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OFFICIAL REPORT
(HANSARD)

Tuesday, December 11, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, December 11, 2001

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

FIFTY-THIRD ANNIVERSARY OF THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Norman K. Atkins: Honourable senators, I rise today to address the issue of human rights on the fifty-third anniversary of the proclamation of the Universal Declaration of Human Rights. I wish to draw your attention in particular to Article 11 of the International Covenant on Economic and Social Rights. This article recognizes the right of everyone to an adequate standard of living for themselves and their families. This includes adequate food, clothing and housing, and the continuous improvement in living conditions.

Clause 2 of Article 11 goes on to state that signatory countries recognize the fundamental right of everyone to be free from hunger and to ensure the equitable distribution of world food supplies.

As stated in Article 5 of this same covenant, countries are not to limit any of these rights. Therefore, even in times when we feel threatened by the acts of terrorists, these rights to food, shelter and a reasonable standard of living are to remain inviolate.

Here in Canada, we are struggling to find the right balance in our legislation between the preservation of human rights and laws that allow us to prevent terrorist acts or, alternatively, to hunt down terrorists and bring them to justice. In trying to achieve this balance and in finding the resources to properly equip our military and our police forces, we must ensure that we address the needs of those at the lower end of the economic scale. Poverty, the lack of adequate shelter and improper nutrition hurt both individuals and Canada as a whole. Poverty compromises the realization of Canada's potential as an innovative, competitive and prosperous nation in the global community.

We, as legislators, must ensure that the balance always tips in the direction of the less fortunate in our society when we weigh our priorities in both legislation and resource spending. Our poor must be helped. They must not be ignored as we pursue the eradication of terrorism.

STANDING COMMITTEE ON HUMAN RIGHTS

Hon. A. Raynell Andreychuk: Honourable senators, I rise to draw to your attention a historical event that occurred yesterday. Not only was it the fifty-third anniversary of the Universal Declaration of Human Rights. As well, the Standing Senate Committee on Human Rights met yesterday in an open forum to adopt its first report.

Honourable senators will recall that the Standing Senate Committee on Human Rights was empowered to study the machinery of human rights and other issues. We began our work in June. We made the decision that we would not meet *in camera*, even for administrative purposes. We have heard from many Canadians and others about the significance of human rights and the need for parliamentary involvement in human rights.

Yesterday, December 10, the day dedicated to the Universal Declaration of Human Rights, the committee met to finalize its report. We hope to be able to submit that report in this chamber this week. I urge all honourable senators to read the recommendations of our report, which lay out areas that require our careful consideration. I hope that in this way senators, and members of the committee in particular, can contribute to the development and maturing of human rights in Canada.

[*Translation*]

MONTFORT HOSPITAL OF OTTAWA

DECISION OF ONTARIO COURT OF APPEAL

Hon. Marie-Paule Poulin: Honourable senators, last Friday a decision by the Ontario Court of Appeal marked a new milestone for Canada as far as the protection of minority language services in majority language communities is concerned. Yes, I am referring to the Montfort Hospital victory.

Honourable senators, let us place this battle for the survival of a respected and recognized hospital like Montfort in the socio-political context of Ontario. Let us bear in mind, honourable senators, that "nothing can be taken for granted."

For several years, there seems to have been restructuring, reorganization, consolidation going on. In other words, reduction, and this has led to the gradual erosion of French-language services in Ontario in all areas: health, education, radio, television, publications — I could go on.

It is incumbent upon us, honourable senators, the representatives of all regions of Canada, to ensure that the Senate makes use of the tools available to it to keep its finger on the pulse, to monitor the situation.

[*English*]

PRIME MINISTER'S OFFICE

INVITATION TO RIGHT HONOURABLE BRIAN MULRONEY TO INVESTITURE OF NELSON MANDELA AS HONORARY CITIZEN

Hon. Consiglio Di Nino: Honourable senators, last week, the Leader of the Government in the Senate informed us that former Prime Minister Mulroney had been excluded from Nelson Mandela's citizenship ceremony because there was "no room at the inn." In the honourable senator's words, there was "limited space" in the Museum of Civilization — so limited, one is led to believe that an extra chair could not be found anywhere for Mr. Mulroney.

• (1410)

I also read Senator Robichaud's delayed answer on the same issue, where he informed us that the guest list was prepared by protocol officials. According to the officials, if Mr. Mulroney had expressed an interest, he would have been accommodated.

I must say that I am deeply disturbed by these comments, as I hope are all honourable senators.

More than any other international leader, it was Brian Mulroney who took a lead in the battle against apartheid. It was Brian Mulroney who stood fast against repeated and insistent attempts by many world leaders, including then President Reagan and Prime Minister Thatcher, to persuade him to soften his government's position. Nelson Mandela himself has acknowledged publicly that Mr. Mulroney was a major player in the long and hard battle that finally brought apartheid to a close. Yet, in spite of all of this, the Chrétien government did not see fit to invite him to the ceremony.

There was not enough room, we are told. It was the bureaucrats who made the decision, we are told. It is not room that was lacking, honourable senators, it is class.

Senator Kinsella: That is right — no class.

Senator Di Nino: It is a matter of class, honour and "savoir vivre."

Former Prime Minister Mulroney and a number of other eminent Canadians who fought the ugly apartheid regime should have been seated front-row-centre at the ceremony. Mr. Mulroney should not have been the victim of yet another instance of spite, vindictiveness and small-minded and petty, partisan politics.

Honourable senators, the government's decision to ignore Mr. Mulroney is a glaring example of how things should not be done. Former prime ministers of whatever political persuasion deserve to be treated respectfully and properly by succeeding governments. I was embarrassed by what happened to Mr. Mulroney, as I believe were all Canadians.

Honourable senators, the ceremony for Mr. Mandela had nothing to do with the Liberal-Conservative rivalry. It was about Canada honouring a great man and the struggle that has been his life. Unfortunately, those unable to see beyond the end of their partisan noses thought otherwise.

Senator Kinsella: No class.

Senator Robichaud: We are not partisan on this side.

Senator Di Nino: Incapable of discerning the difference between national occasions and party politics, they slighted Mr. Mulroney and all Canadians because of what we can only assume was arrogance and small-mindedness. Honourable senators, I believe that, as a country, we are poorer for it.

Some Hon. Senators: Hear, hear!

THE SNOWBIRDS

Hon. Donald H. Oliver: Honourable senators, last summer I raised the issue of the safety of Canada's venerable Snowbirds. My concern arose from the recent problem of two Scottish jets that crashed while training for a London air show. My views were supported by Mr. Jasper Vanden Bos, the father of the last member of the Snowbird team killed during a training session. He stated after the London near-tragedy, "I think maybe they should quit."

Since their inception in 1971, five Snowbird pilots have met their deaths: four while flying or training in air shows and one in a motor vehicle accident after an air show. In fact, the incident in London was not the first one this year. In April, one of the squadrons Tudor aircraft skidded across a runway in Comox, British Columbia, after its landing gear collapsed.

Honourable senators, I was involved in several cross-country phone-in shows, and one captain who has worked on Tudor aircraft maintenance for more than 20 years said that the Snowbirds should be grounded because they are suffering from metal fatigue and that there could be a major catastrophe unless something were to be done about their condition.

It seems that my concerns did not fall on deaf ears because the *National Post* on Thursday, December 6, reported that one of Canada's most recognizable national symbols appears slated for major transformation. The Department of National Defence is taking steps to replace its aging fleet of Snowbirds. Tenders were called last week asking companies to price out a supply of aircraft for the Snowbirds for the future. One possible result of the tender is that the Snowbird complement could be reduced from nine to four planes. The newspaper article said that a turboprop plane, much slower and less spectacular than a jet, is one of the prime candidates to replace the Tudor aircraft.

Another weekend editorial said "Let the Snowbirds fly" and was a plea not to change from a jet to a prop plane because:

> The effect would be to lessen the thrill and spectacle of the Snowbirds program. It would be a bit like asking members of the Royal Canadian Mounted Police Musical Ride to replicate their performance on burros."

Honourable senators, the editorial said that the effect of any overhaul of the Snowbirds should be to improve their equipment and enhance the thrills, but not to clip their wings. My concern is that the aging, dangerous Tudors not fly anymore but be replaced, so that the safety of pilots and Canadians will become the first and highest priority.

JOHN PETERS HUMPHREY

CONTRIBUTION TO UNITED NATIONS
UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Joseph A. Day: Honourable senators, we have heard many fine accolades in relation to the Universal Declaration of Human Rights, as yesterday was set aside as a day to remember that wonderful document. I would be remiss if I did not bring to the attention of honourable senators the name John Peters Humphrey when we discuss the declaration.

Mr. Humphrey was born in Hampton, New Brunswick. He grew up in that small town, attended Mount Allison University for a short while and graduated from McGill University. Mr. Humphrey was a professor of law at McGill when he received the invitation after the Second World War to work, at a new directorate in New York, on the Universal Declaration of Human Rights.

Mr. Mandela has referred to John Peters Humphrey as the father of international human rights.

Although the Nobel Peace Prize was given to someone else, it is now generally acknowledged that the author of the Universal Declaration of Human Rights was a Canadian and a New Brunswicker from Hampton, John Peters Humphrey. A group in Hampton is working hard to appropriately recognize the work of John Peters Humphrey, who grew up there and died there.

The Hon. the Speaker: Honourable senators, I regret to advise that the 15 minutes for Senators' Statements have expired.

[*Translation*]

ROUTINE PROCEEDINGS

BUDGET 2001

DOCUMENTS TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table in both official languages the documents relating to the Budget 2001, which was presented yesterday in the House of Commons.

[*English*]

• (1420)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

Hon. Marjory LeBreton, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, December 11, 2001

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

TENTH REPORT

Your Committee was authorized by the Senate on March 1, 2001, to examine and report upon the state of the health care system in Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget application submitted was printed in the *Journals of the Senate* of April 24, 2001. On May 16, 2001, the Senate approved the release of $5,000 to the Committee. The Senate subsequently approved the release of an additional $278,000 to the Committee on June 13, 2001.

The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

MARJORY LEBRETON
Deputy Chair

(*For text of appendix, see today's* Journals of the Senate, *Appendix "A", p. 1117.)*

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

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

BUDGET—STUDY ON STATE OF FEDERAL GOVERNMENT POLICY ON PRESERVATION AND PROMOTION OF CANADIAN DISTINCTIVENESS—REPORT OF COMMITTEE PRESENTED

Hon. Marjory LeBreton, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, December 11, 2001

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

ELEVENTH REPORT

Your Committee was authorized by the Senate on Tuesday, April 24, 2001, to examine and report upon the state of federal government policy relating to the preservation and promotion of a sense of community and national belonging in Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget application submitted was printed in the *Journals of the Senate* of May 16, 2001. On June 13, 2001 the Senate approved the release of $4,000 to the Committee.

The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

MARJORY LEBRETON
Deputy Chair

(For text of appendix, see today's Journals of the Senate, Appendix "B", p. 1118.)

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

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

COMPETITION ACT
COMPETITION TRIBUNAL ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-23, to amend the Competition Act and the Competition Tribunal Act.

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.

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF EFFECTIVENESS OF PRESENT EQUALIZATION POLICY

Hon. Lowell Murray: Honourable senators, I move that on Wednesday next, December 12, 2001, I will move:

That the date for the presentation by the Standing Senate Committee on National Finance of the final report on its study on the effectiveness and possible improvements to the present equalization policy which was authorized by the Senate on June 12, 2001 be extended to February 26, 2002;

That the committee be permitted, notwithstanding the usual practices, to deposit its report with the Clerk of the Senate if the Senate is not then sitting and that the report be deemed to have been tabled in this Chamber.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Lise Bacon: Honourable senators, with leave of the Senate and notwithstanding rule 58(1(*a*), I move:

That the Standing Senate Committee on Transport and Communications have power to sit at 3:15 p.m. tomorrow, Wednesday, December 12, 2001, for its study of Bill C-44, to amend the Aeronautics Act, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

[*English*]

Hon. John Lynch-Staunton, (Leader of the Opposition): Will the honourable senator please explain?

Senator Bacon: If I remember well, the Leader of the Opposition requested that the minister appear before our committee. He will be appearing tomorrow at 3:15. I invite the honourable Senator Lynch-Staunton to join us if he wishes. The Privacy Commissioner will be there, also.

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

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

NATIONAL DEFENCE

PROPOSAL TO DOUBLE SIZE OF JOINT TASK FORCE 2

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate and a couple of brief supplementary questions.

Along with many others, I was somewhat puzzled and might ask the minister: What does the government mean when it states that it will "double the capacity" of Joint Task Force 2 over a period of five years? Does that mean an increase in the size from more or less 250 to, perhaps, more or less 500? Or does it mean something else?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it means that the intention is to double the size, and also to ensure that the increased numbers are appropriately equipped to meet the needs to fight anti-terrorism.

Senator Forrestall: Another non-answer.

How can the government propose doubling the capacity of JTF 2 when the army commander recently expressed plans to eliminate one brigade worth of troops or three light battalions?

Senator Carstairs: Honourable senators, first, let me take issue with the honourable senator's introductory remark, "another non-answer." He asked me if it would double the numbers. I told him it would double the numbers. It seems to be as clear a reply as any one can give to any one.

In terms of the other statements the honourable senator made, the honourable senator well knows that while there have been discussions, no decision has been made about the disbanding of any brigades or any battalions.

Senator Forrestall: Honourable senators, if you do not have any money, you are not able to operate very well. That is fairly obvious, or do we have to wait until next spring?

THE BUDGET—ADEQUACY OF ADDITIONAL ALLOCATION

Hon. J. Michael Forrestall: What units and/or military capabilities is the government planning on reducing or even eliminating from the Canadian Forces to accommodate this disastrous budget?

Senator Carstairs: First, I do not agree that it has been a disastrous budget. I think it has been a positive budget, unlike the statement of the honourable senator last night. In fact, the government is not spending $300 million to purchase new equipment over two years. It is spending $300 million this year, so the increase is substantial.

• (1430)

There have also been substantial increases from 1999 cumulatively, including the budget of 2001, of $5.1 billion. That is a substantial increase, honourable senators. Perhaps the honourable senator does not think $5.1 billion is a lot of money but the Canadian public certainly does.

Senator Forrestall: Honourable senators, I thought I was all finished. One of us must go back and reread what is being said. I have a statement I wanted to make earlier in which I refer to at least 12 people who are in a position to comment with credibility on the impact of this budget. Every one of them lamented the lack of support for the Canadian Armed Forces.

I would ask the minister if I misread it so badly. It was my understanding that the Auditor General indicated, as have a number of other Canadians who have knowledge in this area, that the requirement was $1.3 billion annually on top of current dollars just to stay abreast of where we were in 1994. Is that incorrect?

Senator Carstairs: Honourable senators, the Auditor General has made a number of statements about the need to increase the capacity of the Department of National Defence. Those remarks have clearly been taken seriously by the government. That is why this budget is providing an additional $1.2 billion.

Senator Forrestall: That is absolutely incredible.

SPEECH FROM THE THRONE

PROMISE OF EARLY CHILDHOOD DEVELOPMENT INITIATIVE

Hon. Marjory LeBreton: Honourable senators, the government promised in the Speech from the Throne that they would invest more than $2 billion over five years in the Early Childhood Development Initiative to expand and improve access to services for all families and children. We are now entering the second year of the government's mandate, and I should like to ask the Leader of the Government in the Senate: When will we hear details of this announcement that was contained in the Speech from the Throne?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there have been a number of initiatives in this budget, particularly focused on Aboriginal children. New moneys have been provided for additional Head Start programs, additional money for those suffering from foetal alcohol syndrome, both FAS and FAE children, and also $25 million has been targeted specifically to newborns so that we can, hopefully, get them set on the right track immediately.

The government is progressing with its agenda on childhood development, both through specific programming and tax cuts that specifically address parents with children.

Senator LeBreton: That certainly leaves out a lot of children.

Honourable senators, in this budget the government has designated $7.7 billion for security, $60 million for CBC, another $2 billion for yet another foundation where taxpayers' dollars can be spent without accountability; and they have not followed through on their promise to children made in the Speech from the Throne. I should like to know why this government is not dealing with the welfare of children and why it is that these issues are being put on the back burner?

Senator Carstairs: Honourable senators, they have not been put on the back burner. Most Canadians would recognize that the children in greatest need in this country are children who are living in reserve and off-reserve communities. That is why additional spending has been specifically targeted to those children. The Child Tax Credit and the additional tax reductions across the board, which amount to about some $100 billion, address the needs of families. Families, of course, are part and parcel of the care group that looks after children.

Senator LeBreton: Honourable senators, I would suggest, with all due respect to the Leader of the Government in the Senate, that she should simply drive around most cities in this country, the large, urban, downtown centres, and she will really see children in need and in trouble. I do not think those issues are being addressed at all.

Senator Carstairs: Honourable senators, I significantly agree with the honourable senator's statement that there are children in need in many communities within the Canadian mosaic. Of that there is no question. That is why this government takes considerable pride in the fact that the poverty rate among children has been reduced. It has not reached the point where we can frankly say that enough has been done, but it is going down.

TRANSPORT

THE BUDGET—AIR TRAVELLERS SECURITY CHARGE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It deals with yesterday's budget. In particular, I should like to ask a question about the new air travellers security charge that will be paid by air travellers starting April 1, 2002.

The new air travellers tax is an additional $24 for domestic return flights and $48 for international return flights. On top of this new tax, travellers will also be forced to pay GST. With Canadian airlines already in financial difficulty, this new tax, being passed off to the airline industry and travellers, will represent a significant increase in the actual cost of flying.

Will the Leader of the Government tell us whether or not it is the government's position that introducing this new tax along with GST is good for business in Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the appropriateness of this tax or charge, if you will, on air travellers is based on the principle that those who need to feel secure in our airports and who need to know that they will have the greatest amount of security possible when they get on board a plane should, my mind and in the mind of the government, bear that cost.

Senator Oliver: Honourable senators, this government's record on the principle of user fees and user-pay has received criticism and the attention of the Auditor General. In past reports dealing with user fees, particularly those the government introduced in the agriculture and agri-food industry, the Auditor General raised serious concerns about how this government manages user fees and the revenue it derives from them.

My supplementary question to the Leader of the Government in the Senate is this: Why did the government not give adequate consideration to funding its air security measures from its surplus? Why is this government so determined to introduce a new tax on air travellers and the airline industry?

Senator Carstairs: Honourable senators, there is a simple reason. It was considered appropriate that the people who are using the airplanes should in fact pay the fee.

ORDERS OF THE DAY

POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order. The point of order is to underline a disorder that occurred last night. This issue is not normally raised publicly but it is, to my mind, just the latest in a series of events that confirms that the Senate is going down a slippery slope, where, if not halted, our views, our processes and our action will be either taken for granted by this government or will just be deemed irrelevant.

If such is the case, honourable senators, if that is to be the situation, then it is up to all of us in the Senate to protect the integrity of this place and for His Honour, as Speaker here, to play a role in leading us in that direction.

Last evening, immediately after the Senate agreed to send Bill C-44 to the Transport Committee, a fax arrived in the offices of the members of the committee setting out a complete schedule for that committee including the names of the witnesses who would appear at a meeting scheduled for this morning at 9:30.

How is it that the work of the Senate was so clearly anticipated by the Senate committees branch? I understand it may be appropriate to contemplate the receipt of legislation by a committee, but to proceed to call and book witnesses for a meeting while a bill is still at second reading anticipates the work of this place to a degree with which I cannot agree, no matter the urgency of the legislation.

That said, if the argument were urgency alone, I would not be raising the issue. However, it does not end there. According to our journals we adjourned at 11:14 p.m. At approximately 11:30 p.m., an envelope arrived in my office and, I assume, in the offices of all members of the committee, containing what was described as briefing material for this morning's committee meeting. It contained a briefing binder which is entitled, "Bill C-44, An Act to Amend the Aeronautics Act, Standing Committee on Transport and Government Operations, Clause Review Binder."

As far as I know, we do not have a Standing Committee on Transport and Government Operations.

Senator Forrestall: Oh, yes we do.

• (1440)

Senator Lynch-Staunton: The other place does. As for the Senate briefing material for the proper assessment of a bill passed by the House of Commons, we were sent material given to the House of Commons committee during its study of the bill. Worse than that, not only did we get their binder, but in the binder is a copy of the bill at first reading. The bill does not even include the amendment that was passed. A copy of the amendment is attached, but the bill as passed by the House of Commons is not included in the briefing material. There is then a clause analysis prior to the amendment. There is no explanation here as to the purpose of the amendment. There is other material that is more relevant.

The point is that the material received was prepared for the House of Commons, and the Department of Transport did not think that the work of the Senate was important enough that it should update the material and prepare a proper cover to show that it was directed to members of our committee, at least out of respect for the work that the committee intended to do.

Senator Kinsella: Keep the bill until March!

Senator Lynch-Staunton: Added to that was some material prepared by the Parliamentary Research Branch of the Library of Parliament. One is entitled "Subject: Bill C-44," and then mentions various witnesses. It then reads "Meeting: 11 December 2001." It was prepared on December 5. Inside are suggested questions to the witnesses who appeared this morning.

By December 5, someone had instructed the Parliamentary Research Branch to prepare questions for certain witnesses to appear in front of our committee on December 11. On December 5, the bill had yet to be passed by the House of Commons. There was work being done without any regard to what would happen in this place. It was obviously decided by someone, somewhere some time ago that the meeting of the Senate committee on Bill C-44 would take place on December 11.

Honourable senators, I am not pointing the finger at the Library of Parliament. I am pointing the finger at those who take us for granted to the point that they decide when we will do something and, I suppose, what we are to do. The question is this: Is the government managing the legislative agenda to the point where it is now dictating to parliamentary staff when and at what pace legislation will proceed even while it is still in the other place?

Honourable senators, as I mentioned, if this were an isolated case, I would not have raised the matter. However, in the last Parliament, senators will remember that Bill C-20, the clarity bill, expressly left the Senate out of its operations in relation to the breakup of this country. Honourable Senator Joyal and others pointed out that this was just one example of the Senate being eliminated from participating in the parliamentary process of reviewing a bill.

In this Parliament, the Minister for Citizenship and Immigration has admitted to applying parts of Bill C-11 even before the bill was given Royal Assent. She said explicitly that she was not concerned that the bill had yet to be approved by Parliament.

Senators will recall that recently another bill had to go through a convoluted process in the Senate because we received two versions in an improper form, as if we were to accept a bill that did not include all that the House of Commons intended to include.

Honourable senators will also recall that one speech was given here by the sponsor of a bill that was word for word the same speech given by the sponsor in the House of Commons. Only two weeks ago, the sponsor of a bill here also gave a speech that was word for word the same speech as given by the sponsor in the House of Commons.

Senator Di Nino: Coincidence?

Senator Lynch-Staunton: Honourable senators, we are not a recycling bin for the House of Commons. We are not a blue box.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: Honourable senators, having said that, I would ask His Honour, in the responsibilities that he has as spokesman for this place, to carry out a thorough investigation of the matters I have raised because I believe that they are symptomatic of a malaise that has slowly crept into this place and, if allowed to continue unchecked, will push us even further down that slippery slope to irrelevance. I will be pleased to provide any material in support of my concerns at His Honour's convenience.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while I do not agree that the honourable senator has a point of order, I do agree with much of what he has had to say in that I would state in the loudest possible terms that I do not think we should be the recycling bin of the House of Commons either, whether it is a blue box or a black box or any other kind of box.

However, honourable senators, there is no question that in Bill C-44 we are dealing with a very important piece of legislation — a very narrow and limited piece of legislation. It was hived off, if you will, from the large matter of Bill C-42, the public safety bill, because the Americans passed an order stating that if they did not receive certain advance information on passengers entering their air space, then they could institute certain difficulties for those individuals. That debate will take place.

The bill was sent to committee last night. Committee members would have been, I would suggest, very upset if they had received no briefing materials prior to their meeting this morning. It is true that those briefing materials, with a bit more care and concern about the chamber, could have been tailored so that they reflected only the Senate of Canada. They were not.

It is fair to say that we were not sure when the bill would be referred to committee. I was not sure and therefore could not give a signal that the bill was to go into committee this morning.

The reality, however, is that had we not been prepared to have witnesses for today, had we not been prepared to provide briefing materials for honourable senators — albeit not as finely tuned as I would like them to be — then honourable senators would not have been prepared to deal with the witnesses that they heard this morning.

The concerns that Honourable Senator Lynch-Staunton has addressed this afternoon are concerns that I suspect he will not be surprised to hear that I address at practically every meeting of cabinet when I give the Senate report. I indicate that there is a second chamber, that we do function as a second chamber and that we have all of the powers, with the exception of some limited constitutional powers, of the other place. I indicate as well that we deserve and should be given the respect at all times of being the second chamber, the upper chamber in this Parliament of Canada. I must say that sometimes I do not believe that my words are received with the warmth and graciousness that I would like, but I have seen some significant changes in a positive way. I can assure the Honourable Senator Lynch-Staunton that I will soldier on.

[*Translation*]

Hon. Lise Bacon: Honourable senators, over the weekend, out of a concern for efficiency, I contacted the chair of the committee. All decisions are made in the priorities committee. The Leader of the Government has said so. I am used to working with the senators on the Transport and Communications Committee. I know they want to be well informed and to have the documents they need to do their job. Had we had to sit this morning, we would have had to send the documentation to the senators on the Transport and Communications Committee out of a concern for efficiency.

As to the document that is for use by the House of Commons only, I entirely agree with the Leader of the Opposition. In the future, we will try to insist on Senate use documents only before we meet.

[*English*]

The Hon. the Speaker: Do any other senators wish to comment on this point of order?

Hon. Anne C. Cools: Honourable senators, I should like to contribute to the debate briefly.

• (1450)

The Honourable Senator Lynch-Staunton has raised an important question. I also think that the Honourable Senator Carstairs has been forthright and candid. The question before us is whether there is a point of order on the narrow point or whether there is a wider issue and a larger question at hand that needs to be addressed.

I listened with some care to what Senator Lynch-Staunton had to say. He itemized a series of incidents that we are all mindful of because they happened here. His narration was factually and historically accurate. However, it is becoming increasingly clear to all of us that something must be done. Somehow or other there needs to be a debate, a study or a meeting of the minds, because it becomes clear that certain members of the government seem to view the Senate as a department of government. In other words, they look upon the Senate as a ministry itself.

As a matter of fact, just a couple of days ago I heard someone describe Senator Carstairs as the minister for the Senate. I found myself trying to explain that she is not the minister for the Senate, she is a minister in the cabinet who is the Leader of the Government in the Senate.

The point of view that seems to be held strongly by many members of the government, and many members of the other place, is that the Senate is a department and that Senator Carstairs is its minister. It seems to me that perhaps a better way to deal with this is to have a Senate committee actually study the current relationships among the executive, the government and the Senate and among the government and both Houses of Parliament. It is well known that the principle is that the Senate and the House of Commons, as with the cabinet, are coordinate institutions of the Constitution; the Senate is not a subordinate body to the House of Commons, to the government or to the cabinet.

I wanted to make those brief remarks, namely, that it is abundantly clear that some insight and study is needed on this matter and on this question because these incidents are being repeated a little too often and are coming a bit too fast and furiously to be excused.

Honourable senators, I propose that a committee, or the chamber as a whole, attempt a study of the issue. We could call it a study on the question of constitutional comity among the Senate, the House of Commons and the executive.

The Hon. the Speaker: If no other senator wishes to comment on the point of order raised by Honourable Senator Lynch-Staunton, I shall advise the chamber that, having listened to the presentations, I find that there some interesting questions were raised as to whether an order has been followed in this chamber, perhaps in a committee of this chamber. There was a broader discussion and I believe that it is deserving of more time than a ruling from the chair permits. Accordingly, I shall take it under advice and report back as soon as I can.

AIR CANADA PUBLIC PARTICIPATION ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Rompkey, P.C., for the third reading of Bill C-38, to amend the Air Canada Public Participation Act.

Hon. Noël Kinsella (Deputy Leader of the Opposition): Honourable senators, I think we have completed our study of Bill C-38. While we have supported and do support the increased limit on foreign investment for Air Canada, a number of concerns remain.

Globally speaking, we are concerned with the piecemeal approach taken by the government to what is a much larger problem. The day must be faced when we look at the overall picture. Honourable senators on this side believe that the government should be providing a coherent framework in response to what clearly is a looming crisis that may very well fall on the backs of Canadian taxpayers. We would like to see the government's contingency plan in the event that the approach that underlies Bill C-38 fails. If it does not work or if it fails, is there a contingency plan in place to attract the investment that will be required to keep Air Canada flying?

We register these remarks for the record, but we will agree to the adoption of the bill at third reading.

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

[Senator Cools]

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

ANTI-TERRORISM BILL

THIRD READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government) moved the third reading of Bill C-36, to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism.

She said: Honourable senators, September 11 forced Canadians to acknowledge and address the terrible reality of terrorism and the threat it poses. That day, terrorism struck down thousands of innocent civilians of many nationalities, religions and ethnic origins who simply were on an airplane, at work or going to work.

The enormity of the horror and the common everyday activities that, suddenly, we are vulnerable targets forced the Government of Canada and governments around the world to take a hard look at criminal law and the tools available to law enforcement and security agencies, testing them against the need to protect Canadians from the threat.

As Professor Errol Mendes of the Faculty of Law of the University of Ottawa told our special Senate committee last week, we in North America entered new territory on September 11, "the territory between crime and war." The new paradigm, as Professor Mendes referred to it, demands a new response. As he said:

> In this new paradigm we have to use all our knowledge and all our wisdom to try to meet the challenge of this new paradigm, without allowing it to overwhelm our fundamental values of human rights, equality and multiculturalism.

Honourable senators, the drafters of this bill, members of the other place and honourable senators in this chamber have worked very hard to make sure that this bill meets the challenge, so that it provides the tools our law enforcement and security agencies need to protect Canadians from terrorism without relinquishing the fundamental rights and freedoms that define us as a nation.

• (1500)

Honourable senators have reason to be particularly proud of their contribution to this process. As a result of the work of the special Senate committee during the pre-study, significant changes were made to the bill, changes that enhance the safeguards in the bill and strengthen our ability as parliamentarians to review how the powers are being exercised.

I wish to thank members of the special Senate committee, those who served during its pre-study and those who came on board for the clause-by-clause study. I especially wish to thank the chair of the committee, Senator Fairbairn, and the deputy chair, Senator Kelleher, for their first-rate work.

Hon. Senators: Hear, hear!

Senator Carstairs: This is another example of the important contribution that this body makes to Canadian legislation.

As I explained when I began the second reading debate of Bill C-36, our current law is focused on addressing criminal activity after it has taken place. We have laws on the books now to prosecute and convict terrorists and others who hijack airplanes or murder innocent civilians. However, that is not good enough. We need to be able to stop terrorists before they get on airplanes. We need to be able to dismantle the networks on which terrorists rely for money, training, false documents and, above all, refuge. Criminal sentences, however harsh, are unlikely to deter suicide bombers, honourable senators. We need another way and that is what Bill C-36 provides.

Bill C-36 is directed at the way terrorists work. Terrorist networks are complex structures with carefully separated functions. One group or terrorist cell will have certain responsibilities, such as obtaining documents or providing certain skilled training critical to the ultimate success of the mission. However, while the members of the cell know that they are working to help a terrorist group carry out a terrorist activity, they will, in all likelihood, deliberately not know what the mission is, when it will be carried out or where.

Our present law was designed for a different world, honourable senators. Traditional criminal law requires that an offender must have knowledge or foresight of each factual element of the offence. This means that one cannot charge a member of a terrorist cell with aiding and abetting the commission of the terrorist activity unless they know all the details of the terrorist activity they are helping. This does not make sense for the new world of terrorism that rewards deliberate ignorance and leaves the network in place to kill again.

Bill C-36 would provide for the new criminal offence of facilitating a terrorist activity. Some witnesses who appeared last week before the special Senate committee studying the bill were concerned that the bill makes criminals of innocent Canadians through the invention of facilitation as an offence. Let me be very clear, honourable senators: The language of Bill C-36 has been carefully drafted precisely to ensure that no one could be convicted who innocently facilitates a terrorist activity. Indeed, changes were made in the other place specifically because of such concerns expressed, among others, by our own special Senate committee in the pre-study report.

The innocent are fully protected under this bill, but it will now be possible to prosecute and convict the members of terrorist networks who know they are facilitating a terrorist activity, even though they do not know all of the details of that terrorist activity. Deliberate ignorance of details will not be a shield to protect these participants against the consequences of their actions.

Two of the more controversial powers in the bill also focus on the particular needs of preventing terrorist acts. These are the preventive arrest and investigative hearing provisions. Honourable senators, these powers, while not unprecedented in Canadian criminal law, are not usual in our system, but, then again, neither is terrorism.

As the Honourable Senator Bryden reminded committee members during the hearings on the bill, sometimes all it takes to prevent a terrorist act from taking place is to delay one person for a few minutes or a few hours.

We may never know the truth, honourable senators, but we are all aware of the news reports a few weeks back that suggested that an airplane scheduled to travel from Toronto to New York on the morning of September 11 may have been targeted by terrorists participating in the terrible plan for that day. That plane was delayed for a few minutes and those few minutes may — we will never know for sure — have saved thousands of lives.

The preventive arrest provisions are critical tools in the fight against terrorism. They are available only where a police officer believes, on reasonable grounds, that a terrorist activity will be carried out, and where he or she suspects, on reasonable grounds, that arresting this particular person is necessary to prevent that terrorist activity from being carried out.

Some honourable senators opposite have suggested that these provisions will permit a round-up of members of Canadian communities. I would suggest that that is simply wrong. The provisions of the bill are clear: The police officer must suspect and have reasonable grounds for that suspicion that the arrest of this person is necessary to prevent a terrorist activity from being carried out. This is neither more, nor less, than what we expect our justice system to permit.

Honourable senators, the bill has been drafted to carefully circumscribe these powers, with layers of safeguards to ensure that the powers are not abused. Unless there are exigent circumstances that demand immediate action, the police officers must first obtain the consent of the Attorney General. Then the police officer must go before a judge, who may then order the person to appear.

If the circumstances demand quicker action, then the police officer can arrest the person without getting a warrant. However, the bill sets out strict time lines to ensure that the consent of the Attorney General is sought and obtained and the person is brought before a judge within 24 hours.

We have a strong, independent judiciary in this country. I have full confidence in the ability of our judges to ensure that these powers are not abused and that the rights of Canadians are respected.

The investigative hearing provisions are also carefully circumscribed with layers of safeguards. First, no investigative hearing can be held without the prior consent of the Attorney General. Second, any investigative hearing must be held before a judge who oversees the hearing. Again, I have great confidence in our judges and their abilities and determination to ensure that the rights of all persons before their courts are protected.

A number of people have expressed concern that these hearings will violate established Canadian rights, such as an alleged right to silence and the right against self-incrimination. Honourable senators, we do not have a right to silence in Canada. We do have strong rights against self-incrimination, and these are fully and effectively protected with respect to the investigative hearings. Indeed, there is a specific provision reiterating the right against self-incrimination in the investigative hearing provision.

Honourable senators, there is deep concern, particularly among certain religious and ethnic minority communities, that these powers will be used improperly to target members of their community. The special Senate committee studying the bill heard testimony last week from a number of witnesses who spoke powerfully about the fear among some in their communities. They reminded committee members that many members of these communities come from countries that have experienced dictatorship, suppression, repression and massive poverty. They are afraid.

I understand this fear, honourable senators. It is critical that we reach out to these communities and let their members see concretely that in Canada the Charter of Rights and Freedoms protects us all. In Canada, they have a right to and they should work with our justice officials, the police and Crown attorneys, to make everyone aware of the sensitivities in our diverse communities.

When they appeared before the special Senate committee, both our justice officials and the representatives from the Canadian Association of Chiefs of Police spoke about the proactive work in communities to involve as many members of the community as possible. They spoke of the initiatives already begun so that, assuming that Bill C-36 is passed into law, the people who will be implementing the law will receive regular training with particular focus on the concerns of these communities.

[Senator Carstairs]

The special Senate committee reported Bill C-36 without amendments, but attached a number of observations. Those from the majority on the committee focus on the importance of ensuring that the bill is properly implemented. Among other things, these members urged the government to place an urgent and high priority on the education process and to create a mechanism enabling representatives of minority groups to share views on methods best suited to achieving that level of sensitivity and balancing these new laws on a non-discriminatory basis. I will be proud to bring this observation to the attention of my cabinet colleagues.

• (1510)

At the beginning of my speech today, I said that among the contributions made by the special Senate committee when it conducted its pre-study of the subject matter of the bill was to strengthen our ability as parliamentarians to review how the powers provided under the bill will be exercised. The committee recommended that the Attorney General be required to table annual reports in Parliament detailing how powers like the preventive arrest ones are being exercised.

This recommendation was accepted and, in fact, extended to require annual reports from the federal Attorney General and Solicitor General, as well as from each of their provincial counterparts, detailing the operation of the preventive arrest and the investigative hearing provisions.

Professor Patrick Monahan, well known to many of us in this chamber, characterized the bill's requirements as:

> ...a fairly robust annual parliamentary review of the operation of those particular provisions, so that we will have detailed information on an annual basis as to how those provisions are actually applied in practice.

A number of witnesses who appeared before the committee welcomed the reports but expressed their hope that the information provided would be qualitative as well as quantitative. This is also reflected in the observations of the majority on the committee, which also urged the creation of a special ongoing advisory group including representatives of ethnocultural organizations to provide factual and anecdotal evidence of how the provisions of this bill are being implemented and advice for adjustments, if warranted. Honourable senators, again I will be pleased to carry this to my cabinet colleagues.

I have mentioned the observations of the majority on the committee. The Progressive Conservative senators on the committee added separate observations, protesting two issues, that is, the sunset clause and the fact that the recommendation to create a new officer of Parliament was not accepted by the government or in the other place.

The special Senate committee's pre-study report recommended a five-year, full sunset clause with the exception of the provisions implementing our obligations under international conventions. This was not accepted. Instead, a five-year sunset clause was introduced, targeted specifically at the most controversial new powers provided in the bill, namely, the preventive arrest and investigative hearing provisions.

Some have suggested, therefore, that this is not a real sunset clause, apparently because, instead of requiring that a bill be introduced if desired to extend the provisions, under Bill C-36 this would be done by resolution of both Houses of Parliament. The suggestion made by some witnesses was that, somehow, this would not allow parliamentarians to debate the issues, call witnesses and otherwise study the matter as closely as they would a bill. Honourable senators know very well that resolutions certainly can be and often are debated and studied very seriously.

Many of us remember the recent examples of the two different resolutions on Term 17, the constitutional amendment of the Newfoundland and Labrador education system. When the first resolution came before this chamber, a special committee was formed that not only heard witnesses but also travelled to Newfoundland to hear directly from the people of that province. The second resolution was studied by a special joint committee of the Senate and the House of Commons. Again, a large number of witnesses appeared. In both cases there was extensive debate. I do not think anyone would say that our study or consideration of those matters was any less serious or extensive because it happened to be a resolution rather than a bill. That issue, honourable senators, is simply a non-starter.

I am confident that, armed with the information in the annual reports and the other information that will be made public under this bill, such as the list of entities and any certificates issued by the Attorney General, we will be well positioned to keep a watchful eye on how the provisions are being implemented. Of course, sunset clause or not, ultimately Parliament has the power to amend the bill at any time, including when the comprehensive parliamentary review takes place within three years, which I note is before the sunset clauses take effect.

The final issue I want to address is the proposed new officer of Parliament to oversee the implementation of the bill. Honourable senators, it was clear to me as I followed the course of the special Senate committee's proceedings that there was by no means unanimous support among witnesses for this proposal. To the contrary, many witnesses expressed the view that while close scrutiny is absolutely essential there is no need to create a new body to be responsible for this task. We already have a number of bodies and offices well positioned to participate in this review and, indeed, who already carry responsibilities to review the law enforcement and securities agencies that will be implementing the provisions of the bill.

The Privacy Commissioner was most emphatic when he appeared before the committee that he opposes the proposal to create a new officer of Parliament. He noted that he is already responsible for certain of the tasks that would seem to be at issue, and continued:

> To give a part of that oversight to a new officer of Parliament, with presumably other duties as well, would create either a fragmentation of oversight roles, which would weaken oversight; or it would create a hierarchy of officers of Parliament, which in my view would be untenable.

There are constitutional issues as well that were noted by several legal scholars who testified before the committee. Rick Mosley, Assistant Deputy Minister, Criminal Law Policy, told the committee:

> The powers in Bill C-36 given to the police and to the Attorneys General will be exercised at both levels of government. Under our system, we believe it would be inappropriate for an officer of Parliament to conduct a review of the exercise of the jurisdiction of a provincial attorney general or minister responsible for the police, or the police or the Crown counsel who report to them. In a nutshell, that is one of the major objections to that proposal.

For all these reasons, the government did not accept our proposal to create a new officer of Parliament. This does not mean there will not be a close scrutiny of the implementation of the provisions of the bill. To the contrary, honourable senators, the bill provides for robust public reporting on how the bill is being applied. We already have experienced review bodies who oversee the exercise of powers by our law enforcement and security agencies; and we have several officers of Parliament who I expect will be making sure that the rights of all Canadians are respected and upheld.

Honourable senators, the bill has received extensive, vigorous public debate. It has been studied by parliamentary committees three times — here, in both pre-study and the usual cause-by-clause examination, and in committee in the other place. It is an important bill, both because of the changes it makes to Canadian laws and because of the terrible threat it seeks to combat. I believe that, particularly with the amendments made in the other place — largely in response to recommendations set out in the special Senate committee's pre-study report — we have a strong bill that will equip our law enforcement and security agencies with the tools they need to protect Canadians, while safeguarding Canadian rights and freedoms.

I invite honourable senators to join me in supporting this legislation.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I should like to ask some questions to the Leader of the Government in the Senate, if she will agree to answer them.

[*English*]

The Hon. the Speaker *pro tempore***:** Will the Honourable Senator Carstairs accept questions?

Senator Carstairs: Yes.

[*Translation*]

Senator Nolin: Honourable senators, I listened with great interest to the minister's speech. If there were one thing he did during his parliamentary life that I wanted to thank former Prime Minister Pierre Elliott Trudeau for, it would be introducing the guarantee against any exaggeration by the administration with respect to fundamental rights, the Canadian Charter of Rights and Freedoms.

In her speech, the minister alluded to the observations that the committee so aptly wrote. During the work of the special committee, your government pledged, and I quote:

[*English*]

> "We note that the Government of Canada is committed to working" with various organizations, including the judiciary, "...to engage in ongoing training that is sensitive to the ethnic diversity of Canadian communities."

Can the minister explain to me how her government, the executive, will train the judiciary?

Senator Carstairs: Honourable senators, first, in the preamble Senator Nolin refers to the Right Honourable Pierre Elliott Trudeau and his contribution to the Charter of Rights and Freedoms. Although we should credit Mr. Trudeau for a great many things, I place the Charter of Rights and Freedoms high on the list of things for which he should get credit.

However, it is important to note that section 1 of the Charter refers to what is justifiable in a free and democratic society. It is the number one provision of the Charter of Rights and Freedoms. We should bear that in mind.

• (1520)

As to the specific question, I am sure the honourable senator is aware that in the past monies have been set aside for training members of the judiciary. We do not direct that training. The judges determine that themselves. For example, in my province, I know a number of training sessions have been held on such fields as ethnic diversity, Aboriginal issues and the issues of women before the law.

Senator Nolin: Let us talk about the Charter. In her speech the minister mentioned that Parliament would oversee the protection of fundamental rights. I am much more hopeful.

[*Translation*]

Honourable senators, I am hopeful that the courts will protect these rights. I mentioned the work of Mr. Trudeau. Everyone knows section 1 of the Canadian Charter of Rights and Freedoms. Unfortunately, the committee did not deem it appropriate to accept the arguments of the Canadian Bar Association and of the Quebec Bar Association, which specifically alerted them to the danger of interfering with fundamental rights, without respecting the rules set by the Supreme Court in various decisions, including *Oakes*.

Thank goodness, the courts will call Parliament to order for having allowed the fundamental rights of individuals to be interfered with. I am referring specifically to section 24.1 of the Canadian Charter of Rights and Freedoms.

The Government of Canada wants to make funds available to the courts. How does one explain that commitment, when the leader of the government says that a series of mechanisms will be put in place? In the case of the courts, will these mechanisms put only money at the courts' disposal, or will the government go further in this educational process with the courts?

[*English*]

Senator Carstairs: Honourable senators, it is important to remember that, while we all place a great deal of confidence in our judiciary to find the right balance to interpret the Charter if parliamentarians do not, on occasion, get it right, it is also important that parliamentarians be vigilant at all times. That is why, when the Minister of Justice tables a piece of legislation, she in essence certifies that it meets the Charter. Those lawyers who work in the Charter branch of the Department of Justice have submitted it to a number of tests and have said that by their evaluation it meets those Charter concerns. On a number of occasions pieces of legislation have not met those Charter concerns because the courts have replied, "No, you may have thought that it meets the Charter test but it does not meet the Charter test. This is why it does not meet the Charter test."

We need to get the balance right. The judiciary has a responsibility but so, too, do parliamentarians have a responsibility.

With due respect to the honourable senator's question about the tribunals and how we can provide education for those tribunals to create sensitivity on certain issues, this can be done by appropriate funding and, if requested, the development of resource materials.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to ask a question that relates to the investigation and study that the Special Senate Committee on the Subject-Matter of Bill C-36 carried out. There were some clear directions given as to what is necessary to create this balance the honourable senator spoke about. It is interesting to note that the Liberal majority observations state:

> We wish to address those concerns expressed particularly by representatives of religious and ethnic minorities in Canada who are not persuaded that their liberty will be protected by the tools provided in the bill and that the powers may be exercised in a manner that improperly targets members of their communities.

We heard from Muslim lawyers who had excellent briefs and who have worked within our law. They understand the balances we have presently in the law. They stated forcefully that the balance struck in Bill C-36 is not an appropriate one as minority communities will be affected. They pointed to the definition and how it will be interpreted in the courts. They also pointed out that the normal safeguards such minority communities would have against arbitrary arrest and investigation have been diminished in this bill. The minority communities are clearly telling you that the balance is wrong, and bear in mind the Liberal majority went on to say that you should take this minority group into account. When you take into account past practices, understandings in the minority community, the vulnerability of minority communities against the majority and all of the other representations the committee heard, why does the honourable senators party still feel that this is the correct balance as opposed to the balance the committee unanimously supported in the pre-study report?

Senator Carstairs: Honourable senators, we should recognize that the pre-study report was simply that: a report outlining the various options that are open to government and that we would like them to examine carefully to see if they would help to improve the bill. The suggestions made were accepted to a great extent. I think the honourable senator would recognize that fact.

The government went even further. For example, instead of just having the Attorney General report, amendments were made so that the Solicitor General and provincial attorneys general would report so that we could get a quick handle on the numbers, both in terms of quantity and, as suggested in the observations, the quality of the times in which people have been subjected to preventive arrest or to investigative hearings. That will give a strong signal to parliamentarians. If it does not, then I would suggest we are not doing our job. It will give that very important signal to us.

There is no question that when people have been persecuted and have been used to a cultural tradition which does not have all of the tenets of democracy and all the protections of our Charter of Rights and Freedoms, they are more fearful than, let us say, the average Canadian who has lived here for generations, who has grown up under the Charter and who has become accustomed to living in a society knowing that those measures exist. Aboriginal communities and Aboriginal Canadians know that well in terms of their sense that the law does not always represent their wishes.

In balance, I think the government has it right. It has put in place checks and balances that will ensure safeguards. It will be up to us and up to the courts to ensure that those safeguards are vigilantly analyzed and protected when we review this legislation.

Senator Andreychuk: As a follow-up question, honourable senators, we heard rather compelling testimony that having a review in three years is not the same as having a continuous oversight, because the damage done will be there for quite some time. There is, therefore, less ability to change and to use preventive measures.

• (1530)

I thought what marked Canada from other societies was that one individual, one life, one person counts in this society and that we are very careful not to trammel on the rights or the liberty of one person.

The honourable senator has said that she has gone further than the unanimous report of the special committee. With respect, I disagree because there was a three-pronged approach on oversight, on review and on a sunset clause. It was the three mechanisms in balance that could give Parliament a role.

What the government has done is added more people to report statistics. Therefore, the police are policing themselves, the Attorney General is policing himself, and the government is policing itself in a statistical way.

Even the Liberal majority observations, although the majority did not accept amendments, state very strongly that more is needed than quantitative analysis. Qualitative analysis is needed. By the measure of the Liberal majority observations, the government has not met the test of what was suggested by the senators who conducted a pre-study of the bill or what the Liberal majority observations state: We need qualitative measures to protect people not quantitative measures.

Senator Carstairs: I thank the honourable senator, but we will have to disagree on this matter. She says there is not sufficient oversight on this legislation, but look at the measures. We have a judicial review, reports to Parliament, reviews by the Privacy and Information Commissioners, a three-year review and a sunset clause. We also have an RCMP Public Complaints Commission and provincial complaints commissions. With the greatest respect, there are many oversights to ensure that there is fairness and equity in the application of this bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the minister explain why the government calls it a sunset clause? I do not believe it is that at all. Why did the government feel it was necessary to have its tentacles reach right into the two Houses of Parliament, thereby saying that when the motion is brought forward, it may be debated but not amended? It is putting in statute a rule that will fetter Parliament from amending a motion that, gratuitously, they will be allowed to debate. What is the rationale for limiting the debate to the extent of not allowing either House to amend the motion?

Senator Carstairs: Honourable senators, to be very clear on what the honourable senator is asking, is he speaking about the resolution that would be put into force and effect? The resolution should be as clear as possible. Either these provisions are necessary or they are no longer necessary. If it is determined that they are no longer necessary because we have met the threat of terrorism and that the terrorism that was a considerable threat to the Canadian people no longer exists, how would we amend it?

Senator Kinsella: Honourable senators, this is precisely the baffling part of where the government is at this point. Unless the government does not accept the proposition that the burden of proof is on its shoulders to demonstrate that it must have these extra powers, which is the proposition I sustain, then precisely by coming to Parliament and submitting the resolution for the continuance of the powers, it may be able to make the case that these powers are good and are needed for the next year. However, it may not be able to make the case that they are needed for three years. We do not know that. Why tie up a decision that could be very favourable to the government at that moment in time?

Senator Carstairs: Honourable senators, I am not sure that I follow the logic of the honourable senator, and maybe it is my hearing problem. If the government wishes to have such a resolution passed so that these powers are extended, it would have to prove that they were necessary. His argument that the burden of proof is not upon them does not make sense to me.

Senator Kinsella: Honourable senators, this is where I believe the government side has misunderstood my position. I supported the principle of the bill, which I believe all members on this side did. However, we were interested in achieving a balance between the powers in the measures. We took the government at face value and believed that it argued in good faith when it said that it needed extraordinary powers. We thought there would be a balance in terms of extraordinary civil liberties and human rights protections, and that is where the government has failed. It has taken the one but has not been very creative with the latter.

Senator Carstairs: Honourable senators, Senator Kinsella and I will disagree for the same reasons that I disagreed with the Honourable Senator Andreychuk. I think the government has put the mechanisms in place that make for the correct balance between the powers, the measures and the civil rights of Canadians.

Senator Andreychuk: Honourable senators, to continue on that question, when the minister made her presentation the first time and the second time, she indicated that we do not know what terrorism we are facing. There was a horrific terrorist attack on September 11, but it was not directed at Canada. The question was this: What does it do to the security of Canada? It threatened the whole world.

Because of that attack, the government said it was taking measures to deal with terrorism and that there would be an unusual curtailment of the liberties of people and normal criminal law practices. These are criminal law provisions that we are talking about.

Having said that, the minister indicated that this is not an emergency situation but that it is ongoing. However, when asked questions, she quite rightly said, "I do not know how long." If one listens to the entire question and answer period, she was quite candid when she said that we do not know what we are facing and are not quite sure what measures we need. That is precisely the point of having parliamentary oversight and a resolution that has more than a yes or a no attached to it. We do not know if we need more measures, fewer measures, adjusted measures or different measures if our goal is to give a measure of security with the least amount of intrusion upon liberties and other human rights.

It is not the number of scrutinizing activities; it is the quality of those activities. To simply have reports and complaints commissioners in this situation — which I do not think Canada has faced except in wartime where we have used the War Measures Act, which has a time certainty — surely qualitative analysis and scrutiny, particularly conducted by someone other than the people who will be in the administration of this act, is incredibly important. Who better than Parliament?

Senator Carstairs: In that aspect, I agree with the honourable senator 100 per cent. Who better than Parliament? Who better than senators and members of the House of Commons? That is why there must be a three-year review; that is why there must be a resolution before five years have passed. That is what Parliament should be doing.

Let us be very clear. This Parliament could start tomorrow if it had assigned a particular committee to do an ongoing day-by-day evaluation of the activities surrounding the implementation of this bill. Nothing limits us. We had some debate and discussion earlier today in which the Leader of the Opposition indicated that we should not be a recycling bin for the House of Commons, and I told him that I agreed entirely with his comment.

• (1540)

That is why we need to be more vigilant, because I am not certain that the House of Commons will take on that responsibility. There is no reason for us not to take it on. The honourable senator chairs the Human Rights Committee and it would seem logical to me that such matters would form part of the ongoing work of that committee.

Senator Andreychuk: Honourable senators, I will certainly take up that challenge, now that it has been offered. I am hopeful that when the committee returns to the House with its terms of reference and needs analysis, it will have the support of the Leader of the Government.

Honourable senators, I want to pursue one other issue that troubles me greatly. There is the three-year review but that is a long time for someone whose rights are deprived and who may spend days in preventive custody. There is also limited, insufficient oversight. Because this is so new, would it not be better that there be a sunset clause, not on certain issues such as hate mongering, mischief against religious property and the implementation of international covenants, but rather on a whole host of issues, such as those amendments to the Criminal Code, for example, that we honed over decades. Would that not be a wonderful signal to send to our minority community, who will feel and suffer the brunt of this legislation, make no mistake?

The average Canadian will receive the security, but at what price to the freedoms and liberties of a minority that is already targeted and will continue to be targeted, irrespective of Bill C-36. Despite honest belief and despite good policing, there will inevitably be intrusions on those minorities. They are already feeling the chilling effect. Would it not have been wiser for a country as mature in its development as Canada, to signal a sunset clause at five years to that community that would say: This is the price we pay for a defined period of time, and we will come back and ask for an extension, if it is necessary. However, we will have in our pockets proof of necessity, not opinion of necessity.

Senator Carstairs: Honourable senators, the honourable senator is quite correct when she says that three years is a long time. That is exactly why the government put a judicial review in place. It was not in the original draft of Bill C-36, and the senator is aware of that. As a direct result of this committee's work, that review was put into the bill and that is the kind of oversight that will happen on a continual basis. There is a sunset clause for the two most extensive, new powers that have been given, in terms of preventive arrests and investigative hearings.

Hon. Gérald-A. Beaudoin: Did I hear the words "judicial review after three years?" The judicial review exists within our system. It is not necessary to refer to judicial review in a bill such as this one or in any legislation. The courts have jurisdiction over the interpretation of all statutes. I want to be quite certain that the sunset clause is one issue and the review process is another issue. When we advocate the inclusion of a sunset clause, it is only to provide an equilibrium between additional powers and the Constitution, as it has been interpreted some 450 times by the Supreme Court of Canada. That is the reason for the sunset clause.

Honourable senators, if the bill were not permanent, the situation would be different than if it were an emergency measure. The Supreme Court would not interpret a statute that is permanent in the same way that it would interpret a statute that is an emergency measure. That is the reason for the sunset clause. It is quite different from a judicial review or any other oversight that has been proposed in Bill C-36.

Senator Carstairs: First, honourable senators, I was referring to very specific provisions of the bill, which, in its initial drafting, allows the Attorney General of Canada enormous powers that are not subject to any judicial review. In response to Senator Andreychuk's question, I was referring to the judicial review that has been specifically attached to those new powers.

The problem, honourable senators, is that terrorism is not a war and it is not an emergency situation like any other that we have experienced. We had the implementation of the War Measures Act in 1970, and some people today would say, and I would be one of them, that it was, in all likelihood, an overreaction; it was probably not required at the time, but it was requested, and so it was put into place. Many people, as a result, suffered from the implementation and application of the War Measures Act.

The threat of terrorism is not short-term. How long it will last, we do not know. Terrorism has been with us in many forms for many generations, for many centuries. It was only on September 11 that it took on an entire new form because of the massiveness of that act of terrorism. However, it would be naive to suggest that we have not experienced terrorism before.

Honourable senators, terrorists' acts have occurred in many countries prior to the events of September 11, 2001. The reality is that the government does not know exactly how long it will need these measures in place. That is why we need parliamentary vigilance in this particular matter; that is why we need the three-year review; and that is why we need the five-year resolution.

On motion of Senator Lynch-Staunton, debate adjourned.

YOUTH CRIMINAL JUSTICE BILL

THIRD READING—DEBATE ADJOURNED

Hon. Landon Pearson moved third reading of Bill C-7, in respect of criminal justice for young persons and to amend and repeal other Acts.

She said: Honourable senators, I rise today to speak to third reading of Bill C-7. I wish to say up front that I believe in this bill. I am sponsoring it because I asked to, not because I was asked.

Honourable senators, I have been paying close attention to youth justice ever since the Young Offenders Act was amended not long after I came to the Senate and first sat on the Standing Senate Committee on Legal and Constitutional Affairs. As I studied the system, I began to realize that there are too many variations across the country. I also saw the overuse of incarceration in most provinces and territories; disparities and unfairness in youth sentencing; too little attention paid to rehabilitation and re-integration; and a lack of respect for the system among youth, their families, victims and others.

To understand these observations better, I engaged the services a young law student two summers ago to travel across Canada to speak with young people in trouble with the law and thereby gain some perspective on this issue. The information that he recorded was discouraging. Many youth did not feel that the system was meaningful to them. It thus became even clearer to me that the youth justice system, as a whole, was greatly in need of restructuring.

Obviously, this was also clear to the Minister of Justice, who already set out to shape a new system more suited to the developmental needs of young people and the long-term security of the public.

Honourable senators, I was privileged to have a small influence on this process by participating in several workshops organized by Justice Canada in conjunction with youth and professionals around such topics as the role of sports and recreation, preventing crime among adolescents and the special challenges confronting Aboriginal youth.

Bill C-7 is another piece of this process of renewal — an essential one, of course, but not the only one. The other piece of this process is federal funding that would accompany this bill and the changes in attitudes and behaviours that should be stimulated by its implementation.

• (1550)

Bill C-7 is not a perfect response to the complex difficulties of young people in trouble with the law and the legitimate concerns of the public about them. We heard much criticism from many of the witnesses who appeared before us. Their views varied considerably.

Witnesses, however, tended to agree on three points. First, there was general agreement in respect to the principles of the bill. Second, most witnesses were concerned about the overrepresentation of Aboriginal youth in the justice system and sympathetic to the need to address their special needs. Third, there was affirmation, particularly on the part of witnesses from Quebec, that Quebec was doing a better job with the existing legislation than any other province. Beyond that, the differences were many.

At this time, honourable senators, and before I describe how I think this bill improves on the YOA, I should like to correct an impression that may have been left mistakenly by Senator Nolin when he quoted me in his report stage speech. Let me reassure my colleagues that I never intended to question the Senate's role in the legislative process, as subsequent remarks in the same transcript that Senator Nolin did not quote would show.

On the contrary, I truly believe that our capacity to speak out on behalf the voiceless and powerless, our sober second thought, depends to some extent on the distance we are able to maintain from the exigencies of electoral politics. What I was trying to express that day, imperfectly, I guess, was my concern about how to balance the reality presented to us by the elected ministers of the provinces who appeared before us with our views about how young people should be treated.

As a senator, I represent Ontario, and although I disagree with every one of the 100 amendments put before us by the Attorney General and Minister Responsible for Native Affairs of Ontario, I have to recognize that he speaks for a substantial proportion of my province's population. The credibility of the youth justice system in the minds of the public is essential for it to function well. We have to find, as Senator Carstairs so eloquently said last week, the right balance. This is exactly what I believe Bill C-7 achieves.

In my view, the new legislative framework set out in Bill C-7 corrects the fundamental weaknesses of the existing legislation while building on its strengths. Now let me set out how some of the principal changes it contains would make a real difference in the lives of young people in trouble with the law.

Honourable senators, I will gather these changes under three rubrics: proportionality in youth justice, elimination of transfers to adult court, and rehabilitation and reintegration. First, let me address proportionality in youth justice.

The failure of the majority of Canada's provinces and territories to limit the most serious interventions to the most serious offences, as well as the failure to find constructive options for the vast majority of less serious youth crime, is the major reason that we have such a disturbingly high youth incarceration rate. Currently, if a 15-year-old commits a minor theft, his or her likelihood of serious involvement in the justice system is high. The Canadian rate in 1998-1999 for bringing youth into youth court is more than 40 per 1,000 of youth aged 12 to 17 years, or about one case for every 21 youth.

In many countries, programs outside the formal youth justice system are used to deal with less serious offences. These include police cautions or alternative programs involving restitution or reconciliation with the victim. Canada uses these options less than other countries; we rely more on formal charges and procedures, which generally are not as effective as other less formal options. Statistics show that in our country young accused can and do receive custodial sentences for minor thefts. Even when it is a first conviction, 8 per cent of such offenders in Ontario and over 7 per cent in Quebec are sentenced to custody.

The damaging effects of custody for young people are well established. Statistics also show that youth sometimes receive a longer period of custody for minor thefts than an adult placed in custody for the same offence. The reality is that, under the current Young Offenders Act, a 15-year-old accused of theft is likely to be treated more harshly than youth in other countries and more harshly than adults here in Canada.

Under the proposed Youth Criminal Justice Act, there would be statutory limits and principles to promote proportionality and limit the excessive use of the criminal law power against youth. Bill C-7 expressly provides that extrajudicial measures, or non-court measures, be presumed to be adequate to hold first-time non-violent offenders accountable. Accordingly, under the legislation before us it would be very exceptional that a first-time property offender would proceed to youth court. Instead, he or she would be dealt with by a police warning, caution, referral or a program. These measures are themselves limited by being proportionate to the seriousness of the offence.

Moreover, in addition to providing principles for sentencing that limit the intervention to a proportionate response, there are explicit statutory restrictions on the severity of the sentence. Notably, the sentence for a youth cannot be more severe than that which and adult would receive for the same offence in similar circumstances.

Honourable senators, let me talk about the elimination of transfers to adult court. The story of Maria shows clearly the problems with transferring youth into the adult system for trial under the Young Offenders Act. Maria, of course, is a pseudonym. However, the young person in question has told her story publicly several times. I have met her on two occasions and am impressed by her courage in coming forward.

Maria was 16 years of age when charged with murder in relation to a shooting death. She was driving in a car with six other young people, when one of them, a young man, shot another youth. After a long period of procedures and pre-trial detentions, she was transferred to adult court prior to having been tried or convicted of an offence. It was presumed that her prospects for rehabilitation would be better in the adult stream, given that the adult system has a healing lodge and other programs suited to the fact that she is Aboriginal.

Procedural protections, such as privacy rights and others, that are part of the youth system are not available if the youth is tried as an adult. Maria's name was made public before she even had been convicted of an offence. The charges were reduced to manslaughter. She received a one-year sentence of custody — a length of sentence that could have been imposed by the youth court. However, instead of being sent to the healing lodge, Maria was sent to the Saskatchewan Penitentiary, largely a maximum-security federal prison for men. After her custody sentence, Maria was released to a halfway house for men.

Honourable senators, no one in this chamber would consider this a fair way to treat anyone, let alone a young girl.

Under Bill C-7, a youth will not be tried in adult court. All youth will be tried in youth court under youth court rules that provide for age-appropriate protections like privacy rights and rights to counsel. The hearing on the appropriateness of an adult sentence will only occur after a finding of quilt and after all the evidence about the offence has been heard. While there is the presumption that an adult sentence should apply to those 14 years of age and older for the most serious offences of murder, attempted murder, manslaughter, aggravated sexual assault and a pattern of repeat serious violent offences, adult sentencing is not automatic and the presumption can be rebutted.

Even in cases where the presumption does not apply, a Crown can apply to have an adult sentence given for any serious offence committed by someone 14 years of age or older. The test for an adult sentence remains the same whether it is sought by the Crown or triggered by statute. As has been the case since the 1908 Juvenile Delinquents Act, adult sentences can be applied to youth 14 years of age or older in all provinces.

Under Bill C-7, the youth justice procedure for the most serious offences will be speedier, retain age-appropriate due process protection and be more respectful of the presumption of innocence. The bill also includes a presumption that a youth under the age of 18 will serve an adult sentence in a youth facility. This is more consistent with the spirit of the UN Convention on the Rights of the Child, which is expressly referenced in the preamble of the proposed new legislation. Under very rare circumstances, when a youth presents a real danger, either to himself or herself to another youth, an adult facility may simply have to be considered.

If Bill C-7 had been in place for Maria, she would have been tried in youth court and her privacy would have been protected during all the proceedings. Moreover, the procedural delays associated with the transfer to adult court would have been avoided. Given that the charges were reduced to manslaughter and a sentence length within the range of youth sentences was imposed, Maria would not have received an adult sentence and have been sent to the Saskatchewan Penitentiary. Moreover, she might have had access to the new and federally supported intensive rehabilitative custody and supervision sentence, which is a therapeutic regime to provide help, supervision and support to the most troubled and violent young offenders.

The intensive rehabilitate custody and supervision sentence is available to young people convicted of murder, attempted murder, manslaughter, aggravated sexual assault and repeat serious violent offences. For youth suffering from a mental or psychological disorder or an emotional disturbance, an individualized treatment plan would be developed; if an appropriate program, suitable to the youth, is available, then the sentence would be given. Since it is an individualized treatment plan, it would be tailored to the needs of individual youth and could include psychiatric assistance, counselling, peer support programs for victims of sexual abuse, addiction treatment, and so on.

• (1600)

Finally, I should like to examine rehabilitation and reintegration. Not only would improved rehabilitative and reintegrative options be available to youth like Maria who have been convicted of serious offences, but they would be encouraged for all youth involved in the youth justice system. Rehabilitation and reintegration within the limits of proportionality are key objectives of the new legislation as reflected in general and, in particular, in the sentencing principles.

While youth may know their behaviour is wrong, they may not fully understand the nature and consequences of their acts for themselves and for others. Some young people also lack the structure, guidance and support in their communities needed to change behaviour patterns and overcome damaging influences.

Many of the new provisions in the proposed Youth Criminal Justice Act allow for individualized interventions aimed at instructing the youth in trouble with the law. Police, Crowns and judges are given statutory authority to warn and caution young people that their behaviour is not acceptable and more serious consequences may follow if they repeat the behaviour. "Conferencing" is encouraged at many stages of the process, which could allow the young person to be a participant in a process with victims, family members and others, to learn about and understand the consequences of his or her behaviour and to develop ways to make amends.

The range of sentencing options has been expanded. In addition to sentences that allow the young person to attempt to repair some of the harm caused through restitution, compensation and community service orders, there are also new sentences that provide for close supervision and support in the community. Changing behaviour in the community is key to addressing youth crime. These sentences include attendance orders, intensive support and supervision orders and deferred custody and supervision orders.

One of the key weaknesses of the current Young Offenders Act is the absence of mandatory reintegration support. This means that a 16 year old returning to the community after a period in custody may not have support, supervision and guidance for the critical transition back into the community. Particularly for the older youths, child welfare systems may no longer be available for some of their most basic needs like housing. Maria has reported that she was thrust out of the system with only a pillow and a blanket. In addition, problems with schools, families and peers may still be waiting for the youth when they return to the community. At this critical time, the youth may be without support and encouragement in the community to change behaviour patterns.

The Young Offenders Act currently does not provide sufficient provision for a safe, graduated reintegration in the community. The proposed law includes provisions to assist the young person's reintegration, and a constructive reintegration will protect the public by guarding against further crime. Bill C-7 provides that periods of incarceration be followed by periods of supervision in the community through custody and supervision orders. At the time of imposing the sentence, the judge will state in open court the portion of time that is to be served in custody and the portion to be served in the community. Breaching conditions of community supervision could result in the youth being returned to custody.

Studies demonstrate that treatment is more effective if it is delivered in the community instead of in custody. The reintegration provisions encourage continuity between the custody and community portions of sentence through increased reintegration planning, which takes into account the youth's needs throughout the whole sentence and through reintegration leaves for specific purposes of up to 30 days.

Before concluding, honourable senators, I should like to make a few remarks about the Convention on the Rights of Child. I have been impressed with the level of attention that the Standing Senate Committee on Legal and Constitutional Affairs has given to this important instrument and moved by the eloquence with which some senators, notably Senator Joyal, have discussed it in this chamber. While I agree with Minister McLellan that Bill C-7 conforms with the standards set by the convention — remembering always that Canada took a reservation on section 37(*c*), which requires the absolute separation of youth from adults except where it is not in the child's best interests — I also agree with Senator Andreychuk that we should, at some time, consider implementing legislation for the convention. However, slipping such a concept into a bill on youth justice by amendment is not the best way to do it. To do so would be to lack full respect for the holistic name of the convention. It would be much better to have a full and open discussion of the convention in both Houses of Parliament so that the awareness not only of legislators but also of the public could be raised. That would require a separate piece of legislation. That is what I hope our new Human Rights Committee will propose not only for the Convention on the Rights of the Child but also for other United Nations conventions and treaties that have not received enabling legislation. In the meantime, I prefer to support Bill C-7 as it stands.

Honourable senators, youth crime is a complex phenomenon. We all know there is no absolute consensus on youth justice. On the other hand, there is little disagreement with the key tenets of this legislation: use the criminal law power with restraint; keep more youth out of the justice system and out of custody; limit the use of the criminal law power by what is a fair and proportionate response to the offence; improve and protect the rights of young people in this system; support an enhanced rehabilitation and reintegration of young people; and provide for more inclusive justice that provides a voice for the accused, the victim and others.

Moving ahead now with Bill C-7 will initiate changes that will make a real difference in the lives of young people. A 15-year old involved with a first-time minor theft will not be swept into the justice system but will be held accountable in a proportionate and effective way outside the courts. Young people who commit serious offences will not be lost to adult trials and adult correctional regimes but will be provided with due process protections appropriate to their ages and, in some cases, with intensive rehabilitative regimes. All young people coming out of custody will not be left on their own to cope with the difficult transition back to their communities but will be supported and guided through effective reintegration plans and programs.

Honourable senators, it is my considered view that the improvements in this legislation are clear and meaningful. Bill C-7 addresses fundamental weaknesses of the Young Offenders Act. It is a significant advance in our ongoing quest for justice for young people. I urge you to vote in favour of Bill C-7.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I wish to speak to this important bill concerning the problem of youth crime. The speech given by the Honourable Senator Pearson and the very content of Bill C-7 show very clearly that there are two approaches to this problem.

The first consists in talking about crimes committed by young people, and this is the approach behind the whole philosophy of Bill C-7. The other consists in talking about young people who commit crimes. It is an entirely different philosophy. It is why many parliamentarians — and almost all Quebecers — object strongly to the philosophy which led the government to pass Bill C-7.

Senator Pearson, who is much more familiar with the field than I, spoke with great interest about the Convention on the Rights of the Child. The purpose of this convention is to protect children from crime and from a number of other situations. We are told that we could examine this at a later date.

Canada signed the Convention on the Rights of the Child and must respect it. However, it could have taken advantage of this bill, and more particularly of the amendment put forward by Senator Andreychuk. If this bill truly respects the rights of the child — rights which were endorsed by Canada in an international document — I wonder why the majority of senators voted yesterday against an amendment which would have specifically ensured that the whole bill respected the Convention on the Rights of the Child. That was the purpose of the amendment put forward by Senator Andreychuk. This can only mean that the Honourable Minister of Justice has doubts as to whether her bill fully meets the requirements of the Convention on the Rights of the Child signed by Canada.

With respect to the problem of young people and crime, when we say that we must speak more about young people who commit crimes than about crimes committed by young people, we can clearly see where this bill is coming from.

• (1610)

No doubt, improvements could be made to Quebec's system, which is also not perfect, despite the fact that everyone recognizes that it is by far the best system. The results in Quebec are there to prove it.

Bill C-7 responds to a certain type of public opinion that is greatly affected by some terribly shocking crime committed by a child. This is what we see in the tabloids. Public opinion is formed in this environment, and afterwards, no one talks about it. No one talks about the child or the adolescent who committed the crime. All you hear, quite often, is that the child who committed the crime, as terrible as it was, had health problems, social adjustment problems, family problems, and so on. The public debate surrounding this bill was based for the most part on the opinions voiced in the tabloids. That is why I described this bill in Quebec in some ways as a tabloid bill.

I agree that the bill contains some improvements. However, we were sure that the Quebec system was the best that Canada had to offer. The Quebec system focuses on the child or adolescent who commits a crime. It favours rehabilitation, education, support and reintegrating youth back into the community. There is not much emphasis on police, crime, penalties or imprisonment.

I asked the Minister of Justice why the government has not simply extended to Canada as a whole — while respecting the way each region operates — the system in place in Quebec, with any necessary improvements of course. This is why I find the bill politically unwise. The minister's response was that this would have been interesting, but that the other regions of Canada — no doubt thinking of their governments — were not prepared to do so.

What an abdication of responsibility! That is obviously what it is. I understand that such a response may be plausible, but what is involved here exactly? Depriving young people of the rehabilitation that would provide them with an opportunity for a better life. Apparently, some Canadian communities, because of what we read in the tabloids, are not prepared to establish this as the central value of a statute on young offenders. It is not a question of creating an illusion of security by passing this bill. The first and last inspiration for such legislation is to protect the young person who has committed a crime. I find it totally unacceptable that such a bill can be passed solely on the recommendation of the Department of Justice, when brilliant legal experts have provide us with the most eloquent demonstrations of the value of new concepts they have found. This is not a legal problem; it is a human problem!

I object to this bill, not because it is going to do considerable harm to the Quebec system — as the judges, lawyers and social workers have told us — but rather because it is going to deprive an incalculable number of young Canadians of profoundly humane services designed to deal with their criminal offences. Why pass such legislation at this time, when the bill is so far removed from what true legislation should be?

The public may be concerned about youth crime. However, it is sometimes misinformed. In my opinion, the role of a public and political institution is to explain to the public why it is mistaken and to give it better information. If we make young people our key concern, the public will be better protected from youth crime.

Honourable senators, in my opinion this would have been the only appropriate measure on the part of our political institutions, with respect to a human concern that is intensely felt by the public, including young people.

This bill may have some merits, from a legal point of view, regarding the evolution of certain police practices and forms of incarceration. However, it has no real and lasting impact in terms of why a young person commits a crime. The problem is not related to the police. Rather, it is a medical, social and family issue. We can see it with the incredible number of young aboriginals who are incarcerated. We know that this is because of the deplorable situation our aboriginal fellow citizens are in. The government is suggesting that the solution lies in police or court action.

Honourable senators, the solution can only come from men and women who would have the courage to put the human being before the system, to put the young person before the crime. Unfortunately, this bill does not meet these expectations.

[*English*]

Hon. Wilfred P. Moore: Honourable senators, I spoke in this chamber on December 4 last with respect to Bill C-7. I believe I placed before honourable senators a clear case for the need to include in the sentencing portion of this bill a provision directed specifically to securing relief for our Aboriginal young persons who find themselves caught in our justice system. I do not propose to review those remarks at this time.

MOTION IN AMENDMENT

Hon. Wilfred P. Moore: Honourable senators, I wish now to propose the following amendment to this bill. I move, seconded by the Honourable Senator Watt:

That Bill C-7 be not now read a third time, but that it be amended,

(*a*) in clause 38, on page 38,

(i) by replacing lines 27 and 28 with the following:

"for that offence;

(*d*) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons; and

(*e*) subject to paragraph (*c*), the sentence", and

(ii) by renumbering all references to paragraph 38(2)(*d*) as references to paragraph 38(2)(*e*); and

(*b*) in clause 50, on page 57, by replacing line 23 with the following:

"except for paragraph 718.2(*e*) (sentencing principle for aboriginal offenders), sections 722 (victim impact state-".

• (1620)

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

Hon. Pierre Claude Nolin: Honourable senators, I wish to speak on this amendment but not today.

The Hon. the Speaker: Some senators wish to speak to the amendment. I will permit speeches unless there is a desire of the house that the question be put.

Senator Cools: No, he is entitled to speak. It is a debatable motion.

[*Translation*]

Senator Nolin: Honourable senators, I move the adjournment of the debate.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I know that a number of honourable senators wish to speak to Bill C-7, at third reading stage, and that some wish to propose amendments. I would like all senators to have an opportunity to express their point of view on the amendments they would like to propose.

I wish like my counterpart opposite to tell me how to handle the amendments rather than adjourn the debate right now. Could we perhaps hear another senator, and, if there is another amendment, have two votes. They amendments could be voted on separately. We could do it at one time, later today or tomorrow. We want to hear as many of those senators who wish to speak as possible.

This week, we are trying to do as much work as we can on this bill. I think that one other senator would be prepared to speak today to Bill C-7.

[*English*]

The Hon. the Speaker: Honourable senators, just so I know where we are at, Senator Nolin had moved a motion, which I have not put. Senator Robichaud has secured the floor, as is often the case, to discuss how we might best proceed with this particular matter. I think he addressed his question to the Deputy Leader of the Opposition and I am assuming, but perhaps I should confirm, that I have leave for this exchange to take place. Is leave granted?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if I understood the Deputy Leader of the Government correctly, he wants to deviate from the rules. I think we should act in a somewhat novel way today and follow the rules. I think we will deal with each amendment as presented and dispose of them. I assure honourable senators and my colleague opposite that there is no intention on this side to delay anything.

[*Translation*]

Senator Robichaud: Honourable senators, I in no way wished to insinuate that the opposition intended to delay matters. We have their full cooperation in moving the debate along in this house. If we could hear another senator on Bill C-7, it would add to the debate and allow more senators to speak to this bill.

[*English*]

The Hon. the Speaker: For clarification, the rules of procedure are clear. Unless leave is granted, we will deal with one amendment and one subamendment to that amendment. We will deal with no more than one at a time. I make that point so that all senators are clear as to what the exchange is about. I gather Senator Nolin has no objection to another senator speaking now.

Senator Nolin: On that subject, no.

Hon. Tommy Banks: Honourable senators, I would thank Senator Nolin —

Senator Nolin: Are you speaking on the amendment tabled by Senator Moore?

Senator Banks: No, I am moving an amendment.

The Hon. the Speaker: Senator Banks, we have before us now a motion in amendment by Senator Moore. Under our rules, we could entertain a subamendment that directly relates to Senator Moore's amendment. However, in the absence of leave, our rules do not provide for us to entertain another amendment until we have disposed of the amendment proposed by Senator Moore.

Senator Nolin indicated that he wishes to adjourn the debate. I will entertain that motion, but he also indicated that if another senator wishes to speak now, he would have no problem in deferring his motion until then. Does another senator wish to speak on the motion in amendment by Senator Moore, on the matter before the house?

If not, Senator Nolin has moved, seconded by the Honourable Senator Meighen, that further debate on Bill C-7, in particular the motion in amendment of Senator Moore, be adjourned until the next sitting of the Senate.

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

Hon. Senators: Agreed.

On motion of Senator Nolin, debate adjourned.

[*Translation*]

APPROPRIATION BILL NO. 3, 2001-02

SECOND READING—ORDER STANDS

On the Order:

> That Bill C-45, An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002, be read the second time.

• (1630)

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with respect to Bill C-45, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002, it is our usual practice to consider the report by the Standing Senate Committee on National Finance, which studied the forecasts.

[*English*]

Honourable senators, I bring to your attention the fact that the tenth report of the Standing Senate Committee on National Finance regarding the Supplementary Estimates (A) 2001-02 is listed incorrectly on today's Order Paper. It is listed as Order No. 5 under Other Business as opposed to under Government Business.

A quick examination of Order Papers in recent years shows that it has been listed in both places. On March 22, 1998, the Order Paper listed the third report of National Finance on the Supplementary Estimates (B) 1997-98 under Other Business. However, on March 27, 1996, the Senate Order Paper listed the second report of National Finance, Supplementary Estimates (B) 1995-96, under Government Business. As well, the March 17, 1999, the Order Paper listed the tenth report of the Standing Senate Committee on National Finance on Supplementary Estimates (C) under Government Business. Also, on March 28, 2000, the third report of National Finance on Supplementary Estimates (B) 1999-2000 was listed under Government Business.

Despite the inconsistencies in where this item is listed, I believe that it is clear that the Estimates are part of Government Business and should be listed as such.

[*Translation*]

Honourable senators, I would like us to consider the tenth report of the Standing Senate Committee on National Finance, Supplementary Estimates (A) 2001-02, under the heading Reports of Committees under Government Business later today.

[*English*]

Hon. Lowell Murray: Honourable senators, I had not intended to intervene because I did not think there would be an occasion to do so.

The Hon. the Speaker: Honourable senators, I should clarify where we are on the Order Paper. I will give Senator Murray the floor in a moment, but I have been cautioned to keep things straight.

Senator Robichaud has risen as Deputy Leader of the Government or house leader to call an item of Government Business. He explained the situation with respect to the tenth report of the Standing Senate Committee on National Finance. Senator Murray rose. Normally, it would be the Deputy Leader of the Opposition or house leader on the opposition side who would rise, but Senator Murray rose to question Senator Robichaud with respect to the matter that he has brought forward and the way in which it should be treated.

Is leave granted, honourable senators, for Senator Murray to intervene or others to question Senator Robichaud on this matter?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Perhaps this disorder should be clarified. I concur with my honourable friend that when the report was presented, it would have been best listed under Government Business because that has been the practice. However, I have learned everything that I have learned from Senator Murray and would defer to his corporate memory of the place.

In the past, I understand that we have debated an Estimates report from our National Finance Committee before a supply bill came to us. When the supply bill did come, I understand that there was no debate on it as such. Perhaps Senator Murray, with his corporate memory, could verify or shoot that down.

Senator Murray: The Deputy Leader of the Government and Deputy Leader of the Opposition are both are correct. First, the report of the committee studying the Estimates is government business and should be dealt with as such. Second, the convention has grown up, at the insistence of Her Majesty's Loyal Opposition, whatever the party, that before we will entertain a supply bill, the report of the Standing Senate Committee on National Finance must have been presented or tabled. It must be before the Senate. It is not necessary, in my humble opinion, to debate it. There is nothing to stop the government from proceeding with its interim supply bill with or without a debate on the committee report. However, the report has now been called and it is before us.

Senator Lynch-Staunton: No, it has not.

Senator Murray: The bill has been called, but the Deputy Leader of the Government has properly pointed out that the report belongs under Government Business, and he has asked to have it called. I think that is quite appropriate. If he calls it, I may even say a few words on the substance of the report, and Senator Bolduc intends to do the same.

The Hon. the Speaker: I will ask the Table to proceed to call the tenth report of the Standing Senate Committee on National Finance.

Order stands.

THE ESTIMATES, 2001-2002

SUPPLEMENTARY ESTIMATES (A)—REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on National Finance (Supplementary Estimates "A" 2001-02) tabled in the Senate on December 4, 2001.—(*Honourable Senator Finnerty*).

Hon. Lowell Murray: Honourable senators, as the chairman of the committee, I will intervene at this stage, although I had not expected or intended to do so. However, at this happy season, I have the opportunity to express my appreciation to colleagues on the committee for their cooperation and hard work over many months, as well as to the clerks and staff of the parliamentary library and the committee for their important collaboration.

The Standing Senate Committee on National Finance has met twice a week virtually every week that the Senate has been sitting during the fall. At Senator Moore's instance, we conducted, completed and reported on a study of the accelerated, accumulated deferred maintenance in Canadian institutions of post-secondary education. We live in hope, notwithstanding yesterday's budget, that this problem will be addressed in some fashion by the federal government, even though none of us believe that it is up to the federal government to take total ownership of such a problem. Nevertheless, we hope and believe that some leadership will be shown by the government on that matter.

The committee undertook and conducted a number of extremely interesting public hearings on the question of equalization. This was done at the initiative of Senator Rompkey, and a reference was made to our committee.

We concluded our public hearings and have begun to, in private, consider the nature of a draft report on this important matter that is so central to the concept that most of us have of the Canadian federation. We have had two meetings on the draft report and, as senators may have noticed. Today, I gave a notice of motion to the effect that I will be seeking an extension of the deadline for producing the final report. The deadline was to have been December 21. Tomorrow, I will ask the Senate to agree to extend the deadline to February 26. This will give us an opportunity to consider our draft report not at leisure, but in greater detail.

• (1640)

These special studies make an important contribution, I think, to public policy. By the way — and this is relevant to the report that is before us — we have reached a consensus in the committee that we will undertake two other important studies after the New Year. One, falling upon comments that were made by the present Auditor General and her predecessor and comments that have been made in reports of this committee and others, will deal with the question of the increasing practice in the government of setting up these special agencies and foundations at more than arm's length from the government, from Parliament and from important statutes such as the Financial Administration Act and others. We will get into that in considerable detail.

We also intend to examine very carefully the use of Treasury Board Vote 5, the so-called contingencies vote, which has given the broadest definition one has ever heard to the word "contingency." It has become a pool of funds to be accessed by ministers whenever there is a new initiative they want to undertake but do not have the time or the inclination to come to Parliament with their program.

Senator Bolduc may be speaking about some of these matters later today, but we intend to get on with it.

I shall not take you through the report of the committee on Supplementary Estimates (A). That report speaks for itself. We had, as usual, the officials from the Treasury Board, who, as usual, were helpful, forthcoming and informative. Such information as they were not able to give us on the spot they undertook to provide at a later date. I am sure they are in the process of doing so now.

I shall mention one matter that is dear to the heart of Senator Stratton, although he may be too modest to raise it today. It has to do with the Canadian Firearms Program. This is not a matter that has engaged me very much over the course of the last few years. I think I may have made a small contribution to the debate when the bill was before us several Parliaments ago, but the government is coming back under Supplementary Estimates for $114.4 million for the Canadian Firearms Program.

Under questioning, mostly by Senator Stratton, the officials let us know that this would bring the overall cost of the program to $689.6 million. It is reaching for $700 million. This is a program in respect of which Parliament and the country was told by the then Minister of Justice, Mr. Rock, that it would cost $80 million and would be recoverable.

Interestingly enough, I saw a reference in the newspapers the other day to a poll that showed that a majority of Canadian Alliance supporters now support the firearms registration.

However that may be, all the evidence, including this evidence, is that this program is a fiasco, a costly fiasco. Regardless of the state of public opinion, whether it is the voters of the Canadian Alliance or anyone else, some government some day will have to re-examine some of the assumptions behind the program. That government will have to undertake a proper analysis of the effectiveness of the program and decide on important changes that will have to be made to the program to achieve the same objectives but in a way that will not cause as much disruption and expense as now appears to be the case.

That important issue was flagged in the committee by Senator Stratton and has been flagged in our committee report, although perhaps not in quite the language that I have used to describe it. Nonetheless, it is a fiasco, and I think many people in the government know that it is a fiasco, and it will have to be addressed.

With those few words, honourable senators, once again I thank members of the committee for their hard work and cooperation over the months. I look forward to the important work that we will be doing in the New Year. I commend the report to your interest and support.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, will Senator Murray allow a question on the report?

It has to do with a topic very familiar to senators; that is, the monies that were transferred to a non-profit corporation for purposes of sustainable development before the bill to set up the foundation was passed. The Energy Committee looked at this carefully and termed the transfer of funds an affront to Parliament. The Auditor General at the time had enough information to say that she was troubled by the transfer of funds and would look into it during the summer.

As it turns out, in September, in her notes attached to the government's annual financial statements, the Auditor General elaborated at length on the policy of the government to transfer funds into non-profit corporations and, in effect, to put them at arm's length of Parliament.

At the time, some $7 billion had been transferred into these non-profit corporations. In the current Estimates, $250 million is to be transferred to the Canada Foundation for Innovation. In effect, well over $8 billion will now escape parliamentary supervision.

As we saw in the budget yesterday, there will be a number of other funds to which will be transferred billions of dollars over which Parliament will have absolutely no authority. Certainly the Auditor General is not allowed to step in. This is one way not only to establish government policies on a long-term basis; it is also a way to bypass parliamentary scrutiny.

That is just a general comment. To get back to the question I want to address to Senator Murray as Chairman of the Standing Senate Committee on National Finance, the Auditor General, in her lengthy report attached to the financial statements, did say that the transfer by itself was legal, using a narrow legal interpretation. However, she pointed out that it had no parliamentary authority, none whatsoever.

The Speaker of the House of Commons, Mr. Milliken, was asked in the other place to rule on the propriety of including in Supplementary Estimates (A) the amount of $50 million. The National Finance Committee report contains a quotation from the Speaker's ruling, which I will read. It is found on page 8 of the English version.

> ...no authority has ever been sought from parliament for grants totalling $50 million made to the corporation in April of this year and does not consider that the notes in the supplementary estimates (A) concerning the disbursement of these earlier monies are sufficient to be considered as a request for approval of those grants.

The quotation continues:

> ...the approval that is being sought in supplementary estimates (A) cannot be deemed to include tacit approval for the earlier $50 million grant.

• (1650)

The Speaker is saying that the request for the $50 million is improperly included in the Supplementary Estimates. However, he allowed the debate on the Estimates to go on because he pointed out that there remained ample time for government to take corrective action by making the appropriate request of Parliament through Supplementary Estimates.

Then on December 4, and this is leading to my question, a member of Parliament asked the President of the Treasury Board where the monies are. The President of the Treasury Board replied that if the questioner is asking about the Speaker's ruling, the answer to the question is that the monies will be found in Supplementary Estimates (B). The chairman of the committee of the whole which was studying the Estimates confirmed that what the minister said was that the $50 million is not in Supplementary Estimates (A), which was then before the House, but will be included in Supplementary Estimates (B).

So the question is: If that $50 million is not included in the Supplementary Estimates which are the subject of the report of the Standing Senate Committee on National Finance, how is the total amount of Supplementary Estimates in the supply bill exactly the same as the total requested in Supplementary Estimates? There should be a $50-million discrepancy there. My assessment of the exchange in the House of Commons is that the $50 million, by the Treasury Board President's own admission, will be included in Supplementary Estimates (B), which will come to us next spring or early summer.

When you look at the total requested in the Supplementary Estimates and the total included in the supply bill itself, they are exactly the same down to the last dollar. How could the $50 million remain in the supply bill when the President of the Treasury Board told us that they were not included in Supplementary Estimates (A)?

Senator Murray: Honourable senators, someone in the government will have to answer the question. So far as the committee is concerned, the Treasury Board officials appeared before us after the Speaker of the House of Commons had made the decision to which the Leader of the Opposition referred.

The Hon. the Speaker: I am sorry to interrupt, but the honourable senator's 15-minute time allocation has expired.

Is leave granted for Senator Murray to continue?

Hon. Senators: Agreed.

Senator Murray: It was after Mr. Speaker Milliken had made his decision that the committee considered the entire matter. Therefore we had before us the testimony of both the Treasury Board officials and Mr. Speaker Milliken's decision. The date of December 4 is significant because we tabled our report on December 4 knowing that something had to be done by the government but not knowing what it would do. I invite your attention to page 9 of our report where we state that, in light of this ruling, the committee awaits the government's corrective action.

It was on that very day by coincidence that the question was put to Madam Robillard in the other place, and she indicated that the government would seek approval for the $50 million expenditure later in Supplementary Estimates (B). My friend draws a connection between that $50 million and the supply bill. He is suggesting, I take it, that there should be $50 million less being sought by the government in the supply bill. I do not know the answer to that point. I am not sure whether the total amount in the Supplementary Estimates is, to the dollar, to be reflected in the supply bill. I presume someone in the Department of Finance or Treasury Board would have an answer.

There has been some problem with the sound, but I am sure my answer will be on the record fully. I also have an idea — perhaps wrongly — that my answer was heard, if not understood, by senators in all parts of the house. In any case, the specific question posed by Senator Lynch-Staunton would have to be answered by someone in the Department of Finance or Treasury Board. In view of the fact that the minister has agreed that the $50 million in question should form part of a future supplementary estimate, the question is whether this supply bill ought to be for $50 million less than it is. That is not for me to say. The committee knew that some action had to be taken and we said that we would await the government's corrective action. I will leave it at that for the moment.

Senator Lynch-Staunton: To finish my intervention, I want to assure honourable senators that a careful comparison has been made between Supplementary Estimates (A) and the appropriation bill which is on the Order Paper, and the figures contained in both are the same. I have addressed the question to Senator Murray knowing that it is not for him to give the answer. I should hope that the government has been listening to the exchange and that, when the supply bill is brought on for debate, the proposer will have an answer. Otherwise, while tradition may have it that we are not supposed to discuss supply bills, I will certainly raise the matter and engage a debate on it because the answers cannot be supplied by the Chairman of the Standing Senate Committee on National Finance.

[*Translation*]

Hon. Pierre Claude Nolin: My question is for Senator Murray and deals with a very specific element of the report, on page 5, the paragraph in the middle of the page:

> The Canada Customs and Revenue Agency is seeking an additional $287.9 million increase over its original appropriation of $2.4 billion. This new request represents a 12.2% increase in the Agency's original budget.
>
> Most of the requested funding is to address operational workload pressures and to pursue revenue generation initiatives.

This last sentence seems very vague to me. Was the Honourable Senator Murray able to discuss with officials from the Treasury Board the real nature and receive an appropriate explanation for such a convoluted wording?

Senator Murray: We were told that this amount was not related to the events of September 11, and that government expenses related to the events of September 11 would appear in the next budget. This is what happened yesterday.

In response to Senator Nolin's question, we put this very question to Treasury Board officials. They did not appear to know what the request for $287.9 million was about. They promised to get back to us in short order with an explanation.

[*English*]

Hon. Pat Carney: Honourable senators, I, too, have a question for Senator Murray. This brief but excellent report does draw attention to the Senator's concern about the fact that these agencies that have been created by the government are exceeding their estimated costs. While they were originally set up on the grounds that there would be cost savings by spinning them off, that is not the case.

What is the overseeing agency that monitors the spending of these agencies? In a normal government department, there are Treasury Board rules and regulations, the Financial Administration Act, and other checks and balances. Who oversees the spending of these agencies themselves and establishes whether this growth in spending is justified?

Senator Murray: Honourable senators, that is a difficult and complex question. Some of us spoke on both the bill to create the new Canada Customs and Revenue Agency and the bill to set up Parks Canada somewhat at arm's length from the government. The short answer is they still have to come to Parliament with their Estimates. They still have to come to Parliament for money. They have more latitude in many respects — notably in the personnel and recruitment field — than do ordinary departments of government. However, they come to the House of Commons and to Parliament with their Estimates.

The whole question is one that the Standing Senate Committee on National Finance should monitor much more carefully because these agencies are relatively new, and we may see, as the years go by, other departments morphing into special agencies of this kind.

On motion of Senator Stratton, debate adjourned.

APPROPRIATION BILL NO. 3, 2001-02

SECOND READING

Hon. Hon. Isobel Finnerty: moved the second reading of Bill C-45, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.

She said: Honourable senators, the bill before you today, Appropriation Act No. 3, 2001-2002, provides for the release of the total of amounts set out in Supplementary Estimates (A) for 2001-2002 amounting to $6.95 billion.

Supplementary Estimates (A) were tabled in the Senate on November 1, 2001, and referred to the Standing Senate Committee on National Finance. These are the first regular Supplementary Estimates for the fiscal year that ends on March 31, 2002.

The 2001-2002 Supplementary Estimates (A) seek Parliament's approval to spend $4.83 billion on expenditures for 2001-2002 that were provided for within the $167.1 billion in overall planned spending for 2001-2002, announced in the October 2000 Economic Statement and Budget Update, but not included in the 2001-2002 Main Estimates. The balance represents information to Parliament on adjustments to statutory spending that have been previously authorized by Parliament and also provided for in the Budget Update.

Some of the major items in these Supplementary Estimates are as follows. With respect to budgetary spending, the items affecting more than one organization are: $425.9 million for 69 departments and agencies under the carry-forward provision to meet operational requirements originally provided for in 2000-2001; $382.3 million for compensation for collective bargaining; $216.5 million to 27 departments and agencies for incremental funding to address core operational and capital requirements; $164.6 million to 10 departments and agencies for incremental information management and technology infrastructure requirements; $114.4 million for the Canadian Firearms Program; $100 million for the Sustainable Development Technology Fund; $98.6 million for Government On-Line initiatives; $96.9 million for public security and anti-terrorism initiatives; and $62.5 million for the Federal Tobacco Control Strategy.

Items affecting a single organization are the following: $550 million to Agriculture and Agri-Food Canada for contributions for agricultural risk management under the Farm Income Protection Act; $225.3 million to the Canada Customs and Revenue Agency to address operational workload pressures and pursue revenue generation initiatives; $221.9 million to Transport Canada to provide assistance to air carriers for losses incurred due to the temporary closure of Canadian air space, and additional payments to VIA Rail in support of an expanded capital investment program; $152.5 million to National Defence for additional costs associated with NATO Flying Training in Canada and other professional services; $114.8 million to Fisheries and Oceans Canada for the Fisheries Access program; $109.7 million to the Canadian Institutes of Health Research for program enhancements; $97.1 million to the Department of Foreign Affairs and International Trade for contributions to provinces related to softwood lumber export controls; $74.5 million to Indian and Northern Affairs Canada for the settlement of specific claims with the Horse Lake First Nation and the Fishing Lake First Nation; $60 million to the Canadian Broadcasting Corporation to strengthen and revitalize radio and television programs; $57.7 million to Health Canada in support of federal hepatitis C initiatives; $57.3 million to the Cape Breton Development Corporation for additional costs, including workforce adjustments; $53 million to the Privy Council Office for the Office of Indian Residential Schools Resolution of Canada; and $50 million to the Canadian International Development Agency for programming against hunger and malnutrition through international development and nutritional institutions.

The non-budgetary item is as follows: $6 million to Indian and Northern Affairs Canada for additional loan requirements.

The next item is information on changes to projected statutory spending. Honourable senators, $2,122.9 million of the $6,952.9 million in the spending identified in the Supplementary Estimates represents adjustments to projected statutory spending that had been previously authorized by Parliament and is provided for information purposes only.

The major statutory items with adjustments in the projected spending amounts are as follows: $1,250 million to the Department of Finance Canada for a grant to the Canadian Foundation of Innovation; $616 million to the Department of Finance Canada for transfer payments to provincial and territorial governments; $56.4 million to the Commissioner of Federal Judicial Affairs for payment pursuant to the Judges Act; and, under non-budgetary items, $172 million to the Department of Finance Canada for the issuance of a loan to the International Monetary Fund's Poverty Reduction and Growth Facility.

• (1710)

The major statutory items represent adjustments totalling $2.094.4 million out of $2,122.9 million in adjustments. The $28.5 million balance is spread among a number of other departments and agencies. The specific details are included in the Supplementary Estimates.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to apologize. Had I known that we would deal with the supply bill before the report was adopted, I would have directed my question to the sponsor of the bill instead of to Senator Murray. However, I am sure the honourable senator heard what I said.

In listing the items in the bill, the honourable senator has confirmed that the $50 million, the inclusion of which has been questioned by the Auditor General and, in particular, by Speaker Milliken, is included in the bill. While the President of the Treasury Board has said that this $50 million will be taken care of in Supplementary Estimates (B), the question remains: How can the same $50 million appear in two different Supplementary Estimates? Until that answer is given, honourable senators, we should be hesitant in approving this supply bill.

Senator Finnerty: Honourable senators, as has already been explained, the fiscal year does not end until March 31, 2002, at which time another supply bill will be introduced. I understand that this will be explained in that supply bill. It is ongoing until March 31.

I have every confidence in our Chairman of the National Finance Committee and in the Auditor General and that we will pursue this until we are satisfied.

Senator Lynch-Staunton: Honourable senators, I would simply hope that those responsible for preparing the Supplementary Estimates will give the government leader an answer that will be satisfactory to all of us.

Hon. Pierre Claude Nolin: Honourable senators, I, too, will wait. You heard the question that I asked Senator Murray about the Canada Customs and Revenue Agency.

In her speech, the sponsor of the bill mentioned $225 million for the agency. In response to my question, Senator Murray told us that he did not receive a satisfactory answer from Treasury Board regarding the reason for that request. Does the sponsor of the bill have such an answer? If not, we will wait for it.

Senator Finnerty: I do not have the answer right now, but I will certainly get it for the honourable senator as soon as possible. I will make enquiries of the officials.

On motion of Senator Lynch-Staunton, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Estimates 2002-03) presented in the Senate on December 10, 2001.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft: Honourable senators, I move the adoption of the Senate's proposed budget for 2002-03, which amounts to $63,900,850. The budget will include the following new non-discretionary spending: $3,459,100 for expenditures resulting from the application of Bill C-28; $300,000 for the increased costs of employee benefits; $1,393,550 for the salary increases of employees as a consequence of collective agreements and other personnel costs; $302,300 for parliamentary exchanges, protocol and associations; $245,000 for senators' research and office budgets; and $415,000 for staff and equipment required to improve security measures. Further summaries of the budget materials will be available to senators here in the chamber. Also included is a discretionary amount of $1,215,000 for administrative resources.

Honourable senators will agree that the Senate's agenda since the beginning of this first session of the Thirty-seventh Parliament has been full, complex and challenging.To confirm this, I can advise honourable senators that, during this fiscal year alone, our work in committees has increased considerably over and above our previous five-year average. Compared to that five-year average, we project that in 2001-02 we will have held 39 per cent more meetings, produced 26 per cent more reports, spent 49 per cent more hours in committees and heard 53 per cent more witnesses. As well, there has been a 30 per cent increase in the number of Senate sittings since the beginning of April 2001, based on a projection of our calendar to March 31, 2002. This record is a reflection of the work performed by the Senate, of which we should be justly proud. Indeed, we welcome the recent addition of two new committees, Human Rights, and National Security and Defence, which are already garnering attention for their contribution to the public policy debate in our country. We need not think too far back to recall the valuable contribution the Senate has made to important legislation and policy. The interim reports on the health of Canadians, the report on aquaculture in Canada's Atlantic and Pacific regions and the interim report on Canada's nuclear reactor safety immediately come to mind. We can also point with pride to the remarkable contribution senators made to the pre-study of the anti-terrorism bill, which encouraged the Minister of Justice to make changes to the bill.

Honourable senators, these are changing times. Our legislative responsibilities, while never light, have been deeply affected by the new world that has emerged since September 11. We have had to rethink priorities and, consequently, have been forced to focus on essential obligatory needs to sustain the work of this institution.

• (1720)

I commend the administration for having met this challenge of restraint and constraint and for having requested the barest minimum increase in the budget, even though it will mean putting on hold technological innovation and will require our workforce to meet even heavier work loads.

Honourable senators, in order to allow us to pursue our valuable work, I ask you to support the adoption of this report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

EIGHTH 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 Joyal, P.C., for the adoption of the Eighth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament *(amendments to the Rules—Senators indicted and subject to judicial proceedings)* presented in the Senate on December 5, 2001.—(*Honourable Senator Nolin*).

Hon. Pierre Claude Nolin: Honourable senators, I adjourned debate yesterday for the purpose of discussing this item on the Orders of the Day with my colleagues in more detail and more seriously. The discussion was a good one.

You will be happy to hear that I am convinced that this change to the rules will protect the dignity and reputation of the Senate. It seeks to protect public confidence in Parliament. For this reason, I support the rule that is proposed.

On motion of Senator Cools, debate adjourned.

[*English*]

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on consideration of the third report (interim) of the Standing Senate Committee on Fisheries entitled: *Aquaculture in Canada's Atlantic and Pacific Regions*, deposited with the Clerk of the Senate on June 29, 2001.—(*Honourable Senator Cook*).

Hon. Joan Cook: Honourable senators, I rise to speak on the report entitled "Aquaculture in Canada's Atlantic and Pacific Regions" tabled by the Standing Senate Committee on Fisheries on June 29, 2001.

Fish farming is a rural-based industry that provides much needed employment and economic spinoffs in many coastal communities. During the course of our study, committee members were often told that aquaculture complements the wild traditional fishery, that it provides opportunities in the technology and service sectors and that it offers tremendous opportunities for future development. As such, proponents argue that government's approval of industry expansion should naturally follow with, for example, the establishment of new grow-out sites. Constraints to the expansion of the industry were said to cost jobs.

In 2000, the total value of Canadian aquaculture production was approximately $611.6 million. Salmon farming represented approximately 81 per cent of that amount, or $496 million. The economic benefits of expanding Canada's production are certainly alluring.

The Minister of Fisheries and Oceans is a very big supporter of fish farming. In fact, the day after the minister assumed his post, he indicated that aquaculture would have a very high priority. The aquaculture sector also has the minister's ear. In recognition of his support, the Canadian Aquaculture Industry Alliance, Canada's national fish farming association, announced in May 2001 the establishment of the Herb Dhlaiwal Sustainable Aquaculture Award.

Some coastal communities in some regions embrace fish farming as an economic generator. However, many others have had serious misgivings. In British Columbia, where 57 per cent of the value of Canada's farmed salmon originated in the year 2000, the provincial government favours lifting a moratorium placed in 1995 on the expansion of new salmon farms.

In his speech of October 23, 2001, in this chamber, Senator Comeau remarked that the committee's aquaculture report is a snapshot in time and listed major developments that had occurred during the course of the study. On November 29, just two weeks ago, a citizens' inquiry into salmon farming in British Columbia released a report entitled "Clear Choices, Clean Waters." Headed by the Honourable Stuart M. Leggatt, a retired justice of the British Columbia Supreme Court, the salmon inquiry reportedly heard from nearly 200 witnesses in five coastal communities; however, the inquiry was boycotted by both the federal and provincial governments.

As a senator representing the province of Newfoundland, I will not make any specific comments on the situation in British Columbia. However, having said that, I do have a few general observations on two of the Leggatt inquiry's six recommendations that are important from a national standpoint.

With regard to labelling, in June, the Senate committee recommended, in recommendation number 8, that "consideration be given to the identification and labelling of aquaculture products." Your committee reported that there was a growing awareness of the need to reduce the unnecessary use of antibiotics and that many people may wish to avoid eating or handling farmed salmon that have been so treated. The committee also reported that others wish to avoid farmed salmon because of concerns about the aquaculture industry's impact on wild stocks and the marine environment. The committee also reported that, at present, labelling is at the discretion of the industry and that, because farmed salmon is seldom, if ever, labelled as such, consumers are not able to differentiate it from wild fish.

Put simply, a number of individuals and organizations are asking that the public be allowed to choose between products that are farmed and those that are not farmed. On labelling, the federal Minister of Fisheries appeared before the committee on April 4, 2000 and noted that the subject was within the mandate of other agencies, such as the Canadian Food Inspection Agency and Health Canada, but said he "would support any comprehensive labelling."

Good ideas bounce back. Last week, the Leggatt inquiry recommended that there be a requirement that farmed salmon be labelled and identified as farmed salmon. The report stated the following:

Farm salmon should be identified distinctly from wild salmon in retail outlets and restaurants so consumers can make informed choices about the products they purchase.

Some consumers may be concerned about drug residues in farm salmon or other health issues; others may want to avoid farm salmon for environmental reasons.

Farm salmon is currently labelled "fresh" or "Atlantic". For many consumers, the relevant distinction is "farm" or "wild". Mandatory labelling to identify farm salmon properly would allow consumers to make informed choices.

The B.C. Leggatt inquiry also recommended that the precautionary principle apply to regulation of the salmon farming industry. The commissioner concluded that regulators should err on the side of caution to protect important environmental values and human health and that the precautionary approach be applied to the regulation of the industry.

Last June, the Senate committee had much to say on applying the precautionary approach, commonly defined as erring on the side of caution when dealing with uncertainty. Committee members noted that the approach focuses on the degree of certainty of knowledge needed before politicians and authorities can initiate action on possible environmental problems. Even when the outcome of an activity is uncertain and scientific evidence is inconclusive, measures should be taken to avoid the potential negative or adverse effects.

• (1730)

In the traditional fisheries, the precautionary approach is a concept endorsed by the federal government. It is the cornerstone of the Oceans Act. The concept is also incorporated in a number of international commitments and agreements to which Canada is a signatory. In fact, "erring on the side of caution" or "on the side of conservation" was advocated by this committee in reports on the traditional capture fisheries tabled in 1998, 1995, 1993 and as early as 1989, almost three years before the northern cod fishery officially collapsed.

Last year, on salmon farming in B.C., the Auditor General concluded that the DFO would need to apply the precautionary approach by applying new knowledge from ongoing research in the development of new regulations; monitoring and enforcing compliance with new regulations over the long term; and assessing the effectiveness of these regulations in protecting wild salmon.

In June, the Senate committee recommended that DFO issue a written public statement on how the precautionary approach is being applied to Canada's aquaculture sector.

As many honourable senators are undoubtedly aware, much of the controversy centres on salmon farming. In Canada, the preferred method for finfish aquaculture is to use open net-cages. While farmers have made significant progress in their management practices, the ecological impact, or footprint, of salmon farming is largely unknown. Science supports neither side of the environmental and ecological debate. This is mainly because there have been very few, if any, scientific studies.

No one knows what impacts farmed Atlantic salmon escapees and their offspring have or will have on wild salmon stocks, on either coast, on either the Atlantic or the Pacific species, or on the ecosystem generally. What is the incidence and transfer of disease in farmed and wild stocks? What are the environmental risks associated with the wastes discharged by farms? What are the cumulative impacts? What are the carrying capacities of the marine areas in question? No one knows.

The committee's report argues that, if salmon aquaculture is to expand with the support of the public and other stakeholders in the marine environment, more research will be needed. Without scientific knowledge, distrust of the industry will continue.

In this regard, the DFO has an important role to play in creating an environment in which the fish farming industry and the traditional wild fishery, Aboriginal people, conservationists, environmental groups and other stakeholders can coexist.

In addition, the department has an emerging and critical role in coastal zone management under the Oceans Act, 1997. The act provides the Minister of Fisheries and Oceans with the authority to coordinate federal involvement in all oceans-related issues. The act paves the way for the development of a comprehensive ocean strategy based on the principles of integrated management, shared stewardship, sustainable development and the precautionary approach.

Lastly, I would mention that Dr. Arthur Hanson, Canada's Oceans Ambassador, recently appeared before the Fisheries Committee on November 20 and said that our aquaculture report "had some sound recommendations."

Hon. Pat Carney: Honourable senators, I have a question for the honourable senator.

The Hon. the Speaker *pro tempore***:** Will the Honourable Senator Cook accept a question?

Senator Cook: Yes.

Senator Carney: I should like to thank the honourable senator for her informative and balanced report. I think she knows that the former Senator Ray Perrault presented the report of the Fisheries Committee report to the Leggatt commission.

The senator mentioned in her remarks that the B.C. government favours lifting the moratorium on farmed-fish sites. I know the minister and the department officials, but I am not aware of any public statement to that effect. Could the senator tell me where that information comes from?

Senator Cook: I thank the honourable senator for her question. The information was provided to me from my researcher. If the honourable senator wishes, I would be pleased to confirm the accuracy or otherwise of that information.

Senator Carney: My understanding is that no decision has been announced regarding farm-fish sites and no official appeared before the Senate committee because it was deemed to be too close to the provincial election. I would ask that that statement be verified or corrected.

Senator Cook: I will check the matter out.

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

[*Translation*]

LA FÊTE NATIONALE DES ACADIENS ET DES ACADIENNES

DAY OF RECOGNITION—MOTION—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Léger:
>
> That the Senate of Canada recommends that the Government of Canada recognize the date of August 15th as *Fête nationale des Acadiens et Acadiennes*, given the Acadian people's economic, cultural and social contribution to Canada.—*(Honourable Senator LaPierre)*

Hon. Laurier L. LaPierre: Honourable senators, I am pleased to be able to take part in the debate on this motion, which was seconded by Senator Léger.

Honourable senators:

> I need to be able to love,
> To live in peace and freedom,
> So that all my tomorrows
> Can ring out as a song of freedom,
> For the sake of all my children.
> This is a love
> Reawakened every morning of my life,
> An echo of our history,
> A sound that touches me, a beloved sound,
> And one I want to experience in French.

These words, honourable senators, as I hardly need tell you, are part of the lyrics of the provincial theme song of the French in New Brunswick, co-written by Albert Belzile and Étienne Deschênes.

[*English*]

I should like to remind honourable senators that there are two branches of the people to whom I belong. Canada is blessed with two peoples who use the French language to speak among themselves and to others, both of whom were positioned by Champlain in the first decade of the 17th century.

The first people he brought to this land settled in what was called Arcadia, the name given to the coast founded by Giovanni da Verrazzano who was working for the French king. It is now known as Acadia. Honourable senators who remember their Greek classes, will know that it means "paradise on earth; and a paradise it is, if we bear in mind the beautiful words of Henry W. Longfellow who, in 1847, wrote:

> This is the forest primeval.
> The murmuring pines and the hemlocks,
> Bearded with moss, and in garments green, indistinct in the twilight,
> Stand like Druids of eld, with voices sad and prophetic,
> Stand like harpers hoar, with beards that rest on their bosoms.
> Loud from its rocky caverns, the deep-voiced neighbouring ocean
> Speaks, and in accents disconsolate answers the wail of the forest.
>
> Ye who believe in affection that hopes, and endures, and is patient,
> Ye who believe in the beauty and strength of woman's devotion,
> List to the mournful tradition still sung by the pines of the forest,
> List to a Tale of Love in Acadie, home of the happy.

The Acadians came at the beginning of the 17th century. Champlain settled them on Île-Sainte-Croix, which I believe is now called Dochet Island, at the mouth of the St. Croix River. After a terrible winter during which too many died of scurvy, he transported them to God's paradise at Port-Royal, Annapolis, on the other side of the Bay of Fundy in what is now Nova Scotia.

There, near good-water springs, they erected their houses, planted their gardens and crops, the first ones by Europeans in Canada, and established a theatre and an Ordre de Bon Temps, the Order of Good Cheer, to amuse themselves, and made friends with Chief Membertou, the sagamo of about 100 Mi'Kmaq who fished and hunted in and around Port-Royal.

• (1740)

In writing about the history of the Acadians, one must bear in mind that the story of the Acadians is one of bureaucratic neglect, mercantile and religious rivalries, imperial pretensions, internal struggles and cruel deportation. It is, on the other hand, an edifying chronicle of survival. The French Crown paid little attention to the tiny settlement in Acadia, revoking licences and monopolies at will. Nor did it make arrangements for its defence or for economic aid. The Jesuits in Acadia quarrelled with everyone, and the merchants in France vied with each other to assume control of the fur-trading and fishing monopolies. The English, who had founded Virginia in 1607, lay claim to the whole of the eastern seaboard of Canada, beginning the long struggle of France and Great Britain in North America. The rivalry between the two powers was accentuated with the founding of Massachusetts in 1620. After that and for the rest of the 17th century and most of the 18th, Acadia was a convenient commodity to be bartered to the highest bidder.

It seems to me that, in spite of all these hardships, at the time of "le grand dérangement" in the middle of the 18th century, 13,000 Acadians lived on their lands. Then came 1775.

In 1775, the British-Americans scattered the Acadians over the face of the earth in a terrible, racist deportation. Between October 1755 and 1763, scores of families were broken up, husbands taken from wives and young children, brothers from sisters, lovers, friends: in all, 10,000 people were forced onto British ships and exiled. A bewildered and destitute people, they were dropped off in the middle of the British colonies along the eastern seaboard.

Honourable senators, if you remember the Falkland Islands debacle between Argentina and Great Britain, you will remember that Acadians were found to have been there since that time. Many were eventually assimilated in the great melting pot of America, and those who walked from the southern colonies to Louisiana created a culture that the world still enjoys and calls Cajun.

One of the deportees from Grand-Pré may well have been Longfellow's Evangeline, about whom he writes:

> Sweet was her breath as the breath of kine that feed in the meadows.
> When in the harvest heat she bore to the reapers at noontide
> Flagons of home-brewed ale, ah! fair in sooth was the maiden...
> Wearing her Norman cap, and her kirtle of blue, and the earrings,
> Brought in the olden times from France, and since, as an heirloom,
> Handed down from mother to child, through long generations.
> But a celestial brightness — a more ethereal beauty —

What they did in exile is a story for another day. Suffice it to say that they found each other. They survived. They made violins. They sang their songs. They danced their gigues and lived their lives, waiting for the inevitable day when they would return to their lands in the paradise on earth that used to be their Acadia.

So, honourable senators, they returned between 1763 and 1880 and they founded "la nouvelle Acadie."

[*Translation*]

They founded this new Acadia, but they did not do so easily. It was a slow and painful process. At the end of the 18th century, they gained the right to own land. Between 1789 and 1810, they gained the right to vote. After 1830, they could be members of the Legislative Assemblies of the three Maritime colonies of Great Britain.

[*English*]

During the debate on Confederation, they were opposed, as were the vast majority of the people living in the Maritimes at that time. With their presence on their land —

[*Translation*]

They formed a collective consciousness, with their schools, colleges and newspapers.

[*English*]

Building upon Champlain's legacy and the memory of their ancestors, transmitted orally, they recreated and re-lived their culture. Today, it lives gloriously in many whom I know and whom I have interviewed over the years. I know the moving singer Edith Butler better than I do her colleague Angèle Arsenault, but I have interviewed them both. Their songs and their personalities sing to the heart. I have lost myself in the wonderful world of Antonine Maillet. Like so many other people, I have been filled often with Roch Voisine's music. They and the artists who came before them created a "culture vivant."

[*Translation*]

A culture vivante that flourishes in this House through the presence of our colleague, the Honourable Viola Léger.

[*English*]

She is indeed a national treasure. Her portrayal of La Sagouine is one of the greatest moments in the annals of Canadian theatre.

[*Translation*]

It is in tribute to her, her great talent and her friendship that I take part in this debate.

[*English*]

When she came for the first time to play La Sagouine in Montreal at le Théâtre du Rideau-Vert, we were all sitting there. We were wondering who this mad woman was, dressed up the way she was with this bucket that she carried around. On our laps, we held lexicons so that we would understand what honour she was telling us.

I tell you, honourable senators, that after 10 or 15 minutes we placed the lexicons on the floor because we did not need them. We needed only to look at this radiant personage, this tremendous actress, and we understood every word she told us. For that I will be eternally grateful.

Here we are today, honourable senators. August 15 is the day of the Acadians. We cannot prevent that for it already is. What we need to do, and very soon, is to have all the peoples of Canada recognize August 15 as —"la fête nationale des Acadiens et des Acadiennes."

[*Translation*]

Why? Because we owe it to them. They are Canadians, they enrich us daily and they take part in the life of Canada.

[*English*]

We owe recognition of their national day because, through that, we shall recognize their astonishing courage, their vitality of spirit, their determination to be themselves, their sense of belonging to a land which, in the words of Longfellow:

> Still stands the forest primeval; but far away from its shadow,
> Side by side, in their nameless graves, the lovers are sleeping.
> Under the humble walls of the little Catholic churchyard,
> In the heart of the city, they lie, unknown and unnoticed.
> Daily the tides of life go ebbing and flowing beside them,
> Thousands of throbbing hearts, where theirs are at rest and for ever,
> Thousands of aching brains, where theirs no longer are busy,
> Thousands of toiling hands, where theirs have ceased from their labours,
> Thousands of weary feet, where theirs have completed their journey...
> And by the evening fire repeat
> Evangeline's story,
> While from its rocky caverns the deep-voiced neighbouring ocean
> Speaks, and in accents disconsolate answers the wail of the forest.

Honourable senators, vive l'Acadie.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, in his treatise *De vulgari eloquentia*, Dante wrote, at Chapter VII of Book I, and I quote:

> Alas, how it shames me now to recall the dishonouring of the human race! But since I can make no progress without passing that way, though a blush comes to my cheek and my spirit recoils, I shall make haste to do so.

My intervention on the motion of Honourable Rose-Marie Cool is in three parts. First, I will tell you why the arrival of the Acadians in the Madawaska — where I come from and which I had the privilege of representing for 16 years in the House of Commons — marked the end of a cruel journey and the start of a new era for an essentially good and peaceful people.

Second, I will offer you a few thoughts on the deportation of the Acadians, otherwise the motion would be denuded of its deep meaning, indeed, its historical bases.

• (1750)

Incidentally, I am surprised to see that several of my colleagues are unfamiliar with the facts.

Third, I will tell you about today's Acadia and why Acadians were unmoved by a request for an apology by the Queen for the tragic events of 1755 and the years that followed, which were called "Le Grand Dérangement," or the deportation.

This opportunity to talk about Acadia also allows me to open a window on my region. A long time ago, I read that in the Malecite language the name Madawaska means "land of the porcupine." This is not surprising, because there are many of them and they are a rather touchy lot. People of the Madawaska are a different breed. From the very beginning, the Madawaska was a land crossed by couriers, missionaries and soldiers travelling between Quebec and Acadia. After the peace treaty was signed in 1763, it became an unavoidable passage between Halifax and Quebec. At the end of the 18th century and at the beginning of the 19th century, people from the South Shore of the St. Lawrence used the grand portage between Rivière-du-Loup and the Madawaska to settle in Acadia, because the former seigniorial lands could no longer absorb settlers. The first settlers in the Madawaska were Acadians. The Malecites, who were the very first to occupy this territory, are still there.

Some Acadians settled there in the hope of:

> ...living in the certainty, the assurance of becoming owners and putting an end to insurmountable perplexity.

These words, which are found in Volume 1784, Series "S" of the Canadian archives, are included in a request addressed to the Governor General of Canada by Jean-Baptiste Cyr on his own behalf and on behalf of his wife and their numerous children, who at the time resided in what is now the capital of New Brunswick, Fredericton.

I repeat:

> ...living in the certainty, the assurance of becoming owners and putting an end to insurmountable perplexity.

These moving words reflect the suffering of these people and the stability that all people long for.

Other similar petitions were also presented to Quebec and New Brunswick authorities. These petitions also include the names of a few Canadians, although most were Acadians settlers in Sainte-Anne-des-Pays-Bas — Fredericton, as I have already said. The old Acadian cemetery of Sainte-Anne-des-Pays-Bas was rediscovered a few years ago. It is adjacent to the official residence of the Lieutenant-Governor of New Brunswick.

Saint-Basile, some 180 miles upstream from Fredericton in the beautiful upper valley of the Saint John River is commonly known as the cradle of the Madawaska. Saint-Basile is now part of Edmunston. The Acadians know good soil when they see it. The fact that the settlements of the Loyalist refugees from the American Revolution, who had recently arrived in the lower part of the province, were so far from the Madawaska area was a determining factor. Scots, Irish and English eventually joined the Acadians of the Madawaska and added to the convivial mix.

The Madawaska remained an undefined territory for 129 years: from the Treaty of Utrecht in 1713, when Acadia became English, until the Ashburton-Webster Treaty in 1842, because agreement could not be reached on the meaning of the word "uplands" of the St. Lawrence in order to draw the border. It was some years later that the boundary was drawn between New Brunswick and Quebec. The geometric carving up of the map is intriguing. Monetary interests were the driving force, that is clear.

History, which until then had treated the Acadians so badly, dealt them one last blow in 1842. One fine morning, the people of the Madawaska awoke to find that those of them on one side of the river were citizens of the United States of America and those on the other side were subjects of the British Crown.

Thereafter, things generally went along fairly well for just about everybody. Each citizen was finally given inalienable title to a parcel of land, including my Canadian ancestor, my great-grandfather, Amable Corbin, originally from Rivière-Ouelle, in Quebec.

I will now go back even further in time. I will say — as so many others have before me — that we do not have the right to silence history, even if, to again quote from Dante:

...a blush comes to my cheek and my spirit recoils...

Although I understand Senator Losier-Cool's desire to emphasize the positive in the wording of her motion — which Senator Viola Léger also illustrated very well in her first speech — I think it important and useful to recall certain facts, without which this motion would not be very different from many others like it.

The fundamental difference is 1755, and the years following the expulsion and searching out of the Acadians: a dark atrocity indelibly etched in the collective memory of Acadians and of all right-thinking people.

There is not, to my knowledge, a single descendant of these Acadians dragged from their patrimonial soil — their land and livestock stolen, their homes and barns burned, children separated from parents, husbands from wives, herded onto unseaworthy ships to be dispersed here and there from the Atlantic to the Golf of Mexico, others fleeing by land, dispossessed, stripped of their belongings, driven away, hiding in the forest, hunted down like wild animals, suffering and dying of hunger — who has forgotten the deportation, the "Grand Dérangement."

This was the work of heartless men with greed in their souls, sad beings. The deportation of the Acadians remains one of the many sombre, eternal memorials to greed and stupidity throughout the world.

The difference is that this took place here, in what is now known as Nova Scotia, New Brunswick, Prince Edward Island and elsewhere in eastern Canada. This was a singular and unequalled tragedy in the history of Canada. It is important to grasp this fact in order to appreciate the meaning of the motion now before us.

At the same time as the expulsion of the Acadians, on November 1, 1755, a powerful earthquake rocked Lisbon and destroyed a large part of the Portuguese capital. The voices of preachers rang out from pulpits across Europe, proclaiming that the destruction of this city was proof of divine justice. This led the caustic François Mari Arouet, better known as Voltaire, to wonder whether Lisbon lived in greater sin than Paris or London.

And so it was that the deportation of the Acadians went virtually unnoticed in the Europe of philosophers and knowledgeable encyclopedists of the Age of Enlightenment, with the exception of a few very well informed political and military backrooms. It was nothing but a brief news item, lost in the bottom of a diplomatic bag. Public opinion would not have been much in any case. It was resting up for a more cataclysmic shake-up that would take place some 45 years later. History is full of this type of twist. So Voltaire, the "great expert" on snow-bound lands, deprived history of his witty comments on the deportation.

But was there anything in this? Is it possible to draw a parallel between Lisbon and Acadia? Was this divine retribution against the Acadians? What had they done to deserve such a reckoning? Nothing. They simply wanted to live in peace, without having to compromise their conscience, without having to give up their right to ownership because of an iconoclastic oath. May God forgive me for saying it, but divine justice had nothing to do with it.

The injustice of man and greed were the causes of the "Grand Dérangement," which was carefully planned for a long time and with the blessing of the Lords of Commerce for the most base satisfaction of the New England mob, the ancestors of those who would later make trouble for in the upper Saint John valley in the Madawaska, in the early 1800s.

• (1800)

The Hon. the Speaker *pro tempore***:** I am sorry to have to interrupt Senator Corbin, but I must point out that it is now six o'clock. Are honourable senators agreeable that we not see the clock?

Hon. Senators: Agreed.

Senator Corbin: After the Seven Years War**,** a number of Acadians returned, with difficulty, painfully, after months and years of suffering. Their lands — some of the most fertile in Canada — had been quickly taken over and worked by newcomers from New England. Most Acadians settled wherever they could, cleared land once again, and started new lives. They grouped together to help each other out. They have multiplied to such an extent that now there are large numbers of Acadians, not just in the Maritime provinces but also on the Îles-de-la-Madeleine, in the Gaspé and in Quebec — the claim is made that there are more in Quebec than in all of the Maritime provinces put together — as well as in the National Capital Region, and everywhere else in the country. Many Canadians from all kinds of backgrounds take pride in claiming an Acadian in their ancestry, as did Senator Kinsella the other day.

I will now move on to the third part of my speech, the part about the present and the future. People ask where Acadia is located. I could give a reply along the same lines as Alfred Jarry's ubuesque description of Poland as "a country that is nowhere." But no, Acadia is, instead, wherever there are Acadians. Acadia is also a state of mind.

Senator Rose-Marie Losier-Cool, who is the sponsor of that motion, and Senator Viola Léger told you a lot about today's Acadians, who live fully in the present and who look to the future with confidence. They are right to want to celebrate the resurgence of the Acadians and their culture, just like the Phoenix rises from its ashes. According to the Ethiopian legend, this mythological bird would live another 1461 years before again being consumed by flames. The Acadians will never again have to suffer again the affront of 246 years ago.

When we think about all the challenges that Acadians who came back home had to face, when we think about the successes of their descendants, about their numerous contributions to the building of our nation, and particularly their great loyalty in spite of all that happened to them, we understand why they enthusiastically celebrate their national holiday on August 15, and why they are so proud of their tricolour flag with the star.

There is every reason to celebrate this Acadia, which goes beyond a narrow geopolitical framework. Indeed, Acadia is about arts, letters, media, business, trade, politics, sciences, liberal professions, the legal profession, education and spiritual life. If the Acadians were able to overcome the obstacles they had to face throughout history, it is because of their deep faith and dedicated educators. The current generation must never forget that. I personally benefitted from it. If the Acadians are so positive and confident, it is because of their institutions.

What are we to think about the recent vote held in the other place on a motion asking the Crown to apologize for how Acadians were treated in 1755? The motion was rejected by the majority. I suspect it was for as many personal reasons, often diametrically opposed, as there are individuals.

There are two reasons I would not have supported this motion. I really think that apologies are not something you beg for. An offending party must above all recognize the seriousness of the offence, the injustice done, and repent spontaneously, if his sincerity is to be believed.

If the offending party apologizes only in response to pressure, the apology — if apology there was — would in no way be motivated by an admission of wrongdoing. It would be typical of the absolutistic attitude of a sovereign who is free to treat his subjects as he wishes. It would be meaningless and purely arbitrary. Frankly, it is the kind of excuse I could do without. This is the view of the great Argentinian writer Jorge Luis Borges, and I share it.

[Senator Corbin]

Modern Acadia, progressive and energetic, is an undeniable fact in the Canada of today. Moreover, it shines brightly beyond our borders. It does not need to apologize for its existence or be apologized to in order to affirm itself and say to the world: "We exist."

Last spring, I spoke to you about an event reported in the wonderful Prince Edward Island weekly *La Voix Acadienne*. In the article, a Protestant pastor in Southampton, England, apologized publicly "on behalf of his people" to an Acadian community, whose members were assembled in the parish church for the Sunday service, for "all the harm done to the Acadian people by his government in 1755." The most astonishing thing about this spontaneous act of the soul was that the pastor had only just learned of the fate that had befallen the Acadians. What honesty! What an amazing example!

The government should declare August 15 the fête nationale des Acadiens et Acadiennes, who deserve the admiration of all Canadians for their vitality, their courage and their loyalty. I would like to congratulate my "protégée," Senator Rose-Marie Losier-Cool, for her initiative.

And finally, I would like to congratulate our former colleague, the Honourable Roméo LeBlanc, the first Acadian to become the Governor General of Canada, who is now the new Chancellor of the Université de Moncton, the Acadian university, located in the city that bears the name of one of those who sarched out Acadians. History is so funny! Long live Acadia!

Hon. Gerald J. Comeau: Honourable senators, may I ask a question of Senator Corbin?

The Hon. the Speaker *pro tempore***:** Honourable senators, Senator Corbin's time has expired. Do you give leave for Senator Comeau to ask his question?

The Hon. Fernand Robichaud (Deputy Leader of the Government): Leave is granted for a question and an answer.

Hon. Gerald J. Comeau: Honourable senators, did I hear correctly when I heard Senator Corbin say that there was only one Acadian university in the Atlantic provinces?

Senator Corbin: Honourable senators, my apologies. I should have known, since I taught at the Collège Sainte-Anne, now the Université Sainte-Anne, on the lovely baie Sainte-Marie. There are other Acadian universities, including one in Louisiana. I thank Senator Comeau for correcting me. It was an omission on my part.

On motion of Senator Léger, for Senator Day, debate adjourned.

[*English*]

[*Earlier*]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(*a*), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore***:** Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons, which reads as follows:

House of Commons

Canada

Tuesday, December 11, 2001

AMENDMENT made by the House of Commons to Bill S-10, passed by the Senate, entitled: "An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate)"

1. Page 1, Clause 1

(*a*) replace, in the English version, lines 7 to 9 on page 1 with the following:

"75.1 (1) There is hereby established the position of Parliamentary Poet Laureate, the holder of which is an officer of the Library of Parliament"

(*b*) replace lines 20 to 30 on page 1, and line 1 on page 2, with the following:

"(3) The Parliamentary Poet Laureate holds office for a term not exceeding two years, at the pleasure of the Speaker of the Senate and the Speaker of the House of Commons acting together.

(4) The Parliamentary Poet Laureate may"

WILLIAM CORBETT
Clerk of the House of Commons

The Hon. the Speaker *pro tempore***:** Honourable senators, when shall these amendments be taken into consideration?

On motion of Senator Grafstein, consideration of the amendments to the bill placed on the Orders of the Day of the next sitting of the Senate.

[*English*]

• (1810)

ENDING CYCLE OF VIOLENCE IN MIDDLE EAST

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator De Bané, P.C., calling the attention of the Senate to his recommendation for ending the atrocious cycle of violence raging now in the Middle East.—(*Honourable Senator Finestone, P.C.*).

Hon. Sheila Finestone: Honourable senators, like all honourable senators, I bring to this place a collage of experience and perspectives that combine to make my insights uniquely mine. I am a committed parliamentarian, not just a legislator. I am a devoted mother, not just a parent. I am a woman, but that alone does not define me. I am a passionate Québécoise, but my views are not limited to a provincial perspective. I am a proud Jew, but my world view is liberated by my religious-held legacy, not constrained by it. All these dimensions shape my orientation to issues that come before us in this place. When I reflect on the challenge facing the Middle East, I find that I must draw on all of these facets when considering the potential role Canada can play in ameliorating the desperate situation facing the peoples of that region, some of whom are my liberal brothers and sisters; and others, who, in every sense of the word, are my cousins.

I note the comments offered by my colleague and I thank the Honourable Senator Pierre De Bané. In many respects, I found his remarks not only thoughtful, but also free of the antagonism that so often characterizes discussion of these issues. The parliamentarian in me sees in this a key to navigating the mind field that is the Middle East, a particularly Canadian recipe. Our approach to the Middle East must be founded on the proposition that a resolution to the conflict does not entail a zero sum gain. All must be winners or all are doomed to be losers.

The mother in me is keenly aware that, when we speak of losers in the context of the current terror and violence that plagues Israel and the Palestinian authority areas, we are not speaking of a gain. We speak of losses that are permanent in nature. We speak of lost innocence and lost youth that cannot be retrieved. Too often — indeed, virtually daily — they speak of and must mourn the youth who are lost forever.

If this pattern of terror and retribution is to be halted, we must impress on the regional players another inherently Canadian value. It is one that every mother seeks to impart to her children: the quality of respect. Our efforts must be directed at encouraging both Israelis and Palestinians to consider, in a genuine and meaningful way, the heartfelt aspirations of the other, and replacing the caricatures inspired by fear and hate with real faces who yearn for respect and validation.

Canada's dialogue fund, which operates under the auspices of the Department of Foreign Affairs, represents a wonderful way to break down some of the those barriers and fosters a process of humanizing those who have seen each other only as foes. Such a transformation, the replacement of one perception with another far more constructive one, requires a strength and resoluteness that speaks to the woman in me.

Within this parliamentary precinct, we have an inspiring monument to the capacity of women to be real agents of social change. So, too, must our endeavours in contributing to a new atmosphere in the region be directed at women. If the will to strive for peace cannot readily be found in the corridors of power — when, unfortunately, this seems to be the case, with nine failures to date — then we must help facilitate the development of that will from within that element that serves as the anchor of both societies: women. They represent the forgotten element in the equation, and we have an opportunity to stimulate the recognition of the unique contribution they can offer.

The Québécoise in me understands the role of national pride. It is precisely because of that sensitivity that I can appreciate the pride that rests in the hearts of others. I share with many the knowledge that "distinct" does not necessarily equate with "exclusive," and that ultimately my strength derives from validating that which is unique and distinct about others.

The art of compromise may not be uniquely Canadian but it is a *modus operendi* that we know well and cherish. This, too, then, represents a Canadian value that should colour our approach to intervention in the Middle East.

[Senator Finestone]

There have been compromises in the Palestinian-Israeli relationship; some of them historic. Tragically, others seem to have been fleeting. We must convince them not only of the need to move toward compromise but also that success depends on sustaining the spirit of compromise, of continuing dialogue rather than resorting to violence, of searching for the path out of the maze rather than travelling toward a figurative and literal dead end.

Honourable senators, despair is tantamount to a sin in Jewish tradition. While yielding to dejection might be understandable reaction to recent events in the Middle East, it is not an indulgence that we dare permit ourselves. Judaism attaches supreme importance to the concept of honesty. I submit that. Ultimately, Canadian involvement in the quest for Middle East peace, emphasizing all the values I referred to earlier, must be characterized by scrupulous attention to the imperative of honesty. As John F. Kennedy observed, to state the facts frankly is not to despair for the future nor to indict the past.

Canadians are often referred to as "honest brokers," And that is the role we desire for ourselves. It implies a willingness to become involved in the process. Successive Canadian governments have signalled such a willingness. However, it demands that our involvement be honest. It requires us to value honesty in our assessment of Middle East developments above our desire to be players. I am sick of us just being players. A balanced approach should never mean a constrained engagement.

As I approach the conclusion of this chapter in my life, I confess to my sadness and my profound disappointment that a dream that 18 months ago at Camp David seemed so close, now appears to be distant.

• (1820)

There is a Jewish expression that I am sure can find a parallel in many cultures: "Words from the heart penetrate the heart."

I have shared what I believe is a practical and helpful blueprint for how an unbiased, independent and fair-minded Canada can play a productive role in bringing the dream of Middle East peace within the grasp of Israelis and Palestinians. If the efforts of Canadians are characterized by the same quality and sincerity that I hope I was able to convey today, I am generally encouraged that such an effort will be richly rewarded, and I pray it is so.

As I speak, Jews the world over are celebrating Hanukkah, the festival of lights. The menorah reminds us of the imperative that falls to us all to contribute to lighting up the world and dispelling the shroud of ignorance, intolerance and hatred. We also may derive a lesson from the coincidence of Hanukkah, Ramadan and the Christmas season. Each of the faith communities that have a special connection to Israel must join together in the quest for peace. That will truly illuminate the world.

Hon. Senators: Hear, hear!

On motion of Senator Prud'homme, debate adjourned.

CANADA LOVES NEW YORK RALLY

INQUIRY—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein rose pursuant to notice of December 6, 2001:

> That he will call the attention of the Senate to "The Miracle on 52nd Street", the Canada Loves New York Rally in New York City on December 1, 2001.

He said: Honourable senators, "Miracle on 52nd Street," the headline in the Toronto *Sun*, aptly described the Canada Loves New York Rally that erupted at the Roseland Ballroom on 52nd Street in New York on Saturday December 1, 2001. The headline was accurate. It was a "grassroots" miracle.

After September 11, Canadians shared the pain and tragedy with Americans. Canadians wondered what to do. As Co-chair of the Canada-U.S. Inter-Parliamentary Group, I called colleagues and friends in the American Congress, both in Washington and New York, to commiserate. All were depressed and distracted by the situation amplified by the elaborate security checks necessary when they entered their own offices on Capitol Hill and days later by the anthrax scare that immobilized their offices and staff even further. Congressmen who lived in New York were confronted with all the problems in Washington, adding to the daily sorrow of living in New York. Canadians shared these sorrows and events deeply and poignantly, as it had happened to some of them.

What to do to show solidarity and support? The first idea was to organize a mass rally and benefit concert at the Skydome in Toronto to raise contributions for families of the victims. A few days after September 11, the Prime Minister held an open-air service where over 100,000 people gathered on Parliament Hill. The idea for a benefit concert received no traction as it was quickly overtaken by other concerts.

Friend and producer Gabor Apor said, "Jerry your efforts are misplaced. You should organize something in New York." We approached municipal officials who balked because they felt that such an effort would be perceived as counterproductive since tourism in Canada was in a dive. One leading businessman argued that such an effort would be misdirected and would be misunderstood in Toronto. Canadian retail sales were spiralling downward. We felt otherwise. A strong message had to be made in New York City, the media capital in the world, that we had to get things speedily back to normal or both our economies would cocoon and slide into recession. The terrorism threat was debilitating consumer confidence on both sides of the border.

Then, honourable senators, Mayor Giuliani made his magnificent speech at the United Nations, inviting those who wished to help America to come to enjoy New York and help get things back to normal. My wife Carole said to me, "Stop moping about this. Let's organize some volunteers."

A few days later, a handful of outstanding community volunteer leaders from health to the arts in Toronto were called together. They all enthusiastically endorsed the idea, knitted their various talents together to make it happen, organized a non-stop committee and set up an office. Others were quickly and easily added. Several undertook to raise out-of-pocket costs. One suggested we needed media support, and an advertising firm was contacted by a key volunteer to contribute the creative work under the direction of the committee. They generously agreed to donate their services to the committee. Another thought that a fire van to replace one of those demolished should be contributed to the New York Fire Department, and she quickly obtained a van as a donation.

Publishers of the leading newspapers in Toronto were called and full-page ads were requested. They all quickly and generously agreed. Leading executives in television and radio quickly agreed as well to contribute free media time. A wonderful log was designed. Print ads were created and revamped to suit the committee's objectives. An ad was devised with Canadian stars in entertainment and sports produced by a Canadian producer, all of whom volunteered their time and services. They quickly congregated across Canada and in New York and L.A. to tape 30- and 60-second commercials. Street media, elevator and bus signs were generously donated after quick calls. I asked the Prime Minister if he would join in the commercial and he spontaneously agreed.

Another key volunteer suggested that the ad might be shown in movie theatres. A movie theatre executive was invited as a volunteer and agreed not only to have the cost of translating the commercial into film donated, but also to ensure it was launched with the Harry Potter movie about to debut in cinemas across Canada.

The committee agreed that November 30 to December 2, between the American Thanksgiving and Christmas, would be dubbed the "Canada Loves New York Weekend."

We approached Air Canada. They generously came up with a special package and then agreed that the package would apply not only to Toronto but also to Ottawa and Montreal. People in Vancouver, Halifax and other cities heard about the idea, and so Air Canada added special rates to those cities and other parts of Canada as well. A hotel chain in New York and Canada volunteered to obtain discount hotel rates in New York. Another suggested that bus companies selling cut-rate packages should be contacted in order to ensure that students and others would be able to come to New York on an affordable basis.

Everyone said "yes." No one said "no."

Old friends in Montreal were contacted and conscripted. Then Senator Hervieux-Payette called and said that others in Montreal wished to join this effort as well, and a vigorous, high-powered, eminent organization of volunteers was quickly formed there. They speedily produced ads in French for both print and broadcast. This followed with a lively committee organized right here in Ottawa. Other groups across Canada and the United States, as they heard about the rally, joined as well.

A prominent Canadian living in New York was approached and a robust, dynamic volunteer committee of young Canadian professionals and executives working in New York was quickly established there. They worked non-stop from the very start.

Since we discovered that hundreds of thousands of Canadians live within Greater New York, the Committee felt it was important that Canadians coming from across Canada should converge with Canadians living in Greater New York.

With barely one month to organize the event, the committee concluded that the presentation of the van should be made to Mayor Giuliani and the Chief of the NYFD. Ambassadors in Washington and Ottawa were enlisted, as were two ranking American congressmen, both great friends of Canada. Contact was made with the mayor's office with an invitation for him to attend a rally that would take place on December 1.

A frantic search discovered that the historic Roseland Ballroom was available. The New York owner was contacted and generously made the ballroom available at very nominal cost. Venue insurance was donated by a key volunteer's Canadian firm in New York. A Web site was created and an 800 number was donated in order to focus all the outreach activities. The Web site received thousands of hits from across Canada and the United States.

Reaching the tens of thousands of Canadians who lived in New York was a daunting challenge. One international magazine donated an ad in its Manhattan edition. Use of e-mail was deployed. It just was not enough.

We called one of the owners of the large screens in Times Square and told our story. He agreed not only to provide time on his screen, but volunteered to obtain the assent of all other screen owners in Times Square to broadcast our message in New York as well.

• (1830)

Another key New York volunteer obtained access to the Jumbotron at Madison Square Garden to broadcast our call for the rally there. Yet another persuaded the Empire State Building to be lit up in Canadian colours, and it was done on November 29.

Mayor Giuliani graciously issued a proclamation which officially declared December 1 Canada Loves New York Day in New York. Then the White House was contacted and President Bush promptly issued a presidential message that was put on the wire services commending the Canada Loves New York Committee for its efforts.

Let me quote briefly from President Bush's message. He said:

> The United States and Canada are strongly linked by ties of family, friendship, trade, and shared values. Our countries have stood shoulder to shoulder in war, peace, trial, and triumph, and we again stand together today to defeat terrorism. I applaud the "Canada Loves New York" Committee and the Canadian people for making this event possible in celebration of our solidarity. By responding to Mayor Giuliani's invitation to come to New York, you demonstrate your love for this remarkable city and build on the special heritage our countries share as lands of freedom and opportunity.

The committee felt that, if we could induce 3,000 to 4,000 Canadians to attend, it would send a wonderful message across America and Canada. All agreed it was essential to snap things back to normal, to overcome the fear of flying and resume air travel, and to help thaw consumer paralysis, so evident in both the United States and Canada.

Canadian artists, including opera singers working in New York, were enlisted to donate their talent.

Senator Hervieux-Payette who helped organize the Montreal committee insisted that a longer show especially for Quebecers with more Canadian talent was necessary. Thus, a wider panorama of Canadian talent was sought and quickly assembled with the help of volunteers in Canada and especially in New York.

Pamela Wallin was hastily called upon for her contribution as MC. With her excellent, ebullient talents, she helped make the rally memorable.

At the last moment, the committee was approached by rank and file policemen in Toronto who had raised over $100,000 by selling over 15,000 T-shirts door to door. They wished to hand the cheque directly to the NYPD Benevolent Fund for Victims. They wanted to ensure that the money reached the right source. We agreed to have them join us in the presentation ceremony. We invited the Police Chief and the Fire Chief of Toronto and their counterparts in New York to join the presentation.

I then approached Charles Pachter, one of Canada's leading artists, to create a commemorative painting for this event. His generous gift would be transformed into a commemorative poster and given to Canadians attending the rally as a lasting souvenir. Some 5,000 were printed. The first of the three artist's proofs of this emotive painting was to be presented to Mayor Giuliani, and later one to President Bush and one to Prime Minister Chrétien.

A Canadian clothing company owner designed and produced a special "Canada Loves New York" cap to be given to those attending the rally, and volunteered on the committee himself. He also deployed, through his e-mail system, extensive lists, and all volunteers helped enlist other through e-mail lists as well.

The Prime Minister agreed to a photo opportunity boarding a bus in front of Parliament Hill to help promote the event. It was covered by all the media across Canada and picked up by American television to help boost public awareness in both Canada and the United States. Special postcards of the Pachter painting were generously printed by yet another key volunteer and were handed out on airplanes, buses and hotels as an invitation to the rally.

University newspapers in Ontario and Quebec were called upon for their help and support, and they gave it.

The media in both Canada and the United States, especially the networks, allowed us to boost our activities in the days leading up to the rally.

Public relations experts volunteered their invaluable services, consuming virtually all of their time.

As December 1 approached, members of the committee did not know what to expect, or even how to calculate how many would come. We had no accurate way of predicting. The arm of volunteers was overwhelmed and gratified. The doors were to open at 1:30 p.m. at the Roseland Ballroom.

To our surprise, the lineup of Canadians started at 9 a.m., on 52nd Street, and then streamed along 53rd Street, 54th Street, 56th Street, 57th Street, 58th Street, 59th Street, 60th Street, and beyond. Canadians then lined up along 8th Avenue and Broadway. The various estimates concluded that up to 26,000 Canadians converged around the Roseland for the rally. Indeed, 53rd Street was blocked off.Those who were unable to enter the ballroom, or the festoon-closed-off 53rd Street, where a Jumbotron was hastily added, lingered and then moved happily on to enjoy the sights and sounds of New York. Not one complaint was heard.

Canadians had come from as far as Whitehorse and Newfoundland for the weekend. Many did not get even close to the ballroom — and not one Canadian complained. The tough New York police officers, charmed and disarmed, marvelled at the patience, politeness and the genial spirit of the thousands and thousands of Canadians who lined up for hours and still could not witness the rally.

Two red-coated Mounties became instant celebrities at the Roseland and as they strolled along Broadway.

For me, the most poignant story centred on a group of young disabled Canadians from Toronto's Variety Village who wanted to come to the rally. A key volunteer quickly arranged to have bus and train facilities donated. These young disabled people travelled for 15 hours on Friday, November 30, to attend the rally. Given a prominent place, they joyously wrapped themselves in Canadian flags, and were painted in the Canadian colours.

The Prime Minister, on a trade mission in the southwest United States, completing in Los Angeles on November 30, the day before the rally, made a special detour in order to join the thousands and thousands of Canadians who had come to participate in the Canada Loves New York Day. He was cheered and welcomed on the crowded streets of New York by his fellow Canadians.

The finality of the presentation was marked by three Canadian opera singers who sang a haunting rendition of *God Bless America*. There was not a dry eye inside or outside of the room. The Fire Chief of New York, with tears in his eyes, thanked us for such an inspiring and emotional event. The Chief of the NYPD was equally overwhelmed. Mayor Giuliani whispered to me after the event that it was one of the most inspirational moments he had experienced since September 11. He said he was simply overwhelmed.

At the end of the presentation, I asked the mayor publicly to make one promise. When things got back to normal, when things were running smoothly in New York, we invited him, all New Yorkers and all Americans to come and visit Canada. He enthusiastically accepted.

As Canadians left the Roseland Ballroom and drifted away from the surrounding area, Mayor Giuliani thanked me again for our committee's organizational efforts. I told him that his appreciation for our efforts was misplaced. Yes, it was all the volunteers who worked so selflessly and quickly to facilitate a response to his most compelling invitation at the United Nations. Most of all, I told him, the volunteers discovered that all you have to do is ask Canadians to do the right thing and then move out of the way. They will do it and do it in overwhelming numbers! Just trust the Canadian people and they will surprise you every time.

On Saturday, December 1, tens of millions of Americans and Canadians on both sides of the border and overseas witnessed, via television and by listening to the radio, the "Miracle On 52nd Street." An all-Canadian grassroots miracle did take place in New York City. God Bless Canada. God Bless America.

Hon. Senators: Hear, hear!

On motion of Senator Grafstein, for Senator Hervieux-Payette, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF STATE OF HEALTH CARE SYSTEM

Hon. Michael Kirby, pursuant to notice of November 29, 2001, moved:

That, notwithstanding the Order of the Senate adopted on March 1, 2001, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report upon the state of the health care system in Canada, be empowered to present its final report no later than June 30, 2003.

Motion agreed to.

The Senate adjourned until Wednesday, December 12, 2001, at 1:30 p.m.

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