



Debates of the Senate

1st SESSION

•

37th PARLIAMENT

•

VOLUME 139

•

NUMBER 91

**OFFICIAL REPORT
(HANSARD)**

Thursday, February 21, 2002

**THE HONOURABLE DAN HAYS
SPEAKER**

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(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

Thursday, February 21, 2002

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

Prayers.

SENATOR'S STATEMENTS

INCREASE IN FOOD EXPORT BUSINESS

Hon. Jim Tunney: Honourable senators, I rise before you today with some good news. Agriculture Canada recently announced that our country's food export business has set new records. Last year, at the end of November 2001, for 11 months, the value of food exports was \$24.4 billion, 4 per cent higher than the 2000 full-year figures. The food trade surplus was 21 per cent higher than the previous year, at \$6.7 billion. As many senators know, the Canadian goal is to claim 4 per cent of world trade in food. The last calculations indicated that we are at 3.52 per cent.

The value of food exported to the United States saw an increase of more than 17 per cent, which equated to \$15.3 billion. Increased exports of meat and live animals led the way in spite of a reduced U.S. economy.

This banner year is a tribute to the efficiency of Canadian food producers and processors. Our Minister of Agriculture is quoted as saying:

Canada is a global supplier of choice for international customers looking for high quality and safe products.

This success can also be attributed, in my opinion, to the work of two federal ministers. Agriculture Minister Lyle Vanclief and International Trade Minister Pierre Pettigrew deserve much credit.

In today's *Globe and Mail*, Loblaws has issued its financial report for 2001, showing a profit of \$563 million, or \$2.04 a share, which is a substantial increase from results of the previous year.

Honourable senators, I would be happy if I could tell you that farmers, the producers of this food, could report the level of profit that was realized by Canadian processors and retailers of those products.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I rise to draw to your attention the presence in our gallery of the Honourable Mitchell Sharp.

Welcome.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

STUDY ON HEALTH CARE SERVICES AVAILABLE TO
VETERANS—BUDGET AND REQUEST FOR AUTHORITY
TO ENGAGE SERVICES AND TRAVEL—REPORT
OF COMMITTEE PRESENTED

Hon. Michael A. Meighen, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, February 21, 2002

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

FOURTH REPORT

Your Committee, which was authorized by the Senate on October 4, 2001, that the Standing Senate Committee on Defence and Security be authorized to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; respectfully requests, that it be empowered, to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada for the purpose of such study.

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

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix p. 1239.)

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

Senator Meighen: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

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

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

•(1340)

[Translation]

SCRUTINY OF REGULATIONS

JOINT COMMITTEE AUTHORIZED TO
PERMIT ELECTRONIC COVERAGE

Hon. Céline Hervieux-Payette, with leave of the Senate and notwithstanding rule 58(1)(a), moved:

That, when the Minister of Fisheries and Oceans appears before the Standing Joint Committee for the Scrutiny of Regulations in relation to the *Aboriginal Communal Fishing Licences Regulations*, the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

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

Hon. senators: Agreed.

Motion agreed to.

OFFICIAL LANGUAGES

SEVENTH REPORT OF JOINT COMMITTEE TABLED

Leave having been given to revert to the Tabling of Reports of Standing or Special Committees:

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour to table the seventh report of the Standing Joint Committee on Official languages on services provided in both official languages by Air Canada.

On motion of Senator Gauthier, report placed on Orders of the Day for consideration at the next sitting of the Senate, pursuant to rule 97(3).

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

UNITED STATES—ALLEGED LANDING OF FORCES IN IRAQ

Hon. Terry Stratton: Honourable senators, my question is to the Leader of the Government in the Senate. It concerns a

Pravda article that I referenced yesterday about a Japanese newspaper reporting the presence of American troops in northern Iraq. Has there been verification of that story?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I cannot give him any more information today than I could give yesterday, which is that we have no knowledge of such presence of American troops.

FINANCE

OVERPAYMENT OF TRANSFER PAYMENTS TO PROVINCES

Hon. Terry Stratton: On another topic, my question concerns the overpayment of some \$3.3 billion in income tax collections to the provinces, mainly to Ontario and Manitoba. The government has hinted that it might reduce transfer payments to get the money back, but it seems unable to come to a decision.

A reduction of transfer payments would seriously hurt Manitoba because suddenly it would be in a position of owing \$600 million or \$2,100 per family of four. I would welcome an answer from the minister that the government has recognized that it has made a mistake because Manitoba has relied on the federal figures to plan its budget, of course, and the money has been spent. I do not expect the Leader of the Government to provide an answer until the Minister of Finance has made up his mind. However, could she at least indicate when the government will come to a decision regarding how these overpayments will be handled?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, before coming to a decision about how the overpayment is to be dealt with, the government has undertaken a re-examination of all the relevant tax processes and has asked the Auditor General to do a review. Clearly, no decision can be made until we have exactly the information that we require. At that point, I understand that no decision will be made without consultation with the affected provinces.

Senator Stratton: Honourable senators, that is a big sword to have hanging over one's head if one is the Government of Manitoba and there is the potential for having to repay \$600 million. That is the concern. Provinces, like the federal government, have to plan budgets for the coming fiscal year, and they should like an answer before the next budget. I understand the federal government's concern to get to the bottom of this matter in a proper fashion, but can we expect an answer in the next three months, the next six months? When can we expect a response?

Senator Carstairs: Honourable senators, it is in the best interests of the provinces, particularly the province of Manitoba, which both the honourable senator and I represent, that the correct information first be acquired and then a decision made after consultation with Manitoba's Minister of Finance, the Honourable Greg Selinger.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to a question raised by Senator Robertson on February 7, 2002, on fishery agreements with the Burnt Church First Nation.

FISHERIES AND OCEANS

BURNT CHURCH—DISPUTE OVER FISHERY—
COMMENTS BY FORMER MINISTER

(Response to question raised by Hon. Brenda M. Robertson on February 7, 2002)

The work with First Nations in response to the *Marshall* decision of the Supreme Court of Canada has taken time and involved much work on relationship building with Chiefs, Councils and communities. With respect to the initial short term agreements after the decision of the Supreme Court, DFO signed Fisheries Agreements with 30 out of 34 First Nations that are deemed to be *Marshall* beneficiaries. For the Longer Term Response to the *Marshall* decision which we have been implementing over the past year, to date we have signed 18 Fisheries Agreements. Much has been accomplished and there is much work to be done.

The comments of the former Minister of Fisheries and Oceans, the Honourable Herb Dhaliwal, reflected this reality. In public statements on the matter, the Minister referred both to the progress made to date and to the work that remained to be done.

October 23, 2001 — ‘Update on Fisheries affected by the Supreme Court’s Marshall Decision’

“Our work is not done. These examples of success are only beginnings, and the relationships we’ve been building still need to grow further. But the progress we’ve made since last year is encouraging.”

This approach was reflected by the current Minister of Fisheries and Oceans, the Honourable Robert Thibault, who stated on January 16: “I think we have come a long way ... I think we have to keep working at it ... and I think we will achieve it.”

The challenge at Burnt Church is particularly acute and sensitive. Minister Dhaliwal commented on September 17, 2001 that “the situation there is a delicate one.” It was largely due to this concern that Minister Dhaliwal established the Community Relations Panel for Miramichi Bay. The Minister appointed Mr. Justice Guy Richard (former Chief Justice of the New Brunswick Court of Queen’s Bench) and Roger Augustine (former Chief at Eel Ground First Nation) to review the current state of relations between Aboriginal and non-Aboriginal communities in the area and to provide a report on how these groups could better work together towards common goals. Establishing the Panel, the Minister stated: “The 1999 *Marshall* decision has had significant implications for the communities in the

Miramichi Bay area and has underscored the need for both Aboriginal and non-Aboriginal groups to work together to ensure social harmony and continued economic prosperity in the area.”

With respect to work with the Burnt Church First Nation, DFO officials have held meetings with the Chief and Council on fisheries matters in the past few weeks. Work has started with the First Nation to prepare for this year’s fishery and to move toward a long term fisheries agreement.

[English]

ORDERS OF THE DAY

CRIMINAL LAW AMENDMENT BILL, 2001

THIRD READING—DEBATE ADJOURNED

Hon. Landon Pearson moved the third reading of Bill C-15A, to amend the Criminal Code and to amend other Acts, as amended.

She said: Honourable senators, I rise to introduce the debate at third reading on Bill C-15A, to amend the Criminal Code and to amend other acts.

The Standing Senate Committee on Legal and Constitutional Affairs conducted a thorough examination of Bill C-15A, paying close attention to its various components. As a result, yesterday Senator Milne reported the bill back with two amendments.

During her speech, Senator Milne reminded honourable senators of the main components of the bill, so I will not review the details with you again. However, I should like to refer briefly to some of the matters that were specifically raised at the committee.

As honourable senators know, Bill C-15A proposes important improvements to the criminal justice system. Among these many reforms are measures that will provide enhanced protection to children from sexual exploitation including through the use of the Internet.

It was encouraging to see the strong support for these measures. Your committee and the witnesses who appeared before the committee on this bill recognized the need to provide better protection for children from those who would prey on their vulnerability through the use of the Internet, as well as the strength and probable effectiveness of Bill C-15A’s amendments to the Criminal Code in this regard.

Before Christmas, I was in Yokohama, Japan, as the alternate head of the Canadian delegation to the Second World Congress against the Commercial Sexual Exploitation of Children.

•(1350)

There was considerable discussion, much of it unnerving, about the explosion of exploitation by means of the new technologies, including the Internet. I rejoice that the amendments proposed by Bill C-15A are so extensive.

To remind honourable senators about these proposed amendments, they would create an offence of luring, to

criminalize those who communicate with children in order to facilitate the commission of a sexual exploitation offence. They would also create new offences of exporting, transmitting, making available and accessing child pornography, in order to ensure that child pornography is prohibited at all stages, from production to consumption, whether or not a computer system is used in the commission of the offence.

Other provisions in the bill would also contribute to the protection of children and would do so in the following way: Judges would be given the authority to order the deletion of child pornography from the Internet after giving the person who posted the material an opportunity to be heard. Deletion could be ordered even in cases where the person who posted the material cannot be found or is outside the country, which is frequently the case, given the international dimensions of this horrible crime. The provisions would allow forfeiture of instruments used in the commission of a child pornography offence that are owned by the person found guilty of the offence. Property rights of innocent third parties would be protected. All child pornography offences and the offence of luring would be added to the list of offences for which a judge is authorized to make an order to keep a person away from children. Finally, Bill C15A would facilitate the prosecution in Canada of Canadians who commit a sexual offence against children in a foreign country. This measure addresses some of the shortcomings of the former bill on sex tourism, and we hope that it will work more effectively. In my view, these measures will contribute to the better protection of children from sexual exploitation.

As honourable senators are aware, two amendments were made to clause 5 of the bill in the committee. Clause 5 creates the new child pornography offences. The first amendment is a technical one and simply corrects an oversight. In fact, this first amendment responds to a concern raised by Senator Nolin at second reading and we thank Senator Nolin for his vigilance in noting an oversight with respect to the new offence of “accessing child pornography.” Recognizing the validity of his point, the government moved an amendment in committee to ensure that the defences currently available in relation to all other child pornography offences apply equally to the offence of accessing child pornography.

Turning to the second amendment, clause 5 of the bill creates new child pornography offences of “transmitting” and “making available” in order to ensure that the Criminal Code captures all the possible steps in the dissemination of child pornography. In this way, the existing Criminal Code offence of “distribution” of child pornography will be broadened to ensure that it captures, for example, child pornography that is sent by e-mail from one person to another, as well as child pornography that is posted on a Web site without actively being distributed.

The attention to these new offences has been welcomed by all, including Internet service providers. However, it is also fair to note that Internet service providers expressed the fear to your committee that they could be convicted of transmitting or making

available child pornography without any knowledge or intention to do so by virtue of the fact that they provided the “means” by which child pornography is disseminated.

I wish to be very clear in saying that this is not the case. A fundamental principle of the criminal law is that an offence can only be committed when there is both a guilty mind and a guilty act — a fact acknowledged by the Internet service providers themselves.

As with other Criminal Code offences, there are two critical components to each of these new offences: the intention to transmit or make available child pornography and the physical act of transmitting or making available child pornography. Subclause 5(2) offences clearly require both of these elements. To specifically include a reference to the guilty mind or intention is not only unnecessary but could have real and unintended negative impact on other Criminal Code offences that do not specifically refer to intention, but which nonetheless require the intention to commit the offence.

An amendment was made in committee to respond to an issue raised by ISPs. This amendment, which adds subclause 5(2.1), is of great concern to me. It exempts the ISPs from criminal liability in all cases where they “merely provide the means or facilities of telecommunication.” This exemption would apply even in cases where an ISP is aware that it is being used for disseminating child pornography. The exemption would apply because the ISP would still merely provide the means or facilities of telecommunication. As I mentioned earlier, ISPs who are unaware that their facilities are being used would be exempt from criminal liability without the need for this amendment because they would not have the mental element or guilty mind necessary for the commission of a child pornography offence.

Let us also remember, honourable senators, that subclause 5(2) does not create offences that are committed solely by means of the Internet. Child pornography offences can be committed by any means, including but not limited to the Internet.

By amending clause 5 only with respect to the ISPs’ concerns, that is, by focusing only on the means of distribution with which ISPs are most closely concerned, we ignore those who are responsible for other means or facilities by which child pornography may be disseminated: a courier, a taxi driver or even a trucker could also unknowingly be used as a conduit or means of transmitting child pornography. Should we not be consistent and extend to them the same exemption from criminal liability as is being extended to the ISPs?

In my view, honourable senators, this amendment is unnecessary. It creates problems both for the provision itself as well as for other Criminal Code offences. It also makes me uneasy. When I was in Yokohama, I learned with dismay of the enormous amount of money that is at stake in the field of child pornography and of the worldwide criminal interest in promoting and advertising child pornography.

I do not question the intent of this amendment to protect unwitting ISP providers from criminal prosecution, but I am not sure about the way it is worded. What is to prevent those shady individuals who set themselves up to transmit child pornography — and let the fact be known through the underground network that we all know exists — from using this amendment as a defence that they were merely a vehicle?

I will now turn to other provisions of the bill that were specifically discussed in committee.

Bill C-15A proposes to increase the maximum penalty for criminal harassment, to require judges to consider home invasions as an aggravating factor at the time of sentencing, and to enact a new offence of disarming or attempting to disarm a peace officer. Your committee heard the overwhelming support of the police community for the latter measure, the new offence of disarming a peace officer, and clear support by witnesses for the other measures as well. We are confident that these reforms will strengthen the criminal justice system.

Another area of the bill that received a great deal of attention in the committee hearings was the proposed amendments to the process for review of alleged wrongful convictions. Bill C-15A contains important amendments to the conviction review process. These amendments will make the review of alleged wrongful conviction cases in Canada more efficient, open and accountable. These amendments will address the concerns of critics of the current section 690 conviction review process.

As we heard during committee hearings, some feel that Canada requires a formal independent body to review wrongful convictions, similar to the Criminal Cases Review Commission that was created in 1997 in Great Britain. Prior to introducing these amendments, the Minister of Justice met with British officials and extensively studied the British system. The minister concluded that an independent body was inappropriate in the Canadian context.

The Canadian experience with cases of wrongful conviction bears little resemblance to that of the United Kingdom. For example, the British Criminal Cases Review Commission was established because of a perceived conflict of interest for the Home Secretary who was responsible for policing and prisons, as well as for the review of allegations of wrongful conviction. Many of these cases involved allegations of misconduct by police.

The Minister of Justice is not in the same perceived conflict position as was the case with the Home Secretary in Great Britain. In Canada, the Minister of Justice is not responsible for the police or the prison system. Furthermore, the provinces are largely responsible for prosecutions.

After an extensive consultation process, the minister was convinced that the ultimate decision making and post-appellate conviction review should remain with the federal Minister of Justice. This recognizes and maintains the traditional jurisdiction of the courts, while providing a fair and just remedy in those exceptional cases that have somehow fallen through the cracks of

the conventional justice system. The minister is accountable to Parliament and to the people of Canada.

•(1400)

I also want to note that the reforms before us today in Bill C-15A propose a number of new features that would substantially improve the review process.

Section 690 of the Criminal Code does not currently state when one is eligible to apply for a review. The proposed amendments clarify eligibility to apply for review. The person must have exhausted all avenues of appeal. This amendment will make it very clear that the conviction review process is not an alternative to the judicial system.

The power to review alleged wrongful convictions will be expanded to include the review of summary conviction offences.

The amendments would allow for the enactment of regulations setting out the form, information and documents needed to apply for a conviction review. This will make the process more accessible.

The amendments provide that the stages of the review process will be set out in regulations. This will assist applicants by making the entire process of conviction review more open and understandable.

Section 690 does not currently provide powers of investigation. Under the proposed amendments, those investigating applications on behalf of the minister would have appropriate investigative powers. This will enhance the thoroughness, effectiveness and timeliness of the review process.

Honourable senators, I pause to note that during committee proceedings concerns were expressed about the perceived independence of the individuals to whom these investigative powers may be delegated. I understand that Senator Joyal will have something to say about this matter, so I will leave further discussion of this matter until then.

I will continue with the factors in the review process. The factors that will be considered in determining when an applicant may be entitled to a remedy are clearly set out in the proposed amendments.

Finally, ministers of justice will be held more accountable in that they will be required to provide an annual report to Parliament with respect to applications for a conviction review.

The government is confident that these amendments are the most efficient and effective way to improve the post-appellate, extrajudicial conviction review process at this present time.

Honourable senators, as you can see, Bill C-15A contains many significant amendments. I sponsored this bill mainly because of its focus on the protection of vulnerable members of society and, most notably, the protection of children from sexual exploitation. I have no reservation in seeking your support for its many important and positive elements, which I am confident will make a difference in the lives of Canadians. I am pleased to place it before you today to open our third reading debate.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I will not be speaking today. I know that Senator Joyal wants to at least address clause 190, which in my opinion is the focus of the debate on third reading. We have amply discussed the other aspects of the bill. I should like to respond to Senator Joyal and Senator Pearson at the same time. For this reason, I call for adjournment of the debate, on behalf of Senator Joyal.

[English]

On motion of Senator Nolin, for Senator Joyal, debate adjourned.

CANADIAN COMMERCIAL CORPORATION ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Milne, for the third reading of Bill C-41, to amend the Canadian Commercial Corporation Act.

Hon. Michael A. Meighen: I am pleased to speak at the third reading debate of Bill C-41, which, as all senators by now will know, seeks to make limited amendments to the Canadian Commercial Corporation Act.

By now, we are familiar with these amendments, the first of which separates the functions of the chair of the corporation from those of the president; the second of which enables the corporation to set fees for services it provides outside the defence production sharing agreement with the United States; and the third of which allows it to borrow up to \$90 million, if necessary, on the commercial market.

[Translation]

Honourable senators, when this bill underwent second reading in December, I clearly explained my reservations concerning these amendments, as well as other aspects of the Canadian Commercial Corporation, particularly the increase of its borrowing power to \$90 million, which seems extreme, and the composition of its board of directors, which includes members whose skills and experience seem little related to what the corporation does.

I maintain those reservations, particularly as far as the borrowing power, which has been increased ninefold, is concerned. It boggles the mind that a corporation, most of the business of which is done within the context of the Canada-United States Defence Production Sharing Agreement, and for which it receives government funding, should suddenly find its resources stretched to such an extent that it is required to increase its borrowing power from \$10 million to \$90 million.

[English]

Honourable senators, we can only hope that the CCC uses this new-found borrowing capacity to substantially increase both its profile within Canada and, at the same time, the number of Canadian exporters doing business with foreign governments.

I say this in the light of two facts. The first is that the CCC is relatively unknown compared to its sister organizations, the Export Development Corporation and the Business Development Bank. The second is that by the CCC's own reckoning, more than 80 per cent of Canadian exporters did not even try to do business with foreign governments in 2000. One can only hope, then, that a proportionate amount of CCC's new borrowing power will go toward addressing these deficiencies.

At the very least, we expect the amount of business that the CCC conducts outside the DPSA to grow substantially. Hopefully, we can also expect that as business grows abroad, so, too, do the opportunities for Canadian professionals — architects, engineers, designers and, indeed, if I may say so, lawyers — opportunities to take a leading role in the successful completion of these transactions.

Honourable senators, we Canadians often seem to hide our light under a bushel. We have some of the best professionals in the world willing and able to compete effectively against the very best. I am confident the Canadian Commercial Corporation will have no hesitation in recommending and promoting their involvement at the most senior levels.

Honourable senators, I wonder, too, if in the future we could not gain greater cost efficiencies by combining the activities of the CCC with the EDC, as my colleague Senator Kelleher has suggested on a number of occasions. In response, we are told that the activities of the two are distinct, given that the EDC provides loans and risk insurance while the CCC does not.

I wonder if that is not too fine a distinction. At the very least, could we not coordinate or even unite some administrative functions? The CCC does provide a kind of insurance when it provides a guarantee of contract performance to public sector buyers around the world on behalf of Canadian exporters. While it does not itself provide loans, it smooths the way to them when it facilitates access to bank financing for Canadian companies that need working capital to finance export contracts.

Honourable senators, having voiced these concerns, let me reiterate that we on this side will maintain our support for the bill.

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 bill read third time and passed.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Franceline Bugge, recipient of the *Andrea and Charles R. Bronfman Award in Canadian Studies*.

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

•(1410)

[English]

Honourable senators, I also notice the presence in our gallery of a former colleague, the Honourable Sheila Finestone. I should like to welcome her back to the chamber.

CODE OF CANADIAN CITIZENSHIP BILL

SECOND READING—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-36, respecting Canadian citizenship.

He said: Honourable senators, in rising to speak in support of second reading of this bill, upon reflection it seems to me that the Senate of Canada is in an excellent position to contribute to the development of a contemporary 21st century approach to Canadian citizenship. I would hope that the Senate's study of this initiative will afford us the opportunity to build on our previous work in the field of Canadian citizenship — for example, the citizenship study that was completed by the Social Affairs, Science and Technology Committee, a report entitled "Canadian Citizenship: Sharing the Responsibility."

That report, among other things, contained the recommendation that Parliament "enact a new *Citizenship Act*...that the Act reflect the pluralist, officially bilingual and multicultural nature of Canadian society and that it provide a clear statement of citizenship rights and responsibilities."

Honourable senators, it is my hope that our reflection on citizenship in the Senate at this time will also build on the work that was undertaken by this house as we examined Bill C-16, a bill the government introduced but which died on the Order Paper with the call of the general election in 2000.

Honourable senators will know that only twice in the history of the Parliament of Canada has a comprehensive Canadian Citizenship Act been enacted, the first being in 1947, the very first time that we had a made-in-Canada Canadian Citizenship Act. The second was some 30 years later when, in 1977, Parliament passed a new — new for that time — Canadian Citizenship Act. Clearly, honourable senators, it is important that Parliament now enact a Canadian Citizenship Act that speaks to all Canadians in the Canada of our times, the Canada of the 21st century.

Before I get into the specifics of Bill S-36 and the reason we believe it builds on previous work, I should like to share a few reflections on the whole notion of Canadian citizenship. As honourable senators know, the concept of Canadian citizenship has evolved from a limited idea in classical Athenian forms in ancient Greece to an expansive and multi-faceted modern notion. If the citizen of Athens was a particularly privileged male member of a small city state, after the French and American revolutions citizens, at least in theoretical terms, became the political actors of the modern nation state. In fact, since the end of World War II, the idea of the rights of citizenship has expanded, along with our concept of what governments should do for their citizens. While it may seem odd in a speech to support a new code of Canadian citizenship to quote from an American jurist, I can find no better definition or description of citizenship than in a passage of the late chief justice of the United States, Earl Warren:

Citizenship is a man's basic right for it is nothing less than the right to have rights.

The former American chief justice went on to describe citizenship as a "priceless possession." Upon reflection, we might ask, honourable senators, what are the values that we share as Canadian citizens, values that form the foundation upon which this country of ours was built? Obviously, one value is freedom. While most nations proclaim freedom, the word means more here than perhaps anywhere in the world, for I believe we are a community that seeks to make freedom personal, for all of our citizens.

Another value that I believe all Canadians eagerly embrace is that of fairness. Fairness is also a value that we cherish. We believe in helping those who are less prosperous in our communities, in our country and, indeed, around the world. We are a community of people who care for others, especially those with whom life has not dealt overly fairly. We show this through our commitment to maintain and improve our social safety net, our tradition of volunteerism and our commitment to lift up other countries, particularly countries in the Third World.

Our ability as Canadians to live together depends on our generosity towards each other. We, as Canadians, believe in sharing our good fortune with others, be it less prosperous provinces through equalization or less well-off folk who we nurture through sharing what we have. Another part of the essence of our citizenship is that we believe in equality, and not the cold equality of sameness, for here, we, as Canadians, accept differences. We know that treating everyone the same can indeed lead to gross inequalities. As with equality, we value our diversity. Canadians do not point to a pot and ask people to get in it and melt. The respect for others, for their differences, builds unity and has built this country. We respect diversity because we, as Canadians, are diverse.

This month we have been marking Black History Month, and we, as Canadians, believe that Black history is our history. Citizenship, honourable senators, is the vehicle through which we can share and celebrate these kinds of values and the many other values that Canadians articulate. It is our citizenship that is the vehicle that can help encourage all who reside in Canada to participate in the life of this country. Through this participation, a healthy bond is formed.

•(1420)

As the noted Canadian political scientist Alan Cairns commented, “We should think of citizenship as one of those central institutions in how we govern ourselves.”

Citizenship also fosters a sense of belonging both for people born in Canada and all those who choose to come here from all over the globe. To this point, part of the model that this bill envisages is a Canadian citizenship act of the 21st century which speaks to the 33 million of us, not simply a naturalization act which was the object of the 1947 Canadian Citizenship Act and the 1977 act. Hopefully, the Senate of Canada will give focus to a model of Canadian citizenship to which each citizen of Canada is able to relate and, obviously, that it provide the means for naturalization.

Clearly, citizenship consists of rights acquired because of membership in our community. It is interesting that in our Canadian Charter of Rights and Freedoms there are only three rights which are restricted to Canadian citizenship. Our Canadian way has been to extend rights to everyone in Canada. However, the right to vote is one of the three rights that is predicated in our Charter of Rights and Freedoms on Canadian citizenship. The right to sit in Parliament and all the rights and freedoms contained in our Constitution, including the Charter, are applicable to Canadian citizens and others.

Citizenship is more than a bundle of rights, which is perhaps why, upon reflection, there is a certain wisdom in the way the Canadian Charter of Rights and Freedoms was crafted and that it was not simply the key to rights. Citizenship carries with it not only certain rights but corresponding public responsibility to contribute to the common interest or to the common good. There is a balance to the rights of citizenship, and this is exemplified in the exercise of social, political and economic responsibilities. Citizens should contribute to the improvement of the country in all its material, social and cultural aspects.

As citizens, Canadians are equal members of a free nation under the rule of law, sharing both privileges and responsibilities. Today's citizens are the beneficiaries of those who came before the Aboriginal peoples and immigrants from many lands. We are the trustees, honourable senators, of those who will follow.

It is for all of this that we believe Canadians, for the world of today, need a new code of Canadian citizenship — a code of citizenship that speaks to all Canadians, those born in Canada and those who have chosen to acquire Canadian citizenship. It is a celebration of equality, a celebration of citizenship that we envisage.

There is a preamble attached to Bill S-36 wherein Canadian citizenship is described as a “special treasure” that should be “nurtured and promoted.” The preamble recites Canada's rich legal traditions from both the civil and common law, including both the Bill of Rights and the Charter of Rights and Freedoms.

Our resources and democratic institutions, as well as our commitment to peace both at home and abroad, are set out in this preamble.

Quoting from the penultimate preambular paragraph, we recognize that:

— the citizens of Canada enjoy the benefits of peace and prosperity, and they should be given an opportunity to make a contribution, each according to their talents and abilities;

We felt, honourable senators, that a new code of Canadian citizenship that speaks to all in Canada should have a preamble. I recognize that it is a challenge to agree upon the poetry of a preamble, which is why we as a chamber might make the contribution by looking at it and seeing how it could be improved. The object is to make a contribution so that we would have the best Canadian citizenship code possible. In other words, it is a matter of looking at this bill at this stage as a work in progress.

The bill provides a modern form of oath of loyalty that honourable senators will recognize as being the same as that contained in Bill C-16, a bill that the government introduced in the last Parliament but which died on the Order Paper with the election call. This bill provides that existing citizens may also subscribe to this oath as a reaffirmation of their loyalty to Canada should they so choose.

Briefly, Part 1 of the bill establishes the Canadian citizenship commission, whose duty it is to promote an understanding of the nature of citizenship and respect for its value. The commission will also advise the Minister of Canadian Heritage and the Minister of Citizenship and Immigration on proposed programs and events that will promote and celebrate Canada and Canadian citizenship. Citizenship councillors will be appointed to continue the work of the former citizenship judges. These citizenship councillors will preside at citizenship ceremonies, promote citizenship and may advise the minister on applications for citizenship. The members of the commission will be appointed from among those who hold the office of citizenship councillor.

Part 2 of Bill S-36 confirms the principal rights of citizens and their responsibilities and sets out the manner in which citizenship is acquired. It provides for the continued acquisition of citizenship at birth for everyone born in Canada. The residency requirement for immigrants and refugees to obtain citizenship will be based on actual presence in Canada.

The distinction made between adopted children and children born abroad of Canadian parents is lessened for the purpose of acquiring citizenship. The right to transmit citizenship to persons born abroad of Canadian parents is limited to the first and second generations. Specifically, clause 18 of the bill clearly states there is no difference between the results of the two methods of citizenship acquisition — by birth or naturalization. The same incidents of citizenship flow to the citizen.

Part 3 of the bill deals with naturalization. In clause 30, the general principle of the continuation of Canadian citizenship is set out. It is this part of the previous Bill C-16 that gave many senators from both sides the greatest amount of difficulty in the last Parliament. Bill S-36 still provides a method for the revocation of citizenship and the right of the minister to prohibit the grant of citizenship. These actions of the executive are subject to review by the Federal Court, something which was absent in Bill C-16.

•(1430)

I believe the integrity of Canadian citizenship is therefore protected by this bill. At the same time, those affected will be given notice and the right to a review of the executive action by the courts.

Bill S-36 finally establishes a code of Canadian citizenship that stresses equality between those born here and those who choose Canada. It sets out the privileges, rights and duties of citizenship. While providing for the protection of the integrity of Canadian citizenship, the bill now before us establishes a system of due process through access to the courts should the executive intervene to deny or revoke Canadian citizenship.

Honourable senators, I look forward to creative ideas and suggestions for improvement as we study the content of this bill. I do not see this matter as a partisan issue. My hope is that this house, given its wisdom and the work it has done in the past in the area of Canadian citizenship, can make a solid contribution to the enactment of a 21st century code of Canadian citizenship of which we can all be proud, one in which Canadians can see themselves expressed, reflected and mirrored, wherever they find themselves in this great land of ours.

With that, honourable senators, I would invite your reflection on this matter and look forward to our continuing inquiry into it.

On motion of Senator Cook, debate adjourned.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Vivienne Poy moved the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.

She said: Honourable senators, I thank all of you who spoke in support of this amendment during the inquiry last year, senators who have indicated their support privately, as well as the many Canadians who have written to me on this issue, some of whom are assembled in the gallery today. I express my sincere thanks to Frances Wright, Jeanne d'Arc Sharp and the ad hoc committee of the Famous 5 Foundation for launching the petition to amend the national anthem last July on Parliament Hill. It is my pleasure now to speak to Bill S-39, to amend the National Anthem Act to include all Canadians.

I shall begin by outlining the specific amendment to the wording of the national anthem that I am proposing in this bill. I

will then explain why I believe this change to be an appropriate one socially, linguistically and ideologically. Finally, I will address some of the critics who argue that change is not necessary or justified.

The amendment I am proposing to the national anthem is a minor one. The words "thy sons" will be replaced by the words "of us." The verse will then read: "True patriot love in all of us command." Two words will change. That is all.

I should point out that the decision to choose "of us" was not mine but was based on the public's response, discussions with linguists and music historians. According to most of the letters I received and to the experts, these two words retain the fundamental meaning of the lyric, the poetry of the line, and fit well with the music. They are also in keeping with historic tradition. I will elaborate more on this later.

There has been some confusion since I began the inquiry on this issue, so I will explain what the bill is not intended to do. It is not my intention to propose changes to the French version of the national anthem. As well, I am not proposing that a reference to God be deleted from the anthem, and I am not proposing that other seldom-sung verses of the anthem be changed. The intent of this bill is simply to update the anthem so that it is more reflective of our society today as well as inclusive of more than 50 per cent of the population.

Honourable senators may ask: Why change the anthem at all? Perhaps the best answer can be found in many letters I have received from women, and men, who have asked me to bring this bill forward.

I should like to share with honourable senators the text of a letter I received from Dr. Marguerite Ritchie in response to my inquiry on the national anthem. She reflected back to the time when she first learned the national anthem in elementary school. She wrote:

I remember vividly my reaction on my first day of school when "O Canada!" was sung, and I knew immediately that, as a girl, I did not count for anything in Canada.

Similarly, as an impressionable teenager of 14, Catherine Clark realized the national anthem left her out. She wrote in *The Toronto Star*:

What struck my young mind that particular Canada Day was the lyric "in all thy sons command," and the fact that our anthem didn't refer to me, or anyone of my gender.

This amendment to the anthem is not only for our generation but also for future generations of girls and boys. It was because of these children that Judith Olson, a music teacher, launched the *O Canada Fairness Committee* to change the national anthem in 1993. In her music classes, Ms Olson said that students, especially the girls, would ask her, "What about the daughters? Don't we count?"

John Goldie wrote in a similar vein, urging me to continue with this campaign, because he “has long felt embarrassed that our national anthem did not include his wife and daughter.”

Another man, Donald Jackson, wrote:

I am in my 80th year and I am a veteran of World War 2. It has bothered me for some time that the words of our national anthem: “true patriot love in all thy sons command” would seem to exclude women. I feel that this part of the anthem should read: “true patriot love in all of us command.” A simple change, but it would include all Canadians, not just the men of Canada.

In the letters I have received, many people say they already substitute their own words for “thy sons” when they sing the anthem. I know a number of the members of this chamber, including Senator Pearson and myself, already substitute our own words for “thy sons.”

In churches such as the United Church of Canada and the Presbyterian Church, parishioners are offered an alternative inclusive wording to “in all thy sons command” in their hymnals. The best-selling modern Bible, the New International Version, has just been updated so that all parishioners feel included. For example, the word “sons” in Matthew 5:9 has been replaced by the word “children” to read “children of God,” and the word “man” in Romans 3:28 has been replaced by “person” to read “a person is justified by faith.” Even *Time* magazine, which only a few years ago referred to “Man of the Year” now refers to “Person of the Year.” The Canadian Press stylebook notes that words such as “spokesman” and “chairman” cause resentment, understandably, when applied to women.

If our churches and media can take the lead in changing their use of language in order to make everyone feel that they belong in the community, should we not as a national community amend the language of our national anthem to include all Canadian women so that everyone can feel a sense of belonging?

•(1440)

Our national anthem is one of the most important symbols of Canada, and as a symbol, it represents our fundamental ideals. Although we do not often reflect on the nature of our symbols and their importance in our lives, they represent our beliefs as a society. As Dr. Robert Birgeneau, President of the University of Toronto, wrote, the anthem is recognized as “one of our most powerful expressions of our Canadian identity.”

The anthem takes on a particularly poignant meaning during international events, events such as the Winter Olympics in Salt Lake City, Utah. We have many great women athletes in our country. Should we not acknowledge them in our anthem? Last week, when Catriona Le May Doan stood on the podium after winning the first gold medal for Canada, in the 500-metre speed-skating race, should she not have been celebrated in the words of the anthem as it played for all the world to hear?

How do we define Canada as a nation on the world stage? We only have to observe the path Canada has taken since

World War II and consider the last two decades since the passage, in 1982, of the Charter of Rights and Freedoms to conclude that Canada is defined by its rights culture. Michael Ignatieff wrote the following in *The Rights Revolution*:

Rights are not just instruments of the law, they are expressions of our moral identity as a people.

That this form of a rights revolution has allowed for inclusiveness is to Canada's credit. Women's rights are enshrined in the Charter, as Senator Beaudoin noted in this chamber last spring. Why then should women be excluded by omission in our anthem?

Should women in Canada have less recognition than the women of Australia? The committee that examined the words of their national song in the early 1980s replaced “Australian sons let us rejoice” with “Australians all let us rejoice” before “*Advance Australia Fair*” was proclaimed officially as the national anthem in 1984.

The truth is, this simple change should have been made in the anthem before it became official in 1980. As the well-known children's entertainers Sharon, Bram and Friends wrote to me:

One might have hoped that this issue would have been recognized and addressed when the lyrics were opened up for revision in 1980.

Let us not dig in our heels on this issue now, just because we missed the boat the last time. Let us consider the words of the Honourable Mitchell Sharp, who is with us today in the gallery, who wrote to me in support of this amendment:

I was in the Pearson government that approved our national anthem and our Maple Leaf flag. I support your effort because I think it will add to the acceptability among Canadians of the words of our anthem. They will sing it with greater enthusiasm.

Many of the letters I have received are from writers, linguists, editors or educators who are sensitive to the impact of language. One writer noted that we are constantly changing our language to incorporate new words as a result of scientific, technical and social advances and that we have eliminated many racist terms over the years because we recognize that language both reflects and shapes the way we think. Nevertheless, we seem to be reluctant to acknowledge language that excludes women.

I should like to consider briefly some of the objections to this amendment.

Almost without exception, those who are opposed to an amendment to the anthem all raise the issue of tradition. Someone was reported in the media to have compared the Honourable Robert Stanley Weir's 1908 version of *O Canada!* to Shakespeare, saying it should not be changed. I agree that the 1908 version of *O Canada!* should never have been changed. According to the original text, which was first brought to my attention by Nancy MacLeod of Toronto, the lyrics of the 1908 version read as follows:

O Canada!
 Our home, our native land
 True patriot love thou dost in us command.
 We see thee rising fair, dear land,
 The True North strong and free;
 And stand on guard,
 O Canada,
 We stand on guard for thee.

As you can see, if we return to the original lyrics of *O Canada!*, our tradition as Canadians, even in 1908, was one of inclusiveness. Ironically, the original version of 1908 was a better reflection of our times than the anthem we sing today.

You may well ask why “us” was rewritten as “sons.” The earliest printed version of the anthem with “in all thy sons command” was in a song entitled, “*O Canada! Our Father’s Land of Old*” for the Common School Book published in 1913. The change was then copyrighted by Weir in 1914.

We can only speculate on the reason for the rewording. Perhaps, judging by the date, it was deemed necessary to give special recognition to the sons of Canada because Canada faced the prospect of war.

Throughout the last century, Weir’s version of “*O Canada!*” grew in popularity, but it was not without its competitors. At least 26 versions of “*O Canada!*” have been circulated. Ironically, the title of the 1913 schoolbook version “*Our Father’s Land of Old*” was borrowed from the Richardson version of “*O Canada!*” published in 1906. Other versions began with “O Canada! Our heritage our love,” “O Canada! Our fair ancestral land,” and “O Canada, our country fair and free.”

Weir himself changed his version of “*O Canada!*” twice, once in 1914, as I have already mentioned, and again, shortly before his death in 1926, to add a fourth verse of a religious nature to *O Canada!*.

At about the same time, the Association of Canadian Clubs was one of the first groups to adopt *O Canada!* as its official song. Please note that this group, with its venerable tradition in Canada, has declared its support for the amendment I am proposing.

In 1968, the words of the Weir version were altered once again in response to the recommendations of a Special Joint Committee of the Senate and the House of Commons. It is evident, therefore, that the lyrics of *O Canada!* have never been set in stone. Changes were made.

You will all agree, the traditions of today are not the traditions of yesteryear. A little more than 80 years ago, women did not have the right to vote. Just 30 years ago, it was traditional for women to stay at home, and very few were in the professions. Twenty years ago, there were few women in non-traditional occupations or in government. It was also traditional to use racist and sexist language in a hurtful manner that would be unacceptable today. Things have changed a great deal, and I think most of you would agree with me that they have changed for the better.

Nevertheless, for those who argue that we should not diverge from the original intent of the anthem out of respect for tradition, I would agree that we should return to Justice Robert Stanley Weir’s original inclusive version of *O Canada!* of 1908 and reinstate the word “us” in the lyrics of the national anthem. By so doing, we will honour the spirit of Weir’s anthem.

My proposal for an amendment has also been denigrated as being a matter of political correctness. “True patriot love in all thy sons command,” it is argued, refers to those who died in wartime, and an amendment would somehow diminish our recognition of men’s contributions.

According to Stuart Lindop of Alberta, just the opposite is true. I should like to share with honourable senators the text of a letter written by Mr. Lindop. He writes of his proposal in 1993 to his Member of Parliament, David Kilgour, to amend the national anthem to include women:

As a veteran, a volunteer, wounded in action liberating Holland, I am very well aware of the tremendous contribution made by women to Canada’s war effort in the Armed Forces, in industry, and on the home front.

• (1450)

He goes on to say:

My motivation was not based on prissy, political correctness but rather to see that women, who had earned the right to be recognized, were not implicitly excluded.

I would challenge anyone to accuse Stuart Lindop, an 82-year-old veteran of World War II and a former member of the South Alberta Regiment, the only regiment to garner a Victoria Cross, of political correctness. Mr. Lindop wrote to me recently to assure me that this issue is of the utmost importance to the morale of women in the Armed Forces. He wrote:

Subtly, one might say subliminally, doubt about one’s worthiness can have a tremendous impact upon one’s behaviour in a crisis situation. How about women in our various units? Their national anthem doesn’t consider them worthy of mention or recognition! Perhaps the government doesn’t care.

Given women’s involvement in the military, in peacekeeping operations all over the world and in the conflict in Afghanistan, I would agree with Mr. Lindop that women deserve recognition in our anthem. Women’s contributions to Canada, whether in the military or in civilian life, should be recognized.

Honourable senators with sons and daughters will be amused to learn that I have been told that the word “sons” in the national anthem is generic and therefore also means daughters. If that were the case, why would the word “daughter” need to exist in the English language? I certainly know that I am not a son. I suspect that it is unlikely that our daughters and granddaughters would appreciate being referred to as “sons” and “grandsons.”

There are also those who denigrate this amendment as insignificant, unnecessary and a waste of time. These people are often the most vocal and long-winded in their opposition. This begs the question: If the change is so insignificant, why oppose it? Let us not waste any time in passing this bill. It is, after all, a minor change that is in keeping with today's language as well as the original historic meaning of the anthem as set out by Justice Robert Stanley Weir in 1908, so why amend the anthem? Well, why not?

The rights of women are already enshrined in section 28 of the Charter of Rights and Freedoms. Equal rights are espoused at all levels of government, in private corporations and increasingly in the home. Today's young women, who are entering so-called non-traditional occupations in record numbers, expect to be included in our national anthem.

Admittedly, there are still many injustices, inequities and barriers to overcome. This amendment will not right these wrongs, but it will signal a change that reflects the value we as a society place on equal rights for all, to everyone in Canada and to the world.

Changes in women's status in Canada have not occurred overnight. Each woman who has taken the first step across an invisible barrier has paved the way for those who follow her. In this sense, this change is just another small step that moves women forward on our long journey toward equality.

As Maureen McTeer stated succinctly:

I believe this change will reconfirm our positive role in our country's past, and our commitment to participate at all levels in the future.

Honourable senators, it is clear to me that we all have a stake in ensuring the equality of opportunity for our future generations. We need to show Canadians that parliamentarians have the will to give real meaning to equality for all Canadians.

The Honourable Sheila Finestone is in the gallery with us today. When she was Secretary of State for the Status of Women, she said:

Equality rights are human rights — a basic principle that shapes the way we live, in good times and hard times. There is no one answer, no one action, no one player that can make equality happen. In the new century, the nations considered the leaders of the world will be those who have achieved gender equality.

Let us take one more step in the right direction, honourable senators. Let us join the leading nations of the world. I would ask that you support this amendment in the name of fairness, historic tradition, and because it is the right thing to do for all Canadians.

Honourable senators, with leave of the Senate, I wish to table letters that I have received from across Canada in support of this

amendment, as well as a number of other documents relevant to this debate.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted for Senator Poy to table these documents?

Hon. Anne C. Cools: Honourable senators, before we put this question to the senators, Senator Corbin suggested that the proper place to bring such documentation forward is in committee.

Senator Poy knows that I disagree with her on the substance of these issues, but to the extent that she has indicated that she wishes to table certain papers, I believe unanimous consent of the chamber is required. If Senator Corbin sees otherwise, he should speak for himself.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted for Senator Poy to table these documents?

Hon. Senators: Agreed.

[Translation]

Hon. Gerald J. Comeau: Honourable senators, I still have not decided whether I am going to support this bill. Before I do, I want to hear all the speeches and wait for the findings of the committee review.

Could Senator Poy tell us why she did not propose changes to the French version of the national anthem, which includes terms like "brothers," "fathers" and "king" which, in my opinion, are much less gender neutral? If the senator wants to be consistent with her proposed changes, should she not also examine the French version?

[English]

Senator Poy: To answer the honourable senator's question, the main reason I have proceeded with the English version is that I know the English language well and I do not know the French language well. I never attempt to do something that I do not know well enough to do. Certainly, any member of the chamber can propose an amendment to change the French version if they so wish.

I would never attempt to do something that I am not confident in doing. I also know that the French version is very different from the English one.

Senator Cools: Honourable senators, with Senator Poy's permission, I have a question of clarification.

Senator Poy has suggested that the original anthem had a different set of words in 1908. Honourable senators should be mindful that in 1908 *O Canada!* was not the anthem of Canada. Until quite recently, the national anthem of Canada was *God Save the Queen*.

I have two questions for the honourable senator.

[Senator Poy]

•(1500)

The first question is, historically, in countries such as ours and the United States of America, the national anthem was always thought to be a piece of music that grew up from the community at large, from what the British constitution would call the common law, the common man, the common people. It was never really thought that national anthems should be creatures or creations of Parliament.

Honourable senators, can Senator Poy tell us why she is suggesting that this anthem become a creature of Parliament? Once this amendment moves forward, I would submit there will be many amendments. Can Senator Poy tell us why she is proposing that we move the national anthem of Canada away from being something that came up from the bottom of the population itself to something from the top legislatures to be imposed on the people of this land? That is my first question.

Senator Poy: The National Anthem Act of 1980 was passed by Parliament and it made “*O Canada!*” the official national anthem of Canada. This is nothing new, as it was passed by both Houses in 1980.

Senator Cools: Honourable senators, it is not accurate to say “this is nothing new.” Given all its limitations back then, Parliament was trying to be as consistent as it possibly could. Parliament at the time understood that national anthems were not really the business of Parliament to be messing about with.

They are usually traditional. That is the nature of anthems. Anthems are pieces of music that usually come from the past and are adopted; they tend to be retrogressive rather than forward-looking.

I shall have a chance to bring some of this forward in debate. Senator Poy knows I am opposed to this proposal. Senator Poy also knows that I do not agree with her analysis of history. I do not agree with that proposition at all. As a matter of fact, the proposition is the opposite. Blackstone and the great commentators on the common law tell honourable senators that.

I am coming to my question.

Some Hon. Senators: Question!

Senator Cools: I move the adjournment of the debate.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Adams, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: No.

Senator Cools: On a point of order.

The Hon. the Speaker *pro tempore*: I recognize the Honourable Senator Kinsella.

Senator Cools: The fact of the matter is that we are three minutes into the debate and we are seeing the potential that it has for division.

Some Hon. Senators: Sit down!

The Hon. the Speaker *pro tempore*: Order!

Senator Cools: I have the floor.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, to the matter of order, I believe the order would be rectified if Senator Beaudoin, who had indicated that he wishes to speak in this debate, be now recognized. If it would be helpful, I move that Senator Beaudoin do now be heard.

Hon. Marcel Prud'homme: I have gone through that debate in the House of Commons under Prime Ministers Diefenbaker and Pearson, that Senator Beaudoin be now recognized. This is debatable.

Senator Cools: It is very debatable.

Senator Prud'homme: I am upset with the acrimony that this debate is generating. So many insanities are being said. Senator Forrestall and I are the only two surviving members of the committee created by Prime Minister Pearson in 1967. I would have hoped that this debate would lack acrimony, but I am seeing it developing.

Twice I have run back here from my office. Because of Senator's Comeau's question to Senator Poy, she has the floor. I wanted to ask Senator Poy a question.

The Hon. the Speaker *pro tempore*: There is a question on the floor in the form of a motion to adjourn the debate. Senator Cools has moved the adjournment of the debate. Are honourable senators in favour of adjourning this debate until the next sitting of the Senate?

Senator Kinsella: The motion to express is the motion that Senator Beaudoin do now be heard. That is a debatable motion, and then the question can be put.

Senator Prud'homme: The first one is the adjournment.

The Hon. the Speaker *pro tempore*: Two senators were on their feet, but Senator Cools proposed the adjournment. I have on the floor a motion to adjourn.

It is moved by Senator Cools, seconded by Senator Adams, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: Will those in favour of the motion please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the “nays” have it.

Hon. Jack Wiebe: Honourable senators, for my own personal clarification, can someone who has been granted leave to ask a question adjourn the debate?

The Hon. the Speaker *pro tempore*: The motion to adjourn the debate is defeated. The debate will continue. I recognize Senator Beaudoin.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, I wish to take part in the debate on Bill S-39, proposed by Senator Poy and dealing with a change to our national anthem.

At first glance, the English version of our national anthem seems discriminatory to Canadian women. I wish to say from the outset that I think it is possible to amend the schedule to the National Anthem Act.

My remarks will deal primarily with the historical and legal aspects of this issue. The 1982 Canadian Charter of Rights and Freedoms, which is at the core of our Constitution, includes a very important provision that enshrines the equality of both sexes.

[English]

I quote here the English version of section 28, which reads as follows:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

[Translation]

This section means that section 33, the notwithstanding clause, which applies to section 15 on equality rights, cannot, in our opinion, apply to the principle of equality of both sexes. No legislator can, by using the notwithstanding clause under section 33, enact a law that violates the equality between men and women.

What about section 1 of the Charter, which deals with possible reasonable limits to equality?

[English]

Professors William Black and Lynn Smith have written on the meaning of section 28 of the Charter. In the third edition of our collective work, Beaudoin and Mendes, entitled *Charte*

canadienne des droits et libertés, at pages 894 and 895 it is stated:

• (1510)

The legislative history and the wording of the section also means that section 28 stands in the way of legislative override, pursuant to section 33, to permit sex discrimination. In addition, it probably modifies the power to uphold a discriminatory statute, program or activity under section 1, at least when proposed limitations deny, by intent or effect, the equal enjoyment of rights or freedoms guaranteed elsewhere in the Charter.

[Translation]

Section 28 of the Charter gives us an important point of reference.

[English]

Canada is probably the parliamentary democracy that protects most adequately the equality between men and women. Section 28 of the Charter clearly enshrines such equality. Furthermore, that section starts with a notwithstanding clause to clearly indicate that it is a very special section.

[Translation]

As Senator Poy has just mentioned, the national anthem is one of our symbols. Symbols are important.

Bill S-39 basically sets out to substitute the words “of us” for the words “thy sons” in the English version. What is involved, and this is crucial, is a return to composer R.S. Weir’s original wording, the first English version of our national anthem.

Senator Poy gave several good reasons for changing two words in our national anthem. I will not repeat her well-presented arguments. One of them, however, caught my attention. That was the argument that the amendment goes back to the original version. The words “of us” were already in the original version. It was on the eve of the 1914-1918 war that the words were changed. The words “of us” written in 1908 are more respectful of our present values than the current version of our national anthem.

We must not forget that the recognition of the equality of men and women is one of the greatest events of the 20th century. In this regard, Canada is one of the most advanced nations in the world. It will be recalled that the constitutional amendment to recognize the equality of men and women in the republic to the south was not passed until the required number of states were on side. Canada is the envy of many democracies.

In the past few years, in many milieux such as universities, the media and parliaments, there has been a trend in French towards feminizing titles, duties and designations, which were formerly used only in the masculine. For example, I could mention the following words: premier ministre, sénateurs, professeurs, auteurs, écrivains, présidents, and many more. This trend is meeting with increasing acceptance.

[English]

We must, however, distinguish the present problem from the famous *Persons Case*. In the *Muir Edwards* case of 1930, our tribunal of last resort at that time, that is the judicial committee of the Privy Council, ruled that the word “persons” in section 24 of the Constitution Act includes women. The Parliament of Canada did not amend the Constitution of Canada. It was a judicial ruling. It was a question of constitutional interpretation.

[Translation]

The Canadian Constitution is made up of three elements: the constitutional texts, the courts’ interpretation of these texts and finally, the conventions of the Constitution. Therefore, the famous Privy Council ruling from 1930 is part of our Constitution.

Some would say that we must avoid rewriting poems or literary works. This is true. I agree. However, here, we are using the original version from 1908, the two words “of us”, from R.S. Weir himself. It was the author himself who used these words; we did not invent them.

[English]

In conclusion, I would say that here we are concerned only with one objective, which is the discrimination between men and women. We are quite justified to make such an amendment, having regard to section 28 of our Charter of Rights and Freedoms —

[Translation]

— a charter that is the envy of the world.

[English]

Honourable senators, I suggest that we vote for Bill S-39, as proposed by Senator Poy.

Senator Cools: Would Senator Beaudoin take a question?

Senator Beaudoin: I like questions, but I have some hesitation to some of them.

Senator Cools: My question is really quite simple. My understanding of this proposal is that it will delete the words “thy sons” and substitute the words “of us.” Am I correct in that assumption?

Senator Beaudoin: That is right.

Senator Cools: Flowing from that, that verse in the anthem would then read “in all of us command.”

Senator Beaudoin: Yes.

Senator Cools: Having said that, in the business of inclusion, do the words “of us” include all Canadians, all men, all women and all children?

Senator Beaudoin: Everyone is included. What more do you want? We cannot include the Americans. We are Canadians and all Canadians are included.

Senator Cools: You have not answered my question, which is that “in all thy sons command” means “in all of us command,” right?

Senator Beaudoin gave a long answer, but I take it he meant that he agreed with my interpretation.

Senator Beaudoin: That is the genius of the English language. I do not want to make a mistake.

The Hon. the Speaker: Honourable senators, only one senator should have the floor at a time. I take it that Senator Cools has put a question to Senator Beaudoin. I would ask that she allow Senator Beaudoin an opportunity to answer.

Senator Cools: I am asking Senator Beaudoin if “of us” means all Canadians; every single Canadian, all men, all women and all children.

Senator Beaudoin: In my opinion, that phrase includes every Canadian, all of us. We are Canadians, whether we are men or women. In other words, constitutionally, if that is the question Senator Cools is asking, no one is excluded. That is the purpose of this amendment.

Senator Cools: To put the question another way, does it include children?

Senator Beaudoin: Yes.

Senator Cools: Very well.

Senator Beaudoin: They are included in the word “us.” Everyone is included; every human being here who is Canadian is included.

Senator Cools: Therefore, my question to Senator Beaudoin is: How does Her Majesty command patriot love from children? That is a very profound question.

The Hon. the Speaker: Does Senator Beaudoin wish to answer?

Senator Beaudoin: Could the honourable senator repeat her question, please?

Senator Cools: Since Senator Beaudoin has said that the phrase “of us” includes everyone, that it includes all men, women and children, how does Her Majesty command patriot love in children?

Senator Beaudoin: I do not see any problem. We have lived under a constitutional monarchy for a long time, under the French and British regimes, and under the Canadian regime. There is a civil code in Quebec and common law in the other provinces. All our private law is taking care of family law.

•(1520)

I do not understand what the honourable senator meant by the comment. Obviously, if everyone is included, it means men and women, children and adults. Her Majesty is not excluded. On the contrary, Her Majesty is the Queen in right of Canada.

Senator Cools: I know.

Senator Beaudoin: If the honourable senator knows that, thank God.

The Hon. the Speaker: Does the Honourable Senator Cools have further questions?

Senator Cools: I had wanted to move the adjournment of the debate, honourable senators.

The Hon. the Speaker: To clarify, Senator Banks, who is the seconder of this motion, had asked for the floor to adjourn the debate, and I gave it to him. Senator Cools rose to ask a question. Senator Beaudoin gave permission for some of his time to be used for the Honourable Senator Cools to comment or to put a question.

Is the Honourable Senator Cools finished with that exchange, because Senator Ferretti Barth wishes to ask a question.

Senator Cools: I did not see Senator Banks. I had wanted to move the adjournment, but I would be happy to defer to him.

The Hon. the Speaker: I take it the honourable senator's exchange is completed.

Would Senator Beaudoin accept a question from Senator Ferretti Barth?

Senator Beaudoin: Certainly.

[*Translation*]

Hon. Marissa Ferretti Barth: Honourable senators, the national anthem exists for everyone, francophones and anglophones. If we change the English version, what happens to the French version? Are francophones in favour of this change? Senator Comeau expressed his concerns about this very clearly. We live in a bilingual country and we must respect this fact. Let us not play with words.

Honourable senators, nor can we change the content, as it represents a legacy that has been passed down from our predecessors. Let us not forget our fellow Canadians who speak French.

Senator Beaudoin: This is not the first time that the English version of legislation is amended without affecting the French. This is done quite often. I have done this all my life. We live in a bilingual country, with a bijural system that is one of the best democracies in the world.

We amend statutes when required. Here, someone has raised the fact that women are excluded from the English wording. I think this must be corrected. We are not required to do so, but we do have the ability. Since we have a good Charter of Rights, in which I believe, it is our duty to respond to this.

There was discussion of the French and English versions, but do not forget the fundamental argument, which I stress: that neither Senator Poy nor Senator Beaudoin invented the words "of us", it was the author. So this is not a disavowal of Mr. Weir, but

a kind of honour to him. His 1908 version was more in line with the values of today than the version currently in use in Canada, which does not include women. This needs to be corrected. If you do not agree, you have only to vote against it.

Senator Ferretti Barth: What about the French version, honourable senators?

Senator Beaudoin: Honourable senators, if there is anyone interested in the French language, it is I, but I am not alone. There are many anglophones interested in the French language also. There is no point in looking for problems where there are none.

On motion of Senator Banks, debate adjourned.

[*English*]

NATIONAL SECURITY AND DEFENCE

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS— BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence (budget—study on Veterans Affairs), presented in the Senate earlier this day.

Hon. Michael A. Meighen, for Senator Kenny, moved the adoption of the report.

He said: Honourable senators, on March 6 and 7, 2002, the Subcommittee on Veterans Affairs will be travelling to departmental headquarters in Charlottetown for public hearings. During those hearings, we will address issues of deep concern to Canada's veterans and to all members of the subcommittee.

Among the subjects we will want to address with the deputy minister and his officials are post-traumatic stress syndrome, with reference, no doubt, to the military ombudsman's recent report; health care for veterans, including the criteria for hospital admission; the home care program for veterans and their spouses, known also as the Veterans Independence Program, or VIP; and the pension appeal process.

Honourable senators, I wish to emphasize that this is not simply a fact-finding mission but, rather, a full-fledged public meeting on the record with recording and transcription. I am sure all members will find it highly beneficial.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for Senator Meighen. Am I to understand that your committee will be meeting with the members of the Veterans Review and Appeal Board?

Senator Meighen: No. I do not think we will be meeting with members of the appeal board. We will certainly be hearing from officials. If there are any members present, we will have an opportunity to exchange views as to how the process before that board works.

Senator Kinsella: Could the honourable senator tell us how many members of the Veterans Review and Appeal Board were not members of the Liberal Party before they became members of the board?

Senator Meighen: That would probably depend on the longevity of the very few Tories who were appointed many years ago. Given the fact that Tories are a tougher bunch, I imagine it is not exactly 100 per cent staffed by members of the Liberal Party but close to it.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it would be hard to find Tories to sit on boards right now because there are not too many of them.

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.

•(1530)

THE NATIONAL ANTHEM

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy calling the attention of the Senate to the national anthem.—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, I had intended to speak to this inquiry, but there is no need because Bill S-39 is now before us. Having said that, I think I shall hold my remarks for the bill itself.

The Hon. the Speaker: Do you wish this item to stand, Senator Cools, or do you wish to ask for consent to withdraw the motion?

Senator Cools: I have no motion before the chamber. I am not withdrawing anything. I am only saying there is no need for me to speak. This debate is now exhausted. The need for this item even being on the Order Paper is now obsolete. It has been replaced by Bill S-39.

The Hon. the Speaker: Unless a senator wishes to adjourn it, this matter will be considered debated.

[Translation]

FOUNDATION TO FUND SUSTAINABLE DEVELOPMENT TECHNOLOGY

RESOLUTIONS OF STANDING SENATE COMMITTEE ON ENERGY,
THE ENVIRONMENT AND NATURAL RESOURCES, AND ON
NATIONAL FINANCE ON BILL C-4—MOTION TO FORWARD
TO COMMONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator DeWare, seconded by the Honourable Senator Kinsella:

That the Senate endorse and support the following statements from two of its Standing Committees in relation to Bill C-4 being An Act to establish a foundation to fund sustainable development technology.

From the Fifth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources the following statement:

“The actions of the Government of Canada in creating a private sector corporation as a stand-in for the Foundation now proposed in Bill C-4, and the depositing of \$100 million of taxpayers’ money with that corporation, without the prior approval of Parliament, is an affront to members of both Houses of Parliament. The Committee requests that the Speaker of the Senate notify the Speaker of the House of Commons of the dismay and concern of the Senate with this circumvention of the parliamentary process.”

From the Eighth Report of the Standing Senate Committee on National Finance being its Interim Report on the 2001-2002 Estimates, the Committee’s comments on Bill C-4:

“Senators wondered if this was an appropriate way to create such agencies and crown corporations. They questioned whether the government should have passed the bill before it advanced the funding. The members of the Committee condemn this process, which creates and funds a \$100 million agency without prior Parliamentary approval.”

And that this Resolution be sent to the Speaker of the House of Commons so that he may acquaint the House of Commons with the Senate’s views and conclusions on Bill C-4 being An Act to establish a foundation to fund sustainable development technology.—(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am again taking the floor regarding the motion of Senator DeWare — who left us some time ago — regarding Bill C-4, to establish a foundation to fund sustainable development technology.

Honourable senators, this issue has been discussed at length here and also on several occasions in the other place. It was even the object of a point of order, and the Speaker in the other place

issued a ruling on the issue raised. The government pledged to make the necessary changes during the presentation of the Supplementary Estimates.

In the Senate, this whole issue was fully examined and discussed during the debate surrounding Appropriation Bill No. 3, 2001-02. On December 13 and 14 of last year, the Leader of the Government in the Senate, the Honourable Senator Carstairs, and the Deputy Chair of the National Finance Committee, the Honourable Senator Finnerty, reported repeatedly on the situation and presented the government's response.

It was confirmed that the situation would be corrected when the Supplementary Estimates were presented during the coming weeks. Since this matter has been sufficiently studied and debated, the corrective measures necessary will be taken at the end of this fiscal year.

Honourable senators, I firmly believe that there is no need to send a message to the Speaker of the other chamber, since the Speaker of the Senate has already expressed an opinion on this matter.

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

[*English*]

NOMINATION OF HONORARY CITIZENS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Tommy Banks: Honourable senators, yesterday we received the happy news of the passage in the other place of a welcome act that does just exactly what is being referred to in this inquiry. We now have before Parliament other bills that have the same or similar aims.

I hope that this inquiry of Senator Prud'homme will lead to careful consideration by Parliament of the means by which we in Canada establish days of recognition and honorary citizenship. There are five or six bills now before Parliament, or recently passed, that seek to establish days of recognition for important events or to honour distinguished Canadians. This is, I believe, the way in which it ought to be done — by acts of Parliament. However, there are recognitions and proclamations that have sometimes been given otherwise than by acts of Parliament. This is not to question in any way the worth of the persons or the significance of the events so recognized and so honoured. It is, rather, to examine the means and the process by which these determinations are made.

National honorifics are things that Canada should guard jealously and give sparingly and after careful consideration, lest their frequency and number dilute their intended value and lessen

in any way the pride which we take in giving them and with which they are received. It should, I believe, be Parliament, as Parliament, and only Parliament that makes those kinds of determinations.

In that belief, and for those reasons, I commend the attention of honourable senators to the inquiry of Senator Prud'homme.

Hon. Marcel Prud'homme: I thank my colleague for his graciousness. I asked him, if I was to be absent, to speak on my behalf, and I arranged it with the Deputy Leader of the Government. I thank him for his courtesy.

The Hon. the Speaker: Just to clarify, Honourable Senator Prud'homme is entitled to speak in reply, but so doing would have the effect of closing the debate.

On motion of Senator Cools, debate adjourned.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

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

That this House:

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

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

Hon. Anne C. Cools: Honourable senators, as we can see, we have reached day 15 on this particular question. As honourable senators know, it had been my intention to speak to this matter.

This particular item is one of great importance to Senator Setlakwe, and he and Senator Maheu caused this motion to be put before us. This motion essentially asks the Senate to ask the government to recognize the genocide of the Armenians and to condemn any attempt to deny or distort historical truth as being anything less than genocide, a crime against humanity.

Honourable senators, I had been intending to speak on this matter because it is a very important question, but the important fact is that it is a question of some enormity and some complexity which is not immediately apparent in the wording of the resolution. In addition to the substantive issues contained in the motion, there are also several issues that I would consider to be procedural questions in the scripting and drafting of the motion. I have not had sufficient time to prepare the kind of response that this proposal demands, particularly in an area the complexity of which is marked by the fact that if the resolution were to carry, we would be assigning a legal effect and legal

liabilities, and perhaps legal obligations and rights as well, *ex post facto*, which is indeed extremely unusual. Honourable senators must remember that the term “genocide,” with the heavy onus and the legal burden it carries, did not exist at the time of this terrible tragedy.

On motion of Senator Cools, debate adjourned.

•(1540)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY ON EFFECTIVENESS OF PRESENT EQUALIZATION POLICY

Hon. Lowell Murray, pursuant to notice of February 19, 2002, moved:

That the date for the presentation by the Standing Senate Committee on National Finance of the final report on its study on the effectiveness and possible improvements to the present equalization policy, which was authorized by the Senate on June 12, 2001, be extended to March 22, 2002.

He said: Honourable senators, I believe you are entitled to an explanation, which I will provide. This is, as senators know, an important, contentious and complex subject. We completed our public hearings some time ago. We are making slow but sure progress in the drafting process. We are now or shortly will be on draft No. 5, and I expect that we will have completed our work and will be ready to table a report and recommendations within the deadline I am seeking to establish by this motion.

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

Hon. Senators: Agreed.

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY CANADA'S ADHERENCE TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Hon. A. Raynell Andreychuk, pursuant to notice of February 19, 2002, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report on the status of Canada's adherence to international human rights instruments and on the process whereby Canada enters into, implements, and reports on such agreements; and

That the Committee report to the Senate no later than March 31, 2003.

Hon. Fernand Robichaud (Deputy Leader of the Government): Would Senator Andreychuk accept a question? If

we agree to pass this motion, will the committee travel abroad and incur expenses that have not already been approved in the budget of the committee?

Senator Andreychuk: Honourable senators, a budget has been prepared and passed to Senator Furey, as requested in the letters to all Chairs. The committee met to consider a plan of action, and I can go through the entire plan although the committee unanimously agreed to it. It is, in fact, to examine several instruments that have not been signed or ratified and to ascertain the circumstances surrounding the lack of ratification of those instruments by Canada. That would entail a small research contract for someone to collate all of those instruments and bring them forward to the committee for discussion. We intend to hold hearings in Canada and to use video conferencing to communicate with witnesses in New York, et cetera.

This is the sum total of the areas of study that we dealt with in the report we tabled here in December. In that report, we enumerated six or seven areas we wished to study in detail. Since we made specific recommendations, we were of the opinion that we did not need further study in those areas at that time. However, the committee has come to realize that some areas do require further study.

One area that we believe may require consideration at a later date, and which is not part of this request, is the right to privacy. We have set that aside.

The committee wants to build on the work it has done. We plan to do an in-depth study of the instruments I mentioned, by hearing further witnesses either here or by video conferencing.

We are, however, contemplating two areas that would require the committee to travel. In doing so, the committee would investigate the operations of the Inter-American Court of Human Rights as well as the operations of the human rights machinery of the United Nations and other international organizations in Geneva. Those two contingencies are contemplated in this budget.

We have a program set out for two years. When we looked at the cost of doing consultations in Canada, et cetera, we were mindful of comments made in this chamber that we should work as expeditiously as possible. In that regard, we plan to use video conferencing wherever possible. We have outlined a one-year program, which contemplates a continuance of the study. If we should be fortunate, if Parliament sits for the full time, we may be able to complete our study ahead of schedule.

Nevertheless, we have contemplated some travel in this budget. I think it is an efficient use of resources. Approximately \$230,000 has been budgeted for that purpose.

Our committee discussed the fact that we need more guidance on how to proceed with our study from our leadership and from the Internal Economy Committee. Each committee could do valuable consultations across this country and do more in-depth research beyond our borders. It is a question of balancing, that is, how to do our work in a fair way with other committees.

Although our committee wanted to do more, we took a middle-of-the-road approach, recognizing the mandate we were given by the Senate to study human rights issues. We intend to be as efficient as possible. I hope the Internal Economy Committee agrees with this approach. It will hear from me in great detail.

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.

[*Translation*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 5, 2002, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 5, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, February 21, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd 01/06/06	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01	01/12/18	30/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06	01/12/18	31/01
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs	01/12/12	0	01/12/18	01/12/18	40/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08 negatived 01/12/10	11 1 at 3rd 01/12/13	01/12/18		
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28	02/02/05	Energy, Environment and Natural Resources					
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01
C-15 A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs	02/02/19	2			
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11	02/02/05	Banking, Trade and Commerce					
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05	01/12/18	32/01
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06	01/12/18	33/01
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22	01/12/18	28/01
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduced)	01/11/27	Energy, the Environment and Natural Resources					
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28	01/12/18	29/01
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0	01/12/18	01/12/18	41/01
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04	01/12/17	Aboriginal Peoples	02/02/19	0	02/02/20		
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11	01/12/18	35/01
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources					
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0	01/12/10	01/12/18	34/01
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce	02/02/07	0	02/02/21		
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14	01/12/18	38/01
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05	01/12/17	—	—	—	01/12/18	01/12/18	39/01
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13	01/12/18	37/01

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08 Senate agreed to Commons amendment 01/12/12	01/12/18	36/01
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology	01/12/14	0			
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01		
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12</i>	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		(Subject-matter 01/04/26 Social Affairs, Science and Technology)	(01/12/14)				

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-22	An Act to provide for the recognition of the <i>Canadien</i> Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08		
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04							
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13							
S-38	An Act declaring the Crown's recognition of self-government for the First Nations of Canada (Sen. St. Germain, P.C.)	02/02/06							
S-39	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/02/19							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	42/01
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	43/01
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	44/01

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