no guarantee that it will be effective.

[English]

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by Senator Lynch-Staunton that Bill S-18 be not now read a third time but be referred to the Standing Senate Committee on Legal and Constitutional Affairs, so that it may review the bill in light of the remarks made by Senator Bacon on April 16, 2002, and those by Senator Beaudoin made today concerning the effect of the division of power set out in the Constitution Act, 1867, on this bill.

Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Motion agreed to, on division, and bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Grafstein: Honourable senators, we were at third reading and we were dealing with an amendment that was defeated, on division. I assumed that we would then move —

An Hon. Senator: The motion was agreed to, on division.

Senator Grafstein: Honourable senators, I apologize. I misread the motion. I do not mean to question His Honour, but I heard more “nays” than “yeas” prior to division. I heard a very strong “nay” on this side. Perhaps we should revert to the motion and, if we cannot agree, we could have a standing vote.

The Hon. the Speaker: Senator Grafstein, your point of order would require unanimous consent.

Honourable senators, Senator Grafstein has asked for leave to revert. I am inclined to give him that opportunity.

Senator Grafstein: Honourable senators, when the question was put, I heard more “nays” than “yeas.”

Senator Lynch-Staunton: This is not a point of order. The honourable senator is contesting the Speaker’s ruling.

Senator Grafstein: Honourable senators, I request leave to revert to the question on the motion in amendment so that we may have a standing vote.

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

Some Hon. Senators: No.

Hon. Anne C. Cools: One cannot revert in these circumstances even with unanimous consent. This is not a matter that can be determined by unanimous consent. The honourable senator is seeking to overturn a motion. The proceedings have moved on. It would require more than unanimous consent to overturn a motion.

The Hon. the Speaker: Senator Cools, in that the matter is disposed of, I will ask the chamber to move on to the next item of business.

[Translation]

PEST CONTROL PRODUCTS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-53, to protect human health and safety and the environment by regulating products used for the control of pests.

Bill read first time.

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

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator Jaffer*).

Hon. Marisa Ferretti Barth: Honourable senators, I rise today to speak before this house in support of Bill S-9, which has been introduced by Senator Anne Cools to define the word “marriage.” The bill is designed to remove any ambiguity about the meaning of the word “marriage,” by spelling out clearly that it must be celebrated between a man and a woman.

Unfortunately, society has a tendency today to forget the importance of marriage. It is more than the simple union between two people. Marriage is the public joining together of a man and a woman who want to found a family, to have children and so ensure that the family will continue into future generations.

Marriage is so important that the Constitution Act required any law relating to marriage to come under federal jurisdiction. To this day, it has never been necessary to define marriage, since this institution has been recognized by our society. The Marriage (Prohibited Degrees) Act has always told us that the persons targeted by these prohibited degrees do not have the right to get married. However, this act does not define the term “marriage,” because so far it has never been necessary to define it.

Even the Supreme Court of Canada, in a 1995 decision, confirmed the importance of marriage. In *Miron v. Trudel*, Justice Gonthier recognized that marriage was a fundamental social institution.

Moreover, in *Egan v. Canada*, the Supreme Court confirmed, through Justice La Forest, what Justice Gonthier said regarding marriage. I would like to quote some very important excerpts from that decision:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions.

However, its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate.

• (1750)

Justice La Forest concluded by saying:

It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.

More recently, the British Columbia Supreme Court confirmed that marriage can only occur between a man and a woman. After reviewing the Marriage Act and the case law, Justice Pitfield

concluded that marriage is only between a man and a woman and that this reality does not go against our Charter of Rights and Freedoms.

It is obvious that, throughout history, the rules and customs of the celebration of marriage have changed and evolved, but one thing has not changed: marriage is the institution that builds the family and it is the family that allows societies to exist and to continue to exist. This is how nature created the world.

Most of the great religions and civilizations of our world are based on these principles. There are a multitude of examples. We could look at the Bible, a holy book for several religions. In the first pages of Genesis, we read that the union of a man and a woman was sanctified by the blessing of God.

Marriage is not just a simple union or contract between two persons. It involves a sacred or spiritual element. This sacred element can be found already in the most ancient civilizations, including Greece and Rome. The Catholic Church declared marriage a sacrament at the Council of Verona in 1184.

Long before the founding of Canada, both the Protestant and the Catholic churches had established that marriage was an exclusive union between a man and a woman who freely agreed to become one flesh so that they could have children and provide each other with “mutual society, help and comfort.” Throughout Canadian history, the Christian concept of marriage has occupied an important place, and still today is one of the foundation stones of Canadian society.

In certain other religions, voluntary celibacy is looked down on. The family is the basic unit and marriage has the primary characteristic of ensuring the perpetuation of the ancestral line.

It goes without saying that the rights of same-sex couples are now protected in Canada's own Charter. The Canadian government gave the necessary rights to same-sex couples in 1999, by changing the definition of the word “spouse” to include a person of the same sex.

Now is the time to protect marriage, traditional families, and in particular our children and our children's children. We must keep the traditional model of the family — a father, a mother and children — for the sake of the children.

I would like to conclude with the thoughts of Monseigneur Bertrand Blanchet, Bishop of Rimouski, who said that marriage has for centuries represented a unique symbolic whole implying a number of realities, including sexual difference, the ensuing language of bodies, a special communication of spirit and heart, and a creative force open to the gift of a new life.

Honourable senators, Bill S-9 would allow us to preserve these essential realities for humanity. I therefore ask you, with all due respect, why question principles solidly anchored in our traditions?

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

[English]

TRIBUTE TO PAGES ON DEPARTURE

The Hon. the Speaker *pro tempore*: Honourable senators, I should like to take a moment to recognize the pages who will be ending their time here.

[Translation]

Pierre-Philippe David, from Whitby, in Ontario, is a University of Ottawa graduate, with a Bachelor of Arts degree in English. Pierre-Philippe will study at the Faculty of Education at Laurentian University, in September 2002, to prepare for a teaching career.

[English]

Emma Orawiec of Aylmer, Quebec will be returning to McGill University this fall to complete her degree in physiology with a minor concentration in international development studies. Upon graduation, she hopes to further her studies by pursuing a degree in law. She has enjoyed her experience with the Senate Page Program and believes that the time spent here will help to enrich her further endeavours.

Once again, thank you for your dedication.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRTEENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Bryden, for the adoption of the thirteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (time allotted to tributes in the Senate), presented in the Senate on May 2, 2002.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I should like to speak very briefly to the issue regarding tributes.

I have been here over nine years now — amazing how time flies — and I have witnessed many tributes, and I recognize their importance. I believe that it is critical that we continue to follow that procedure.

However, we have put a fence around Senators' Statements, to the extent that we allow only a certain length of time for senators to make their statements, and I think that is appropriate because I simply do not think it is proper that the business of the Senate, which is further down on the Order Paper, cannot be dealt with until tributes have been concluded, and those may go on for hours.

The important issue to keep in mind is that both tributes and the business of the Senate are important items. Senator Atkins, as in his tribute to Senator McDonald, demonstrated that an inquiry is a wonderful way to deal with tributes.

The question is: What happens if you have family here waiting to get to the item? That family would probably be here for the day. At the appropriate time, a message could be sent to them to call them into the chamber when the inquiry has been reached. Alternatively, tributes could be made after the Orders of the Day. Honourable senators, the business of the Senate, the Orders of the Day, must take priority.

I realize that it is late in the day, so I will conclude with that comment.

I would ask to adjourn the debate, at his request, in the name of Senator Sparrow.

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

• (1800)

The Hon. the Speaker *pro tempore*: Honourable senators, it is now six o'clock. Is it agreed that I not see the clock?

Hon. Senators: Agreed.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Security and Defence (budget—study on the health care provided to veterans), presented in the Senate on May 30, 2002.—(*Honourable Senator Meighen*).

Hon. Norman K. Atkins: Honourable senators, in the absence of Senator Meighen, I move the adoption of this report.

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

Motion agreed to and report adopted.

[Translation]

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF THE NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Fifth Report (Final) of the Standing Senate Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, deposited with the Clerk of the Senate on February 28, 2002.—(*Honourable Senator Pépin*).

Hon. Lucie Pépin: Honourable senators, continuing in the same vein as Senator Atkins, I would like to come back to the last report of the Standing Senate Committee on National Security and Defence, which was well received.

I agree with a number of the conclusions in the fifth report of the Senate committee. Our armed forces are under pressure resulting from a lack of funding. The government must do something. National Defence's annual core budget must be increased in order to facilitate recruitment, in order to improve the state of readiness of Canadian Forces units, to acquire new equipment, and to increase defence research and development.

I also agree with the committee when it states that in working to improve our country's defence, we must listen to what is happening in the communities where the military and military families live. On this issue, the committee came up with some interesting solutions to problems related to quality of life in military communities.

There is room for improvement when it comes to quality of life in our military. This is a fact that is hard to refute. However, we must recognize the efforts that have been made to improve the situation. The pay and allowances of lower ranks have improved, which definitely has a positive effect on families. The recommendations contained in the report of the House of Commons on quality of life are gradually being implemented. However, despite all this, we must continue to pay particular attention to the overall quality of life in military communities.

On April 3, 2001, Senator Cohen tabled a report entitled "Unsung Heroes: A Quality-of-Life Perspective on Canada's Military Families." In this document, our former colleague drew our attention to the need to take action to help members of the Canadian Forces and their families to live in better conditions. Again, we thank her for drawing our attention to this critical issue, which is closely tied to the improvement of the morale of our troops.

Family violence within the Canadian Forces is one of the issues mentioned by Professor Deborah Harrison, who headed a team of researchers in May 2000. Professor Harrison found that violence against women was a serious problem within the military community.

This inquiry immediately aroused my concern. Subsequently, I expressed a desire, and I received a positive reply from Canadian Forces authorities, to meet with the wives of military members and their spouses to get first-hand knowledge of the problems, and to see the flaws that needed to be corrected. Military authorities also agreed to let me take part in the action plan specifically designed to deal with this issue. This action plan was a follow-up on Professor Deborah Harrison's recommendations.

The Canadian military hierarchy, which I thank, was most helpful last summer when I toured the bases in Halifax, Esquimalt, Greenwood, Edmonton, Valcartier and Winnipeg. During this tour, I spent my time meeting the spouses of members of the military and the staff of the resource centres for families.

As I had pledged to do, I included my findings and suggestions on the tension and heartbreak within military families in the report that I would like to table today, with the authorization of the Senate. This report, which is a summary of these visits, deals with the situation of the spouses of military personnel. I also took an interest in the work of the resource centres, the problems relating to bilingualism and the issue of housing.

This tour of the military bases made me realize that there is a lot to do in this area, but I also realized that the Armed Forces were doing something about it. They are putting a lot of effort into eliminating family violence and improving the families' quality of life.

There are still problems, however, as I have said in my report; in particular, the fact that the women still hesitate to use battered women's services. A number of the ones I met indicated that they feared confidentiality would not be respected by the staff involved in family violence cases. Some told me they knew of incidents of breach of confidentiality, which is hardly reassuring.

Some of the military wives said they were not particularly comfortable with the idea of confiding in someone who was required to report all incidents to his or her superior.

I noted that there were shortcomings in the psychological support offered to victims of violence. Six consultations with a therapist were available to them. Thereafter, either the treatment was over, or they had to see a new therapist at their own expense. From my conversations, we reached the conclusion that it was totally unrealistic to limit the number of therapy sessions. These conditions did very little to improve victims' clinical status, particularly when one is aware of the extent of follow-up required by victims of family violence. On this point, as well as all others raised in my report, I made some suggestions to the military.

As you will see from my report, I was particularly affected by the situation of the military wives. I must acknowledge that the Canadian Forces do seem aware of the multiple sacrifices demanded of families. The hierarchy acknowledges that their living conditions are unique and that this sometimes leads to serious concerns, on the career, personal and emotional levels. To help them cope, a large number of programs and support or self-help services have been made available.

Military spouses do not have an easy life. One really has to meet them and listen to what they have to say, in order to realize the demands on them day in and day out.

None of us can ignore the impact of long periods of absence, of family separations. This is particularly true with an army such as ours, which is understaffed and yet subject to regular deployment to a number of different theatres of operations.

These numerous changes of assignment, which are part and parcel of military life, place the military spouses in the position of being the pivotal figure in the home. In many cases, during the member's absence, his wife has to shoulder all of the family responsibilities, raise the children and so on. You can well imagine the difficulties if both spouses belong to the military.

In addition, a number of those with whom we spoke said that the frequent moves were not without an impact on their family life.

When a member returns from mission, it is not unusual to hear partners who are not in the service say that the returning partner is no longer quite the same as before. Serious communication problems, and many other complications related to a foreign posting of one of the partners, make it difficult for couples to "reconnect."

Some of those with whom we met criticized the fact that there was no real transition upon their return from mission. They return to their families or their place of residence, as though the life they led before heading off on mission had never been interrupted. According to those with whom we met, divorce or separation is often the only solution to these situations.

The frequent moves and long-term instability experienced by members of the Canadian Forces make it impossible for both partners to have their own professional lives.

Isolation is one of the other major difficulties encountered by spouses of members, several of whom are young and living far from their families and friends, with whom they do not have regular contact.

Many civilian wives told us that when their husband was on assignment, there would be nothing nicer than a little courtesy visit to their families to recharge their batteries before resuming the daily routine.

• (1810)

The often significant distance that separates non-military spouses from their family and friends when their military spouse is away for a long period of time gets them down.

Since Senator Cohen told us that some people were dissatisfied with the military family resource centres, I became interested in the work they do.

I heard otherwise about these centres. The feedback from people who use the centres was rather positive. Senator Cohen's report had an impact. Some of the spouses told me that the centres helped their families on military bases, which they considered to be an intimidating and masculine environment. The warm and reassuring ambience of these facilities was a contrast to the military facilities, and helped them break their sense of isolation, because they met other women with whom they shared similar concerns. In recent years, the resource centres have also done a great deal to help eradicate family violence in the military.

However, like all work of this type, there is always room for improvement, particularly when it comes to getting information out, because even though information kits are distributed to new military families, not everyone is aware of the services that the family centres provide.

Linguistic and cultural barriers compound the problems that military spouses experience, thereby increasing their feelings of isolation and loneliness. The linguistic barrier combined with geographic isolation further complicates their integration into their new environment.

On most of the bases that we visited, we noted that resource centre staff were able to provide basic services in the second language. However, many spouses who are not fluent in the majority language of the residents of the base continue to experience difficulties with their social integration.

In closing, there remains a great deal to be done. There is no shortage of will. On the contrary. I was told, and I felt this during my visits, that the military wants things to work well and for members of the military and their families to have a good and harmonious life.

Military authorities know that this is a major challenge and that there is no quick fix. The military itself is a large family that must not compete with the civilian families of its personnel. The Canadian Forces realize that they need help to ensure that the changes required to reconcile the civilian and military worlds are made in a harmonious manner. My intention when I got involved in this issue, in fact, was to contribute to the effort being made by the Canadian Forces.

Let us not forget that it is civilians and military personnel together who will succeed in providing our army with the necessary tools to fulfil the noble task of protecting the sovereignty and security of our country.

It is also together that we must give wives, spouses and families the resources necessary for a quality of life within the military community.

With leave of the Senate, I would like to table my report, which could be appended to the report of the Standing Senate Committee on National Security and Defence.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted to table this report?

Hon. Senators: Agreed.

[English]

Hon. Norman K. Atkins: If no other senator wishes to speak, I move adoption of the report.

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

On motion of Senator Robichaud, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

ELEVENTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

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

Hon. Terry Stratton: Honourable senators, I rise to speak briefly to the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament. The mandate of the committee is to look at various aspects of the structure of committees. My frustration during the process is that we went beyond the mandate, to a degree. We wished to create rules where I do not believe they need to be created. They are, for the most part, in our customs. If the system is working, do we need to put the rules in writing?

I will give honourable senators an example. Recommendation No. 2 of the report states:

That, at the outset of each session of Parliament, a calendar agreed by party Whips be distributed to senators, indicating the days and times at which each Senate committee is regularly scheduled to meet during the parliamentary week; and that the Committee of Selection invite Senators to submit, to their Whips and to the Committee, lists indicating committee interests in order of priority...

We already do that, honourable senators. It is already happening. It exists. Why create a rule for which there is no need? That frustrated me beyond mention. Such a rule is not needed. Before we know it, we will have a rule on how to come through the door. It is a custom. Live with it, please.

Recommendation No. 3 states:

That committees not meet outside their assigned time periods during weeks when the Senate sits, unless prior agreement from the party Whips is obtained or, in the absence of agreement, a Government motion has been moved and concurred in by the Senate.

Are we not already doing that? If we do not, it is the discipline of the committee to ensure that we do not meet outside of the time slots. The time slots are precious and senators have conflicts. A chairman cannot conveniently, on a whim, want to meet here or there — the steering committee should decide that. We do not need a rule. I am frustrated, and I cannot and will not agree to such a rule.

The Rules Committee also dealt with the creation of subcommittees. We are taking too much away from the committees in the creation of subcommittees. The recommendation is that if we want to create a subcommittee, we have to come to the floor of the Senate for approval. When one wears the hat of a whip in an opposition with diminishing numbers, one tends to agree with that assertion. The other point deals with the summoning of witnesses. At the moment, committees have the power to summon witnesses without having to come to the floor of the Senate for approval. I believe that practice should continue. I do not think we should have to come to the floor of the Senate to request permission because we had to go to the extreme of summoning a witness. I really feel that the committee should have that power.

Those are basic complaints I have with this report, honourable senators.

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

• (1820)

SCRUTINY OF REGULATIONS

BUDGET—REPORT 6-A OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of report 6-A of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations (budget—travel to

Toronto to attend a conference), presented in the Senate earlier this day.

Hon. Wilfred P. Moore: Honourable senators, earlier today, I presented report 6-A of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations. As I mentioned in my earlier remarks, a conference entitled “Red Tape to Smart Tape” is being held in Toronto September 25 to 27 of this year. The total budget for the conference is \$23,300. The House of Commons will provide 70 per cent, \$16,310, and the Senate portion would be the other 30 per cent, which amounts to \$6,990. We have received the approval of the Standing Committee on Internal Economy, Budgets and Administration with respect to the sum.

Honourable senators, I move the adoption of the report.

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

Motion agreed to and report adopted.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION ADOPTED

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 Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, with your permission, as I am speaking, I should like to have distributed a slightly revised text of this resolution. I want the revised text distributed so that senators can appreciate the amendment I will propose.

The problem that others and I have had with this proposal is not so much with the intent but, rather, with the way it is worded, particularly, in paragraph (b). Paragraph (a) calls upon the Government of Canada to recognize the genocide of the Armenians. Paragraph (b) asks this house to designate April 24 of every year to mark that tragic event.

It seems to me there is no consistency between those two paragraphs. First, this chamber has no authority to designate days. It can do so, but it has no force of law. It is just a good wish,

[Senator Stratton]

a good intention, but it stops here. Days are designated either by Order in Council, or by private bills, or by an international organization to which Canada belongs. Automatically, that day or month or year marking a certain event or individual then goes on the official calendar, but the Senate itself cannot do so.

The recommendation I should like to make is to keep the first paragraph as it is, with a slight repositioning of the words. This chamber would ask the Government of Canada both to recognize the event and to designate the day. That is its responsibility. If the Government of Canada does not recognize the event, our designating the day takes on even lesser importance.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I move, seconded by Senator Atkins:

That Motion 44 be amended to read as follows:

That this House calls upon the Government of Canada:

(a) 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, and

(b) to designate 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.

I hope this minor change in wording will give the resolution much more impact, while respecting the intent of both the proposer and the seconder.

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

Some Hon. Senators: Agreed.

Senator Milne: On division.

Motion in amendment agreed to, on division.

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

An Hon. Senator: On division.

Motion agreed to, on division.

THE SENATE

COLOMBIA—RESOLUTION OF CONCERN OVER VIOLENT EVENTS AND RECENT THREATS TO DEMOCRACY—MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Andreychuk:

That:

Recognizing the important efforts made by the Colombian government to seek a lasting peace for the people of Colombia;

Regretting the breakdown in the peace process;

Stressing that the protection of Colombia's civilian population remains a primary concern;

Noting that the intensification of violence since the breakdown in the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is seriously undermining the legitimacy of the electoral process; and

Considering that attacks by the armed actors, including the abduction of Presidential candidate Ingrid Betancourt on February 23, 2002, and plots to assassinate other leading candidates, are compromising the democratic process in Colombia;

The Senate of Canada

Expresses concern regarding the violent events and recent threats to democracy in Colombia;

Urges the Revolutionary Armed Forces of Colombia (FARC) for the immediate and unconditional liberation of all hostages that remain kidnapped, including Mrs. Betancourt and her assistant Clara Rojas; and

Calls on all parties to respect their obligations under international humanitarian law and to take steps leading to a negotiated and just peace, that will provide a secure future for all Colombians and end the armed conflict; and

That a Message be sent to the House of Commons informing that House that the Senate has passed this Resolution and requesting that House to unite with the Senate therein;

And on the motion in amendment of the Honourable Senator Andreychuk, seconded by the Honourable Senator Hervieux-Payette, P.C., that the motion be amended by adding after the last paragraph the following:

That the Speaker of the Senate transmits this Resolution to the following authorities:

1. The Canadian Ambassador to Columbia
2. The Canadian Ambassador to the Organization of the American States—OAS
3. The President of the Colombian Senate.—(*Honourable Senator Cools*).

Hon. A. Raynell Andreychuk: Honourable senators, the Honourable Senator Cools has yielded to me on this issue, and I wish to make some comments. First, I should like to thank the honourable senator for her kindness and for understanding the issue that is involved in the content of this subject matter.

As honourable senators know, there has been a change of leadership in Colombia. A new president is in place, but the issues continue in Colombia. They are issues that face not only the population of Colombia, but also are of consequence to every country that has any dealings with Colombia. Unfortunately, the illegal aspects of dealings in Colombia have touched each country in the world.

It is important at this time, when there is a new president in place, that this resolution is passed by this chamber. It is not one that has the kind of consequence that needs intense study. We are worried that there has been a breakdown of the peace process and that civilians are generally caught between the government of Colombia and the revolutionary armed forces of Colombia. This motion attempts to give some attention to those civilians and to give honest support from this chamber that the peace process is the only way out of the issue in Colombia.

• (1830)

This resolution expresses our concern for these issues and the recent events that continue to threaten democracy in Colombia. We are calling on all parties to respect their obligations under international humanitarian law and to take steps that will lead to the negotiation table again so that a just and perhaps secure future will be what Colombians will achieve.

As Colombia readjusts its government, this is an opportune time for the revolutionary forces to reconsider their actions and for the new government to renew its efforts to attempt to bring this issue into some perspective. It cannot go day-by-day, year-by-year, and decade-by-decade. Therefore, I would ask this honourable chamber to now pass this motion.

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

Hon. Joseph A. Day: Honourable senators, are we voting on the motion or on the motion in amendment? I do not believe the amendment has been passed.

Senator Andreychuk: I thank the honourable senator for that observation. I am not a procedural expert. I will ask His Honour whether we will vote on the amendment first and then on the motion. If that is the case, then I will sit down.

The Hon. the Speaker *pro tempore*: Honourable senators will vote on the motion in amendment first. If the amendment passes, we will vote on the motion as amended.

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

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to, on division.

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

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to, on division.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy calling the attention of the Senate to the status of palliative care in Canada.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: If honourable senators will permit, I would request that we keep this inquiry in my name.

Senator Carstairs will find a great ally in me. Some of you know that I lost my brother two weeks ago. He is number 10 out of 12. I have only a sister now.

I want to acknowledge the unbelievable care my brother received for the last month and a half of his life by Notre-Dame-de-la-Merci in Montreal. This incredible palliative care helped us to get through to a very private funeral. That is why I made no announcement.

At the appropriate time, I should like to speak longer to this important motion, which I know is very dear to Senator Carstairs, which was put forward by Senator Cordy. Should that opportunity not arise, then perhaps we will reintroduce the motion. That may be the way to go.

My brother received exceptional treatment. Since a private funeral was held, I would take this opportunity to thank those people who called me to express their condolences. My brother asked that matters be kept private as long as possible. Now that it is all over, I would thank all members.

I am a strong supporter of the views expressed by Senator Carstairs.

On motion of Senator Prud'homme, debate adjourned.

PALESTINIAN TERRITORIES

HUMANITARIAN SITUATION—INQUIRY— DEBATE ADJOURNED

Hon. Marcel Prud'homme rose pursuant to notice of April 17, 2002:

That he will call the attention of the Senate to the humanitarian situation in the Palestinian Territories.

He said: In a gesture of cooperation in consideration of the long day, I would ask to keep this order in my name.

Please allow me, if we adjourn after this evening, to ask senators to pay attention to the unbelievable humanitarian situation in the Palestinian territories that is going on at the moment. I do not beg, as I am a Canadian.

The situation there is getting worse. By the time we return, if we adjourn tonight, we may be involved in a world crisis just because we have not paid enough attention to a profound humanitarian situation which is taking place in the Palestinian territories. Accordingly, I ask that this matter be adjourned in my name.

On motion of Senator Prud'homme, debate adjourned.

**UNITED NATIONS GENERAL ASSEMBLY
SPECIAL SESSION ON CHILDREN**

INQUIRY—DEBATE ADJOURNED

Hon. Landon Pearson rose pursuant to notice of May 30, 2002:

That she will call the attention of the Senate to the United Nations General Assembly Special Session on Children that took place in New York on May 8-10, 2002.

She said: Fully recognizing the lateness of the hour, I will be as brief as possible.

It is with considerable pleasure, honourable senators, that I rise today to report to you on the United Nations General Assembly Special Session on Children that took place in New York on May 8 to 10, 2002.

This session, which was more than three years in preparation, was an extraordinary opportunity for the international community to take stock of what has happened with respect to the goals set at the World Summit for Children in 1990, to look at emerging issues for children, and to chart the way ahead.

It was a privilege for me to represent the Prime Minister throughout the preparatory process and to be an alternate head of delegation to the Special Session itself. The Honourable John Manley, as Deputy Prime Minister, represented Canada on the podium of the General Assembly. The Honourable Susan Whelan, Minister of International Cooperation, took an active role in a number of events, some concerned with war-affected children, others with new initiatives related to nutrition. The rest of the delegation, made up of members of Parliament, LGen. Romeo Dallaire, representatives from four provinces including Quebec, federal officials responsible for negotiations, representatives from non-governmental organizations, and five remarkable young people, was energetic and hard-working. Each delegate made a substantial contribution in his or her own way. I believe as Canadians we can once again be proud of our constructive presence at the United Nations.

There were three distinct strands to the Special Session. The first was the outcome document: "A World Fit for Children," adopted by the General Assembly in the early hours of Saturday, May 11. This document engaged member states in prolonged negotiations over the course of many months, negotiations that continued within an ad hoc committee of the General Assembly up until the very last moment of the Special Session.

The second strand was what took place in the General Assembly itself, the ceremonial opening and closing, with all the formal statements and discussions in between, as well as the three official round tables, each one involving one-third of the heads of state of government or other national leaders who were present at the session.

The third strand consisted of the numerous panels, meetings and celebrations that took place on and off United Nations premises, including six remarkable intergenerational dialogues between ministers, prime ministers, presidents and even kings and queens, and the children from their representative countries grouped by region.

Let me describe each of these three strands in turn. The negotiations on the outcome document, "A World Fit for Children," were, to say the least, challenging, and absorbed much of our energy.

Since this document had to be adopted by every member state of the United Nations, and since its collective effect would be seriously weakened by anything short of consensus, all points of view had to be accommodated. Initially, before the substantive sessions of the preparatory committee began, UNICEF, the designated secretariat for the Special Session, miscalculated the process and provided us with a working document that reflected an agenda that it had decided upon without broad consultation with member states.

However, once the General Assembly established the preparatory committee and selected the bureau, the steering committee, comprising representatives from each of the five regions of the world as the UN defines them, and chaired by Ambassador Patricia Durant from Jamaica, the tension between UNICEF's vision and what the member states would accept became increasingly apparent and negotiations on new wording began.

The document was restructured. Input was solicited from regional preparatory committee meetings. Canada played a major role in the hemispheric meeting that was held in Jamaica in October 2000. Slowly, over the course of three preparatory committee meetings and several intersessionals held in New York, the final shape of "A World Fit for Children" emerged.

The Special Session had originally been scheduled to take place in the week following the events of September 11, 2001, at which time the Prime Minister himself would have attended. Naturally, it was postponed.

• (1840)

Negotiations were then suspended, although a number of paragraphs remained unresolved. When they were resumed at the end of April 2002, there were still a number of outstanding issues, notably with respect to language referring to the Convention on the Rights of the Child, which the United States is virtually alone in not ratifying, reproductive health and services for adolescents, as well as the definition of the family. These issues kept our negotiators steadily at the table from April 29 onward, including overnight on May 9, in order to produce a consensual document available for adoption by the General Assembly in a special session before the session was brought to an end in the early hours of Saturday, May 11.

Was this enormous effort, to which I, and especially our government negotiators, devoted so many hours, worthwhile? The answer is "yes." Of course we compromised. Some of the rights language is not as strong as Canada would have liked and

agreements previously reached at conferences like Beijing and Cairo about reproductive health and services and the rights of adolescent girls have lost some of their strength, much to Canada's regret. We expressed this regret formally when the document was adopted.

Nevertheless, overall, "A World Fit for Children" is a focused and practical document that makes a number of key advances on priority issues for children. It contains clearly-stated goals and puts forward a list of the strategies and actions that will be needed to attain them. All countries have now committed themselves to action. Along with the other nations of the world, Canada has agreed to be held accountable for actions in four specific areas: promoting healthy lives; providing quality education; protecting against abuse, exploitation, and violence; and combating HIV/AIDS.

Canada has also agreed to work in partnership with children and youth themselves as well as with parents and families, local governments, parliamentarians, non-governmental organizations, the private sector, religious leaders, the mass media, UN bodies and multilateral agencies, and all the people who work directly with children.

Finally, we have agreed to develop some form of action plan or detailed national response with specific, time-bound and measurable goals and targets that we are required, if possible, to submit to the Secretary-General by the end of 2003.

The second strand of the special session was made up of two sorts of official meetings. The first sort, the meeting in the General Assembly chamber, opened with two young girls, 13-year-old Gabriel Azurduy Arrieta, from Bolivia, and 17-year-old Audrey Cheynut, from Monaco, delivering the statement from the three-day Youth Forum that preceded the special session. In this statement, "A World Fit for Us," the 350 children and youth from all over the world who gathered in the Manhattan Centre reminded us that a world fit for them would be a world fit for everyone, and that "until others accept their responsibility to us, we will fight for our rights." Secretary General Kofi Annan's speech, in which he spoke directly to the young people in the hall, echoed their appeal.

After the opening ceremony, the General Assembly devoted three days to national statements and to statements by UN agencies, such as the International Labour Organization. The length of a nation's statement usually appeared to be in inverse ratio to the size of that country's population, and since every member state wanted to speak about its children, it took a very long time for all the speeches to be delivered.

Deputy Minister John Manley gave Canada's national statement on Thursday, May 9, towards the end of the afternoon. It was much applauded by the Canadian delegation, especially by our young delegates, who had been invited to sit at the Canada desk.

Mr. Manley said:

I am proud to stand here today on behalf of Canada's Prime Minister and the people of Canada to renew and reaffirm our commitment to the rights and well-being of children as we did 11 years ago at the first World Summit on Children. That this gathering for children was delayed by seven months because of terrorist attacks just blocks away,

only gives greater impetus to our mission of ensuring a better world for the next generation.

Mr. Manley went on to list some of the challenges confronting the world's children, noting that, in spite of our prosperity as a nation, too many children in Canada are also suffering. He spoke of the need for a strong Canadian response to these challenges to provide a road map to the future. He then described Canada's international actions on behalf of children, major contributions made to the elimination of micronutrient malnutrition, our commitment to fight against HIV/AIDS, our work related to war-affected children, the Ottawa Treaty on Landmines, the statute on the International Criminal Court, the Optional Protocol on the Involvement of Children in Armed Conflict, the Winnipeg Conference on War-Affected Children and our support for girls' education in Africa and Afghanistan.

He concluded by stating:

We have before us the largest and youngest generation that the world has ever known... no less than the survival of the planet... depends on the extent of the protection and respect we accord our children.

During the rest of the session, the Canada desk in the General Assembly was always occupied. However, numbers were small until the final moments early Saturday morning when several delegation members returned to be present for the adoption, by consensus, of "A World Fit for Children" and for the brief closing ceremony.

The three roundtables held on the theme "Renewal of Commitment and Future Action for Children in the Next Decade," comprised the other official component of the special session. In order to encourage frank and uninhibited dialogue, the General Assembly decided to close the roundtables to the media and general public. Canada took part in the roundtable on Thursday, May 9, co-chaired by President Taija Halonen of Finland, and President Vincente Fox of Mexico. Two young people opened this event. Marie-Claire Umuhiza, of Rwanda, said:

I am the voice of all the children who have suffered throughout the world... You are members of mankind — why have you let these things happen?

Toukir Ahmet, of Bangladesh, said:

Give us, your children, a good today. We will, in turn, give you a good tomorrow.

More than 50 speakers then took part in the meeting that stretched for nearly four hours and the speakers' list included a number of child delegates, speaking with their country representative. I shared Canada's time with 17-year-old Candis Clarke, from Saskatoon, who spoke about child and youth participation.

Both President Fox and President Halonen occasionally sat back to allow their own child delegates to take their places. They appeared to be only 12 or 13, but when they spoke, their voices were clear and authoritative.

The third strand of the special session was made up of all the parallel events that took place at the UN, UNICEF House, Church House, the Beekman Towers, and other nearby sites. It was at these events that Canada's priorities were most visible.

The meaningful participation of children and youth was the first priority on which the Prime Minister and I agreed at the very beginning of the special session process. Our success was beyond all expectation. At the first substantive preparatory meeting, we were the only country to bring two young people to New York as full delegates. Then we had to work hard, with the assistance of certain like-minded countries, to persuade all the other countries, as well as certain UN officials, that the presence of children at a special session about them would be an asset, rather than a liability. However, the idea caught on and, in the end, 132 countries brought children as full delegates. Most of them came before the session began, in order to spend three days with some other children and youth from accredited NGOs who were preparing themselves to be full participants. This youth forum was coordinated by Save the Children Alliance and UNICEF, but within the space that had been created for them, the youth soon took charge and decided on all the roles that they would play at the special session itself, choosing who would do what, and preparing their declaration, "A World Fit for Us."

I have already described the impact of their contribution to the opening ceremony and the roundtables, but youth took part in virtually every other event as well. Former child soldiers were powerful panellists at the sessions on war-affected children; experiential youth spoke of their exploitation on the streets; a deaf young man from Venezuela used sign language to describe how the school system had discriminated against him. Children and youth were active everywhere in the halls and corridors of the UN, a critical mass among the adults, affecting the tone of every proceeding, rendering the discourse authentic.

I was privileged to attend a remarkable, intergenerational dialogue between young delegates from Latin America and the Caribbean and political leaders from their countries. The young people were respectful, but their questions were pointed: "Why don't you have enough schools for us?" "What are you doing about HIV/AIDS?" "Why are some of you so rich and the rest of us so poor?" Most of the leaders tried to answer with as much honesty as they could muster. Some became truly engaged. The session was chaired by youth, as were many others. Adult support was present, but almost always discreet.

There was one other example of youth participation in the special session that I would like to describe, more in the traditional mode. This was the UNICEF concert held on the lawns of the UN where the Venezuelan youth orchestra and a massed children's choir welcomed the presentation to Nelson Mandela, who was there with his wife, Graça Machel, of 94 million pledges from around the world to the "Say Yes to Children" campaign, which they had jointly led.

A number of children accompanied by UNICEF ambassadors like Harry Belafonte and Roger Moore then recited the ten obligations of the pledge, starting with "Leave no child behind" and ending with "Respect the earth for children." These obligations form the core of the special session declaration.

Canada was represented at this celebration by Raffi and by 10 year-old Wesley Chu at the piano. Appropriately enough, the concert was entitled "A Celebration of Leadership: Change the World with Children."

The second priority for Canada at the special session was the promotion of the rights of children in especially difficult circumstances. We were particularly successful on behalf of war-affected children. The goals and objectives agreed to at the Winnipeg Conference were transferred virtually unchanged into the outcome document.

• (1850)

Two young participants from that conference attended the special session with CIDA funding. There were two panels on the issue during the special session itself, as well as an intergenerational dialogue with war-affected children. General Dallaire spoke to the prestigious Council on Foreign Relations about children in armed conflicts. The Security Council, meeting during the special session, took up the issue with young people present. Canada also pushed successfully, along with like-minded countries, for goals with respect to children with disabilities, sexually exploited youth, working children, Aboriginal youth and other marginalized children to be included in the outcome document. Then at the special session, Canada sponsored and took part in an important workshop entitled "Preventing Discrimination against Children; Ensuring Inclusion of All Children." The workshop panel was chaired by a representative from the Canadian Association for Community Living, and one of our Canadian youth delegates from the Blood Reserve in Alberta also took part, speaking eloquently about discrimination against poor children.

Honourable senators, woven together, the three strands of the special session produced an event unparalleled in the history of the world's children. The World Summit on Children started the process in 1990, but it was a UNICEF event, not a UN one. Although its declaration agenda for action has guided action on behalf of the world's children ever since, the scope of that event was much narrower than the special session. A number of important children's rights, especially the child's right to participate, were not even addressed. However, the virtually universal ratification of the Convention on the Rights of the Child has made nations and people think differently about children. Sexual exploitation, child labour, war-affected children, children orphaned or infected with AIDS and child and youth participation have all risen on the public agenda in the 1990s, visible because they are now seen as essentially rights issues. The special session has crystallized the rights perspective, both by its words and its actions, and set a path from which we can never turn back.

Honourable senators, the African proverb, "It takes a village to raise a child," has been quoted so often now that although it remains true, it has become a cliché. However, after the special session, I believe we can also say that the reverse is true. Sometimes it takes a child to raise a village. Remember what the young people told us at the opening ceremony: A world fit for them would be a world fit for us all.

The Hon. the Speaker *pro tempore*: Senator Pearson, in the name of all Canadian children, we thank you for the work you do.

On motion of Senator Andreychuk, debate adjourned.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I know that my deputy will now move an adjournment, which will mean that we will not meet in this chamber until September 17. Just before that, I want to offer some best wishes and “thank you” to all members of this chamber.

I thank the leadership on the other side for their ongoing cooperation. Many of you who sit here do not understand that there is a daily meeting between Senator Kinsella and Senator Robichaud where they make things happen. Today is an example of where they really made things happen. On a daily basis, they meet in order to facilitate the work of this chamber. They do so in a spirit of good faith and goodwill.

I also thank my partner, the Leader of the Official Opposition. Along with Senator Kinsella and Senator Robichaud, he and I meet each Monday afternoon to try and bring some sanity to this chamber. The very fact that this chamber functions as well as it does is indicative of the harmony that usually exists at those meetings. Every now and then we agree to disagree, but generally, good things happen.

We could not function in this chamber without the work of the Table Officers, the translators and the reporters. The pages have a special part in our performance here, and a special role, a special spot in the hearts of all of us, as we like to think of them as the crème de la crème of young people in this country who are going on to greater and greater things.

Finally, honourable senators, I would like to say a very special thank you to my staff and those of Senator Robichaud and Senator Rompkey. I just popped into my office a short time ago, and they are all still working. It is not just honourable senators who put in time and effort; it is their staff, and not just my staff and that of Senator Robichaud and Senator Rompkey, but the staff of many of you as well. They go well beyond the call of duty. I am deeply grateful to all of them.

Have a good summer. We will see you back in September. My office will function all summer long. If you need me, they will find me for you.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I could save my remarks in case the motion to adjourn until some date in September does not pass, but just in

case, I should simply say that we on this side appreciate the professionalism of the Leader of the Government in the Senate and her colleague the Deputy Leader of the Government in the Senate. I associate our side with her words in thanking those who support us in the chamber and the many others who support us outside of the chamber.

Hon. Marcel Prud'homme: The only side that did not speak is my side, and it was not mentioned, but I am sure you all appreciated that the independents have not made your life more miserable by using and abusing the rules of the Senate. It is not my style to abuse the rules. I am happy to say that I did my bit of not abusing so that we could arrive at this happy conclusion. I join with what both of the leaders have said.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, on behalf of the Speaker, the Honourable Senator Hays, I would like to congratulate you on the fine work you have done. I thank all senators, including independent senators, table clerks, pages and interpreters.

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(l)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 17, 2002, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, September 17, 2002, at 2 p.m.

The Thirty-seventh Parliament was prorogued by Proclamation on Monday, September 16, 2002.

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