



# Debates of the Senate

---

1st SESSION

•

37th PARLIAMENT

•

VOLUME 139

•

NUMBER 86

---

**OFFICIAL REPORT  
(HANSARD)**

**Tuesday, February 5, 2002**

---

**THE HONOURABLE DAN HAYS  
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

## **CONTENTS**

(Daily index of proceedings appears at back of this issue.)

---

*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate

Available from Canada Communication Group — Publishing,  
Public Works and Government Services Canada, Ottawa K1A 0S9,

**Also available on the Internet: <http://www.parl.gc.ca>**



## THE SENATE

Tuesday, February 5, 2002

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

Prayers.

### NEW SENATOR

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that the Honourable Ronald J. Duhamel, P.C., has been summoned to the Senate.

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there was a senator without, waiting to be introduced:

The following honourable senator was introduced; presented Her Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk; and was seated:

**Hon. Ronald J. Duhamel**, of Winnipeg, Manitoba, introduced between Hon. Sharon Carstairs and Hon. Richard H. Kroft.

**The Hon. the Speaker** informed the Senate that the honourable senator named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

•(1410)

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, it is with a great deal of pleasure that I rise today to welcome a new colleague and a very good friend to the Senate, namely, the Honourable Ron Duhamel.

[Translation]

I have known Senator Duhamel both professionally and personally for a long time. We both have the privilege and pleasure of representing the people of the province of Manitoba. The Senate will now have the privilege of benefiting from his vast store of knowledge.

Honourable senators are, no doubt, aware that he was elected to the House of Commons for the first time in 1988. He has held a number of positions, including several as parliamentary secretary. More recently, he held three portfolios simultaneously: Minister of Veterans Affairs, Secretary of State responsible for the Francophonie, and Secretary of State for Western Economic Diversification.

Senator Duhamel is well known for his exceptional service to the people of St. Boniface, Winnipeg and Manitoba as a whole. In 1994, he was made a chevalier, or knight, of the Ordre de la Pléiade, and in 2000, appointed an officer of the Assemblée parlementaire de la Francophonie, Canadian division. We are certain that his senatorial duties will have no effect whatsoever on his devotion to his province.

[English]

Honourable senators, Senator Duhamel and I have had some interesting experiences together — I as a critic of education in the province of Manitoba, and he as the deputy minister of that same department. I think one of our funniest experiences occurred when I was giving a speech on his behalf in the St. Boniface constituency.

My husband is a bit of a wiggler, and the stage had been set up in such a way that there was a space between the backdrop and the end of the platform. I had begun my speech and was talking about how wonderful my friend was, how eloquent he was and how he deserved to be the member from St. Boniface, at which point my husband, John, disappeared off the stage and jack-knifed himself between the display at the back and the platform. Senator Duhamel and I were not sure what we should do at that particular point in time, so we left John hanging there while we completed our speeches. He and I have been through many positive experiences, and I am delighted to have him here in the chamber with me.

[Translation]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, those of us who knew the late and sorely missed Gildas Molgat well, both here and elsewhere, were extremely anxious to learn who would be taking over from him.

Even though Senator Duhamel might well have preferred to remain in his elected position and his ministerial duties, we cannot help but rejoice at his coming to the Senate. It will benefit greatly from his long political experience and particular knowledge of the ins and outs of government. Manitoba can rejoice that it will continue to be as ably represented as it was by his predecessor.

[English]

In a note accompanying his Christmas card, Senator Duhamel spoke of the past year as one of challenge “for some of us personally,” as he put it, and that “the measure of an individual or of a nation is not so much tested by prosperity as it is by adversity.” Such a positive attitude under difficult conditions speaks well of our new colleague and certainly augurs well for this institution. All on this side join with me in wishing Senator Duhamel the very best as he assumes his new responsibilities.

## SENATORS' STATEMENTS

[Translation]

## NOVA SCOTIA

CAPE BRETON—COMPLIANCE OF MEMBERTOU BAND WITH  
INTERNATIONAL STANDARDS ORGANIZATION

**Hon. B. Alasdair Graham:** Honourable senators, many of us are aware that the International Organization for Standardization sets very high standards. An ISO designation means that customers can be assured that the business they are dealing with has achieved a very high level of product quality and service and is fully qualified to compete in the global market economy.

Most Canadians do not think of ISO designations when they think of our First Nations and indigenous peoples. We tend to think about unemployment and children in crisis; we tend to think of inordinately high health and social challenges.

Until six years ago, some of those descriptive phrases might have been applied to a small Cape Breton Mi'kmaq band known as Membertou. The fighting spirit of this talented community located within the city of Sydney has been personified over time by their best-known resident, Donald Marshall Jr. Behind the scenes of the dramatic *Marshall* case, the community was retooling and revitalizing to build an entrepreneurial economy uniquely poised to score big victories in the international marketplace. Through the fine leadership of people like former Bay Street lawyer, now Membertou CEO, Bernd Christmas and Chief Terrance Paul, the community said no to debt, got their financial house in order and jumped into a host of joint ventures. With an exceptional ability to attract private partners and investment, the community signed deals with the likes of Sodexo Canada, Clearwater Fine Foods, SNC-Lavalin and major U.S. mining firm Georgia-Pacific.

Last week, in a historic ceremony, this remarkable Mi'kmaq community became the first native government in North America to become ISO compliant. In Membertou, traditional indigenous values and the values of the global marketplace now live as one.

I might add that the name Mi'kmaq derives from the term "nikmaq," a word in the language that means "my kin-friends," which was used as a greeting in the early 1600s to French and Basque fishermen. The French, in turn, would greet the First Nations people by saying "nikmaq," or "my brothers." May I do the same today and salute you, nikmaq, my fellow Cape Bretoners, my fellow Nova Scotians, my fellow Canadians from Membertou, and offer you my heartiest congratulations for a job well done.

## BLACK HISTORY MONTH

**Hon. Donald H. Oliver:** Honourable senators, this is February again, Black History Month. It is a time to read, reflect, listen and dream — yes, to dream, like Martin Luther King, dream that someday we could all sit at the same table, as equals, and not be judged unfairly just because of the colour of our skin. Unfortunately, today's reality is very different.

We cannot be free unless we are treated as equals. Black people must have the same career opportunities as white people. Unfortunately, honourable senators, we have not made much progress in this respect in Canada. Black people are not free and they are not white people's equals.

Let us begin by looking around here, in the Senate of Canada, and ask ourselves if we truly represent Canada's diversity. We know that in our own public service racism still prevents members of the black community and visible minorities from holding positions of importance and authority. For example, how many of you have met with a black deputy minister? No one, because there are none.

[English]

We know that our universities are rife with racism that acts imposingly to prevent the advancement of blacks to senior academic and administrative positions. The same is true on Bay Street.

•(1420)

Honourable senators, the day will come when you may be called upon to speak out against racism against blacks, and I remind you of words of Martin Luther King:

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Honourable senators, I will be happy when I do not have to stand here in my place to remind Canadians why we need a month to remind others of our contribution to this country, and why we have a right to be treated as equals. As you know, it was the educator Carter Woodson who thought of the idea for Black History Month. It was his view that the knowledge and dissemination of African history would, besides building self-esteem among blacks, help to eliminate prejudice among whites.

Honourable senators, I will be giving some eleven speeches across Canada in connection with Black History Month, and I hope you will take advantage of the opportunity to learn more about the exciting history and culture of blacks in Canada.

[Translation]

## MONTFORT HOSPITAL OF OTTAWA

### LEGAL VICTORY

**Hon. Jean-Robert Gauthier:** Honourable senators, I want to thank all those who helped us get justice in the case of Montfort Hospital. This hospital is very important and is a symbol for Ontario's French-language community.

Montfort will continue to welcome all Canadians in the official language of their choice. The important thing is that Montfort will remain the only Ontario hospital to work and teach in French. Doctors, nurses, physiotherapists — the whole caregiving staff will be bilingual in that hospital — will be able to get quality training at Montfort.

That hospital was built in 1953 by the Soeurs de la Sagesse. Believe it or not, I was present at the hospital's inauguration. I was not surprised by the government's decision not to seek the opinion of the Supreme Court of Canada. What a relief! It took two majority decisions issued by two higher courts in Ontario to convince the government of the merits of the case and to have the Montfort Hospital recognized as being essential to the existence of Ontario's francophone community.

Many, many thanks to all of you who tirelessly supported these appeals through the courts. Congratulations to the S.O.S. Montfort team.

The rallying cry of the region's francophone community was: "Close the Montfort? Never!" Today, I would echo this with "Montfort open? Forever!"

## OFFICIAL LANGUAGES

### PROTECTION OF LINGUISTIC RIGHTS

**Hon. Serge Joyal:** Honourable senators, last Friday, February 1, the Government of Ontario announced that it was bowing to the unanimous decision of the province's Court of Appeal confirming the Divisional Court's ruling of two years ago that the Montfort Hospital was protected under the constitution. Franco-Ontarians will now benefit not only from health services wholly in French, but the institution will be able to continue to serve as a training centre for health professionals, the only one of its kind in Ontario.

We must pay tribute to the convictions, the courage, indeed the heroism of Gisèle Lalonde, who, against all the odds, succeeded in putting together a large coalition and leading a legal battle against the political stubbornness of the largest provincial government in the country. This is quite an achievement.

How is the future of the Montfort, as an essential French-language institution, henceforth assured? The answer is simple. It is assured because the courts provided protection when the political will of the majority failed and it decided to reduce the institution to a sort of large regional clinic. The strangest thing of the entire saga is that, just as the survival of the Montfort is being guaranteed by the courts, there are people who are questioning the usefulness of legal challenges in the protection of minority rights. What use is the constitutional protection of rights and freedoms if these same linguistic rights, which are recognized for minorities in this country, are not protected against the political arbitrariness of the governments of the day? Is this not the fundamental purpose of the Charter? Yes, it provides minorities with real protection against the whims and changes in mood of majorities, which need neither charters nor courts for protection.

It was for this reason that, in 1983, as Secretary of State of Canada, I set up a program to fund court challenges based on the Charter of Rights and Freedoms, particularly those having to do with the protection of language rights. For the past 20 years, if people had not turned to the Canadian courts to have their language rights recognized, for example, anglophones in Quebec would not see their language on public signs in the province. The right of francophones elsewhere in the country to manage their school boards would not have been recognized. The francophones of Summerside, Prince Edward Island, would not have been able to enter their new school and community centre this week after 12 years of court battles. Franco-Manitobans, one of whom we welcomed to this place today, would not have access to legislation and services in French in their province.

Yes, it was George Forest's 1984 court challenge of a parking ticket that repaired 100 years of injustice in Manitoba. The Federal Appeals Court decision, which the President of the Privy Council complained about last week, did not really focus, *per se*, on the issuing of bilingual tickets. In fact, the decision forbids the Government of Canada from transferring responsibilities to the provinces, which has the practical effect of denying minorities access to services in their language. This is significant.

Let us applaud and support minorities that fight for their rights before the courts when the political powers of the day do not live up to their constitutional responsibilities and maintain the ideal of the equality of linguistic rights that guarantee the future of Canada.

[English]

## NATIONAL EDITORIALS BY SOUTHAM NEWSPAPER CHAIN

**Hon. Laurier L. LaPierre:** Honourable senators, I should like to read to you, in part, a letter that I wrote to the *Ottawa Citizen* that was published on January 11, 2002:

Like everyone else in our country, I am disturbed by the imposition of a “national editorial” on the *Ottawa Citizen* and the other Southam newspapers. I am even more distraught by the decision made by your owners that you are not allowed to editorially contradict the holy writ. I have no doubt that in a short while, columnists, op-ed writers, reporters, et cetera will be subject to the non-contradiction rule. In no time, as well, the public affairs and news departments of the Global Network will be so dictated too.

This is a most dangerous situation, a situation that imperils the fundamental right of Canadians to a diversity of information.

In the light of this development, I have decided to act.

When the Senate returns from the Christmas break, I intend to propose the undertaking of a special study on the impact of the concentration of ownership in the media upon the quality and diversity of information and of entertainment.

It is my wish that honourable senators will agree with me that this is an important matter that deserves to be looked into by the Senate. Much has changed since the Kent report.

[Translation]

### THE LATE JUSTICE WILLARD ZEBEDEE ESTEY, C.C., Q.C.

#### TRIBUTE

**Hon. Gérard-A. Beaudoin:** Honourable senators, former Justice of the Supreme Court of Canada, Justice Willard Zebedee (Bud) Estey, passed away on January 24.

Born in Saskatchewan in 1919, Bud Estey studied at the University of Saskatchewan and at Harvard Law School. He practiced law for some thirty years before being appointed to the Ontario Court of Appeal in 1973 and becoming Chief Justice in 1976.

He sat on the Supreme Court of Canada from 1977 to 1988. He drafted the first major judgment on the Canadian Charter of Rights and Freedoms, the *Skapinker* judgment, in 1984. In this unanimous judgment, he stated:

The *Charter* comes from neither level of the legislative branches of government but from the Constitution itself. It is part of the fabric of Canadian law. Indeed, it “is the supreme law of Canada.”

...

With the *Constitution Act, 1982* comes a new dimension, a new yardstick of reconciliation between the individual and the community and their respective rights, a dimension which, like the balance of the Constitution, remains to be interpreted and applied by the Court.

Over the course of his lengthy career, he also distinguished himself by chairing a number of royal commissions.

More recently, he appeared before the Senate Committee on Aboriginal Peoples to comment on the agreement between the Nisga’as of British Columbia, the government of that province and the Government of Canada.

Honourable senators, Canada has lost an excellent legal mind. I offer my sincere condolences to the Estey family.

•(1430)

[English]

## ROUTINE PROCEEDINGS

### MINISTER OF HEALTH AND MINISTER WITH SPECIAL RESPONSIBILITY FOR PALLIATIVE CARE

#### LETTER OF UPDATE ON FEDERAL ACTIVITIES REGARDING PALLIATIVE CARE TABLED

**Hon. Michael Kirby:** With leave of the Senate, I should like to table a letter from the Minister of Health and the Minister with Special Responsibility for Palliative Care.

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

**Hon. Senators:** Agreed.

**Senator Kirby:** Honourable senators, I have a letter signed by the Honourable Allan Rock, Minister of Health, and by the Honourable Sharon Carstairs, Leader of the Government in the Senate and Minister with Special Responsibility for Palliative Care. This letter was received in my office in December 2001.

The purpose of the letter is to provide an update of federal activities in the area of palliative care and end-of-life care, since the tabling of the report entitled “Quality End-of-Life Care: The Right of Every Canadian,” in June, 2000, by the Subcommittee to Update “Of Life and Death,” of the Standing Senate Committee on Social Affairs, Science and Technology.

### STATE OF HEALTH CARE SYSTEM

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

**Hon. Michael Kirby:** Honourable senators, pursuant to the order adopted by the Senate on Thursday, March 1, 2001, I have the pleasure to inform the Senate that on Tuesday, January 29, 2002, the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is an interim report on the study of the state of the health care system in Canada entitled: “Volume 2: Current Trends and Future Challenges,” was deposited with the Clerk of the Senate.

As well, honourable senators, pursuant to the order adopted by the Senate on Thursday, March 1, 2001, I have the pleasure to inform the Senate that on Tuesday, January 29, 2002, the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is an interim report on the study of state of the health care system in Canada, entitled: "Volume 3: Health Care Systems in Other Countries," was deposited with the Clerk of the Senate.

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF SUBCOMMITTEE ON FUTURE SECURITY AND  
DEFENCE CAPABILITIES, DECEMBER 9-13, 2001—  
REPORT OF CANADIAN DELEGATION TABLED

**Hon. Shirley Maheu:** Honourable senators, I have the honour to table the tenth report of the Canadian NATO Parliamentary Association, which represented Canada at the meeting of the Subcommittee on Future Security and Defence Capabilities of the NATO Parliamentary Assembly, held in Romania and Bulgaria from December 9 to 13, 2001.

## STATUS OF PALLIATIVE CARE

NOTICE OF INQUIRY

**Hon. Michael Kirby:** Honourable senators, I give notice that on Thursday, next, February 7, 2002, I will draw the attention of the Senate to the status of palliative care in Canada.

## QUESTION PERIOD

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

INTERIM REPORTS ON STATE OF HEALTH CARE  
SYSTEM—STATUS ON ORDERS OF THE DAY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have a question for the Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, the Honourable Michael Kirby. Is it the senator's intention to have the fifteenth and the sixteenth reports tabled with the Clerk of the Senate placed on the Orders of the Day for consideration and adoption by the Senate?

**Hon. Michael Kirby:** I thank the honourable senator for the question. I would be happy to do that. However, they are essentially background documents. Volume 2 describes the factors that are driving health care costs in Canada, and volume 3 describes the nature and structure of health care systems in other countries. The committee will issue, shortly after Easter, a report that I am hopeful will be debated and ultimately adopted by the Senate. That report will deal with both Senate principles and a series of specific recommendations in respect of how the health care system should be reformed.

[ Senator Kirby ]

Honourable senators, it would make more sense to have a debate over specific recommendations than over useful but, nevertheless, background documentation.

## NATIONAL DEFENCE

WAR IN AFGHANISTAN—ASSURANCE THAT PRISONERS TURNED  
OVER TO UNITED STATES NOT FACE CAPITAL PUNISHMENT

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** My question is for the Leader of the Government in the Senate. Honourable senators, this house and the other place, in the not-too-distant past, adopted legislation limiting the extradition of a person in Canada or in Canadian custody to a United States jurisdiction that imposes the death penalty. Clearly, that is the principle by which the Parliament of Canada operates.

Did the Government of Canada seek an assurance from the Government of the United States that any prisoners captured by Canadian forces in the war on terrorism and turned over to the United States would not be subject to execution?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to the best of my knowledge that assurance was not sought because we are dealing with a situation whereby some definitions make these detainees prisoners of war and other definitions, particularly in the United States, make them unlawful combatants. We do not know what procedures will be employed.

As the honourable senator knows, most of the prisoners are still in Afghanistan. They have not been taken to the United States, and certainly, those that we had anything to do with are still in Kandahar. Those prisoners are not in Guantanamo, and they are not in the United States.

**Senator Kinsella:** Honourable senators will also recall that this house and the other place passed legislation repealing the provision in the National Defence Act that made the death penalty possible. Consequently, the Canadian value is clear. One therefore has to ask: Did the Government of Canada seek or receive any assurance prior to the JTF2 group landing in Afghanistan, which had captured the detainees and then turned them over to the United States?

**Senator Carstairs:** As the honourable senator may know, the Geneva Convention does not prohibit the death penalty. It has been the principal concern that the Geneva Convention be followed in this particular instance.

**Senator Kinsella:** Honourable senators, this brings us to the quick of the issue: the question of Canadian values. The work of Mr. Henri Dunant and the complete array of international humanitarian law, whilst helpful on the international plane, is a minimum standard. I am speaking to a value that has been adopted by this house and by the other place that proscribes capital punishment.



Is there a way for Canadians to receive assurance from this government that our Canadian values will guide us when a terrorist is apprehended, or member of al-Qaeda or the Taliban, whether in the Afghanistan forum or elsewhere, as this struggle against terrorism, which we all support, continues?

**Senator Carstairs:** Honourable senators, one of the values that Canadians hold high is that the Geneva Conventions will be followed throughout the course of these efforts. One of the issues, of course, upon which there is a disagreement between Canada and the United States is the way in which the detainees are to be defined. If the term “unlawful combatant” is to be used, should we have a tribunal that would determine whether the detainee is to be deemed a prisoner of war or an unlawful combatant? We have continued to pressure the United States on that file, and we will continue to seek assurances that there will be independent tribunals of this nature. I will raise with my cabinet colleagues the further question with respect to the death penalty.

•(1440)

#### WAR IN AFGHANISTAN—POSSIBILITY OF PRISONERS BEING TRIED UNDER LAWS OF COUNTRY OF ORIGIN

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, several of our colleague countries in NATO have already indicated that citizens or nationals of their country who are in detention as suspected al-Qaeda or Taliban terrorists and are being held by the United States ought to be turned over to those respective countries for trial pursuant to the judicial system of those countries. What is the position of the Government of Canada with respect to a Canadian citizen who becomes a prisoner? Will Canada seek to have those prisoners turned over to Canada by the United States and tried pursuant to Canadian justice?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not have the details on the specificity of the honourable senator's question. I will seek that information and return it to the chamber as soon as possible.

## FINANCE

### INVESTMENT MARKET— CHANGE TO LIMIT OF FOREIGN OWNERSHIP

**Hon. David Tkachuk:** Honourable senators, the federal government currently limits the amount of foreign investment Canadians can hold in their investment portfolios. The limit is now 30 per cent, which was increased last January from 20 per cent. There have been many calls to change this limit by having it either increased or abolished. The Senate Banking Committee, as well as the managers of large pension funds, has called for its abolishment.

Recently, Thomas Gunn of the Ontario Municipal Employees' Retirement Fund, which manages \$35 million on behalf of municipal employees, police officers and firefighters in Ontario, said in the *Financial Post* that foreign investment limits have

actually encouraged foreign ownership of Canadian companies rather than the opposite. Mr. Gunn also said that the original rationale for the foreign investment limit was to encourage investment funds to stay in Canada to offset the flow out of the country created by government deficits, which have now disappeared. Could the minister explain why the government refuses to change this limitation?

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator indicated in his own question, the rate has been changed. It was at 25 per cent and now is at 30 per cent, in no small part due to the excellent work of the Standing Senate Committee on Banking, Trade and Commerce, which on a number of occasions urged those very changes. In response to various reports from the Senate Banking Committee, those changes were indeed made. However, the government is now of the view that the correct balance has been achieved and there is no plan to change that 30 per cent limit.

**Senator Tkachuk:** Honourable senators, does the government believe that if it lifted the limit, Canadians would invest elsewhere?

**Senator Carstairs:** Honourable senators, one would presume that the reason for lifting the limit would be the expectation that Canadians might invest elsewhere. The reality is that the government has made the decision that the correct balance has now been achieved, and it has no intention of changing that position at the present time.

**Senator Tkachuk:** Honourable senators, considering the efforts of the Governor of the Bank of Canada, the Minister of Finance and the Prime Minister, who have been running around New York and other American cities talking to the media and others saying that Canada is a wonderful place to invest, that we are a wonderful country and that our dollar is undervalued, does the leader not think that the restrictions on RRSPs are a signal that Canadians, given the opportunity, would do the same as the rest of the world and invest elsewhere?

**Senator Carstairs:** Honourable senators, the very fact that Canadians have the opportunity to invest up to 30 per cent of their funds in foreign content is a clear signal that the government has no objections to them investing elsewhere. However, the government feels that the balance has been struck and that this is what it should stick with, at least in the short term and for some time in the future, since it has made changes over the last two fiscal years.

[Translation]

## JUSTICE

### FEDERAL COURT DECISION—MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—COSTS TO GOVERNMENT

**Hon. Jean-Robert Gauthier:** Honourable senators, you will remember that in 1996 the federal government delegated to certain provinces the administration of contraventions on federal land.

Ontario delegated that responsibility to Mississauga, where Pearson airport is located. There have been complaints to the effect that these contraventions were written only in English.

In a decision issued on March 23, 2001, the Federal Court of Canada ruled that the federal-provincial agreement did not comply with the Criminal Code and the Official Languages Act.

Mr. Justice Blais set a one-year time limit to review the agreements with the provinces and ensure that they comply with the Official Languages Act.

In a recent speech, the Honourable Stéphane Dion, the federal minister responsible for intergovernmental affairs and the minister mandated by the Prime Minister to coordinate the government's actions in the area of official languages, said:

— before considering any new investment for official languages, the costs entailed in implementing the Blais decision had to be taken into account.

In other words, we had to pay for the mistake of the federal government, which had forgotten to warn the Province of Ontario that this delegation required the provincial administration to comply with the Official Languages Act in implementing the agreement. Some say that it will cost upwards of \$10 million to compensate the province.

Could the minister obtain for us a breakdown of the costs related to this delegation authorized by Parliament in 1996 with respect to the Contraventions Act?

[English]

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question, and more particularly, because of the detailed nature of it, for providing a written copy to my office.

Unfortunately, we have not been able to obtain an answer for the honourable senator today, but hopefully we will have it within the next few days. As someone who comes from the province of Manitoba, where we have had rather large constitutional discussions and debates about fines in one language only, I know where the honourable senator is coming from and I hope to get him that information as quickly as possible.

[Translation]

**Senator Gauthier:** Honourable senators, there are only about six weeks left before Justice Blais' decision will nullify the act passed by Parliament.

Since there are five other provinces involved, namely Quebec, Manitoba, Prince Edward Island, Nova Scotia and New Brunswick, could the minister ask the Minister of Justice or a responsible authority to outline the federal government's position regarding the changes required pursuant to the ruling by Justice Blais, of the Federal Court?

[ Senator Gauthier ]

[English]

**Senator Carstairs:** Honourable senators, I can only repeat what I said a few minutes earlier. I do not have that information at my fingertips at present. I will seek to obtain that information and share it with the honourable senator as soon as possible.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### COMMENTS ON ABORIGINAL YOUTH BY SECRETARY OF STATE

**Hon. Janis G. Johnson:** Honourable senators, the new Secretary of State for Indian Affairs and Northern Development, Stephen Owen, is reported in the papers and everywhere else comparing the young natives of Canada with Palestinian militants in Israel, stating that our reserves and native communities are tinder boxes that will lead to violence if progress is not made in treaty talks. Could the Leader of the Government in the Senate please tell us the government's position on his alarmist comments and whether his views will help to accelerate treaty negotiations in our country?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, like the Honourable Senator Johnson I read with interest what the minister was purported to have said in our newspapers. He has identified the problem that there are a certain number of very frustrated Aboriginal young people in this country. They are frustrated for a number of reasons. In many cases, they have not received adequate education and many of them are disheartened.

•(1450)

The Aboriginal people in this nation have a higher suicide rate than any other group of individuals in our country. That applies particularly to young men in our Aboriginal communities.

As to what Mr. Owen said exactly, we must wait until we learn more, I suspect, from Question Period in the other chamber. However, I do not hold the view that such positions will accelerate treaty negotiations. Nonetheless, it is important to take these issues into consideration.

**Senator Johnson:** Honourable senators, I agree with the Leader of the Government, and I wait with interest to hear what the minister will say in the days to come. Hopefully, Mr. Owen will appear before the Standing Senate Committee on Aboriginal Peoples during our study of urban Aboriginal youth as soon as possible to discuss his views. Perhaps at that time we will find some rationale for his inflammatory remarks.

**Senator Carstairs:** Honourable senators, Mr. Owen has served as an ombudsman in the Province of British Columbia and has taken part in negotiations on treaties. I recommend him to honourable senators as a witness. Mr. Owen's evidence would make an invaluable contribution to the study being undertaken by the Standing Senate Committee on Aboriginal Peoples.

## INTERNATIONAL TRADE

### RENEWAL OF SOFTWOOD LUMBER AGREEMENT

**Hon. Gerry St. Germain:** Honourable senators, my question is for the Leader of the Government in the Senate. In regard to recent meetings with the Americans, Mr. Pettigrew, the Minister for International Trade, told us that he demanded that the Americans bring to Ottawa, on February 4, a counterproposal to the negotiating table of the softwood lumber dispute.

Mr. Rock, the Minister of Industry, indicated that he laid the groundwork for future deals involving Canadian companies. He said that there is a plan in place, a good plan, a smart plan, but that the implementation is slower than we would like.

The Prime Minister does not seem to want to approach the President of the United States. Perhaps that is because the Prime Minister inferred during the last presidential election that he would have preferred the presidency to go to Al Gore rather than to George Bush.

Can the minister give us the current status of the softwood lumber issue? This is a most important issue to my home province of British Columbia and to the entire region of Western Canada, not to mention Ontario, Quebec and the Maritimes.

**Hon. Sharon Carstairs (Leader of the Government):** As the honourable senator has indicated, this is an issue of great importance to Canadians from coast to coast to coast, and particularly to British Columbians.

I know that on at least three occasions the Prime Minister has spoken to the President of the United States about softwood lumber. Rather than being reticent, the Prime Minister has been extraordinarily bold on this matter and has raised it in phone conversations between the two leaders as well as at in-person meetings.

The provinces have been very positive in putting forward proposals to the United States government. For the first time, the provinces have said that they are prepared to make changes and that they want a long-term settlement of this particular dispute.

Minister Pettigrew said last week in no uncertain terms that he expected a counterproposal from the United States, and that we, up to this point, have been making the proposals. United States companies and the United States government have been urging us to come forward with proposals. It is now time for the United States to act on this issue.

**Senator St. Germain:** Honourable senators, if the Prime Minister has spoken to the President of the United States on three occasions, something is obviously wrong with that communication. One would think that all Canadians are giving in to the Americans, and that there is something askew on this particular file if he is not responding.

Honourable senators, we have in excess of 20,000 unemployed people in the lumber industry in the province of British Columbia. As a result of the events of September 11, tourism has taken a beating. I blame no one for that other than the terrorists. Teachers and health care workers are being forced to accept wage decreases. These are all symptoms of the problems in the British Columbia economy.

Premier Gordon Campbell is doing an excellent job under extreme conditions. This is an urgent matter. The word "urgent" does not adequately describe the horror stories being told on the streets of British Columbia, stories about workers, their families, and the total impact on our economy. It appears that the politicians have been unable to solve the problem. Why are we not seeking some other method of proceeding?

The Leader of the Government in the Senate is correct in saying that the Americans were supposed to return with counterproposals. In mid-January, I spoke with the British Columbia Minister of Forests, the Honourable Michael de Jong, who told me that he was expecting a response from former Governor Racicot of Montana and that that response had not yet been received. There must be something wrong with the file. Perhaps we need somebody with more influence with the President of the United States to intervene since I do not think that the message has arrived at the White House. Would the minister suggest to her cabinet that we seek other help if the political side is failing?

**Senator Carstairs:** Honourable senators, with the greatest respect to Senator St. Germain, the Prime Minister has raised this issue on at least three occasions that I know of with the President of the United States. It is difficult to imagine that one can be at a higher communication level with the United States than that.

There is certainly a disagreement in the United States between producers of softwood lumber and the building community that has been expressed in the public venue south of the border.

I would suggest that there is a certain lack of communication between their representative, Mr. Racicot, and the industry. That is exactly why the Government of Canada is not only pursuing that avenue, but is also pursuing the WTO route. We want to ensure that we pursue every possible route to finding a resolution of this matter.

**Senator St. Germain:** Honourable senators, with all respect, the WTO route is a path to disaster for British Columbia. By the time we resolve this dispute through the WTO, the party will be over in British Columbia. As the Leader of the Government in the Senate is well aware, our economy is driven by our lumber industry. Tourism, our second largest industry, has taken such a beating that I do not think it can be part of the solution.

During the free trade negotiations, special people were brought in to effect that agreement. There are people out there who would be more effective than the ministers who are handling the file at the present time.

**Senator Carstairs:** Honourable senators, I happen to believe that the minister handling the file and the Prime Minister are doing an excellent job. However, I will certainly bring representations from the honourable senator to my cabinet colleagues and inform them he does not think they are doing a good job. If my colleague would give me names to put forward, I would be pleased to pass those on to the Prime Minister as well.

**Senator St. Germain:** Brian Mulroney is the right one.

## FISHERIES AND OCEANS

### ATLANTIC SALMON FISH FARM INDUSTRY— COMPETITION IN UNITED STATES WITH CHILEAN SALMON

**Hon. Brenda M. Robertson:** Honourable senators, I wish to return to the issue of farm salmon dumping by Chile, which was raised in December. On December 10, in a response to a question from my colleague Senator Comeau respecting Chile dumping salmon on the U.S. market, the government had little information to pass on at that particular time. I believe the government deserves full marks for its attention to this situation that threatens the jobs of about 4,000 Atlantic Canadians, including more than 3,000 jobs in New Brunswick.

The minister informed the Senate in December that discussions about the situation were ongoing. Since then, press reports indicate that the government sent officials to Chile in an effort to resolve the dispute. When he was at ACOA, the new Minister of Fisheries and Oceans said that he was willing to consider anything.

•(1500)

Since those positive interventions, my first question is to the minister. When might ongoing discussions result in concrete measures to help the region's fish farmers survive this trade dispute with Chile?

The minister might answer my second question at the same time. The Atlantic fishery industry is looking for a support package or some form of insurance program, such as exists in agriculture, against future price devaluation. Could the minister confirm that the government is considering such a safety net? She might want to comment on my first question.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must apologize to the honourable senator, as we certainly did have that dialogue in the Senate. I should have pursued that matter and have not. However, when I leave the chamber this afternoon, I will see if there is an update on what has been happening with respect to the negotiations with Chile.

As to a support package, I have heard nothing to date about that. I will inquire of the Minister of Fisheries to see if he is making any changes in that direction.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**The Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, it is my pleasure to table

three delayed answers. The first one is in response to a question raised in the Senate on December 13, 2001, by Senator Corbin regarding the facilities of the National Library; the second one is in response to a question raised in the Senate on October 24, 2001, by Senator Di Nino regarding equipping and training staff of the Canada Customs and Revenue Agency to deal with hazardous materials; and the third one is in response to a question raised in the Senate on December 5, 2001, by Senator Lawson regarding the relief for heating expenses issued to deceased persons.

## HERITAGE

### NATIONAL LIBRARY—DESTRUCTION OF ARCHIVED MATERIAL DUE TO INADEQUATE FACILITIES

*(Response to question raised by Hon. Eymard G. Corbin on December 13, 2001)*

The Department of Canadian Heritage is working with Public Works and Government Services Canada, the National Library and the National Archives to resolve the accommodation pressures on the National Library in both the short-term and the long-term.

In the past five years, Treasury Board has approved almost \$3 million to restore damaged Library material and to take preventative measures. Further, beginning in the spring of 2001, parts of the Library's collections have been moved into ideal environmental conditions made available by the National Archives in their Gatineau Preservation Centre. In addition, Public Works and Government Services Canada will continue with repairs to currently-occupied facilities, such as installing air-conditioning for the Newspaper Collection in spring 2002.

To address the long-term accommodation needs of the National Library, options are being explored to construct joint facilities for the National Library and the National Archives for both collections storage and public programming purposes.

We are committed to giving Canadians continued access to our national collections and to preserving them for future generations while at the same time being fiscally responsible, recognizing the financial pressures facing the country at this time.

## CUSTOMS AND REVENUE AGENCY

### EQUIPPING AND TRAINING STAFF TO DEAL WITH HAZARDOUS MATERIALS

*(Response to question raised by Hon. Consiglio Di Nino on October 24, 2001)*

The Government recently injected \$100 million towards the implementation of the five-year Customs Action Plan.

In addition, the Canada Customs and Revenue Agency (CCRA) announced, in June 2001, a further investment of \$12 million in people and technology to counter threats to the security of Canadians.

Starting on September 11, 2001, in response to the crisis, the CCRA:

- increased its use of overtime and part-time staff,
- cancelled leave, and
- reassigned resources from less critical activities to all ports of entry.

On October 11, 2001, the Government announced additional funding of \$9 million for the CCRA, which will be used to hire approximately 130 Customs Officers to respond to new and emerging security threats.

At the same time, \$12 million was announced to buy new technology (such as X-Ray machines) to facilitate screening of goods, and leading-edge technology to better connect front-line officers to Customs intelligence data bases and those of other law enforcement agencies.

In October of 2001, the CCRA issued the following internal communications dealing with potential biological threats:

- October 18 — Interim Guidelines on Mail processing issued to all CCRA mail operations in the regions and at headquarters (HQ);
- October 24 — additional information on potential biological threats specifically addressed to Customs staff;
- October 25 — HQ Mail and Courier Services — Special Measures: centralized mail processing for all external mail destined for the National Capital.

In the Federal Budget of December 10, 2001, \$433M of the more than \$600M dedicated to border security and facilitation will be set aside for Customs to address:

- expansion and acceleration of the Customs Action Plan initiatives,
- procurement of state of the art detection technology,
- new secure internet-based technology to ease compliance for small business, and
- other security related issues, e.g., Customs Controlled Areas.

These steps demonstrate the Government's desire to support the efforts of its Customs personnel and provide for the security of all Canadians.

We are taking all necessary steps to mitigate any real or perceived threats.

## NATIONAL REVENUE

### AUDITOR GENERAL'S REPORT—ONE-TIME GRANT TO RECIPIENTS OF GST CREDIT TO OFFSET HEATING COSTS

*(Response to question raised by Hon. Edward M. Lawson on December 5, 2001)*

The Auditor General has observed that there were anomalies in the payment of Relief for Heating Expenses (RHE) and I quote: "These anomalies occurred because of the rules related to the GSTC." [Goods and Services Tax Credit]

Of the 8.6 million recipients there was a small percentage of clients who died during January 2001. These clients were entitled to the Goods and Services Tax credit payment and therefore also received the RHE. The Auditor General estimated this at 7,500 people.

When a payment is issued to a deceased person, the client's estate contacts the Canada Customs and Revenue Agency (CCRA) to advise of the client's date of death and the payment is reissued to the estate.

*[English]*

## ORDERS OF THE DAY

### YOUTH CRIMINAL JUSTICE BILL

#### MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill C-7, in respect of criminal justice for young persons and to amend and repeal other Acts, and acquainting the Senate that they have agreed to the amendment made by the Senate to this bill without further amendment.

### CANADA NATIONAL MARINE CONSERVATION AREAS BILL

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the second reading of Bill C-10, respecting the national marine conservation areas of Canada.

**Hon. Gerald J. Comeau:** Honourable senators, Bill C-10 is to authorize the Minister of Canadian Heritage and the Parks Canada Agency to establish so-called national marine conservation areas in the Great Lakes and in tidal waters up to 200 miles. The objective is to set aside and zone representative marine areas for visitor enjoyment and to encourage understanding.

Essentially, the act will authorize the creation of 29 marine parks similar to terrestrial parks now in existence under the mandate of the Parks Canada Agency.

The policy to create national marine parks began in 1986 under a Progressive Conservative government. I am pleased to see that the current government supports the leadership and principles that we established at that time. Also, those who know me will know that my personal interest in marine issues is no passing fancy.

The title of the bill — Marine Conservation Areas — for those who have not actually read the contents, may mislead some to believe that the object of the bill is to protect fisheries and marine habitat environment. At the outset, it must be understood that this bill should not be about habitat and marine environmental protection. We have other government ministries mandated by federal statutes to accomplish these objectives. Adding another minister into the business of marine habitat and environment protection, as some of the provisions of this bill propose to do, would duplicate statutory mandates, blur responsibilities, and cause confusion, interference and conflict among departments. Worse, it will make it impossible to hold responsible ministries to account for failures.

Section 35(2) of the 1997 Oceans Act states that the Minister of Fisheries and Oceans will lead and coordinate the development and implementation of a national system of marine protected areas on behalf of the Government of Canada. Certain provisions of this current bill are, therefore, in direct conflict with the Oceans Act. This becomes apparent as one reads through the bill.

The authors seem unaware that the residents of our coastal communities are sensitive to the marine environment and the need to protect fragile ecosystems and habitat that nurture marine life. It is forgotten that they have been dependent on the resources of the sea for many centuries — that it is more than a way to earn a living; it is, in fact, in those areas a way of life.

Coastal communities have worked with and have pressured the federal Departments of Fisheries and Oceans and Environment to enact strong laws and regulations to protect our marine environment. In response to these concerns, the government added the Oceans Act, which provides the DFO with the authority and responsibility to designate marine areas for special protection.

As is often the case with initiatives such as Bill C-10, the devil is in the details. I should like, therefore, to point to specific clauses that illustrate the faults in the bill and how the bill will actually work against the principles of the Oceans Act.

In clauses 5 and 6 of the bill, there is no clearly defined process or criteria for stakeholders to consider in the designation or amendments of marine parks and reserves. There is no provision to oblige the minister to consult those most affected by the designation of marine parks. The only requirement is to

report the list of those who were consulted, the date, and a summary of their comments. Stakeholders could, therefore, suddenly discover that their areas of work, in their marine backyard, have been designated without their involvement and that the Minister of Heritage will eventually tell them what is to become of their place of work. This is a radical departure from the consensus-building principles of the Oceans Act, which solicit public and stakeholder support as a key assessment principle.

Under the bill's flawed process, marine parks could well be designated based on pressure by politically connected lobby groups close to the minister of the day. This is especially troubling if the minister should happen to be a leadership candidate.

Clause 7 provides that each House of Parliament has 30 sitting days to reject the designation. This hardly constitutes a proper control over the process. We should also be concerned that many legislators may not understand the implications of the bill or that they may not pay enough attention because it does not impact their constituencies directly.

How many parliamentarians truly understand the natural, social, cultural and economic complexities of the marine environment? The reality in Canada today is that the vast majority of backbench government members are from urban, non-coastal communities. Why would they bother to understand a bill that impacts far-off coastal communities, more so when they are under the mistaken impression that they are contributing to the protection of the marine environment?

No one can deny that there has been an increasing trend in recent years for the urban majority members to impose their values and beliefs on less politically connected coastal and rural communities in Canada. Such communities are seen as irrelevant. Even worse, some members who promote initiatives such as this often do not understand the bill. The chair of the Commons committee that studied the bill in the other place stated in reference to this bill that "it is vital to the conservation of our aquatic resources." If the chair of the key Commons committee that studied the bill does not understand the nature of the bill, do the residents of coastal communities not have cause to be alarmed?

Each proposed marine park should be viewed as unique and should be given the type of public scrutiny as outlined in the Oceans Act. Bill C-10 does not trust stakeholders to be fully involved.

Unlike the Oceans Act, which requires a management plan before the designation, clause 9 of this bill requires a management plan of the conservation areas to be established within five years of the designation. This should, in fact, be the other way around. A plan would alert the stakeholders to what is in store and reduce the uncertainty of waiting five years to find out what the Minister of Heritage has in store for the stakeholders.

Clause 9(3) involves the Heritage Minister directly in the business of marine ecosystem environment protection. Here and elsewhere, the bill strays into truly treacherous waters. As noted earlier, the business of marine environment protection is already well covered by other statutes, and the involvement of the Minister of Heritage will create duplication, interference, confusion, conflict and a dilution of accountability.

•(1510)

To illustrate the confusion, the preamble of the bill states that the government is committed to adopting the precautionary principle, and clause 9(3) states that the principle will be applied. A problem here is that the government is currently consulting on the proposed guiding principles to seek the views of Canadians on this subject. The government is not yet fully committed to the precautionary principle, and for good reasons.

The consultation will supposedly inform the government's thinking on whether the guiding principles on the precautionary approach are appropriate, would improve consistency, provide appropriate balance of flexibility and predictability and be adaptable. Canadians have until March 31, 2002, to submit their views on whether Canada should adopt the precautionary principle. The consulting documents state that:

— as references to the precautionary approach increase, the possibility for misuse and abuse has been highlighted. For example, there are concerns that it could be applied to perceived risks for which there is no scientific basis.

In fact, the precautionary principle is not even the principle adopted by the government, yet it becomes a part of this bill. It is even in the preamble.

Clause 9(3) states that this principle will be applied. This implies that either the government has secretly adopted the precautionary principle's guiding principles and that the consultative process is just a sham, or that the drafters of this bill were ignorant to the fact that the precautionary principle is still a work in progress.

Clause 9(4) provides for the Minister of Heritage to get involved with the activities covered by DFO and provides the Heritage Department with a veto over certain activities, such as fishing, aquaculture, marine navigation and marine safety. If such is the case, be prepared for jurisdictional turf battles.

This bill would create a parallel or dual fisheries management structure and may compromise the ability of the Minister of Fisheries and Oceans to effectively manage the marine resources and the marine habitat of Canada.

DFO management and enforcement provisions are already very complex and confusing as they currently exist, based on a multiplicity of divisions, including inland and maritime, fishing zones, marine protected areas, nursery and spawning zones, shipping lanes, oil and gas activities, aquaculture, provincial

jurisdictional interests, divisions by seasons, fleet sectors by gear types, vessel sizes and vessel types, fish species and Aboriginal and non-Aboriginal fisheries, to name but a few.

As if the Minister of Fisheries and Oceans did not have enough on the plate with dwindling enforcement resources, habitat degradation, judicial intervention and so on, this adds another new fish to fry. He will now have to deal with duplication and overlap in the management resources and the marine environment. The ministers of fisheries and the environment will now have to deal with a new ministry with legislated mandated management and enforcement authority in this already overcrowded marine environment. It will certainly make our job as parliamentarians more demanding and make it more difficult for Canadians to attach responsibility for failures to protect our valuable marine resources.

Resources are inadequate at present, and conflicting priorities and mandates will create added pressures on already underfunded staff resources.

Clause 11 calls for the establishment of management advisory committees to advise the minister on the management plan for each marine conservation area, but these advisers are appointed by the minister. The minister would consult with stakeholders on the composition, but can still appoint whoever the minister wants — another costly and useless committee on which to place political friends. Rather than ministerial appointees, such advisory committees should be made up of stakeholder representatives who have the trust and confidence of stakeholders.

Clause 13 is an absolute legislated prohibition of exploration and exploitation in all designated marine parks. This should be an area of concern to all our colleagues on both the East and West Coasts. I know Senator St. Germain will want to expand further on this.

I find this clause somewhat surprising. Should this kind of activity, similar to provisions for controlled fishing activities, not be examined in the overall management plan in a manner consistent with the Oceans Act? There may well be representative areas that Canadians would like to designate as marine parks, but where some activity could be permitted under controlled conditions. Both East Coast and West Coast residents, especially British Columbians, have just cause to be alarmed by this absolute prohibition. It breaches the spirit of good faith, consensus and agreement established by the Oceans Act to attain the overall objective of sustainable development. It will set back the goodwill and progress made possible under the Oceans Act.

Clause 14, similar to clause 9(3), again involves the Minister of Canadian Heritage in the business of marine environment protection. The Department of the Environment already has the authority and responsibility to deal with the disposal of any substance in the marine environment. Adding the Parks Canada Agency to this activity will create another new needless and costly bureaucracy.

Clause 15 provides for the authority to be given to parks superintendents to issue, amend, suspend and revoke permits and other authorizing instruments that are consistent with the management plan. What this means is that the management plan could allow for fishing licences to be issued by the parks superintendent to fish in marine parks. The authority provides no criteria or rationale for the issuance or revocation of licences.

Experience with the Fisheries Act has demonstrated that this power can be and has been subject to abuse. For those who doubt the possibility of abuse, you do not need to take my word for it. I invite you to speak with our fishermen. They know the history and would be pleased to provide honourable senators with the instances of abuse.

Clause 16 provides for sweeping and wide-ranging regulatory powers to the cabinet.

Clause 16(5) provides that this bill's regulations prevail over regulations made under other relevant statutes, including the Fisheries Act, the Coastal Fisheries Protection Act, the Canadian Shipping Act, the Arctic Waters Pollution Prevention Act, the Navigational Waters Protection Act and the Aeronautics Act. These are all sobering prospects.

Areas designated under this bill may be foreclosed to fishermen, or they may seek special permission to carry out this work. What does special permission mean? This is not limited to mineral and fish resources. The Governor in Council has the right, by way of recommendation by the ministers of Transport and Canadian Heritage, to limit transportation in marine conservation areas as well.

Clause 18 provides for the creation of a brand new enforcement body, even though this government has cut DFO enforcement resources to the bone. How can this be rationalized to fishing communities that have implored the government to provide more enforcement resources, only to receive the response that the government could not afford it?

There is no name for this new Heritage police force, but I would like to call them the "Copps' cops." Whatever their name, clause 21(1) shows this is no cheap rent-a-cop operation. The officer will be provided with the powers to arrest, without warrant, any person whom the officer believes has committed, or is about to commit, an offence under this act.

Furthermore, in clause 22(1), the warden, with a warrant or without a warrant if it is not practical to obtain one, will be provided with the authority to enter and search any place and open any package or receptacle at any time, day or night, and to seize anything that the warden believes is a thing prescribed by the warrant, if he has one.

This will surely add further confusion in marine parks. An example of this is the recent public controversy about arming park wardens and the decision of the Parks Canada Agency to hire RCMP officers to patrol national parks. Will the RCMP be

added to police the marine parks, thereby adding another new player to the waters?

It is no secret that empire building takes place and that departments aggressively protect their turf. The addition of another federal agency in federal waters will aggravate and create further confusion, duplication and conflict in an already overcrowded marine environment.

Ministers are already tripping over one another as it is and the addition of a Heritage bureaucracy will add to the *Alice-in-Wonderland* seascape. If nothing else, pity the poor stakeholders who have to navigate through this confusion and conflict. Perhaps we should ask that NAV CANADA be called in to direct the bloated marine traffic.

• (1520)

Heritage Canada, with this bill, intends to create marine conservation areas. The Department of the Environment already has marine wildlife reserves, and the Department of Fisheries and Oceans has already created marine protection areas under the Oceans Act.

What will happen when the Ministry of Indian Affairs and Northern Development pursues proposals respecting native fishing zones, as put forward last year by the negotiators in the lobster fishing dispute?

To add to the confusion, ACOA is now getting into the act by funding research into climate change and shoreline development on marine ecology. The research may indeed be worthwhile, but should such funding not originate from the lead fishery and oceans ministry?

Fishermen may have to lay off crew members and replace them with lawyers. Pity the poor marine animals and fish with these federal statutes all claiming authority over them. In fact, this bill is so confusing that it has to incorporate provisions for consultations between the Minister of Heritage and the other ministers. The same territory could conceivably be zoned in various ways and subject to various federal regulations.

The Ministry of Fisheries and Oceans has the expertise, experience and contacts with stakeholders to implement and administer the proposed marine parks. DFO already has a well-established consultation process and regularly meets with interested stakeholders on a vast range of issues. This is not to suggest that the process is perfect and that the Department of Fisheries and Oceans is a perfect body. Honourable senators have often heard me suggest changes that should be made to the DFO. However, even though it is not perfect, at least fishermen and stakeholders are familiar with DFO staff, and they do meet on an ongoing basis. As the old saying goes, it is sometimes better to deal with the devil you know than the devil you don't. Government seems ignorant of the fact that fishermen have to earn a living, and meeting with officials takes valuable time. Parks Canada will now add another new player to the scene, adding to the already busy, non-productive workload of fishermen.



Stakeholders have a right to be concerned about the proliferation of legislation and programs that give departments other than DFO a role in managing marine resources. Will the cost of this new Canadian Heritage administration be off-loaded on the fishing industry, or will the cost be absorbed by taxpayers? Is Canada so cash rich that it can afford to create new non-essential government bureaucracy? I suggest to you that the answer is no.

Our Fisheries Committee hears numerous requests from many coastal communities for urgent action in many areas. Its recent aquaculture study outlined the urgent need for research on the impact of fish farms on wild fish and habitat. Last year we heard testimony that Lake Winnipeg was approaching a state of deterioration that may affect ecosystem sustainability. In September, 2000, a joint task force on northern research established by the Natural Sciences and Engineering Research Council, NSERC, and the Social Sciences and Humanities Research Council, SSHRC, reported that Canada's research in the North was in a state of crisis. The report warned that, if action is not taken, Canada would not be able to meet its international science and research obligations, contribute to issues of global importance, or meet basic national obligations to monitor, manage and safeguard the northern environment or respond to emerging social trends.

It is our responsibility as parliamentarians to wisely use taxpayers' dollars and direct those dollars to tackling urgent problems needing attention. The creation of another new layer of bureaucracy on the marine scene is not only a waste of ever-decreasing federal resources, but it may also be counterproductive. The government already has the legislative tools, personnel and expertise to accomplish our goal to protect marine heritage areas. Former Prime Minister the Right Honourable John Turner recently reported in *The Globe and Mail* that the federal Oceans Act, passed in 1997, provides both the mandate and the powers to establish marine protected areas. He pointed out that the Canadian Wildlife Act, passed more than 40 years ago, also permits protection of marine sites as national marine reserve areas. He also pointed out that the entire marine protected area, including cores and buffers, should be co-managed by local residents who, after all, have the greatest stake in conservation success.

The important point is that the establishment of representative marine areas can be done with current legislation and without the creation of a brand new bureaucracy, as proposed by this bill. A simple one-line amendment to subsection 35(1) of the Oceans Act can accomplish everything that Bill C-10 proposes. Consultative bodies are already in place, as are environmental protection and enforcement. More important, there is public support to create more marine conservation areas. Furthermore, the Oceans Act has a built-in requirement for socio-economic impact studies to be completed before designation of marine conservation areas.

It is important that the Department of Canadian Heritage be involved in the establishment of these areas because of the department's expertise in heritage matters. However, it is

imperative that the DFO minister be the lead minister because of the close and ongoing relationship with coastal communities, and the minister already has the legislative tools to do that.

When the bill goes to committee for assessment, the committee should invite stakeholders' groups to review the complex proposed provisions of this bill. I would suggest that the committee travel to the East and West Coasts of Canada and hear from the people who will be affected by what is proposed in this bill. Many Canadians in those areas will be asking that the committee take the provisions of this bill seriously.

Coastal communities, fishermen, Aboriginals, shipping interests, mining and other interested groups should be consulted on this and they should be visited. They have earned that right, and they deserve that right. To quote the previous Minister of Fisheries, Herb Dhaliwal, in a speech to the Global Conference on Oceans and Coasts at Rio +10, given in Paris on December 3, 2001:

Our Oceans Act gave us the tools we needed to understand, protect and enhance our oceans and their resources for a long time. It has given a wide range of Canadians the opportunity to get involved in the decision-making process of our Oceans, and play a positive and meaningful role in Canada's oceans heritage.

I could not have said it any better.

**Hon. Gerry St. Germain:** Senator Comeau raised a question regarding clause 13, which is terrifying to British Columbians. There is no question that prohibition of any exploration for any resources would have a tremendous impact on the future of British Columbia. Today Hibernia is operating successfully. I believe that Senator Watt and others would express this same concern as it relates to the Arctic.

The most disturbing aspect of the honourable senator's speech, and perhaps he can comment further on this, are his comments as they relate to the danger of duplication in its greatest form. The Department of Fisheries and Oceans and the Department of the Environment are already involved, and now we want to involve the minister responsible for the Department of Canadian Heritage. This will create the danger of ministers trying to establish their turf. I have experienced that, so I know how it works. That is worrisome because bigger is better in the minds of certain people.

How does one overcome the urban person's lack of understanding and knowledge of what is required in these rural coastal communities? I do not want to be partisan, but Bill C-68 impacted the rural communities negatively and the rural communities voted aggressively against that measure. We ended up with a program that was supposed to cost \$80 million, but cost \$600 million. What we have, honourable senators, is a situation where the majority is going to impose its will unfairly on the minority. How can we convince the government to get travel into this program and achieve real understanding? Premier Campbell of my province of British Columbia is concerned about this. Would the honourable senator elaborate on that, please?

•(1530)

REFERRED TO COMMITTEE

**Senator Comeau:** First, I should like to refer to the Oceans Act, which I supported. It was a proposal from the other side. I think Senator Robichaud will remember. I was one of the great boosters of the Oceans Act because of the great promise it held for our coastal communities. Bill C-10, in my view, does not contain the great opportunities that we find in the Oceans Act. The Oceans Act created a balance in that it provided for consultation with coastal communities and brought them into the process. Senator St. Germain referred to the fact that a large number of urban people do not understand what is happening in the coastal communities, and why should they? Why would someone in an inland city care all that much for a far-away coastal community in Northern B.C. or off Newfoundland? The Oceans Act gave a chance for those coastal communities to be involved in the initial stages as the plan was being made. This bill takes another approach. It establishes an area first and then creates a plan, which is completely contrary to what the Oceans Act provided.

Clause 13, to which the honourable senator refers, is an absolute prohibition of any kind of exploration in the area of undersea mineral rights and is contrary to what the Oceans Act wanted to do. It will create a system whereby people will resist trying to protect those areas because they will not want a complete prohibition.

Under the Oceans Act, the provisions provided for certain controlled activities in those areas but at the same time protected those areas for environmental purposes, for conservation purposes and, I suggest, for heritage purposes. Bill C-10 says absolutely no — in perpetuity. It runs contrary to what we have been suggesting that the government should do when dealing with coastal communities, which is to consult and then act, rather than act and then consult.

I hope that Senator St. Germain will expand on this issue in days to come.

**Senator St. Germain:** The Honourable Senator Comeau has given an excellent speech and I hope the government is listening. This is not partisan behaviour. These remarks go to the heart and the core of economic viability and development in our country. Senator Comeau, who spent the majority of his time in the House of Commons and in this place studying the oceans and the impacts of various pieces of legislation, has a great amount of knowledge in this area, as there is a large amount of knowledge on both sides. However, we need to share our knowledge and do what is right for these urban coastal communities.

**The Hon. the Speaker:** It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, that Bill C-10 be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

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

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

## COMPETITION ACT COMPETITION TRIBUNAL ACT

BILL TO AMEND—SECOND READING

**Hon. Marie-P. Poulin** moved that Bill C-23, to amend the Competition Act and the Competition Tribunal Act, be read the second time.

She said: Honourable senators, as we debate the amendments to the Competition Act and the Competition Tribunal Act before the Senate today, it is important that we take into account the ensuing benefits to all Canadians. Competition is essential to an effective market economy. It encourages businesses to work more efficiently and allows Canadians to benefit from competitive pricing, a choice of products, and improved services.

As consumers, each one of us benefits from effective competition legislation. Bill C-23 includes amendments to the Competition Act. It has six objectives: first, to allow Canada to obtain evidence from other countries with respect to civil cases involving competition in Canada; second, to prohibit deceptive prize notices; third, to broaden the scope under which the tribunal may issue temporary orders; fourth, to improve procedures with respect to matters to be presented before the Competition Tribunal and to allow it to award costs; fifth, to allow individuals and corporations to apply directly to the tribunal for an order against anti-competitive behaviour; and, sixth, to deal with anti-competitive behaviour in the airline industry.

[English]

Honourable senators, let me deal first with the issue of evidence gathering and international cooperation among competition authorities. Canadian competition authorities can currently ask their counterparts in more than 30 countries, pursuant to the Mutual Legal Assistance in Criminal Matters Act, to collect evidence related to anti-competitive conduct. The conduct must fall under the provisions of the Competition Act that deal with criminal offences. No requests may be made to gather evidence concerning conduct that falls under the act's provisions dealing with non-criminal matters. The subject matter under such provisions includes review of major merger cases, abuse of dominant position, and other types of potentially anti-competitive conduct such as market restriction or tied selling.

Yes, honourable senators, Bill C-23 provides for the possibility of making requests to obtain evidence through agreements. These amendments to the Competition Act and the Competition Tribunal Act are essential because in today's increasingly global economy the ability to obtain evidence in other countries is crucial to administering and enforcing domestic competition laws. Naturally, if Canada asks foreign states to collect evidence on Canada's behalf, it will also agree to collect evidence on anti-competitive conduct for other countries.

•(1540)

Moreover, the amendments set out basic requirements that must be met before entering into an agreement with another country. They establish procedures for approving and handling requests for evidence from other countries. For example, before an agreement is entered into, the Minister of Justice must be satisfied that competition laws of the foreign state are substantially similar to those of Canada, that confidentiality of information is preserved and that the information is used only for the purpose for which it was requested.

The Minister of Justice must approve all requests for evidence. Additionally, the process provided for dealing with such requests will be subject to judicial authorization. To protect and maintain competition at home, Canada needs the ability to ask other countries to collect evidence for cases involving civil competition matters. Bill C-23 provides an important and essential tool for facilitating this requirement. For this reason alone, I would urge speedy passage of Bill C-23.

[Translation]

There are, however, other reasons to support this bill, honourable senators. For example, it contains amendments specifically relating to deceptive prize notices, which mislead people into thinking that they have won a prize but demand a payment in order to receive it, which invariably exceeds the value of the prize.

There is, however, no likelihood of these changes affecting companies presenting legitimate contests. An offence is not committed if the following conditions are met: the sender makes adequate and fair disclosure of the number and approximate value of the prizes or benefits, the areas to which the prizes have been allocated, and any facts that "materially affect" the chances of winning; the prize or benefit is distributed without unreasonable delay; and participants are selected or the prizes are distributed randomly or on the basis of participants' skill.

In other words, the amendments to Bill C-23 help consumers to make informed decisions. These amendments deserve our support. They will help put an end to the rackets offering prizes in order to snare victims and will enable Canada to adopt a position similar to that of the United States and the United Kingdom.

[English]

Honourable senators, Bill C-23 also contains amendments that will broaden the scope under which the Competition Tribunal may issue interim orders. Except under certain circumstances, such as merger reviews, the tribunal cannot presently issue an interim order until the commissioner has applied to the tribunal under Part VIII of the Competition Act.

Collecting all the necessary evidence required for such an application can take time. For this reason, it may become necessary to implement procedures that may help to prevent irreparable harm before an investigation can be completed.

The proposed amendments, therefore, include provisions that would allow the tribunal to issue interim orders upon findings that if such an order were not issued there would be injury to competition, a competitor likely would be eliminated or a person likely would suffer significant loss of market share, revenue or other harm that could not be later remedied by the tribunal.

[Translation]

Honourable senators, Bill C-23 also contains certain amendments to help simplify certain procedures of the Competition Tribunal. For example, certain clauses would enable it to grant summary judgment while others could award costs — an effective way of discouraging strategic litigation.

[English]

Honourable senators, there was an important amendment added during the review of Bill C-23 by the Standing Committee on Industry, Science and Technology in the other place. This amendment would allow individuals and businesses to apply directly to the Competition Tribunal rather than go through the Commissioner of Competition on matters involving refusal to deal, market restriction, tied selling and exclusive dealing.

At present, if the Competition Bureau decides not to proceed on a matter, the complainant has no other recourse under the Competition Act. This amendment provides an alternative that can complement the bureau's enforcement of procedures under the Competition Act.

Moreover, amendments respecting private access to the tribunal were originally proposed in a discussion paper prepared by the Competition Bureau in response to private members' bills aimed at the Competition Act tabled in the other place.

Consultations were undertaken by the Public Policy Forum, a non-partisan, non-profit organization. The consultations revealed diverse views among stakeholders on this proposal but found that a balanced solution might be possible if appropriate safeguards were added to protect against strategic litigation. The Standing Committee on Industry, Science and Technology heard witnesses on this issue and decided that private access should be included in Bill C-23.

Honourable senators, permit me to summarize the specific safeguards added to Bill C-23. First, the tribunal can act as a gatekeeper through its power to grant leave to apply for an order. Second, cases cannot proceed if the Commissioner of Competition is on inquiry or has settled the matter. Third, no damages may be sought, but the tribunal has the discretion to award costs.

In brief, the addition of private access to the Competition Tribunal is a balanced approach. It will enhance competition law enforcement in Canada. It will contribute to building a more efficient and competitive marketplace. As a result, it will benefit Canadian consumers and businesses alike.

[Translation]

Finally, honourable senators, this bill includes new provisions to address specific important issues facing Canada's airline industry. First, the Competition Tribunal will have the power to extend a temporary order made by the Commissioner of Competition. This will give the commissioner time to receive and examine the information required to determine whether or not he will apply to the tribunal under the legislation's abuse of dominant position provisions, section 79. These amendments will also allow the tribunal to impose an administrative monetary penalty of up to \$15 million with respect to an air carrier which has abused its dominant position in a relevant market. I am not suggesting that the fact of having a carrier with such a large share of the national market is because of anticompetitive conduct. However, we must recognize that Canada has a highly concentrated airline industry right now. The new monetary penalties would therefore provide a powerful incentive to ensure compliance with the Competition Act.

[English]

Honourable senators, I close my remarks by saying that the amendments in Bill C-23, to amend the Competition Act and the Competition Tribunal Act, will collectively lead to a Canadian marketplace that functions more effectively for consumers and businesses alike. This is why the Senate should act with dispatch and pass this bill.

[Translation]

**Hon. Donald H. Oliver:** Honourable senators, I rise today to speak to Bill C-23, to amend the Competition Act and the Competition Tribunal Act.

Before speaking to the bill, I wish to make a few general remarks about the Competition Act. The purpose of this legislation is to maintain and encourage competition in Canada. It therefore plays a central role in the Canadian economy. This role is more important because the economy is becoming globalized, the number of mergers is increasing, and many sectors of activity are converging.

[ Senator Poulin ]

[English]

The Competition Act sets out the parameters between acceptable and unacceptable business behaviour. The Competition Bureau's enforcement of the act must be flexible and must take account of the business environment. Today, dwindling numbers of companies are operating in various sectors of the Canadian economy and there are near monopoly situations in some sectors, such as the airlines. It is important for the bureau to look at all rules that can have an adverse impact on competition. Restrictions on foreign ownership and foreign investment in some sectors of the Canadian economy, for example, can be significant barriers to market entry and impediments to effective competition. Government creates these barriers. In most situations, competition policy does not address such government-created barriers. However, I believe it is incumbent upon the Competition Bureau to draw the government's attention to the impact of these barriers on competition and work towards their reduction and eventual elimination where competition is adversely affected.

Honourable senators, my remarks today will focus on three issues: private access to the Competition Tribunal, already addressed by the honourable senator, the need for regular parliamentary reviews of the Competition Act, and, finally, the interface between the Competition Bureau and the Canadian Radio-television and Telecommunications Commission, CRTC.

Bill C-23 introduces a right of private access to the Competition Tribunal. Private parties who have been directly affected by certain anti-competitive practices would be able to initiate an action under the Competition Act. This amendment, as you have already heard, was introduced at committee stage in the House of Commons.

Let me begin by stating that I fully support a right of private access to the Competition Tribunal. I can find no valid public policy reason why access to the tribunal should be limited to the Commissioner of Competition, as is presently the case.

[Translation]

Discussion of the right to private access in connection with practices leading to an action under the Competition Act has been going on for years. This is a controversial amendment. Some feel that this is a long overdue measure, while others feel that allowing businesses to bring private action before the tribunal would have terrible effects.

[English]

The arguments for and against private access are well known. Among other things, proponents argue private access will deter firms from engaging in anti-competitive practices, free up Competition Bureau resources and allow the bureau to focus on other anti-competitive conduct, complement public enforcement by the Commissioner of Competition, and, finally, produce judicial decisions to guide the business community on its responsibilities under competition law.

Opponents, on the other hand, maintain that private access will encourage costly strategic litigation, place a litigation chill on certain pro-competitive business activity, such as vertical contractual arrangements and altering distribution arrangements, and result in the government declining to initiate cases it might have previously pursued on the belief that the private sector should do so and lead Canada down the road to an American-style litigation system.

As a proponent of private access, I would add two equally important and compelling reasons for supporting the right of private complaints to gain direct access to the Competition Tribunal.

[Translation]

First, the Commissioner of Competition is not always right not to initiate a case. He may occasionally misjudge. Under the present legislation, the injured party has no recourse. Private access provides the plaintiff with an alternative solution when the commissioner decides not to intervene.

The head of the Australian Competition and Consumer Commission confirms this view of how competition law operates in Australia.

[English]

Speaking before the House of Commons Standing Committee on Industry, Science and Technology last November, Professor Alan Fels noted that there were cases in Australia where his commission failed to take action when it should have and had been proven wrong after private claimants brought a successful case. He also noted that cases started by private clients would have produced important legal precedents.

Second, private access will increase accountability of the Competition Bureau. A respected authority on Canadian competition law, Professor Michael Trebilcock, recently made the point that there was little accountability in relation to the commissioner's decision not to bring cases forward. Private access, then, becomes an important check on the commissioner's power and discretion.

In discussing the benefits of private access under Australian competition law, the chairman of the Australian Competition and Consumer Commission stated:

— having a private right of action makes the law far more effective and achieves much better compliance, and ultimately achieves better results for consumers and for many business customers who may otherwise be on the receiving end of anti-competitive behaviour. That factor is especially important at times when there are budgetary cutbacks.

Many agree that the Commissioner of Competition under-enforces the Competition Act. Clearly, the competitive environment in Canada would benefit from more scrutiny of anti-competitive behaviour.

As for the issues raised by opponents of private access, the most persuasive is the concern about so-called strategic litigation. However, I believe that these concerns can be and have been addressed by a number of features in the bill. Moreover, the arguments about private access leading to American-style litigation are specious. There are just too many significant differences between the Canadian legal system and the competition law system and the United States antitrust system for this argument to hold water.

[Translation]

Now I should like to address the various components of the private access system as set out in Bill C-23. My analysis is based on the conviction that private access should be an effective means of improving competition, dissuading businesses from engaging in anti-competitive practices and redressing the wrongs caused by anti-competitive activities, all characteristics of proper competition law.

According to Bill C-23, a private party may file a complaint before the Competition Tribunal only in connection with four types of anti-competitive behaviour.

•(1600)

These are: refusal to deal, exclusive dealing, tied selling and market restriction. However, private access does not apply to abuse of dominant position.

[English]

Private complainants would not have automatic access to the tribunal. They must apply to the tribunal for leave to bring a case. The tribunal will not grant leave to bring a private action if the Commissioner of Competition has started an inquiry already or has settled the matter, and in order to obtain leave, the tribunal must believe that the complainant's business was directly and substantially affected by the relevant anti-competitive practice in sections 75 and 77. Private complainants cannot be awarded damages. Finally, the tribunal has discretion to award costs against a private complainant.

Many of these provisions have been included to address concerns about so-called strategic litigation where private parties use litigation and the courts for tactical business purposes. I understand the need to address these concerns and the possible impact of litigation chill, but I believe that some of the conditions set out in Bill C-23 are too restrictive. They will emasculate private access. In the end, the regime is likely to be ineffective.

Consider the requirement, for example, of a complainant having to obtain leave of the tribunal in order to bring forward a case. This is an unnecessary, time consuming and costly hurdle that will prevent meritorious cases from proceeding. The Competition Bureau expects that private access will be used primarily by small- and medium-sized businesses to deal with local or limited private matters. If this is the case, the requirement to obtain leave may just be too onerous and inhibit the use of private access by the very businesses it was intended to benefit.

Also, I can think of no good public policy reason to prevent a private complainant from being awarded damages. The possibility of a damage award would be an important deterrent to anti-competitive behaviour. Without a damage provision, Bill C-23 falls short of the goal of fostering the competitive process.

Opponents of private access argue that damage awards will bring us too close to the American antitrust system where private complainants can be awarded triple damages. However, I am not suggesting that triple damages are appropriate in private access cases, only that the Competition Tribunal should have the ability and the authority to award ordinary damages where anti-competitive behaviour has been injurious to the business of the private complainant. In my view, this is reasonable, fair and appropriate.

Under Australian competition law, damage awards are allowed. This has not created a wave of strategic litigation on the part of private complainants, and it has not been an issue of great concern to the business community. Indeed, the Chairman of the Australian Competition and Consumer Commission recently noted that even though private complainants can obtain damages, their main emphasis has been on stopping anti-competitive behaviour rather than on monetary compensation.

[Translation]

I firmly believe that Bill C-23 also includes safeguards against strategic litigations, in the form of costs and the application restricted to sections 75 and 77 of the Competition Act. The absence of conditional fees is another powerful deterrent.

The fact that complainants must first get leave, and the fact that no damages are awarded are useless restrictions, which, in my opinion, will make private access ineffective and contribute to a less than full application of our competition law.

I now want to talk about the need for regular parliamentary reviews of the Competition Act. The Competition Act is an important legal framework for the economy, just like the Canada Business Corporations Act. It is an essential ingredient of competition. This legislation is a tool to increase Canada's economic prosperity. We must have an excellent competition law, which must be enforced in an excellent manner.

Competition law applies in a context of globalization and rapid transformation of the economy. These conditions require a modern competition law that works optimally.

[English]

Clearly, then, it is important for the Competition Act to be examined regularly and updated to reflect domestic and international legal and business developments. Unfortunately, there is nothing in the act to ensure that regular examination takes place. Significant amendments to Canada's competition laws were made in the mid-1980s. There were also amendments

in 1999 to revamp misleading advertising provisions and in 2000 to deal with the airline industry. The House of Commons Standing Committee on Industry, Science and Technology has done and continues to do excellent work in studying the Competition Act, but there needs to be a continuous and timely process for examining and amending the act.

[Translation]

I am convinced that Parliament should review the Competition Act on a regular basis. This means that the government must commit to having this legal framework for the economy remain up to date.

It is also very important for Parliament to be able to examine the effectiveness of the new provisions relating to privacy, because they represent a major change that has not garnered unanimous support.

[English]

Periodic reviews of the Competition Act by Parliament would accomplish four objectives. First, the act would keep abreast of new developments in legal and business practice. Second, periodic reviews would bring the act into a wider audience and heighten awareness of the act among the public. Third, such reviews would allow Parliament to play an important continuing and, in my view, long overdue role in the development of competition law and policy. Fourth, periodic reviews would increase accountability of the Competition Bureau and the Commissioner of Competition. Parliamentarians would develop the needed expertise in competition policy issues that would enable them to more effectively scrutinize the Competition Act and the work of the bureau. I therefore intend to seek an amendment to Bill C-23 to ensure that the Competition Act is periodically reviewed by Parliament.

Finally, honourable senators, I should like to make a few closing remarks about what I think is important in terms of the interface between the Competition Bureau and the Canadian Radio-television and Telecommunications Commission. The Canadian communications industry is in the throes of change. International competition, new technologies, mergers, takeovers and media convergence are blurring the boundaries between specific communications sectors. Mergers and convergence raise questions about corporate concentration and competition in the communications industry. These developments also raise issues around the roles and interplay of the Competition Bureau and the CRTC in addressing competition in the communications sector. The Competition Act is a broadly framed statute applying to all businesses. The CRTC is a sectoral regulator with a different mandate from that of the Competition Bureau.

Under section 125 of the Competition Act, the Commissioner of Competition can make representations in relation to competition before any federal board, commission or other tribunal. The Competition Bureau has made a number of representations before the CRTC.

In 1999, the Competition Bureau and the CRTC outlined their respective roles and authority in relation to the broadcasting and telecommunications sectors. Mergers, for example, come under the jurisdiction of both agencies. They also define areas where each has exclusive jurisdiction. Clearly, there are legal and institutional differences between the Competition Bureau and the CRTC. The CRTC has to balance a wide range of policies and interests. The Competition Bureau is focused on maintaining and encouraging competition.

•(1610)

Competition rules and remedies have an important role to play in the communications sector. In a climate of convergence, commercial distinctions are being eroded. The rationale for oversight by two agencies comes into question. It may be time to consider replacing industry-specific regulation with general competition law or combining competition rules with the CRTC's sectoral experience. These issues, I submit, are worth studying.

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

**Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Poulin, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[Translation]

## POINT OF ORDER

SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, on Tuesday, December 11, 2001, the Leader of the Opposition, Senator Lynch-Staunton, raised a point of order to object to certain procedures that had been followed in relation to Bill C-44, which amended the Aeronautics Act. The substance of the senator's complaint had to do with the fact that the Department of Transport of Canada seemed to anticipate a decision of the Senate with respect to the second reading of this bill, and did not prepare its documents adequately.

[English]

In making his case, Senator Lynch-Staunton noted that the briefing material on the bill had not been written to reflect the

fact that it was to be used by a committee of the Senate rather than of the House of Commons. Even the copy of the bill distributed to committee members was not the usual "as-passed" version but the first reading copy presented to the House of Commons, together with a page appended to it indicating the amendments that had been made to the bill in that House before final passage. Senator Lynch-Staunton was also disturbed by the fact that the Library of Parliament had prepared for the benefit of committee members questions that could be posed to witnesses in advance of the second reading of the bill in the Senate. All this, according to Senator Lynch-Staunton, seemed 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.

The Leader of the Government in the Senate, Senator Carstairs, expressed sympathy for some of Senator Lynch-Staunton's complaints. Senator Carstairs shared Senator Lynch-Staunton's annoyance with the fact that the department's briefing material had not been properly prepared for Senate use. Nevertheless, Senator Carstairs took note of the fact that the bill is an important piece of legislation that had been hived off from Bill C-41 to deal with the urgent matter of air security. Given this importance, Senator Carstairs did not find it too surprising that the department would have sought to anticipate events to the best of its ability and would have prepared briefing materials for distribution to all members of the committee as expeditiously as possible following second reading. For their part, as Senator Carstairs observed, senators would have been upset had they not received this documentation in time.

[Translation]

Senator Bacon, the Chair of the Standing Senate Committee on Transport and Communications, then spoke to explain how the steering committee had agreed to a standing committee meeting Tuesday morning in order to hear the testimony of a list of witnesses in connection with Bill C-44, in anticipation of its adoption at second reading by the Senate.

[English]

Also sharing the misgivings of Senator Lynch-Staunton, Senator Cools proposed that a committee, or perhaps the Senate itself, should study the issue of the relationship of the Senate, the House of Commons and the executive, given the nature of the events surrounding consideration of Bill C-44 and other instances of a similar kind that have occurred in recent years.

[Translation]

I wish to thank honourable senators for their interventions. I have investigated the matter and I think that I have a proper understanding of what happened. I am prepared to make my ruling now.

[English]

Let me begin by stating at the outset that I do not believe there is a point of order in this particular case. The legitimate complaint that Senator Lynch-Staunton raised has to do with a certain carelessness, if I may put it that way, on the part of the department with respect to preparation of briefing material. Even Senator Carstairs recognized that the documentation had not been suitably prepared for the use of the Senate. While the specific instance complained of may not seem important on its own, it is because it is part of a growing pattern that it has now become disturbing. Nonetheless, it is not properly a point of order over which I have any authority. The offended committee can raise a complaint with departmental officials when they are present before the committee. In this particular instance, however, I heard nothing to suggest that members of the Transport Committee raised this problem with the officials when reviewing Bill C-44.

As to the matter of the printed version of the bill that was used by the committee, an “as-passed” version should have been distributed. I have been informed that an “as-passed” printing of Bill C-44 was available as of Friday, December 7, 2001. However, I am uncertain who has the responsibility of distributing the copy of the bill to the members of the committee. It is unclear to me why this task should be the responsibility of the officials of the department rather than our own staff. I suspect that the rush with which the bill was considered by the Standing Senate Committee on Transport and Communications was a relevant factor.

With respect to the other issues mentioned by Senator Lynch-Staunton — the preparation of questions by the Library of Parliament and the scheduling of witnesses for a committee meeting even before the Senate had approved Bill C-44 — these are matters that are determined by the committee itself. They do not normally involve the Speaker and, so far as I can determine, there is no basis for my intervention. As I understand from what Senator Bacon stated, the steering committee approved these arrangements as a way to expedite the consideration of a bill it deemed to be urgent.

Even Senator Lynch-Staunton, in recounting the chronology of events surrounding the consideration of this bill, acknowledged that the notice of the meeting and the distribution of the documents in the form complained of occurred only after second reading. Based on my experience in the Senate, this is not really an uncommon practice, especially when the legislation is recognized to be urgent. In the end, it is the membership of this chamber that sets the pace, not the Speaker.

I hope that this explanation in some way answers the understandable complaint raised by the Leader of the Opposition.

[The Hon. the Speaker]

## PRIVACY RIGHTS CHARTER BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-21, to guarantee the human right to privacy.

**The Hon. the Speaker:** Is this item to stand on the Order Paper, honourable senators?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, no one has informed me of their intention to speak on this item under consideration, which has been on the Order Paper for 15 days. Under the usual practices, this item would simply be struck from the Order Paper.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I wonder, honourable senators, whether the situation is not more complicated. We have, on the Order Paper, the thirteenth report of the Senate Committee on Social Affairs, Science and Technology on the subject matter of this bill.

My question is as follows: If the bill is not on the Order Paper, how are we supposed to consider the report on the bill? Could the Speaker or an honourable senator please explain this complicating factor to me?

**Senator Robichaud:** Honourable senators, if I understand this properly, the Senate committee report dealt with the subject matter of the bill, and not with the bill itself. These are two separate elements. The consideration of the report is not directly related to the bill. It can be considered on its own merits, without being linked to the bill.

[English]

**Senator Kinsella:** Honourable senators, the difficulty I see is that if no one on the government side speaks to Senator Finestone’s bill, then the bill is gone. The thirteenth report, which is on our Order Paper and which will be called subsequently, is a report that deals with the subject matter — and here I agree with the honourable senator — of Bill S-21 and not Bill S-21 itself. Will we be obviated from considering the report of a committee that has addressed the subject matter of a bill that is no longer in existence?

**The Hon. the Speaker:** Honourable senators, if a step is not taken to further this bill today, the 15-day expiry period under our rule means that it drops off the Order Paper. If I understand the rules correctly, that does not mean that the matter cannot be brought back by a senator. In any event, it is up to this chamber. If honourable senators wish it to stay on the Order Paper, senators have the power, through the unanimous consent of all present, to extend the time.



Although I am not sure, Senator Robichaud may have provided an adequate answer in that the report to be considered subsequently deals with the subject matter of the bill; and, accordingly, the fact that the bill is not on the Order Paper does not take away from that report.

I am, perhaps, not helping. However, I thought I should attempt to invite honourable senators at least to leave this item on the Order Paper by taking the appropriate step to request consent that it remain on the Order Paper, or that we proceed. If we proceed, it will drop off the Order Paper.

**Senator Kinsella:** Honourable senators, we have here a question of the orderly procedure in this house. Perhaps I should raise this matter as a point of order. The question is: Will this item, which deals with the subject matter of a bill, drop off the Order Paper should the fifteenth day pass with no movement taken? My understanding is that the bill will cease to exist. If it ceases to exist, how can we have a debate on a report of the subject matter of a bill that does not exist? Perhaps His Honour could take this point of order under consideration for fear that this situation might present itself again. Perhaps the matter could be stood in the Speaker's name until he has had an opportunity to examine it.

**Hon. Anne C. Cools:** Honourable senators, what is happening here is dramatic and somewhat unusual. It seems to me that if a senator who is no longer with us and who recently retired would have anticipated this moment, the proper thing to have done would have been to have motivated a senator to be in a position either to continue the debate or to carry the debate forward. That has not happened. One has to accept the will here, which is that no one seems interested in continuing the debate.

What Senator Kinsella seems to be suggesting is that His Honour should somehow move the adjournment himself and show some interest in this particular measure. That is very much in order, except that His Honour will have to leave the Chair and go to his seat to move such a motion to adjourn. It would be quite out of order for His Honour to sit in the Chair and to follow the suggestion that Senator Kinsella has made.

I think all senators are aware that the Speaker of the Senate is quite a different creature from the Speaker of the House of Commons. The Speaker of the Senate is free to vote in debate and is free to participate and to speak in debate. However, those ordinary features of the Speaker's role when he functions as an ordinary senator are supposed to be conducted from his other chair, from his own seat in the Senate, and not from the Chair of the entire Senate.

Perhaps His Honour should be allowed to do that. Perhaps that is His Honour's wish, if he accepts Senator Kinsella's suggestion.

**The Hon. the Speaker:** Do any other honourable senators wish to comment on Senator Kinsella's point of order?

**Hon. Herbert O. Sparrow:** I wish to adjourn the debate.

**The Hon. the Speaker:** Senator Sparrow, I think this item requires more than adjournment. Adjourning debate would simply leave us where we are now — 15 days with no action on the matter and the bill would drop off the Order Paper. Does the Honourable Senator Sparrow wish to speak to the bill?

**Senator Sparrow:** No, I should like to adjourn debate for another 15 days.

**The Hon. the Speaker:** Is the honourable senator asking for leave to have the matter stand on the Order Paper?

**Senator Cools:** No, Your Honour.

**The Hon. the Speaker:** I am asking Senator Sparrow.

**Senator Sparrow:** No.

**The Hon. the Speaker:** Does the Honourable Senator Cools wish to intervene again?

**Senator Cools:** It seems to me that the entire problem would have been resolved if a senator had risen and indicated that he or she was interested in advancing the debate on this bill. It was my clear understanding that Senator Sparrow did just that. Senator Sparrow has just indicated his interest in taking the adjournment so that he may speak to Bill S-21. As such, all procedural concerns would be properly satisfied.

**Senator Kinsella:** Honourable senators, with the unanimous consent of the house, I would be prepared to withdraw my point of order so that we might proceed as Senator Sparrow is suggesting with a motion to adjourn the debate.

**The Hon. the Speaker:** Is there unanimous consent, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Once again I invite Senator Sparrow to take the floor.

**Senator Robichaud:** Just say a few words.

•(1630)

**Senator Sparrow:** Honourable senators, I have been advised to say a "few words," and that is enough. That is all I want. It seemed to me that I was endeavouring to get the house out of a perceived procedural jam by moving the adjournment of the debate so that any honourable senator who might want to speak and who is not present at the moment would have the opportunity to speak to the motion.

On motion of Senator Sparrow, debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### SEVENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Callbeck, for the adoption of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (official third party recognition) presented in the Senate on November 6, 2001.—(*Honourable Senator Corbin*).

**Hon. Eymard G. Corbin:** Honourable senators, I do not intend to pursue this matter any further.

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

**Hon. Senators:** Question!

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

## 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 Robertson*).

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

Canada has a very long coastline. In fact, it has the longest coastline of any country in the world. However, not all of its coasts are suitable for fish farming and this may explain why Canadian production represents only a very small percentage of the world's total supply, about 2 per cent in terms of volume. The climate, of course, is another limiting factor.

In Canada, salmon is the most important species cultivated, representing approximately 81 per cent of the total value, which is around \$611 million, generated by aquaculture in 2000. In my own province of New Brunswick, salmon farming is a big success, with production worth \$190 million in 2000, with the sector being the province's largest agri-food sector.

Honourable senators, people in my province refer to the miracle of Charlotte County, a rural area with previously high levels of unemployment that has been transformed into a major sector for aquaculture production and research. As many honourable senators are undoubtedly aware, these days the Atlantic region salmon growers are facing low market prices in the United States, their main market. They blame the Chilean producers, who are said to be engaging in dumping in the United States, selling fish at below production costs. The Chilean companies in question are said to be very large, diversified, and able to sustain large losses. Canadian salmon growers have asked the federal government to investigate and for a \$50-million support package.

This issue, honourable senators, is a difficult one to resolve because it involves the United States domestic market. The Atlantic industry supports the federal government's direct efforts with Chile to resolve the issue before local companies go under, which would affect some 4,000 people employed in aquaculture in Newfoundland, Nova Scotia and New Brunswick, with 3,000 in my province.

Chile produced 218,000 tonnes of Atlantic salmon in 2001, and its production is expected to reach between 230,000 to 260,000 tonnes this year. Total world production could reach 1 million tonnes this year. As you can see, this amount excludes coho and rainbow trout, which are sold mainly in Asia. Large quantities of frozen salmon are reportedly waiting to be sold, but you can see by the comparison of numbers that we have a major problem, and it will get worse.

In comparison, last year New Brunswick produced about 25,000 tonnes and British Columbia came in at slightly under 50,000 tons. One only needs to look at a map of Chile, with its very long coastline, the second largest farm salmon producer in the world after Norway, to see why that country has the capacity for even more production. According to a recent Chilean news report, eight years from now production in one region alone may increase from 30,000 tonnes to 300,000 tonnes. As each year passes, the problem becomes larger.

The president of the B.C. Salmon Farmers Association reportedly favours an international cooperative marketing push to promote farmed fish. On this point I should like to mention that, 10 years ago, when I chaired the Senate Fisheries Committee, the Atlantic lobster industry found itself, for the first time ever, in a similar situation of market uncertainty. There was an oversupply of product on the world markets, which led to drastic price reductions. This proved to be a very sobering experience for the Canadian industry. Markets improved largely because of an industry focus on markets, new products, generic marketing and the creation of a generic industry marketing association that was then called the Canadian Atlantic Lobster Promotion Association, or CALPA. That no longer exists because the problem with respect to lobster has been solved. However, it could be useful for the industry to look at a similar course of action with respect to farmed salmon. Of course, that decision should be made by the industry.

Honourable senators, a major theme of the committee's aquaculture report was that of cooperation and the need for the various coastal interests to build on common interests. In respect to cooperation, senators may be interested to learn immediate and positive results arose from one of our committee meetings in New Brunswick. In St. Andrews, in February of 2000, committee members met informally with representatives of five government industry groups. Prior to that meeting the representatives had spent a good deal of time identifying and agreeing on science-based issues. Subsequent to our visit they met again, and this eventually led to a proposal for collaborative research in order to better understand the ecosystem of the Bay of Fundy where most of New Brunswick salmon production originates.

More dialogue and cooperative working relationships are needed between the various coastal stakeholders, including fish and shellfish farmers and the traditional fishery environmental groups, conservationists and Aboriginal people. In this regard, the Department of Fisheries and Oceans has a critical role to play, mainly because of its responsibilities for ocean and coastal zone management under the Oceans Act of 1997.

Honourable senators, I will also state the obvious: The aquaculture sector must seek the support of communities with which they share space. There must be more public participation and meaningful consultation with the public in the site licence approval process. Governments must manage the industry in a transparent manner to build public confidence, and bad operators should not be allowed to operate.

Another passing observation is that the executive director of the Canadian Aquaculture Industry Alliance and a vice-president of the Atlantic Salmon Federation recently appeared together before the House of Commons Committee on Fisheries and Oceans on October 30. That is a very good start for two traditional adversaries, and I congratulate them. While their views differed regarding the possible adverse impacts of salmon farming on wild Atlantic stocks on the East Coast, they both agreed on the need to collaborate. They also both agreed that the federal government should increase the amount of research into the relationship between wild and farm salmon.

That, honourable senators, was the premise of a major recommendation in the Senate committee's report, recommendation No. 7. At this point there is much speculation about the possible impacts that aquaculture may have on wild fish, and the Department of Fisheries and Oceans will need to put much more money into its science program. More cooperative research is also needed. Although the two sides of the salmon aquaculture debate approach issues from different angles, the Senate committee found that there was some common ground in the form of shared interests and objectives.

•(1640)

For example, neither side of the debate wants to see the escape of farmed fish or transmission of disease, and both want a clean environment as well as more research. In their report, committee members pointed out that there are also collaborative

opportunities between both the traditional "wild" fisheries and aquaculture. For example, they heard about a sea-ranching pilot project in place in the Magdalen Islands where scallop fishers are managing their fishery and seeding their scallop beds with juvenile scallops that are raised using aquaculture techniques. There are other similar enhancement projects for scallops on the East Coast. The committee recommended that initiatives aimed at enhancing or sea ranching indigenous species of shellfish, such as scallops, be supported by governments. That is our recommendation No. 9.

In his speech of October 23, Senator Comeau described the committee's fish farming report as a snapshot in time. I agree with Senator Comeau. I should also like to point out that the aquaculture report is a final report. I mention this because some people in the media have misinterpreted the words "interim report" that appear on the front of the document to mean the committee's study is a preliminary report.

Lastly, honourable senators, I should like to say that fish and shellfish farming is an industry that is here to stay. Having said that, a number of issues need to be resolved. Regulatory processes need to be reviewed and improved to ensure greater transparency and public accountability. Because of environmental and fish habitat concerns on the East Coast, the committee recommended that the Auditor General of Canada undertake an audit in the Atlantic region similar to that conducted last year in the Pacific region. The audit's objective would be to determine whether the Department of Fisheries and Oceans is meeting its legislative obligations for fish habitat.

On motion of Senator Mahovlich, debate adjourned.

### LESSONS TO BE DRAWN FROM TRAGEDY OF TERRORIST ATTACKS IN UNITED STATES ON SEPTEMBER 11, 2001

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 certain lessons to be drawn from the tragedy that occurred on September 11, 2001.—(*Honourable Senator Roche*).

**Hon. Douglas Roche:** Honourable senators, as the shock of the terrorist attacks on September 11, 2001, recedes and the war on terrorism moves into a new stage, there is a precious but fleeting opportunity, indeed a requirement, to ensure that the international community's response and Canada's response is the right one. Senator De Bané is to be congratulated for asking the Senate to consider the lessons from this watershed moment.

The meaning of September 11 goes well beyond the events themselves and the response to them thus far. We must realize that the most fundamental of human rights is now at stake: our freedom to live without fear.

This basic right is under threat from an increasingly complex globalized system where poverty, environmental disaster and violence loom. Yet our overall response is still rooted in an outdated, militarist mentality with few long-range answers.

In this context, I should like to offer three important, but by no means exhaustive, lessons to be drawn. Canada must address the following: first, the dark side of globalization that fans the flames of violence and extremism; second, the imperative to work multilaterally through the United Nations system and the system of law it underpins; third, the need to revitalize disarmament efforts or risk a far more uncertain and potentially calamitous future.

There is, perhaps, no better way to see the challenge facing humanity than through the words of UN Secretary-General Kofi Annan in his millennium report. He said:

The century just ended was disfigured, time and again, by ruthless conflict. Grinding poverty and striking inequality persist within and among countries even amidst unprecedented wealth. Diseases, old and new, threaten to undo painstaking progress. Nature's life-sustaining services, on which our species depends for its survival, are being seriously disrupted and degraded by our own everyday activities.

The accuracy of this characterization of our world is even more timely in the wake of September 11.

The first major lesson concerns our approach to globalism. More than the flow of money and commodities, globalization is the growing interdependence of the world's people through compressed space, time and vanishing borders. Unfortunately, we have approached this new reality using the old paradigms of economic and military power and dominance. Globalization has thus far benefited only a few in world terms, while producing many losers among and within nations. According to the UN Human Development Report of 1999, the result is a "grotesque and dangerous polarization" between the rich and the poor.

Terrorism feeds on the hatreds and resentments that have been built up in the rest of the world against Western society as it continues to reap much of the benefits from globalization. The statistics are all too familiar: half the world's population living in abject poverty and 80 per cent living on less than 20 per cent of global income. Too many people in too many countries lack the freedom to take advantage of the new opportunities of modern technology and are consequently left on the sidelines. In the global village, sooner or later, someone else's poverty becomes one's own problem.

Yesterday, at the World Economic Forum in New York, Secretary-General Annan drove this point home when he said:

Left alone in their poverty, these countries are all too likely to collapse, or relapse, into conflict and anarchy, a menace to their neighbours and potentially — as the events of September 11 so brutally reminded us — a threat to global

security. Yet, taken together, their peoples represent a very large potential market — and many of their disadvantages could be offset if international business and donor governments adopted a common strategy aimed at making them more attractive to investment and ensuring that it reaches them.

I was glad to see Prime Minister Chrétien take a leadership role at the World Economic Forum in calling for more aid for Africa. The world must shift focus to the human agenda, not just the military or corporate ones. It means shifting our spending priorities away from the latest weaponry and toward the latest development projects, cancelling the crushing debt burdens of developing countries and building the body of effective international law. These are the most basic prerequisites for social justice.

The second lesson from September 11 is that we must address globalization globally. This means working within the United Nations system and giving it the political and economic resources it needs for the challenges ahead. As important as the Security Council is, it alone cannot guarantee sustaining peace. Other parts of the UN, including the UN High Commissioner for Human Rights, the International Atomic Energy Agency and UNICEF, to name just three of many bodies, must be provided with the funding they need if we are to build a lasting foundation for peace. Instead of strengthening these vital instruments of human security, the world continues to prepare for war. War and the preparation for war are the greatest impediments to human progress, fostering a vicious cycle of arms buildups, violence and poverty.

•(1650)

Governments plead that they have little money for social programs, yet they are currently spending \$800 billion a year on military expenditures, which is 80 times more than the \$10 billion they spend on the entire United Nations system.

The largest military increase is happening in the U.S. President Bush has recently requested \$48 billion more for the defence budget, next year alone, bringing the U.S. up to \$380 billion, and signalling the largest defence budget increase in 20 years. Not content with a military budget that is larger than the military spending of the next 15 countries combined, and which is even greater than the entire state budget of Russia, the president and his generals want even more money in the years ahead. This reckless drive to even more military dominance is alarming countries around the world, including many of our partners in NATO.

The United Nations, which won the Nobel Peace Prize in 2001, is uniquely positioned to foster a globalized world of peace and justice. When the UN millennium summit of world leaders was held, a declaration was adopted establishing priorities for the UN to overcome poverty, to put an end to conflict, to meet the needs of Africa, to promote democracy and the rule of law, and to protect the environment. The UN must be enabled to implement this agenda.

The third lesson deals with reducing the threat of nuclear terrorism. We must strengthen the global norm against the use or proliferation of weapons of mass destruction and create a body of international law to ensure universality, verification and full implementation of key treaties. This is what Janantha Dhanapala, the UN Under-Secretary-General for Disarmament Affairs, with whom I had the pleasure of meeting yesterday, is calling for in saying that our current weapons-based approach to security is ineffective. What is missing, Mr. Dhanapala says, is “an emphasis on the need for deeper multilateral cooperation rooted in binding legal norms and implemented with the assistance of global international organizations.”

It is through strengthening verifiable agreements such as the Anti-Ballistic Missile Treaty, the Comprehensive Test Ban Treaty, the Chemical and Biological Weapons Conventions and the non-proliferation treaty that we stand our best chance of preventing these weapons from falling into unscrupulous hands.

Though President Bush’s recent announcement of a cut in the number of deployed nuclear weapons is welcome, the cuts are unilateral and voluntary, not codified, and most of the weapons will not in fact be destroyed. *The Globe and Mail* called this “smoke and mirrors.”

Cuts in nuclear weapons outside the framework of international treaties lack transparency and verifiability, thus raising the possibility of reversion. It is not unilateral acts, however entrancing, that will secure international peace and security. Rather, it is negotiations to build a body of law that cannot be changed by political caprice that will ensure a safer future.

Finally, honourable senators, for Canada there is a special lesson in considering the lessons I have outlined above. We must do more. It is not enough to amend our immigration, refugee and anti-terrorist legislation, for we are living in a time that demands more of us. Where are the thoughtful and innovative solutions to the world’s challenges that have been a hallmark of Canadian diplomacy? There is a perception that for Canada to maintain sovereignty over its own affairs it must substantially increase the amount of money it spends on its military. Militarism is not the answer. If Canada goes down this road and accepts militarism as the currency of sovereignty, we will be subscribing to the old, outdated and myopic attitude dominating the international agenda today. Canada must resist widening the war on terrorism to include Iraq, North Korea and Iran as President Bush forecast last week when he characterized these three countries as “the axis of evil.”

If Canada is to maintain control over its own policies, it must step forward and voice its long-held values on the prime issues of human rights and international law. It is said that Canada’s hands are tied because of our economic dependence on the U.S. I ask: Does this relationship necessarily mean that our integrity and sense of compassion, equity and justice should be sacrificed? Canada is caught in a dilemma. Our fundamental values lie with the United Nations system that we recognize as the guarantor of international peace and security, but our perceived protection lies with the U.S.-led western military alliance now prosecuting a

war on terrorism. Before September 11, there was a reasonable compatibility between the two systems, but the resurgence of a philosophy bent on militarism and the prospect of an enlarged war on terrorism is forcing Canada to choose with which entity it will align itself.

The U.S. has pulled out of the Kyoto accords on global warming; it has voiced its disdain for the International Criminal Court; and it is studying the idea of resuming nuclear testing. It has rejected the Comprehensive Test Ban Treaty and given notice of its intention to pull out of the Anti-Ballistic Missile Treaty, which is widely considered a cornerstone of international arms control, and the Treaty on the Non-proliferation of Nuclear Weapons in particular. It is pushing ahead with a national missile defence system, thus clearing a path for the weaponization of outer space. Why is Canada mute on these issues?

Canada has always considered a comprehensive test ban treaty to be essential to nuclear arms control and to the viability of the nuclear non-proliferation treaty. Let Canada reaffirm this at the forthcoming NPT meeting at the UN in April.

Honourable senators, Senator De Bané is right: Canadians must be better informed on the real meaning of the tragic events of September 11, 2001. If we are worried about smoothing the rough edges of globalization, if we value international cooperation, if we desire a future free from the nuclear shadow, then let us act today to raise up our society and its political discourse and project out into the international community the values that make Canada especially equipped to offer a solution.

On motion of Senator LaPierre, debate adjourned.

[Translation]

## PRIVACY RIGHTS CHARTER

### INQUIRY WITHDRAWN

On Inquiry No. 39 by the Honourable Senator Finestone:

That she will call the attention of the Senate to the importance of moving towards a Privacy Rights Charter, particularly in these troubled times.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, this notice of inquiry currently stands in the name of the Honourable Sheila Finestone, who is no longer a member of this house. Does the Senate see fit to withdraw this inquiry from the Order Paper?

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

**Hon. Senators:** Agreed.

Inquiry withdrawn.

The Senate adjourned until Wednesday, February 6, 2002, at 1:30 p.m.



## **APPENDIX**

### **Officers of the Senate**

#### **The Ministry**

#### **Senators**

**(Listed according to seniority, alphabetically and by provinces)**

#### **Committees of the Senate**

**THE SPEAKER**

THE HONOURABLE DANIEL P. HAYS

**THE LEADER OF THE GOVERNMENT**

THE HONOURABLE SHARON CARSTAIRS, P.C.

**THE LEADER OF THE OPPOSITION**

THE HONOURABLE JOHN LYNCH-STAUTON

---

**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

GARY O'BRIEN

**LAW CLERK AND PARLIAMENTARY COUNSEL**

MARK AUDCENT

**USHER OF THE BLACK ROD (ACTING)**

BLAIR ARMITAGE



**THE MINISTRY**  
According to Precedence

(February 5, 2002)

|                               |  |
|-------------------------------|--|
| The Right Hon. Jean Chrétien  | Prime Minister   |
| The Hon. David M. Collenette  | Minister of Transport  |
| The Hon. David Anderson       | Minister of the Environment  |
| The Hon. Ralph E. Goodale     | Leader of the Government in the House of Commons<br>Minister responsible for the Canadian Wheat Board and Federal<br>Interlocutor for Métis and Non-Status Indians |
| The Hon. Sheila Copps         | Minister of Canadian Heritage  |
| The Hon. John Manley          | Deputy Prime Minister and Minister of Infrastructure and<br>Crown Corporations   |
| The Hon. Paul Martin          | Minister of Finance  |
| The Hon. Arthur C. Eggleton   | Minister of National Defence   |
| The Hon. Anne McLellan        | Minister of Health   |
| The Hon. Allan Rock           | Minister of Industry   |
| The Hon. Lawrence MacAulay    | Solicitor General of Canada  |
| The Hon. Lucienne Robillard   | President of the Treasury Board  |
| The Hon. Martin Cauchon       | Minister of Justice and Attorney General of Canada   |
| The Hon. Jane Stewart         | Minister of Human Resources Development  |
| The Hon. Stéphane Dion        | President of the Queen's Privy Council for Canada and<br>Minister of Intergovernmental Affairs   |
| The Hon. Pierre Pettigrew     | Minister of International Trade  |
| The Hon. Don Boudria          | Minister of Public Works and Government Services   |
| The Hon. Lyle Vanclicf        | Minister of Agriculture and Agri-Food  |
| The Hon. Herb Dhaliwal        | Minister of Natural Resources  |
| The Hon. Claudette Bradshaw   | Minister of Labour and Secretary of State (Multiculturalism)<br>(Status of Women)  |
| The Hon. Robert Daniel Nault  | Minister of Indian Affairs and Northern Development  |
| The Hon. Elinor Caplan        | Minister for National Revenue  |
| The Hon. Denis Coderre        | Minister of Citizenship and Immigration  |
| The Hon. Sharon Carstairs     | Leader of the Government in the Senate   |
| The Hon. Robert G. Thibault   | Minister of Fisheries and Oceans   |
| The Hon. Rey Pagtakhan        | Minister of Veterans Affairs   |
| The Hon. Susan Whelan         | Minister for International Cooperation   |
| The Hon. William Graham       | Minister of Foreign Affairs  |
| The Hon. Gerry Byrne          | Minister of State (Atlantic Canada Opportunities Agency)   |
| The Hon. Ethel Blondin-Andrew | Secretary of State (Children and Youth)  |
| The Hon. David Kilgour        | Secretary of State (Asia-Pacific)  |
| The Hon. Andrew Mitchell      | Secretary of State (Rural Development) (Federal Economic<br>Development Initiative for Northern Ontario)   |
| The Hon. Maurizio Bevilacqua  | Secretary of State (Science, Research and Development)   |
| The Hon. Paul DeVillers       | Secretary of State (Amateur Sport) and Deputy Leader of the<br>Government in the House of Commons  |
| The Hon. Gar Knutson          | Secretary of State (Central and Eastern Europe and Middle East)  |
| The Hon. Denis Paradis        | Secretary of State (Latin America and Africa) (Francophonie)   |
| The Hon. Claude Drouin        | Secretary of State (Economic Development Agency of Canada for<br>the Regions of Quebec)  |
| The Hon. John McCallum        | Secretary of State (International Financial Institutions)  |
| The Hon. Stephen Owen         | Secretary of State (Western Economic Diversification) (Indian<br>Affairs and Northern Development)   |

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

(February 5, 2002)

| Senator                             | Designation                 | Post Office Address     |
|-------------------------------------|-----------------------------|-------------------------|
| THE HONOURABLE                      |                             |                         |
| Herbert O. Sparrow                  | Saskatchewan                | North Battleford, Sask. |
| Edward M. Lawson                    | Vancouver                   | Vancouver, B.C.         |
| Bernard Alasdair Graham, P.C.       | The Highlands               | Sydney, N.S.            |
| Jack Austin, P.C.                   | Vancouver South             | Vancouver, B.C.         |
| Willie Adams                        | Nunavut                     | Rankin Inlet, Nunavut   |
| Lowell Murray, P.C.                 | Pakenham                    | Ottawa, Ont.            |
| C. William Doody                    | Harbour Main-Bell Island    | St. John's, Nfld.       |
| Peter Alan Stollery                 | Bloor and Yonge             | Toronto, Ont.           |
| Peter Michael Pitfield, P.C.        | Ottawa-Vanier               | Ottawa, Ont.            |
| E. Leo Kolber                       | Victoria                    | Westmount, Que.         |
| Michael Kirby                       | South Shore                 | Halifax, N.S.           |
| Jerahmiel S. Grafstein              | Metro Toronto               | Toronto, Ont.           |
| Anne C. Cools                       | Toronto-Centre-York         | Toronto, Ont.           |
| Charlie Watt                        | Inkerman                    | Kuujuuaq, Que.          |
| Daniel Phillip Hays, <i>Speaker</i> | Calgary                     | Calgary, Alta.          |
| Joyce Fairbairn, P.C.               | Lethbridge                  | Lethbridge, Alta.       |
| Colin Kenny                         | Rideau                      | Ottawa, Ont.            |
| Pierre De Bané, P.C.                | De la Vallière              | Montreal, Que.          |
| Eymard Georges Corbin               | Grand-Sault                 | Grand-Sault, N.B.       |
| Brenda Mary Robertson               | Riverview                   | Shediac, N.B.           |
| Norman K. Atkins                    | Markham                     | Toronto, Ont.           |
| Ethel Cochrane                      | Newfoundland                | Port-au-Port, Nfld.     |
| Eileen Rossiter                     | Prince Edward Island        | Charlottetown, P.E.I.   |
| Mira Spivak                         | Manitoba                    | Winnipeg, Man.          |
| Roch Bolduc                         | Gulf                        | Sainte-Foy, Que.        |
| Gérald-A. Beaudoin                  | Rigaud                      | Hull, Que.              |
| Pat Carney, P.C.                    | British Columbia            | Vancouver, B.C.         |
| Gerald J. Comeau                    | Nova Scotia                 | Church Point, N.S.      |
| Consiglio Di Nino                   | Ontario                     | Downsview, Ont.         |
| Donald H. Oliver                    | Nova Scotia                 | Halifax, N.S.           |
| Noël A. Kinsella                    | Fredericton-York-Sunbury    | Fredericton, N.B.       |
| John Buchanan, P.C.                 | Nova Scotia                 | Halifax, N.S.           |
| John Lynch-Staunton                 | Grandville                  | Georgeville, Que.       |
| James Francis Kelleher, P.C.        | Ontario                     | Sault Ste. Marie, Ont.  |
| J. Trevor Eyton                     | Ontario                     | Caledon, Ont.           |
| Wilbert Joseph Keon                 | Ottawa                      | Ottawa, Ont.            |
| Michael Arthur Meighen              | St. Marys                   | Toronto, Ont.           |
| J. Michael Forrestall               | Dartmouth and Eastern Shore | Dartmouth, N.S.         |
| Janis G. Johnson                    | Winnipeg-Interlake          | Winnipeg, Man.          |
| A. Raynell Andreychuk               | Regina                      | Regina, Sask.           |
| Jean-Claude Rivest                  | Stadacona                   | Quebec, Que.            |
| Terrance R. Stratton                | Red River                   | St. Norbert, Man.       |
| Marcel Prud'homme, P.C.             | La Salle                    | Montreal, Que.          |
| Leonard J. Gustafson                | Saskatchewan                | Macoun, Sask.           |
| David Tkachuk                       | Saskatchewan                | Saskatoon, Sask.        |
| W. David Angus                      | Alma                        | Montreal, Que.          |

## ACCORDING TO SENIORITY

| Senator                              | Designation                        | Post Office Address               |
|--------------------------------------|------------------------------------|-----------------------------------|
| THE HONOURABLE                       |                                    |                                   |
| Pierre Claude Nolin                  | De Salaberry                       | Quebec, Que.                      |
| Marjory LeBreton                     | Ontario                            | Manotick, Ont.                    |
| Gerry St. Germain, P.C.              | Langley-Pemberton-Whistler         | Maple Ridge, B.C.                 |
| Lise Bacon                           | De la Durantaye                    | Laval, Que.                       |
| Sharon Carstairs, P.C.               | Manitoba                           | Victoria Beach, Man.              |
| Landon Pearson                       | Ontario                            | Ottawa, Ont.                      |
| Jean-Robert Gauthier                 | Ottawa-Vanier                      | Ottawa, Ontario                   |
| John G. Bryden                       | New Brunswick                      | Bayfield, N.B.                    |
| Rose-Marie Losier-Cool               | Tracadie                           | Bathurst, N.B.                    |
| Céline Hervieux-Payette, P.C.        | Bedford                            | Montreal, Que.                    |
| William H. Rompkey, P.C.             | Labrador                           | North West River, Labrador, Nfld. |
| Lorna Milne                          | Peel County                        | Brampton, Ont.                    |
| Marie-P. Poulin                      | Nord de l'Ontario/Northern Ontario | Ottawa, Ont.                      |
| Shirley Maheu                        | Rougemont                          | Saint-Laurent, Que.               |
| Nicholas William Taylor              | Sturgeon                           | Chestermere, Alta.                |
| Wilfred P. Moore                     | Stanhope St./Bluenose              | Chester, N.S.                     |
| Lucie Pépin                          | Shawinigan                         | Montreal, Que.                    |
| Fernand Robichaud, P.C.              | New Brunswick                      | Saint-Louis-de-Kent, N.B.         |
| Catherine S. Callbeck                | Prince Edward Island               | Central Bedeque, P.E.I.           |
| Marisa Ferretti Barth                | Repentigny                         | Pierrefonds, Que.                 |
| Serge Joyal, P.C.                    | Kennebec                           | Montreal, Que.                    |
| Thelma J. Chalifoux                  | Alberta                            | Morinville, Alta.                 |
| Joan Cook                            | Newfoundland                       | St. John's, Nfld.                 |
| Ross Fitzpatrick                     | Okanagan-Similkameen               | Kelowna, B.C.                     |
| The Very Reverend Dr. Lois M. Wilson | Toronto                            | Toronto, Ont.                     |
| Francis William Mahovlich            | Toronto                            | Toronto, Ont.                     |
| Richard H. Kroft                     | Manitoba                           | Winnipeg, Man.                    |
| Douglas James Roche                  | Edmonton                           | Edmonton, Alta.                   |
| Joan Thorne Fraser                   | De Lorimier                        | Montreal, Que.                    |
| Aurélien Gill                        | Wellington                         | Mashteuiatsh, Pointe-Bleue, Que.  |
| Vivienne Poy                         | Toronto                            | Toronto, Ont.                     |
| Ione Christensen                     | Yukon Territory                    | Whitehorse, Y.T.                  |
| George Furey                         | Newfoundland and Labrador          | St. John's, Nfld.                 |
| Nick G. Sibbeston                    | Northwest Territories              | Fort Simpson, N.W.T.              |
| Isobel Finnerty                      | Ontario                            | Burlington, Ont.                  |
| John Wiebe                           | Saskatchewan                       | Swift Current, Sask.              |
| Tommy Banks                          | Alberta                            | Edmonton, Alta.                   |
| Jane Cordy                           | Nova Scotia                        | Dartmouth, N.S.                   |
| Raymond C. Setlakwe                  | The Laurentides                    | Thetford Mines, Que.              |
| Yves Morin                           | Lauzon                             | Quebec, Que.                      |
| Elizabeth M. Hubley                  | Prince Edward Island               | Kensington, P.E.I.                |
| Jim Tunney                           | Ontario                            | Grafton, Ont.                     |
| Laurier L. LaPierre                  | Ontario                            | Ottawa, Ont.                      |
| Viola Léger                          | New Brunswick                      | Moncton, N.B.                     |
| Mobina S. B. Jaffer                  | British Columbia                   | North Vancouver, B.C.             |
| Jean Lapointe                        | Saurel                             | Magog, Que.                       |
| Gerard A. Phalen                     | Nova Scotia                        | Glace Bay, N.S.                   |
| Joseph A. Day                        | Saint John-Kennebecasis            | Hampton, N.B.                     |
| Michel Biron                         | Mille Isles                        | Nicolet, Que.                     |
| Ronald J. Duhamel, P.C.              | Manitoba                           | St. Boniface, Man.                |

# SENATORS OF CANADA

## ALPHABETICAL LIST

(February 5, 2002)

| Senator                              | Designation                     | Post Office Address              | Political Affiliation |
|--------------------------------------|---------------------------------|----------------------------------|-----------------------|
| THE HONOURABLE                       |                                 |                                  |                       |
| Adams, Willie                        | Nunavut                         | Rankin Inlet, Nunavut            | Lib                   |
| Andreychuk, A. Raynell               | Regina                          | Regina, Sask.                    | PC                    |
| Angus, W. David                      | Alma                            | Montreal, Que.                   | PC                    |
| Atkins, Norman K.                    | Markham                         | Toronto, Ont.                    | PC                    |
| Austin, Jack, P.C.                   | Vancouver South                 | Vancouver, B.C.                  | Lib                   |
| Bacon, Lise                          | De la Durantaye                 | Laval, Que.                      | Lib                   |
| Banks, Tommy                         | Alberta                         | Edmonton, Alta.                  | Lib                   |
| Beaudoin, Gérald-A.                  | Rigaud                          | Hull, Que.                       | PC                    |
| Biron, Michel                        | Mille Isles                     | Nicolet, Que.                    | Lib                   |
| Bolduc, Roch                         | Gulf                            | Sainte-Foy, Que.                 | PC                    |
| Bryden, John G.                      | New Brunswick                   | Bayfield, N.B.                   | Lib                   |
| Buchanan, John, P.C.                 | Halifax                         | Halifax, N.S.                    | PC                    |
| Callbeck, Catherine S.               | Prince Edward Island            | Central Bedeque, P.E.I.          | Lib                   |
| Carney, Pat, P.C.                    | British Columbia                | Vancouver, B.C.                  | PC                    |
| Carstairs, Sharon, P.C.              | Manitoba                        | Victoria Beach, Man.             | Lib                   |
| Chalifoux, Thelma J.                 | Alberta                         | Morinville, Alta.                | Lib                   |
| Christensen, Ione                    | Yukon Territory                 | Whitehorse, Y.T.                 | Lib                   |
| Cochrane, Ethel                      | Newfoundland                    | Port-au-Port, Nfld.              | PC                    |
| Comeau, Gerald J.                    | Nova Scotia                     | Church Point, N.S.               | PC                    |
| Cook, Joan                           | Newfoundland                    | St. John's, Nfld.                | Lib                   |
| Cools, Anne C.                       | Toronto-Centre-York             | Toronto, Ont.                    | Lib                   |
| Corbin, Eymard Georges               | Grand-Sault                     | Grand-Sault, N.B.                | Lib                   |
| Cordy, Jane                          | Nova Scotia                     | Dartmouth, N.S.                  | Lib                   |
| Day, Joseph A.                       | Saint John-Kennebecasis         | Hampton, N.B.                    | Lib                   |
| De Bané, Pierre, P.C.                | De la Vallière                  | Montreal, Que.                   | Lib                   |
| Di Nino, Consiglio                   | Ontario                         | Downsview, Ont.                  | PC                    |
| Doody, C. William                    | Harbour Main-Bell Island        | St. John's, Nfld.                | PC                    |
| Duhamel, Ronald J., P.C.             | Manitoba                        | St. Boniface, Man.               | Lib                   |
| Eyton, J. Trevor                     | Ontario                         | Caledon, Ont.                    | PC                    |
| Fairbairn, Joyce, P.C.               | Lethbridge                      | Lethbridge, Alta.                | Lib                   |
| Ferretti Barth, Marisa               | Repentigny                      | Pierrefonds, Que.                | Lib                   |
| Finnerty, Isobel                     | Ontario                         | Burlington, Ont.                 | Lib                   |
| Fitzpatrick, Ross                    | Okanagan-Similkameen            | Kelowna, B.C.                    | Lib                   |
| Forrestall, J. Michael               | Dartmouth and the Eastern Shore | Dartmouth, N.S.                  | PC                    |
| Fraser, Joan Thorne                  | De Lorimier                     | Montreal, Que.                   | Lib                   |
| Furey, George                        | Newfoundland and Labrador       | St. John's, Nfld.                | Lib                   |
| Gauthier, Jean-Robert                | Ottawa-Vanier                   | Ottawa, Ont.                     | Lib                   |
| Gill, Aurélien                       | Wellington                      | Mashteuiatsh, Pointe-Bleue, Que. | Lib                   |
| Grafstein, Jerahmiel S.              | Metro Toronto                   | Toronto, Ont.                    | Lib                   |
| Graham, Bernard Alasdair, P.C.       | The Highlands                   | Sydney, N.S.                     | Lib                   |
| Gustafson Leonard J.                 | Saskatchewan                    | Macoun, Sask.                    | PC                    |
| Hays, Daniel Phillip, <i>Speaker</i> | Calgary                         | Calgary, Alta.                   | Lib                   |
| Hervieux-Payette, Céline, P.C.       | Bedford                         | Montreal, Que.                   | Lib                   |
| Hubley, Elizabeth M.                 | Prince Edward Island            | Kensington, P.E.I.               | Lib                   |
| Jaffer, Mobina S. B.                 | British Columbia                | North Vancouver, B.C.            | Lib                   |
| Johnson, Janis G.                    | Winnipeg-Interlake              | Winnipeg, Man.                   | PC                    |
| Joyal, Serge, P.C.                   | Kennebec                        | Montreal, Que.                   | Lib                   |
| Kelleher, James Francis, P.C.        | Ontario                         | Sault Ste. Marie, Ont.           | PC                    |
| Kenny, Colin                         | Rideau                          | Ottawa, Ont.                     | Lib                   |
| Keon, Wilbert Joseph                 | Ottawa                          | Ottawa, Ont.                     | PC                    |
| Kinsella, Noël A.                    | Fredericton-York-Sunbury        | Fredericton, N.B.                | PC                    |
| Kirby, Michael                       | South Shore                     | Halifax, N.S.                    | Lib                   |

## SENATORS OF CANADA

| Senator                          | Designation                        | Post Office Address               | Political Affiliation |
|----------------------------------|------------------------------------|-----------------------------------|-----------------------|
| THE HONOURABLE                   |                                    |                                   |                       |
| Kolber, E. Leo                   | Victoria                           | Westmount, Que.                   | Lib                   |
| Kroft, Richard H.                | Manitoba                           | Winnipeg, Man.                    | Lib                   |
| LaPierre, Laurier L.             | Ontario                            | Ottawa, Ont.                      | Lib                   |
| Lapointe, Jean                   | Saurel                             | Magog, Que.                       | Lib                   |
| Lawson, Edward M.                | Vancouver                          | Vancouver, B.C.                   | Ind                   |
| LeBreton, Marjory                | Ontario                            | Manotick, Ont.                    | PC                    |
| Léger, Viola                     | New Brunswick                      | Moncton, N.B.                     | Lib                   |
| Losier-Cool, Rose-Marie          | Tracadie                           | Bathurst, N.B.                    | Lib                   |
| Lynch-Staunton, John             | Grandville                         | Georgeville, Que.                 | PC                    |
| Maheu, Shirley                   | Rougemont                          | Saint-Laurent, Que.               | Lib                   |
| Mahovlich, Francis William       | Toronto                            | Toronto, Ont.                     | Lib                   |
| Meighen, Michael Arthur          | St. Marys                          | Toronto, Ont.                     | PC                    |
| Milne, Lorna                     | Peel County                        | Brampton, Ont.                    | Lib                   |
| Moore, Wilfred P.                | Stanhope St./Bluenose              | Chester, N.S.                     | Lib                   |
| Morin, Yves                      | Lauzon                             | Quebec, Que.                      | Lib                   |
| Murray, Lowell, P.C.             | Pakenham                           | Ottawa, Ont.                      | PC                    |
| Nolin, Pierre Claude             | De Salaberry                       | Quebec, Que.                      | PC                    |
| Oliver, Donald H.                | Nova Scotia                        | Halifax, N.S.                     | PC                    |
| Pearson, Landon                  | Ontario                            | Ottawa, Ontario                   | Lib                   |
| Pépin, Lucie                     | Shawinigan                         | Montreal, Que.                    | Lib                   |
| Phalen, Gerard A.                | Nova Scotia                        | Glace Bay, N.S.                   | Lib                   |
| Pitfield, Peter Michael, P.C.    | Ottawa-Vanier                      | Ottawa, Ont.                      | Ind                   |
| Poulin, Marie-P.                 | Nord de l'Ontario/Northern Ontario | Ottawa, Ont.                      | Lib                   |
| Poy, Vivienne                    | Toronto                            | Toronto, Ont.                     | Lib                   |
| Prud'homme, Marcel, P.C.         | La Salle                           | Montreal, Que.                    | Ind                   |
| Rivest, Jean-Claude              | Stadacona                          | Quebec, Que.                      | PC                    |
| Robertson, Brenda Mary           | Riverview                          | Shediac, N.B.                     | PC                    |
| Robichaud, Fernand, P.C.         | New Brunswick                      | Saint-Louis-de-Kent, N.B.         | Lib                   |
| Roche, Douglas James.            | Edmonton                           | Edmonton, Alta.                   | Ind                   |
| Rompkey, William H., P.C.        | Labrador                           | North West River, Labrador, Nfld. | Lib                   |
| Rossiter, Eileen                 | Prince Edward Island               | Charlottetown, P.E.I.             | PC                    |
| St. Germain, Gerry, P.C.         | Langley-Pemberton-Whistler         | Maple Ridge, B.C.                 | CA                    |
| Setlakwe, Raymond C.             | The Laurentides                    | Thetford Mines, Que.              | Lib                   |
| Sibbeston, Nick G.               | Northwest Territories              | Fort Simpson, N.W.T.              | Lib                   |
| Sparrow, Herbert O.              | Saskatchewan                       | North Battleford, Sask.           | Lib                   |
| Spivak, Mira                     | Manitoba                           | Winnipeg, Man.                    | PC                    |
| Stollery, Peter Alan             | Bloor and Yonge                    | Toronto, Ont.                     | Lib                   |
| Stratton, Terrance R.            | Red River                          | St. Norbert, Man.                 | PC                    |
| Taylor, Nicholas William         | Sturgeon                           | Chestermere, Alta.                | Lib                   |
| Tkachuk, David                   | Saskatchewan                       | Saskatoon, Sask.                  | PC                    |
| Tunney, Jim                      | Ontario                            | Grafton, Ont.                     | Lib                   |
| Watt, Charlie                    | Inkerman                           | Kuujuaq, Que.                     | Lib                   |
| Wiebe, John                      | Saskatchewan                       | Swift Current, Sask.              | Lib                   |
| Wilson, The Reverend Dr. Lois M. | Toronto                            | Toronto, Ont.                     | Ind                   |

# SENATORS OF CANADA

## BY PROVINCE AND TERRITORY

(February 5, 2002)

### ONTARIO—24

| Senator                                       | Designation               | Post Office Address |
|---|---------------------------|---------------------|
| THE HONOURABLE                                |                           |                     |
| 1 Lowell Murray, P.C. ....                    | Pakenham .....            | Ottawa              |
| 2 Peter Alan Stollery .....                   | Bloor and Yonge .....     | Toronto             |
| 3 Peter Michael Pitfield, P.C. ....           | Ottawa-Vanier .....       | Ottawa              |
| 4 Jerahmiel S. Grafstein .....                | Metro Toronto .....       | Toronto             |
| 5 Anne C. Cools .....                         | Toronto-Centre-York ..... | Toronto             |
| 6 Colin Kenny .....                           | Rideau .....              | Ottawa              |
| 7 Norman K. Atkins .....                      | Markham .....             | Toronto             |
| 8 Consiglio Di Nino .....                     | Ontario .....             | Downsview           |
| 9 James Francis Kelleher, P.C. ....           | Ontario .....             | Sault Ste. Marie    |
| 10 John Trevor Eyton .....                    | Ontario .....             | Caledon             |
| 11 Wilbert Joseph Keon .....                  | Ottawa .....              | Ottawa              |
| 12 Michael Arthur Meighen .....               | St. Marys .....           | Toronto             |
| 13 Marjory LeBreton .....                     | Ontario .....             | Manotick            |
| 14 Landon Pearson .....                       | Ontario .....             | Ottawa              |
| 15 Jean-Robert Gauthier .....                 | Ottawa-Vanier .....       | Ottawa              |
| 16 Lorna Milne .....                          | Peel County .....         | Brampton            |
| 17 Marie-P. Poulin .....                      | Northern Ontario .....    | Ottawa              |
| 18 The Very Reverend Dr. Lois M. Wilson ..... | Toronto .....             | Toronto             |
| 19 Francis William Mahovlich .....            | Toronto .....             | Toronto             |
| 20 Vivienne Poy .....                         | Toronto .....             | Toronto             |
| 21 Isobel Finnerty .....                      | Ontario .....             | Burlington          |
| 22 Jim Tunney .....                           | Ontario .....             | Grafton             |
| 23 Laurier L. LaPierre .....                  | Ontario .....             | Ottawa              |
| 24 .....                                      | .....                     | .....               |

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

| Senator                               | Designation           | Post Office Address        |
|---------------------------------------|-----------------------|----------------------------|
| THE HONOURABLE                        |                       |                            |
| 1 E. Leo Kolber .....                 | Victoria .....        | Westmount                  |
| 2 Charlie Watt .....                  | Inkerman .....        | Kuujuuaq                   |
| 3 Pierre De Bané, P.C. ....           | De la Vallière .....  | Montreal                   |
| 4 Roch Bolduc .....                   | Gulf .....            | Sainte-Foy                 |
| 5 Gérard-A. Beaudoin .....            | Rigaud .....          | Hull                       |
| 6 John Lynch-Staunton .....           | Grandville .....      | Georgeville                |
| 7 Jean-Claude Rivest .....            | Stadacona .....       | Quebec                     |
| 8 Marcel Prud'homme, P.C. ....        | La Salle .....        | Montreal                   |
| 9 W. David Angus .....                | Alma .....            | Montreal                   |
| 10 Pierre Claude Nolin .....          | De Salaberry. ....    | Quebec                     |
| 11 Lise Bacon .....                   | De la Durantaye ..... | Laval                      |
| 12 Céline Hervieux-Payette, P.C. .... | Bedford .....         | Montreal                   |
| 13 Shirley Maheu .....                | Rougemont .....       | Ville de Saint-Laurent     |
| 14 Lucie Pépin .....                  | Shawinigan .....      | Montreal                   |
| 15 Marisa Ferretti Barth .....        | Repentigny .....      | Pierrefonds                |
| 16 Serge Joyal, P.C. ....             | Kennebec .....        | Montreal                   |
| 17 Joan Thorne Fraser .....           | De Lorimier .....     | Montreal                   |
| 18 Aurélien Gill .....                | Wellington .....      | Mashteuiatsh, Pointe-Bleue |
| 19 Raymond C. Setlakwe .....          | The Laurentides ..... | Thetford Mines             |
| 20 Yves Morin .....                   | Lauzon .....          | Quebec                     |
| 21 Jean Lapointe .....                | Saurel .....          | Magog                      |
| 22 Michel Biron .....                 | Mille Isles .....     | Nicolet                    |
| 23 .....                              | .....                 | .....                      |
| 24 .....                              | .....                 | .....                      |

## SENATORS BY PROVINCE—MARITIME DIVISION

## NOVA SCOTIA—10

| Senator                              | Designation                    | Post Office Address |
|--------------------------------------|--------------------------------|---------------------|
| THE HONOURABLE                       |                                |                     |
| 1 Bernard Alasdair Graham, P.C. .... | The Highlands .....            | Sydney              |
| 2 Michael Kirby .....                | South Shore .....              | Halifax             |
| 3 Gerald J. Comeau .....             | Nova Scotia .....              | Church Point        |
| 4 Donald H. Oliver .....             | Nova Scotia .....              | Halifax             |
| 5 John Buchanan, P.C. ....           | Halifax .....                  | Halifax             |
| 6 J. Michael Forrestall .....        | Dartmouth and Eastern Shore .. | Dartmouth           |
| 7 Wilfred P. Moore .....             | Stanhope St./Bluenose .....    | Chester             |
| 8 Jane Cordy .....                   | Nova Scotia .....              | Dartmouth           |
| 9 Gerard A. Phalen .....             | Nova Scotia .....              | Glace Bay           |
| 10 .....                             |                                |                     |

## NEW BRUNSWICK—10

|                                |                               |                     |
|--------------------------------|-------------------------------|---------------------|
| THE HONOURABLE                 |                               |                     |
| 1 Eymard Georges Corbin .....  | Grand-Sault .....             | Grand-Sault         |
| 2 Brenda Mary Robertson .....  | Riverview .....               | Shediac             |
| 3 Noël A. Kinsella .....       | Fredericton-York-Sunbury .... | Fredericton         |
| 4 John G. Bryden .....         | New Brunswick .....           | Bayfield            |
| 5 Rose-Marie Losier-Cool ..... | Tracadie .....                | Bathurst            |
| 6 Fernand Robichaud, P.C. .... | Saint-Louis-de-Kent .....     | Saint-Louis-de-Kent |
| 7 Viola Léger .....            | New Brunswick .....           | Moncton             |
| 8 Joseph A. Day .....          | Saint John-Kennebecasis ..... | Hampton             |
| 9 .....                        |                               |                     |
| 10 .....                       |                               |                     |

## PRINCE EDWARD ISLAND—4

|                               |                            |                 |
|-------------------------------|----------------------------|-----------------|
| THE HONOURABLE                |                            |                 |
| 1 Eileen Rossiter .....       | Prince Edward Island ..... | Charlottetown   |
| 2 Catherine S. Callbeck ..... | Prince Edward Island ..... | Central Bedeque |
| 3 Elizabeth M. Hubley .....   | Prince Edward Island ..... | Kensington      |
| 4 .....                       |                            |                 |



## SENATORS BY PROVINCE—WESTERN DIVISION

**MANITOBA—6**

| Senator                        | Designation              | Post Office Address |
|--------------------------------|--------------------------|---------------------|
| THE HONOURABLE                 |                          |                     |
| 1 Mira Spivak .....            | Manitoba .....           | Winnipeg            |
| 2 Janis G. Johnson .....       | Winnipeg-Interlake ..... | Winnipeg            |
| 3 Terrance R. Stratton .....   | Red River .....          | St. Norbert         |
| 4 Sharon Carstairs, P.C. ....  | Manitoba .....           | Victoria Beach      |
| 5 Richard H. Kroft .....       | Manitoba .....           | Winnipeg            |
| 6 Ronald J. Duhamel, P.C. .... | Manitoba .....           | St. Boniface        |

**BRITISH COLUMBIA—6**

|                                |                               |                 |
|--------------------------------|-------------------------------|-----------------|
| THE HONOURABLE                 |                               |                 |
| 1 Edward M. Lawson .....       | Vancouver .....               | Vancouver       |
| 2 Jack Austin, P.C. ....       | Vancouver South .....         | Vancouver       |
| 3 Pat Carney, P.C. ....        | British Columbia .....        | Vancouver       |
| 4 Gerry St. Germain, P.C. .... | Langley-Pemberton-Whistler .. | Maple Ridge     |
| 5 Ross Fitzpatrick .....       | Okanagan-Similkameen .....    | Kelowna         |
| 6 Mobina S.B. Jaffer. ....     | British Columbia .....        | North Vancouver |

**SASKATCHEWAN—6**

|                               |                    |                  |
|-------------------------------|--------------------|------------------|
| THE HONOURABLE                |                    |                  |
| 1 Herbert O. Sparrow .....    | Saskatchewan ..... | North Battleford |
| 2 A. Raynell Andreychuk ..... | Regina .....       | Regina           |
| 3 Leonard J. Gustafson .....  | Saskatchewan ..... | Macoun           |
| 4 David Tkachuk .....         | Saskatchewan ..... | Saskatoon        |
| 5 John Wiebe .....            | Saskatchewan ..... | Swift Current    |
| 6 .....                       | .....              | .....            |

**ALBERTA—6**

|   |                  |             |
|---|------------------|-------------|
| THE HONOURABLE                              |                  |             |
| 1 Daniel Phillip Hays, <i>Speaker</i> ..... | Calgary .....    | Calgary     |
| 2 Joyce Fairbairn, P.C. ....                | Lethbridge ..... | Lethbridge  |
| 3 Nicholas William Taylor. ....             | Sturgeon .....   | Chestermere |
| 4 Thelma J. Chalifoux .....                 | Alberta .....    | Morinville  |
| 5 Douglas James Roche .....                 | Edmonton .....   | Edmonton    |
| 6 Tommy Banks .....                         | Alberta .....    | Edmonton    |

## SENATORS BY PROVINCE AND TERRITORY

**NEWFOUNDLAND—6**

| Senator                         | Designation                    | Post Office Address        |
|---------------------------------|--------------------------------|----------------------------|
| THE HONOURABLE                  |                                |                            |
| 1 C. William Doody .....        | Harbour Main-Bell Island ..... | St. John's                 |
| 2 Ethel Cochrane .....          | Newfoundland .....             | Port-au-Port               |
| 3 William H. Rompkey, P.C. .... | Labrador .....                 | North West River, Labrador |
| 4 Joan Cook .....               | Newfoundland .....             | St. John's                 |
| 5 George Furey .....            | Newfoundland and Labrador ..   | St. John's                 |
| 6 .....                         | .....                          | .....                      |

**NORTHWEST TERRITORIES—1**

|                           |                             |              |
|---------------------------|-----------------------------|--------------|
| THE HONOURABLE            |                             |              |
| 1 Nick G. Sibbeston ..... | Northwest Territories ..... | Fort Simpson |

**NUNAVUT—1**

|                      |               |              |
|----------------------|---------------|--------------|
| THE HONOURABLE       |               |              |
| 1 Willie Adams ..... | Nunavut ..... | Rankin Inlet |

**YUKON TERRITORY—1**

|                          |                       |            |
|--------------------------|-----------------------|------------|
| THE HONOURABLE           |                       |            |
| 1 Ione Christensen ..... | Yukon Territory ..... | Whitehorse |

**ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES**

(As of February 5, 2002)

\*Ex Officio Member

**ABORIGINAL PEOPLES****Chair: Honourable Senator Chalifoux****Deputy Chair: Honourable Senator Johnson****Honourable Senators:**

|                               |              |                                   |              |
|-------------------------------|--------------|-----------------------------------|--------------|
| Carney,                       | Christensen, | Johnson,                          | Pearson,     |
| *Carstairs<br>(or Robichaud), | Cochrane,    | Léger,                            | Sibbeston,   |
| Chalifoux,                    | Gill,        | *Lynch-Staunton<br>(or Kinsella), | St. Germain, |
|                               | Hubley,      |                                   | Tkachuk.     |

***Original Members as nominated by the Committee of Selection***

*Carney, \*Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, \*Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk, Wilson.*

---

**AGRICULTURE AND FORESTRY****Chair: Honourable Senator Gustafson****Deputy Chair: Honourable Senator Wiebe****Honourable Senators:**

|                               |            |                                   |           |
|-------------------------------|------------|-----------------------------------|-----------|
| Biron,                        | Day,       | *Lynch-Staunton<br>(or Kinsella), | Stratton, |
| *Carstairs<br>(or Robichaud), | Gustafson, | Oliver,                           | Tkachuk,  |
| Chalifoux,                    | Hubley,    | Phalen,                           | Tunney,   |
|                               | LeBreton,  |                                   | Wiebe.    |

***Original Members as nominated by the Committee of Selection***

*\*Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, \*Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.*

---

**BANKING, TRADE AND COMMERCE****Chair: Honourable Senator Kolber****Deputy Chair: Honourable Senator Tkachuk****Honourable Senators:**

|                               |                   |                                   |           |
|-------------------------------|-------------------|-----------------------------------|-----------|
| Angus,                        | Furey,            | Kroft,                            | Oliver,   |
| *Carstairs<br>(or Robichaud), | Hervieux-Payette, | *Lynch-Staunton<br>(or Kinsella), | Poulin,   |
| Fitzpatrick,                  | Kelleher,         | Meighen,                          | Setlakwe, |
|                               | Kolber,           |                                   | Tkachuk.  |

***Original Members as nominated by the Committee of Selection***

*Angus, \*Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, \*Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setlakwe, Tkachuk, Wiebe.*

---

**ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES**

**Chair: Honourable Senator Taylor**  
**Honourable Senators:**

Adams,  
 Banks,  
 Buchanan,  
 \*Carstairs  
 (or Robichaud),

Christensen,  
 Cochrane,  
 Eyton,  
 Finnerty,

**Deputy Chair: Honourable Senator Spivak**

Kelleher,  
 Kenny,  
 \*Lynch-Staunton  
 (or Kinsella),  
 Sibbeston,  
 Spivak,  
 Taylor.

***Original Members as nominated by the Committee of Selection***

*Banks, Buchanan, \*Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty,  
 Kelleher, Kenny, \*Lynch-Staunton (or Kinsella), Sibbeston, Spivak, Taylor, Watt.*

---

**FISHERIES**

**Chair: Honourable Senator Comeau**  
**Honourable Senators:**

Adams,  
 \*Carstairs  
 (or Robichaud),  
 Comeau,

Cook,  
 Jaffer,  
 Johnson,

**Deputy Chair: Honourable Senator Cook**

\*Lynch-Staunton  
 (or Kinsella),  
 Mahovlich,  
 Meighen,  
 Phalen,  
 Robertson,  
 Tunney,  
 Watt.

***Original Members as nominated by the Committee of Selection***

*Adams, Callbeck, \*Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook,  
 \*Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Molgat, Moore, Robertson, Watt.*

---

**FOREIGN AFFAIRS**

**Chair: Honourable Senator Stollery**  
**Honourable Senators:**

Andreychuk,  
 Austin,  
 Bolduc,  
 Carney,

\*Carstairs  
 (or Robichaud),  
 Corbin,  
 De Bané,

**Deputy Chair: Honourable Senator Andreychuk**

Di Nino,  
 Grafstein,  
 Graham,  
 Losier-Cool,  
 \*Lynch-Staunton  
 (or Kinsella),  
 Setlakwe,  
 Stollery.

***Original Members as nominated by the Committee of Selection***

*Andreychuk, Austin, Bolduc, Carney, \*Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein,  
 Graham, Losier-Cool, \*Lynch-Staunton (or Kinsella), Poulin, Stollery.*

---

**HUMAN RIGHTS**

**Chair: Honourable Senator Andreychuk**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator**

|                               |                 |                                   |         |
|-------------------------------|-----------------|-----------------------------------|---------|
| Andreychuk,                   | Cochrane,       | Kinsella,                         | Poy,    |
| Beaudoin,                     | Ferretti Barth, | *Lynch-Staunton<br>(or Kinsella), | Taylor, |
| *Carstairs<br>(or Robichaud), |                 |                                   | Wilson. |

***Original Members as nominated by the Committee of Selection***  
*Andreychuk, Beaudoin, \*Carstairs (or Robichaud), Ferretti Barth, Finestone,*  
*Kinsella, \*Lynch-Staunton (or Kinsella), Oliver, Poy, Watt, Wilson.*

---

**INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION**

**Chair: Honourable Senator Kroft**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator**

|                               |           |                                   |           |
|-------------------------------|-----------|-----------------------------------|-----------|
| Austin,                       | Di Nino,  | Kenny,                            | Milne,    |
| *Carstairs<br>(or Robichaud), | Doody,    | Kroft,                            | Murray,   |
| Comeau,                       | Furey,    | *Lynch-Staunton<br>(or Kinsella), | Poulin,   |
| De Bané,                      | Gauthier, | Maheu,                            | Stollery, |
|                               |           |                                   | Stratton. |

***Original Members as nominated by the Committee of Selection***  
*Austin, \*Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier,*  
*Kenny, Kroft, \*Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

---

**LEGAL AND CONSTITUTIONAL AFFAIRS**

**Chair: Honourable Senator Milne**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator Beaudoin**

|                               |            |                                   |          |
|-------------------------------|------------|-----------------------------------|----------|
| Andreychuk,                   | Cools,     | *Lynch-Staunton<br>(or Kinsella), | Nolin,   |
| Beaudoin,                     | Fraser,    |                                   | Pearson, |
| Buchanan,                     | Grafstein, | Milne,                            | Rivest.  |
| *Carstairs<br>(or Robichaud), | Joyal,     | Moore,                            |          |

***Original Members as nominated by the Committee of Selection***  
*Andreychuk, Atkins, Beaudoin, Buchanan, \*Carstairs (or Robichaud), Cools, Fraser, Grafstein,*  
*Joyal, \*Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

---

**LIBRARY OF PARLIAMENT (Joint)**

**Chair: Honourable Senator Bryden**  
**Honourable Senators:**

Beaudoin,  
 Bryden,

Cordy,

**Deputy Chair:**

Oliver,

Poy.

*Original Members agreed to by Motion of the Senate*  
*Beaudoin, Bryden, Cordy, Oliver, Poy.*

---

**NATIONAL FINANCE**

**Chair: Honourable Senator Murray**  
**Honourable Senators:**

Bolduc,  
 \*Carstairs  
 (or Robichaud),  
 Cools,

Doody,  
 Ferretti Barth,  
 Finnerty,  
 Furey,

**Deputy Chair: Honourable Senator Finnerty**

Kinsella, Murray,  
 \*Lynch-Staunton  
 (or Kinsella), Rompkey,  
 Mahovlich, Stratton,  
 Tunney.

*Original Members as nominated by the Committee of Selection*  
*Banks, Bolduc, \*Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette,*  
*Kinsella, Kirby, \*Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.*

---

**NATIONAL SECURITY AND DEFENCE**

**Chair: Honourable Senator Kenny**  
**Honourable Senators:**

Atkins,  
 Banks,  
 \*Carstairs  
 (or Robichaud),

Cordy,  
 Day,  
 Forrestall,

**Deputy Chair: Honourable Senator Forrestall**

Kenny, Meighen,  
 LaPierre, Wiebe.  
 \*Lynch-Staunton  
 (or Kinsella),

*Original Members as nominated by the Committee of Selection*  
*Atkins, \*Carstairs (or Robichaud), Cordy, Forrestall, Hubley, Kenny,*  
*\*Lynch-Staunton (or Kinsella), Meighen, Pépin, Rompkey, Wiebe.*

---

**VETERANS AFFAIRS****(Subcommittee of National Security and Defence)****Chair: Honourable Senator Meighen****Deputy Chair: Honourable Senator Wiebe****Honourable Senators:**

|                 |        |                 |          |
|-----------------|--------|-----------------|----------|
| Atkins,         | Day,   | *Lynch-Staunton | Meighen, |
| *Carstairs      | Kenny, | (or Kinsella),  | Wiebe.   |
| (or Robichaud), |        |                 |          |

**OFFICIAL LANGUAGES (Joint)****Chair: Honourable Senator Maheu****Deputy Chair:****Honourable Senators:**

|           |           |        |            |
|-----------|-----------|--------|------------|
| Beaudoin, | Fraser,   | Léger, | Setlatkwe. |
| Bolduc,   | Gauthier, | Maheu, |            |

***Original Members agreed to by Motion of the Senate****Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlatkwe, Simard.***RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT****Chair: Honourable Senator Austin****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

|                 |            |                 |            |
|-----------------|------------|-----------------|------------|
| Andreychuk,     | Di Nino,   | Kroft,          | Nolin,     |
| Austin,         | Gauthier,  | Losier-Cool,    | Pitfield,  |
| Bryden,         | Grafstein, | *Lynch-Staunton | Poulin,    |
| *Carstairs      | Joyal,     | (or Kinsella),  | Robertson, |
| (or Robichaud), |            | Murray,         | Stratton.  |

***Original Members as nominated by the Committee of Selection****Andreychuk, Austin, Bryden, \*Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, \*Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.*

**SCRUTINY OF REGULATIONS (Joint)****Chair: Honourable Senator Hervieux-Payette****Deputy Chair:****Honourable Senators:**

|                   |         |           |        |
|-------------------|---------|-----------|--------|
| Bryden,           | Hubley, | Kinsella, | Nolin. |
| Hervieux-Payette, | Jaffer, | Moore,    |        |

***Original Members agreed to by Motion of the Senate****Bacon, Bryden, Finestone, Hervieux-Payette, Kinsella, Moore, Nolin.***SELECTION****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

|                               |            |                                   |            |
|-------------------------------|------------|-----------------------------------|------------|
| Austin,                       | Corbin,    | Kinsella,                         | Robertson, |
| *Carstairs<br>(or Robichaud), | Fairbairn, | LeBreton,                         | Rompkey,   |
|                               | Graham,    | *Lynch-Staunton<br>(or Kinsella), | Stratton.  |

***Original Members agreed to by Motion of the Senate****Austin, \*Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella  
LeBreton, \*Lynch-Staunton (or Kinsella), Mercier, Murray.***SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

|                               |            |                                   |            |
|-------------------------------|------------|-----------------------------------|------------|
| Callbeck,                     | Di Nino,   | LeBreton,                         | Morin,     |
| *Carstairs<br>(or Robichaud), | Fairbairn, | Léger,                            | Roberston, |
|                               | Keon,      | *Lynch-Staunton<br>(or Kinsella), | Roche.     |
| Cook,                         | Kirby,     |                                   |            |
| Cordy,                        |            |                                   |            |

***Original Members as nominated by the Committee of Selection****Callbeck, \*Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson,  
Kirby, LeBreton, \*Lynch-Staunton (or Kinsella), Pépin, Robertson, Roche.*



**ON THE PRESERVATION AND  
PROMOTION OF A SENSE OF CANADIAN COMMUNITY**

**(Subcommittee of Social Affairs, Science and Technology)**

**Chair: Honourable Senator  
Honourable Senators:**

\*Carstairs  
(or Robichaud),

Cook,  
Cordy,

**Deputy Chair: Honourable Senator**

Kirby,  
LeBreton,

\*Lynch-Staunton  
(or Kinsella),  
Roberston.

**TRANSPORT AND COMMUNICATIONS**

**Chair: Honourable Senator Bacon  
Honourable Senators:**

Adams,  
Bacon,  
Biron,  
Callbeck,

\*Carstairs  
(or Robichaud),  
Eyton,  
Gill,

**Deputy Chair: Honourable Senator Oliver**

Gustafson,  
LaPierre,  
\*Lynch-Staunton  
(or Kinsella),

Oliver,  
Spivak,  
Taylor.

***Original Members as nominated by the Committee of Selection***

*Adams, Angus, Bacon, Callbeck, \*Carstairs (or Robichaud), Christensen, Eyton, Finestone,  
Fitzpatrick, Forrestall, \*Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

**THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS**

**Chair: Honourable Senator Nolin  
Honourable Senators:**

Banks,  
\*Carstairs  
(or Robichaud),

Kenny,

**Deputy Chair: Honourable Senator Kenny**

\*Lynch-Staunton  
(or Kinsella),  
Maheu,

Nolin,  
Rossiter.

***Original Members as agreed to by Motion of the Senate***

*Banks, \*Carstairs (or Robichaud), Kenny, \*Lynch-Staunton (or Kinsella), Maheu, Nolin, Rossiter.*

# CONTENTS

Tuesday, February 5, 2002

|  | PAGE |  | PAGE |
|--|------|--|------|
| <b>New Senator</b>   |      | Senator Kirby . . . . .  | 2186 |
| The Hon. the Speaker . . . . .   | 2182 | <b>National Defence</b>  |      |
| Introduction. The Hon. the Speaker . . . . .   | 2182 | War in Afghanistan—Assurance that Prisoners Turned<br>Over to United States Not Face Capital Punishment.                 |      |
| Senator Duhamel . . . . .  | 2182 | Senator Kinsella . . . . .   | 2186 |
| Senator Carstairs . . . . .  | 2182 | Senator Carstairs . . . . .  | 2186 |
| Senator Lynch-Staunton . . . . .   | 2182 | War in Afghanistan—Possibility of Prisoners Being Tried Under<br>Laws of Country of Origin. Senator Kinsella . . . . .   | 2187 |
|  |      | Senator Carstairs . . . . .  | 2187 |
| <b>SENATORS' STATEMENTS</b>  |      | <b>Finance</b>   |      |
| <b>Nova Scotia</b>   |      | Investment Market—Change to Limit of Foreign Ownership.  |      |
| Cape Breton—Compliance of Membertou Band with<br>International Standards Organization. Senator Graham . . . . .  | 2183 | Senator Tkachuk . . . . .  | 2187 |
| <b>Black History Month</b>   |      | Senator Carstairs . . . . .  | 2187 |
| Senator Oliver . . . . .   | 2183 | <b>Justice</b>   |      |
| <b>Montfort Hospital of Ottawa</b>   |      | Federal Court Decision—Maintenance of Established Linguistic<br>Rights—Costs to Government. Senator Gauthier . . . . .   | 2187 |
| Legal Victory. Senator Gauthier . . . . .  | 2184 | Senator Carstairs . . . . .  | 2188 |
| <b>Official Languages</b>  |      | <b>Indian Affairs and Northern Development</b>   |      |
| Protection of Linguistic Rights. Senator Joyal . . . . .   | 2184 | Comments on Aboriginal Youth by Secretary of State.  |      |
| <b>National Editorials by Southam Newspaper Chain</b>  |      | Senator Johnson . . . . .  | 2188 |
| Senator LaPierre . . . . .   | 2184 | Senator Carstairs . . . . .  | 2188 |
| <b>The Late Justice Willard Zebedee Estey, C.C.</b>  |      | <b>International Trade</b>   |      |
| Tribute. Senator Beaudoin . . . . .  | 2185 | Renewal of Softwood Lumber Agreement.  |      |
|  |      | Senator St. Germain . . . . .  | 2189 |
|  |      | Senator Carstairs . . . . .  | 2189 |
| <b>ROUTINE PROCEEDINGS</b>   |      | <b>Fisheries and Oceans</b>  |      |
| <b>Minister of Health and Minister with Special Responsibility for<br/>Palliative Care</b>   |      | Atlantic Salmon Fish Farm Industry—Competition in<br>United States with Chilean Salmon. Senator Robertson . . . . .      | 2190 |
| Letter of Update on Federal Activities Regarding<br>Palliative Care Tabled. Senator Kirby . . . . .  | 2185 | Senator Carstairs . . . . .  | 2190 |
| <b>State of Health Care System</b>   |      | <b>Delayed Answers to Oral Questions</b>   |      |
| Interim Reports of Social Affairs, Science and<br>Technology Committee Tabled. Senator Kirby . . . . .   | 2185 | Senator Robichaud . . . . .  | 2190 |
| <b>Canadian NATO Parliamentary Association</b>   |      | <b>Heritage</b>  |      |
| Meeting of Subcommittee on Future Security and Defence<br>Capabilities, December 9-13, 2001—Report of Canadian<br>Delegation Tabled. Senator Maheu . . . . . | 2186 | National Library—Destruction of Archived Material Due to<br>Inadequate Facilities.<br>Question by Senator Corbin.        |      |
| <b>Status of Palliative Care</b>   |      | Senator Robichaud (Delayed Answer) . . . . .   | 2190 |
| Notice of Inquiry. Senator Kirby . . . . .   | 2186 | <b>Customs and Revenue Agency</b>  |      |
|  |      | Equipping and Training Staff to Deal with Hazardous Materials.<br>Question by Senator Di Nino.                           |      |
|  |      | Senator Robichaud (Delayed Answer) . . . . .   | 2190 |
| <b>QUESTION PERIOD</b>   |      | <b>National Revenue</b>  |      |
| <b>Social Affairs, Science and Technology</b>  |      | Auditor General's Report—One-time Grant to Recipients of<br>GST Credit to Offset Heating.<br>Question by Senator Lawson. |      |
| Interim Reports on State of Health Care System—<br>Status on Orders of the Day. Senator Kinsella . . . . .   | 2186 | Senator Robichaud (Delayed Answer) . . . . .   | 2190 |

|   | PAGE |   | PAGE |
|---|------|---|------|
| <b>ORDERS OF THE DAY</b>  |      | Senator Kinsella .....  | 2202 |
| <b>Youth Criminal Justice Bill (Bill C-7)</b>                     |      | Senator Sparrow .....   | 2203 |
| Message from Commons. ....  | 2191 | <b>Rules, Procedures and the Rights of Parliament</b>           |      |
| <b>Canada National Marine Conservation Areas Bill (Bill C-10)</b> |      | Seventh Report of Committee Adopted.                            |      |
| Second Reading. Senator Comeau .....                              | 2191 | Senator Corbin .....  | 2207 |
| Senator St. Germain .....   | 2195 | <b>Study on Matters Relating to Fishing Industry</b>            |      |
| Referred to Committee. ....                                       | 2196 | Report of Fisheries Committee—Debate Continued.                 |      |
| <b>Competition Act</b>  |      | Senator Robertson .....   | 2207 |
| <b>Competition Tribunal Act (Bill C-23)</b>                       |      | <b>Lessons to be Drawn from Tragedy of Terrorist Attacks in</b> |      |
| Bill to Amend—Second Reading. Senator Poulin .....                | 2196 | <b>United States on September 11, 2001</b>                      |      |
| Senator Oliver .....  | 2198 | Inquiry—Debate Continued.                                       |      |
| Referred to Committee. ....                                       | 2201 | Senators Roche .....  | 2207 |
| <b>Point of Order</b>   |      | <b>Privacy Rights Charter</b>                                   |      |
| Speaker's Ruling. The Hon. the Speaker .....                      | 2201 | Inquiry Withdrawn. Senator Robichaud .....                      | 2207 |
| <b>Privacy Rights Charter Bill (Bill S-21)</b>                    |      | <b>Appendix</b> .....   | i    |
| Second Reading—Debate Continued. Senator Robichaud .....          | 2202 |   |      |



*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada —  
Publishing  
45 Sacré-Cœur Boulevard,  
Hull, Québec, Canada K1A 0S9