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OFFICIAL REPORT
(HANSARD)

Thursday, March 7, 2002

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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OFFICIAL REPORT

CORRECTION

Hon. Mobina S. B. Jaffer: Honourable senators, I rise on a point of order to make a correction to the *Debates of the Senate*. On Thursday, November 22, 2001, I made a statement under "Senators' Statements" which is recorded at page 1757. I should like to correct the heading of that statement. The heading reads: "Influence on Hate Crimes of Bill to Remove Certain Doubts Regarding the Meaning of Marriage." I should like that amended to read: "The Tragic Murder of Aaron Webster."

The Hon. the Speaker *pro tempore***:** Is leave granted for the correction to be made in Hansard?

Some Hon. Senators: Agreed**.**

Hon. Anne C. Cools: Will the correction be made?

An Hon. Senator: Yes.

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THE SENATE

Thursday, March 7, 2002

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL WOMEN'S DAY

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, tomorrow we mark International Women's Day. The Canadian theme for 2002 is "Working in solidarity: Women, Human Rights and Peace." The purpose of establishing annual events such as this is to draw the attention of the international community to an issue so that those who are privileged can help those who are not. While women here at home still live with inequalities that must be redressed, it is women in lesser-developed countries that stand to benefit the most from International Women's Day.

International Women's Day was first marked in 1911 to protest women's working conditions. There are still women around the world who labour in intolerable conditions and who are forced into situations where they must exploit every possible option, however deplorable, in order to feed themselves and their families.

[*Translation*]

Too many women are being denied basic human rights and are living under oppression, which is engendered by poverty, powerlessness and violence. This tragedy is aggravated by the fact that women, as a general rule, are the ones responsible for child rearing, so the next generation grows up in the same deplorable conditions.

[*English*]

However, today is also a day to celebrate progress made by women over the past year. In Afghanistan, a country where women have one of the shortest life expectancies, there is now a Department of Women's Affairs headed by Dr. Sima Samar, and the Minister of Health is also a female physician. The government is making concerted efforts to encourage women to take their rightful place in public life and to rebuild the country so that it respects human rights and peace. We must continue to recognize the importance of women's rights, because where women are respected and valued, so too are all human rights, and peace therefore follows.

Hon. Ethel Cochrane: Honourable senators, I rise as well today in recognition of International Women's Day, which will be marked tomorrow, March 8. This year's theme is "Working in solidarity: Women, Human Rights and Peace." Today we are perhaps more keenly aware than ever of the concept of peace. While many of us define peace simply as the absence of war, it is important that we draw attention to the fact that human rights are also a fundamental component.

Surely we can agree that we have made major strides in advancing women's rights and causes in Canada. Many Canadian women today have never had the experience of not being allowed to vote, or being prevented from pursuing academic goals or being denied the opportunity to sit in Parliament. These are accomplishments of which we are rightfully proud.

However, statistics reveal significant problems remain. Consider, for instance, that 51 per cent of Canadian women have been victims of at least one act of physical or sexual violence since the age of 16. Many women still live under the constant threat of violence and degradation.

The present reality is that, in Canada, two women are killed each week as a result of domestic violence. Findings from general social surveys show that women represent 98 per cent of victims of sexual assault, kidnapping or hostage-taking in the home. They account for 80 per cent of criminal harassment victims. Consider that women's after-tax income is still only 63 per cent of what men take home, despite the fact that they work longer hours.

What is especially disturbing when you look at these trends is that our youngest women are still facing traditional inequalities. According to the report released last year, entitled "Economic gender equality indicators 2000," women aged 15 to 24 work 18 per cent more than their male counterparts. Honourable senators, that represents about two weeks more work every year. While the share of paid work done by young women is high, their share of unpaid work is even higher.

While the statistics paint a very dark picture indeed, they also supply glimmers of hope. For instance, researchers have observed an overall decline in wife assault and in the severity of violence directed against women in Canada. We have also observed a greater gender balance in many fields of education. Women are making steady progress into fields that have been heavily male dominated, and women's share of job-related training is increasing, especially in training sponsored by employers.

Honourable senators, March 8 is a time for us to consider the major contributions that women have made in our society. More important, it is a time to stand up for those who have no voice and to remind everyone that the struggle for women's rights continues right here at home and around the globe.

•(1340)

We all have a role to play in advocating women's rights. We are called to do more, and we must do more. In support of women, peace, and the ideals of Canadian society, we must acknowledge inequality in all its forms and unite to conquer its roots.

CANADIAN BROADCASTING CORPORATION

Hon. Laurier L. LaPierre: Honourable senators, I did not intend to speak on International Women's Day tomorrow. However, I am reminded that I was the first person ever to interview a battered wife on television, and it was an unbelievable experience in my life.

Today, when I went to the Victoria Building, all the ladies were receiving a rose, and so did I. I do not know if it had anything to do with my speech yesterday, but I got a rose and I thanked the ladies profusely.

However, I wish to speak about something else. Regarding an indecent attack on the CBC by a certain broadcaster, I would like to set the record straight. The Canadian Broadcasting Corporation is not the only television network that receives public funds in Canada. They all do. Every documentary, drama and certain children's and variety programs that meet the Canadian content rules are largely paid for by the taxpayers of Canada, whether through the federal government, the provincial or territorial governments, municipal or regional governments or Telefilm Canada, which has a television fund. I make bold to say that more than half, and in most cases more than that, of the costs of making such programs in Canada is paid out of the Canadian governmental budget.

The recent attacks on the CBC by a particular broadcaster, whose contribution to Canadian content leaves much to be desired, is indecent and unwarranted.

That thought has brought me to another one. Since my public declaration that, in due course, I would ask the Senate to approve a special study on the concentration of ownership of the media, particularly in its cross-media existence, I have received many letters supporting this move. This support has been shown as well in discussions I have had in person with various groups across this land. Several senators have also encouraged me to pursue the matter.

Consequently, I shall do so. It is my intention to send a letter to all senators to gauge their interest and, if there is any interest, to call a meeting of interested members of the Senate before the April break in order to determine the best way to proceed.

Vive le Canada!

INTERNATIONAL WOMEN'S DAY

Hon. Nicholas W. Taylor: Honourable senators, I want to make a statement on International Women's Day to ensure it is not the exclusive preserve of the opposite sex.

[Senator Cochrane]

In addition to some of the progress that we have been making internationally and, of course, nationally, I wish to point out one area we should all think more about. That is valuing the homemaker, the person who rocks the cradle, one might say, who rules that world and who is also the person in charge of the initial education of our children, as well as a great deal of their later development.

I know, as a father of seven daughters and being married to a wonderful woman for 53 years now, a great wife and mother, that that is a part of society that is not recognized. We are great on making inroads toward equality of employment opportunities. I have seen that through my daughters and their children. We have made some great strides in that area, but we are still almost in the dark ages when it comes to tax allowances or recognizing that the woman of the house and women generally get stuck with care-taking and education. I do not think they are complaining about it, but many claim they are not recognized as an equal partner in building the country and building the marriage. Tax deductions or tax allowances are always based on what the male is doing outside the home, not on what the woman is doing inside the home.

SCOTT TOURNAMENT OF HEARTS CHAMPIONS

CONGRATULATIONS TO COLLEEN JONES RINK

Hon. Wilfred P. Moore: Honourable senators, on March 1, 2001, I rose in this place to extend congratulations to Colleen Jones and her rink from the Mayflower Curling Club in Halifax, Nova Scotia, upon winning the Scott Tournament of Hearts: Canadian Women's Curling Championship, being the third win by skip Colleen in that event.

This past weekend in Brandon, Manitoba, Colleen Jones and her rink defeated Saskatchewan's Sherry Anderson 8-5, to win this national title. In so doing, Colleen Jones made Canadian curling history by winning an unprecedented fourth national championship as skip.

We congratulate skip Colleen, lead Nancy Delahunt, second Mary-Anne Waye, third Kim Kelly, alternate Laine Peters and coach Ken Bagnell. One cannot say enough about this superb team of female athletes who have won three national titles together while managing to juggle their family lives, careers and personal pursuits. They are our heroines.

I know that all honourable senators join me in wishing this rink every success as they represent Canada in defence of their World Women's Curling Championship title, scheduled for Bismarck, North Dakota, starting on April 6.

It was good to see the front page and headline, reporting that this female athletic triumph deservedly received in the local and national press.

INTERNATIONAL WOMEN'S DAY

Hon. Joan Fraser: Honourable senators, I, too, would like to say a word on the occasion of International Women's Day. I would like to take slight issue with Senator Taylor, who seems to be suggesting that all the battles have been won in the employment world for women. Legally speaking, it is true, the battles have been won, but in practice, not necessarily.

I have just a couple of figures, honourable senators. I asked my staff to keep track of the weekly appointment reviews that appear in *The Globe and Mail* for the past five or six months, from October 1 last year to March 4 of this year. They appear in the Report on Business, and they are a weekly summary of those paid ads for executive appointments. Women made up approximately 23 per cent of those appointments, 89 women to 293 men. Twenty-three per cent is not our share of the population, and I can tell you, honourable senators, that if we were to remove the number of women who had been promoted in the non-profit sector, the numbers would be even lower.

I am reminded of a study done in the United States using Standard & Poor's numbers for most of the 1990s, which showed that the fraction of women in top level management had nearly tripled. Sounds wonderful, does it not? It went from 1.3 per cent in 1992, to 3.4 per cent in 1997. You can project the trend line for yourselves.

The point is, we have a long way to go. In this chamber, we can hold our heads high. At 32 per cent women, we have a better standing than almost any legislative chamber in the world. There are fewer than a dozen that have a higher percentage of women than does this chamber. I suggest we try to achieve the same results everywhere.

•(1350)

ROUTINE PROCEEDINGS

YUKON BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, March 7, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill 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, has, in obedience to the Order of Reference of Wednesday, December 12, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

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

On motion of Senator Christensen, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

REDISTRIBUTION OF SEATS IN HOUSE OF COMMONS

INFLUENCE OF 2001 CENSUS—NOTICE OF INQUIRY

Hon. Lowell Murray: Honourable senators, I give notice that on Tuesday next, March 12, 2002, I will call the attention of the Senate to certain issues related to the redistribution of seats in the House of Commons, subsequent to the decennial census of the year 2001.

QUESTION PERIOD

TRANSPORT

AIRPORT SECURITY—EFFICACY OF PROPOSED BOMB DETECTION EQUIPMENT

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. She will recall that a month or so ago I asked her a question relating to the air travel tax that this government will use to pay for new air security measures and equipment.

On March 6, the *Ottawa Citizen* carried an article in which a leading aviation security expert named Michael Boyd said that Canada is making a mistake by buying expensive and unproven bomb detection machines from U.S. suppliers. According to Mr. Boyd, the machines in question are "abominably slow and abominably unreliable." He also claims that the machines are prone to false alarms that substantially delay baggage handling and force security to use ineffective hand searches of checked bags.

Could the Leader of the Government in the Senate please explain what the government intends to do about these allegations, and does she have any information as to whether they are accurate?

Hon. Sharon Carstairs (Leader of the Government): I thank the Honourable Senator Oliver for his question. Clearly, the Government of Canada intends to buy the best equipment and will analyze all the comments that it receives, including the one that was found in the newspapers, to ensure we are getting the best available machinery on the market.

Senator Oliver: Honourable senators, at $1.6 million per machine, the government is putting big money into this new equipment. To give assurance to members of the Senate and to properly address our concerns, could the Leader of the Government in the Senate please make queries of her colleague the Minister of Transport as to the validity of these claims and could she file something with the Senate so we could all read the response?

Senator Carstairs: Honourable senators, I certainly can follow through as the honourable senator has indicated. However, the machinery in question is being purchased not only by us, but also by the United States. Not only has our country done a review of the capability of this machinery but so, too, has the United States.

If further evaluations are done and, in particular, if there is a response to the honourable senator's particular question, I will get back to him as soon as I can.

NATIONAL SECURITY AND DEFENCE

REPORT OF COMMITTEE ON SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES—PORT SECURITY

Hon. Ethel Cochrane: Honourable senators, my question is to the Leader of the Government in the Senate. The report by the Standing Senate Committee on National Security and Defence has opened many Canadians' eyes to just how poorly the Liberal government is controlling the activity at ports across our country.

Given that roughly 15 per cent of dock workers in Montreal, almost 40 per cent of stevedores in Halifax and almost 54 per cent of longshoremen in the Port of Charlottetown have criminal records, can the Leader of the Government in the Senate please tell us why the government does not have a policy in place requiring mandatory background checks on personnel working at our ports across the country?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator has indicated, those are certainly the kind of statistics found in the Senate report. Questions were raised by the port authorities themselves concerning the validity of those particular statistics. However, it is incumbent upon the government — and it has undertaken to do so — not only to study the report in detail, but also to make further inquiries as to what the port authorities think of the particular advice that is provided to us by our Senate committee.

To date, the port authorities have indicated that they were not asked to appear before the National Security and Defence Committee. Since they did not appear before that committee, I am certain that the government will want to conduct further investigations.

Senator Cochrane: That is good news. Perhaps we will then follow through with Senator Angus' request yesterday about an inquiry into this whole issue. I am certainly looking forward to that response.

What assurances can the minister give to Canadians that it is our government and not the Hells Angels or other crime organizations that are in control of our ports? This is what the report is saying.

Senator Carstairs: With the greatest of respect, I do not think the report went quite that far. Clearly, we do have a port authority structure in Canada. That port authority is an independent structure. It has obligations to ensure proper security, and the Government of Canada has the responsibility to ensure that it is doing its job effectively.

FOREIGN AFFAIRS

UNITED STATES—WEAPONS IN SPACE

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate. What is the government doing to resolve the conflict between the Department of Foreign Affairs and International Trade on the one hand and the Department of National Defence on the other on the issue of the United States putting weapons into space?

The Department of National Defence wants to cooperate with the Pentagon plans to put laser guns and other weapons into orbit. The Department of Foreign Affairs says Canada will tell the Americans that we are against the weaponization of space. Who will resolve this interdepartmental conflict so that Canada's long-standing policy opposing the weaponization of space remains firm?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, quite frankly, I do not see the same conflict that the honourable senator seems to feel exists between two government departments. It is clear who speaks on international policy, including our relationship with the United States, and that is the Department of Foreign Affairs.

As to individual members in the defence establishment who may wish to move to a policy of more weaponization, the policy of the Canadian government is very clear. Under our auspices and under our agreement, there will be no weapons in space.

Senator Roche: That answer is certainly welcome, namely, that the Canadian government will speak with one voice in upholding the policy it has held to oppose the weaponization of space — a policy of some 30 years, irrespective of who was in power at any given moment.

•(1400)

The United States has given notice of its forthcoming withdrawal from the Anti-Ballistic Missile Treaty in order to pursue the development of its National Missile Defence system. This system is, as any check of Pentagon Web site material shows, the first step in the weaponization of space. Is the Canadian government now studying this issue carefully so that it will understand that any Canadian support for a national missile defence system will violate Canada's long-standing policy against weaponization of space?

Senator Carstairs: As the honourable senator has indicated, the Canadian government has a policy of some 30 years' standing. It has no intention of changing that policy. Further, through the Conference on Disarmament, the Canadian government is continuing to make efforts to secure a multilateral agreement banning space-based weapons.

HILL PRECINCT

TEMPORARY STRUCTURES

Hon. Laurier L. LaPierre: Honourable senators, my question is directed to the Leader of the Government in the Senate. I believe that the security measures and the abuse of the privacy of our cars is an abuse of power. It is totally unnecessary; consequently, it is a make-work program. However, I do not want to talk about that today. I do want to talk about the ugly, atrocious building that is now being built on sacred land that belonged to the Algonquin centuries ago. The building will be ugly and it will deform the dignity of the sacred precinct. Therefore, I want to know whether the minister could use her immense power to have this building torn down and replaced by a nicer one. While she is at it, could she please ask that a john be built inside the building and remove the outhouse that is there.

Hon. Sharon Carstairs (Leader of the Government): I am in agreement and disagreement with the honourable senator's question. I am in total agreement that it is a rather ugly structure, and I am in disagreement about the so-called immense power that I am supposed to have.

However, I do want honourable senators to know that the building is a temporary structure. Developments and discussions are ongoing as to how we can best meet the security needs on the Hill without blighting the architecture of this wonderful set of buildings that we are all privileged to spend much of our daily lives in.

JUSTICE

UNITED STATES DEPARTMENT OF STATE REPORT ON MONEY LAUNDERING

Hon. W. David Angus: Honourable senators, my question concerns a U.S. State Department report, released earlier this month, that once again puts Canada in an embarrassing and very negative light as a "major money laundering country" appearing on a list of nations of primary concern for money laundering.

Yesterday's *Ottawa Citizen* ran a lead story on page 1, under the headline "Illicit cash pours over border: U.S. names Canada 'major money laundering country'." It went on to say:

> In its latest annual report on the international drug trade and suspicious money, the State Department says the U.S. is worried about the movement of large sums of cash across the border.
>
> "Canada remains vulnerable to money laundering because of its advanced financial services sector and heavy cross-border flow of currency and monetary instruments," says the department's International Narcotics Control Strategy Report.

In spite of the legislation we passed in 2000, our nation remains on this list, a list that includes countries like Switzerland, with its secret banking system, and the Cayman Islands and other similar tax havens. Of particular concern is laundering of monies earned through the drug trade that allegedly are being used to finance terrorist activities at an international level.

Honourable senators, I am asking the Leader of the Government to please indicate whether the government has looked at the U.S. State Department's report, and if so, could she advise as to how, in spite of the legislative initiatives of the past few years, Canada is still being regarded as a country of primary concern for money laundering.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. As he well knows, there are statistical gathering measures, most particularly in the United States. Sometimes their data is based on a period of time — between the reporting and the actual publication of that data — in which legislative changes have taken place.

I should like to think this is an example, that since the gathering of the data and the issuance of the report, we have made significant changes, not only with the money laundering bill itself but also with the changes to the anti-terrorism bill.

I will, however, make sure that the United States, through the Department of Foreign Affairs, is made aware of these changes in legislation, and hopefully the department can deal with any concerns that they have in the United States. It is all too true, unfortunately, that sometimes our American brothers and sisters like to find problems outside of their country without examining whether they have the same problems within.

Hon. Edward M. Lawson: One of the other countries that the United States has designated as a country of concern for money laundering is the United States itself.

Senator Angus: There, you have it.

Honourable senators, I am sure we are all reassured by the response of the Leader of the Government. I am sure that she, as well as all of us, is still very offended when we see headlines stating that Canada is one of the leading money laundering countries.

If the honourable leader is saying that the U.S. State Department report is wrong and it is out of date — and I hope she is right — that is one thing, but the report notes that the Canadian government has not yet implemented the regulations that define cross-border currency movements, nor is FINTRAC a member of the Egmont Group, which would allow it to exchange information with its foreign counterparts. Why is this, if indeed it is so? Why is Canada dragging its feet? When will the government implement these regulations, and when will FINTRAC join the Egmont group?

Senator Carstairs: The honourable senator has put very specific and detailed questions before the chamber. Obviously, I do not have that kind of information available. However, I will obtain it, and we will file it as a delayed answer as soon as possible.

[*Translation*]

FEDERAL COURT DECISION—MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—INTENTIONS OF GOVERNMENT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. It is a bit repetitive, but important. On March 23, 2001, Justice Pierre Blais brought down a judgment that addresses the matter of contraventions issued on federal territory, under agreements with the provinces. Six provinces were involved: Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island.

Yesterday, a Finance Department legal counsel said that they had received a letter from Ontario indicating that Ontario could not enforce the *Blais* judgment, and thus could not comply with the judge's recommendation. I quote from the *Blais* decision:

> — if any, the respondents shall, within no more than one year from the date of this order, ensure that the said agreements are amended to comply with the order. Upon the expiry of that time, if the agreements have not been amended, they will become void.

The word is "they," plural. All agreements with the provinces will become void. Could the minister tell us what will happen if they do?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): First, the honourable senator knows that they are in effect until March 23, 2002, because the judge gave that one-year grace period. It will not surprise the honourable senator to learn that I asked for an update on this file this morning, since I can see March 23 looming just as quickly as he can see March 23, 2002, looming. I hope to have an answer for him and for this chamber shortly.

•(1410)

Senator Gauthier: Honourable senators, this is an important question dealing with airports, maritime law and all properties that are in federal jurisdiction. I would like the government to please tell us if we are returning to the old system, or will something different be done?

Senator Carstairs: That is exactly why I asked my staff this morning if we had an update on this policy. I will continue to try to get this policy announced sooner rather than later.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in the house two delayed answers. The first is in response to a question raised in the Senate on February 5, 2002, by Senator Robertson regarding competition in the United States with Chilean salmon; the second is in response to a question raised in the Senate on February 5, 2002, by Senator Kinsella regarding National Defence.

FISHERIES AND OCEANS

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

(Response to question raised by Hon. Brenda M. Robertson on February 5, 2002)

> Fisheries and Oceans Canada is working with other federal departments and the aquaculture industry to explore the full range of options that may be available to assist concerned salmon producers during this particularly challenging period in the global market place. Specifically, the Atlantic Canada Opportunities Agency government is reviewing an interim financial assistance package that has been proposed by the industry. The package involves either the deferral of current loans or issuing bridge loans to finance potential losses. In addition to the Minister of State for ACOA, the Minister of Fisheries and Oceans has met separately with industry on this matter and will examine this option in a broader federal context.

NATIONAL DEFENCE

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

(Response to question raised by Hon. Noël A. Kinsella on February 5, 2002)

> International law, including the Geneva Conventions, does not preclude the use of the death penalty. It does provide for legal safeguards for the accused.
>
> The CF deploys worldwide in a variety of countries that retain the death penalty and other punishments not found in Canadian law. If Canada were to adopt a position that it could not transfer detainees to such countries, the CF would likely not be able to participate in most international missions, including UN-sanctioned missions.
>
> For the protection of its citizens and for broader international security goals, Canada must be able to operate in and with countries that do not have the same domestic legal norms, but that do meet the international standards for the trial and punishment of offenders. Canada will transfer detainees to countries that meet those international standards.

International law allows the transfer of detainees to other national authorities. Canada will continue to meet all legal requirements regarding the transfer of detainees.

In this Coalition operation, the authority responsible for the long-term treatment and security of detainees is the United States. The United States has assured Canada that detainees are being treated in accordance with the principles of the Geneva Convention. Canada welcomes this commitment.

Canada remains strongly committed to the fight against terrorism. Everything possible must be done to bring Al Qaeda and those responsible for the September 11th events to justice.

[*English*]

ORDERS OF THE DAY

ROYAL ASSENT BILL

THIRD READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government) moved the third reading of Bill S-34, respecting royal assent to bills passed by the Houses of Parliament.

She said: Honourable senators, I rise today to speak at third reading to Bill S-34. I would like to begin by thanking the Standing Committee on Rules, Procedures and the Rights of Parliament for the excellent discussion of the issues that took place between committee members and with witnesses before the committee on items of discussion generated by this bill.

As the sponsor of the bill, I was pleased to appear before the committee as a witness. The committee also heard from Mary E. Dawson and Louis Davis from Justice Canada, Mr. John Aimers and Mr. Paul Benoît from the Monarchist League of Canada, and Dr. David Smith from the University of Saskatchewan.

The committee met 21 times to discuss this bill. That will give you an indication of how serious and dedicated the members of this committee were, and I would like to thank and congratulate honourable senators for their dedication and effort.

Honourable senators, this bill aims to modernize the royal assent process by allowing royal assent through written declaration. At the same time, this bill preserves the traditional ceremony by requiring its use at least twice per calendar year, including the first appropriation bill of each session. The process of written declaration brings Canada on side with the rest of the Commonwealth countries, as Canada has been the only Commonwealth country, for quite some time now, to continue with the traditional form of the ceremony exclusively.

The provisions in this bill are of a procedural nature and relate solely to the process of signifying royal assent. The traditional ceremony and proposed written declaration both recognize the convention that the Crown, the Senate and the House of Commons, the three elements that comprise our Parliament, be included in the process of royal assent.

The Governor General or one of her deputies will still exercise the prerogative of assent, but the manner in which assent will be granted will be expanded. There will be the option of having royal assent signified in the Senate by way of the ceremony with which we are all familiar, and we will also have the option for royal assent to be signified by written declaration, which will then be communicated to both Houses.

Some have expressed some concern that we are quietly doing away with one of the important ceremonies that takes place in the Senate and is an educational tool for the public. Honourable senators, I think we must be realistic. The attendance of honourable senators and members of the House of Commons for royal assent ceremonies in this chamber has declined significantly over the years.

I concede that royal assent ceremonies are often hastily organized at the last minute. However, I have undertaken, along with my colleague, the Honourable Ralph Goodale, the Leader of the Government in the other place, to plan the traditional royal assent ceremonies in advance, thereby ensuring the ceremonies that do occur are both well respected and well attended by senators, members of the House of Commons, and the public.

We have demonstrated that by taking creative new approaches we can improve attendance on occasion, as we saw in the last royal assent ceremony held on February 18, 2002, when 60 honourable senators were present in this chamber and approximately 30 members of Parliament, including at least four cabinet ministers, attended behind the bar.

Others have expressed the hope that we may see the Governor General here for royal assent more often. I know honourable senators fully realize that neither this chamber nor the other place has the authority to require the Governor General's appearance. That is true under this bill, just as it is true without this bill. However, since we will be able to give more advance warning of the formal ceremony, I am hopeful that the presence of the Governor General will be made much easier.

It will be 19 years this April since Senator Royce Frith, then Deputy Leader of the Government, tabled a notice of inquiry calling the attention of the Senate to the advisability of establishing alternate procedures for the pronouncement of royal assent to bills. It has been 15 years since the Special Committee on the Reform of the House of Commons, the McGrath committee, dealt with the issue of Royal Assent in its second report. It will be 15 years this November since the then Standing Committee on Privileges, Standing Rules and Orders, chaired by the late Senator Gildas Molgat, tabled its fourth report calling for changes to the royal assent procedure, strikingly similar to those that we see before us today.

Our honourable colleague Senator Murray introduced Bill S-19 in July 1988 also along the same theme of the bill before us today. The Leader of the Opposition, Senator Lynch-Staunton, tabled Bill S-15, Bill S-7 and Bill S-13 during the past few years, all of which concerned royal assent. With a few minor changes, those bills were very similar to the bill currently before us.

Honourable senators, it has taken almost 20 years of true sober second thought, but it would seem we are now ready to move on with much needed adjustment to our process of royal assent. The bill the committee has returned to us is a very good product, and I encourage all honourable senators to support the bill as it now stands before us. Let us modernize this important ceremony so that it is used when most appropriate and when attendance will be the greatest. By doing that we will preserve and hopefully enhance the prestige and importance of this important ceremony. I encourage all honourable senators to support this bill.

Hon. Marcel Prud'homme: As the honourable senator is aware, I am not a member of this committee, nor for that matter any committee. However, I attended some committee sessions. I attended the meeting at which the Leader of the Government was present. I made suggestions during that meeting that appear to have been incorporated. Would the honourable senator kindly address my concerns regarding the wording of the bill and how the redrafting will address the objection that I had raised at that time?

Senator Carstairs: Perhaps I can indicate the objection made by the honourable senator at that meeting. The bill requires in clause 5 that a message be sent to the House when written royal assent has been used. The honourable senator asked the very thoughtful question of what would occur should the house not be sitting. If we had a royal assent ceremony in late June, and the House did not sit until September, would royal assent then be deemed to be in force and effect?

The response is that we will have to sit in order to receive the message that royal assent has been given, unless of course we want it to be deferred for several months. Logic would tell us that we would not want to defer, particularly as the last bill of the session is usually an appropriation bill, and obviously the government would want royal assent right away. Therefore, it will be necessary to continue with other business before the chamber, to have written royal assent and then an announcement to that effect, while the chamber is in session.

•(1420)

Hon. Laurier L. LaPierre: Is the honourable senator aware that if this proposed system does not work it will be a total, degrading failure for this house, and an insult to the Canadian people?

If we are to change this ceremony, it must then be held on an occasion of national importance. It must be scheduled well in advance; it must be televised; this place must be filled and the galleries filled with students of various kinds for it to have any value whatsoever. Is the honourable senator aware that if the ceremony does not have significant national value it will be an insult to our government, to the process and especially to this chamber, which will be held responsible for its failure?

Senator Carstairs: Each and every one of us has an obligation to ensure that when we are holding the formal ceremony, it is a success. That is why, when the committee was meeting, Minister Goodale and I signed a letter to the committee, which has been subsequently tabled with the chamber, indicating that a number of things must take place in order to ensure that the proposed royal assent ceremony takes on the seriousness which we believe this particular occasion warrants. We are of the opinion that advance notice is one of those, and we are trying to plan for a royal assent ceremony on or about March 20. We hope to be able to give notice next week so that there will be time for people to make their plans.

At that point, I would also be looking to make a motion before the Senate, asking for permission to televise this event. In the past, the process has often been that we gave notice of royal assent in the afternoon, then held it an hour or an hour and a half later. Thus it has not been possible to televise that particular ceremony. By providing ample notice, we should be able to make that happen.

Another suggestion has been made by Senator Poulin which I think is excellent, and I am hoping to put it in place with the help of my colleagues on the other side. Senator Poulin suggested that we might hold a conference between two members of this chamber — one from this side and one from the other side — to explain to the public watching on the television exactly what bills are being given royal assent and what is contained in those bills, such that it will become an educational exercise. I do not think that will be possible for this next royal assent, but it is something which I have taken under advisement, and I know it is supported by the Leader of the Opposition.

On motion of Senator Stratton, for Senator Lynch-Staunton, debate adjourned.

COURTS ADMINISTRATION SERVICE BILL

SECOND READING—DEBATE ADJOURNED

Hon. John G. Bryden moved the second reading of Bill C-30, to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts.

He said: Honourable senators, it is my pleasure to rise to introduce second reading debate on Bill C-30, the Courts Administration Service Bill. This is a complex bill, but its objective is straightforward: to improve the efficiency and effectiveness of the Federal Court of Canada and the Tax Court of Canada through structural changes to those courts. Nothing in the bill is intended to change the existing jurisdiction of either court. These amendments are aimed at administrative improvements only.

There are three basic elements to the bill: One, the bill would consolidate the current administrative services of the two courts in a new body to be called courts administrative service; two, it would separate the existing Federal Court Trial Division and the Federal Court of Appeal into two distinct courts managed by two separate chief justices; three, it would confer superior court status on the Tax Court of Canada.

The bill comprises 199 clauses. The bulk of the substantive amendments dealing with each of the three aspects described above are found in the first three sections of the bill, as follows:

Clauses 1 to 12 deal with the establishment of the Courts administrative service.

Clauses 13 to 58 contain amendments to the Federal Court Act, the large majority of which result from the creation of a separate Court of Appeal. These clauses also include consequential amendments relating to other aspects of the reform.

Clauses 59 to 81 are amendments to the Tax Court of Canada Act and largely deal with the establishment of the Tax Court of Canada as a superior court. These clauses also contain consequential amendments resulting from the other two aspects of the reform. I will touch briefly on each of the three elements I have outlined.

At present, the Federal Court and the Tax Court each have separate bodies, known as registries, that provide administrative services to the particular court. These services include corporate services such as the managing of the facilities of the courts, human resources, information technology, finance, library, security, and publications. These registry activities involve registry officers who advise and help litigants on court procedure, maintain court records and provide administrative support to the judges. Finally, the services include direct support to the judiciary through law clerks and judicial assistants.

This bill was drafted in response to certain concerns about this arrangement raised by the Auditor General in April of 1997. At the request of the Minister of Justice, the Auditor General had conducted a first-ever audit of the Federal Court and the Tax Court. He concluded that there were extensive savings that could be realized if the registry of the two courts were consolidated.

That is what Bill C-30 would do. It would establish a new courts administrative service that would provide administrative support to the Federal Court, the Federal Court of Appeal, the Tax Court, and also the Court Martial Appeal Court. It should be noted that the Court Martial Appeal Court uses Federal Court judges and draws on the services of the officers, clerks and employees of the Federal Court.

This new service would be headed by a chief administrator appointed by the Governor in Council after consultation with the Minister of Justice and with the chief justices of each of the four courts. The term of office is five years, but the chief administrator may be reappointed to the position. Any reappointment and any termination of the chief administrator's appointment also requires consultation with the chief justices of the four courts.

As many of us in this chamber are very well aware, the principle of judicial independence is critical under our Constitution. The Supreme Court of Canada noted in *Valente v. The Queen*:

> It is generally agreed that judicial independence involves both individual and institutional relationships: the individual independence of a judge, as reflected in such matters as security of tenure, and the institutional independence of the court or tribunal over which he or she presides, as reflected in its institutional or administrative relationships to the executive and legislative branches of government.

Nothing in Bill C-30 affects the individual independence of the judge. The issue, rather, is the institutional independence of the courts in question, thus ensuring that the judiciary retains control over matters that touch directly on the judicial function.

•(1430)

Bill C-30 works to ensure this in several ways. Clause 8(1) of the bill would specifically provide that the Chief Justices "...are responsible for the judicial functions of their courts, including the direction and supervision over court sittings and the assignment of judicial duties."

Clause 8(2) enumerates examples of those powers, including the power to determine the sittings of the court, assign judges to the sittings, assign cases and other judicial duties to the judges, determine the sitting schedules and the workload of the judges, and prepare hearing lists.

By contrast, the powers of the Chief Administrator are set out in clause 7(1) and clause 7(2) states:

> The Chief Administrator has all the powers necessary for the overall effective and efficient management and administration of all court services, including court facilities and libraries and corporate services and staffing.

Clause 7(3) outlines the duties and functions of the Chief Administrator where it states:

> The Chief Administrator, in consultation with the Chief Justices of the Federal Court of Appeal, the Federal Court, Court Martial Appeal Court and the Tax Court of Canada, shall establish and maintain the registry or registries of those courts in any organizational form or forms and prepare budgetary submissions for the requirements of those courts and for the related needs of the Service.

It is anticipated that there will be strong collaborative partnership between the new chief administrator and the Chief Justice. However, and this is very important, in the event there is a disagreement on an aspect of court administration, the bill is very clear: the judiciary retains control. To this end, clause 9(1) states:

> A chief justice may issue binding directions in writing to the Chief Administrator with respect to any matter within the Chief Administrator's authority.

The courts administration service will be at arm's length from the government to ensure the appropriate independence of the courts. However, Bill C-30 is careful to provide for accountability, especially to Parliament, for both the administrative effectiveness and also with respect to the use of public resources.

Clause 12(1) would require the chief administrator to send an annual report to the Minister of Justice on the activities of the service for the year. The minister is then required to lay a copy of the report before each House of Parliament.

The model reflected in Bill C-30 was developed in close collaboration with the Federal Court, the Tax Court and the Court Martial Appeal Court. The advice and views of the chief justices were sought throughout the process on both the overall structure and its technical implementation. The courts were actively involved both to ensure that judicial independence is respected and upheld in the proposed structure, and also to ensure that the Canadian public continues to be well served and to receive the highest quality of justice we expect from these courts. Indeed, the proposed new court administration service enjoys the full support and commitment of the four courts.

Honourable senators, as I said before, the bill is in part a response to the recommendation of the Auditor General in his report of April 1997. I want to mention one recommendation the Auditor General made that was not accepted. In his 1997 report, the Auditor General also recommended the complete merger of the judicial functions of the Federal Court and the Tax Court. This was, as he noted in the report, "the most contentious issue" that he had reviewed. It was strongly opposed by the judges of the Tax Court and by the tax lawyers. In the end, this recommendation was not accepted by the government and is not reflected in Bill C-30. Instead, the administration functions only of the courts would be merged.

I am pleased to advise honourable senators that following the introduction of the former Bill C-40, the predecessor of Bill C-30 — and they are virtually identical — the then Auditor General expressed his support for the approach taken by the government. In a letter to the Minister of Justice dated June 26, 2000, the former Auditor General wrote:

> We are pleased that the proposed legislation reflects the key recommendations of our April 1997 report to the Minister of Justice. With proper implementation the proposed measures should significantly improve the efficiency and accountability and the administrative services provided to the courts while maintaining the independence of the judicial function.

The second main element of the bill is the formal separation of the current Federal Court Trial Division and the Federal Court of Appeal. The purpose is to clarify the roles of respective chief justices of these courts and to ensure that each court can be managed most efficiently.

Right now, the Chief Justice of the Federal Court is responsible for the overall management of both the Trial Division and the Court of Appeal. Bill C-30 would create two separate courts — the same structure that is the usual one for most provincial superior courts. The current Chief Justice would continue to be responsible for the Federal Court of Appeal but would not be responsible any longer for management of the Trial Court. The current Associate Chief Justice would become the Chief Justice of the Trial Court with overall management responsibility for that court. The Chief Justice of the Federal Court of Appeal would continue, as now, in a place of precedence at the top of that structure. This is also the norm in the provincial superior courts.

The final main reform in Bill C-30 is to confer on the Tax Court of Canada the status of a superior court. This is intended to establish the Tax Court as a full and equal partner with the other three courts in the newly consolidated administration. This change of status is not intended to make any substantive change to the jurisdiction or remedial powers of the court. Honourable senators may note that the proposed sections 19.1 and 19.2 of the Tax Court of Canada Act appear to confer additional jurisdictions upon the court. For example, with respect to contempt, *ex facie* or outside the court, vexatious proceedings and constitutional questions, these are, in fact, not enhanced jurisdictional powers. They merely codify certain jurisdictions that the Tax Court has been exercising and exercises now at common law.

I should also add that this superior court status would not result in any additional costs. Judges of the Tax Court already receive the same salaries and benefits as superior court judges.

Honourable senators, I believe that Bill C-30 represents a strong model for effective, efficient court administration, and I invite you to join me in supporting the bill.

Hon. Lowell Murray: May I ask the honourable senator several questions?

Senator Bryden: Yes. How many?

Senator Murray: I would not want my honourable friend to miss his plane, so he can let me know if I am impinging on his schedule.

Has the government given my honourable colleague a note in respect of the extent of the savings that will be realized once Bill C-30 is passed?

Senator Bryden: I thank the honourable senator for his question. The government has not provided me with that information. If the figures are available, we would deal with that at committee, I am sure.

Senator Murray: Can the honourable senator say with certainty that there will be fewer person-years involved in these overall activities as a result of this bill?

Senator Bryden: No, I cannot say that.

Senator Murray: I do not quite understand what the problem is that the government is trying to remedy by raising the Tax Court to the status of a superior court.

Senator Bryden: Honourable senators, the purpose is to put the Tax Court at the same level as the other courts of particular jurisdiction, which would include the Federal Trial Court and the Federal Court of Appeal. All of these courts are statutory courts that get their jurisdictions from individual acts that they administer in certain regards, whether it is the Income Tax Act or whatever. It is intended to ensure that it is a fully equal partner with the other courts that will be supported by this new service.

•(1440)

I anticipated this question, so I have this answer prepared.

It will promote the cooperative and collaborative approach to consolidated services and shared facility that was identified by the Auditor General. He wanted to pull the Tax Court into the Federal Court. That was said not to be advisable. Instead, this bill would put them under at least the same administrative umbrella. It would be an important precondition to achieving efficiencies and ensuring effectiveness in the court's administration. It will not involve any change in the jurisdiction of the Tax Court, nor will it increase any of the costs since the members are already currently compensated at the same level as Superior Court judges.

One other thing might be helpful. It is worth noting that with the amalgamation of district and county courts in various provinces with superior courts across Canada, the Tax Court now has the only remaining federally appointed judges without superior court status. There are no new rights or responsibilities. It is to bring them under the same umbrella as all federally appointed judges.

Senator Murray: I appreciate that answer. In the case of the chief administrator, I followed the sponsor of the bill quite carefully, and I take it that in extremis, the chief justice may issue a written instruction to the chief administrator if there has been a disagreement between the two. However, as a matter of practice, to whom will the chief administrator report on a day-to-day basis? Is it to the minister, the Department of Justice, or is it to one or other or all of the chief justices?

Senator Bryden: I believe, having read the bill, that the chief administrator is intended to be a quasi-independent person who is accountable through the Minister of Justice to Parliament. He does not report to the Minister of Justice. He files a report with the Minister of Justice once a year, a report which the Minister of Justice would place before Parliament.

The ability to direct the chief administrator statutorily is in the hands of the chief justice, if it comes to that. The ability to appoint or reappoint is done by Order-in-Council on the recommendation of the Minister of Justice, but only after consultation in either appointment or reappointment, or indeed termination and not reappointment, with each of the chief Justices of each of the four courts.

Hon. Pierre Claude Nolin: Honourable senators, clause 2(*b*) of the bill reads:

> 2. The purposes of this Act are to
>
> (*b*) enhance judicial independence by placing administrative services at arm's length from the Government of Canada and by affirming the roles of chief justices and judges in the management of the courts; and

Why did the government decide to stop at that limited list of courts? Why not include other bodies of the federal government that are daily charged with dealing with rights and responsibilities and granting decisions that affect the rights of individuals in this country?

Senator Bryden: This act was designed to deal with the administration of these four courts and to set up a single administrative structure instead of the three separate registries, since the Federal Court acts for the martial one. It was not designed to be a general bill dealing with any judicial or quasi-judicial body appointed by the federal government. It is designed to do what it is outlined to do, that is, to provide for the administrative functioning and support to these four federal courts.

Senator Nolin: As the sponsor of this bill in the Senate, do you not think that those bodies need to have their independence protected by the law?

Senator Bryden: Yes, but the purpose of this bill, as I understand it, is not to protect the independence of every federal body that exists. It is to deal with these four courts. I do not know, because I have not looked, whether the other bodies to which the honourable senator is referring have their independence protected in their own acts or wherever, but this is a bill that is limited to the coordination of the services provided to these four courts.

On motion of Senator Beaudoin, debate adjourned.

PAYMENT CLEARING AND SETTLEMENT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. George J. Furey moved the second reading of Bill S-40, to amend the Payment Clearing and Settlement Act.

He said: Honourable senators, I take this opportunity to present Bill S-40 for second reading today.

This bill amends the Payment Clearing and Settlement Act to provide Canadian securities and derivatives clearing houses with legal protections in the event that one of their members becomes insolvent or declares bankruptcy. Such change will bring us in line with the United States and other G7 countries.

Before discussing the bill further, I should like to provide some background that may be of assistance in helping put the legislation in context. As honourable senators know, one of the government's long-term economic goals is to achieve a strong economy, and one that is internationally competitive. An efficient and strong financial sector is a key requirement for achieving those aims.

Securities and derivatives exchanges and their clearing houses are central to the financial sector and, indeed, to the overall economy. They play an important role in the raising of capital for investments in the Canadian economy and in minimizing and hedging risks in the financial and agricultural sectors.

Canada's securities and derivatives clearing houses provide centralized facilities for the clearing and settlement of trades on our four exchanges. These clearing houses are among the most efficient in the world, enabling customers and businesses to buy and sell securities and derivatives and to have these transactions settled in a timely manner at a reasonable cost.

Bill S-40 will expand the scope of the Payment Clearing and Settlement Act to include protection for the netting agreements of our securities and derivatives clearing houses, as well as protection for collateral posted by their members. Without these changes, more securities and derivatives trading will occur outside of Canada and principally in the United States.

•(1450)

Honourable senators, I should like to take a moment to comment on the terms "netting" and "collateral." Essentially, "netting" means that if a member of a clearing house, for example, had bought a security for $1,000 and sold another for $900, that member's net obligation to the clearing house is $100. Netting is a powerful way to significantly reduce the net payment and delivery obligations of members of the clearing house. In some cases it can be as high as 50-fold.

In general terms, "collateral" means an asset, whether a cash deposit or the transfer or pledge of a security provided to a creditor or, in this case, to securities and derivatives clearing houses. Collateral would be posted with the clearing house and would fully or partially offset a member's payment or delivery obligations to the clearing house.

The Canadian securities and derivatives industry is a key player in Canada's financial system as it provides a mechanism for raising capital, channelling savings into investments, and minimizing and hedging risks through derivative contracts.

The size of the industry is significant. In the year 2000, for example, there were over 190 securities and derivatives firms in Canada, employing approximately 36,000 people.

There are, as honourable senators know, four exchanges in Canada for securities and derivatives trades, which clear and settle through three clearing houses. Securities and derivatives are traded on the Toronto Stock Exchange, TSE, for senior equities; the Bourse de Montréal for all non-commodity derivatives trading; the Canadian Venture Exchange in Calgary for junior equities; and the Winnipeg Commodity Exchange for commodity derivatives.

The clearing and settlement of securities and derivatives trades is done through three clearing organizations: the Canadian Derivatives Clearing Corporation, the Canadian Depository for Securities, and the Winnipeg Commodity Exchange Clearing Corporation.

Securities and derivatives clearing houses are a critical feature to the efficient operation of securities and derivatives markets. They are important for three main reasons. First, securities and derivatives markets rely on the efficient and timely clearing and settlement of transactions to lower transaction costs. Second, clearing houses are critical to securities and derivatives markets in that they provide opportunities to raise capital for investments, and they also help to hedge financial risks. Third, clearing houses are essential for reducing settlement risk in the securities and derivatives market.

The centralization of clearing and settlement services within a clearing house helps achieve those objectives. Any factors that negatively affect their operation and increase their costs will impact on securities and derivatives markets by reducing their efficiency by increasing trading costs.

A serious potential cost to clearing houses lies in the risk that a member may default before a transaction is settled, which would result in financial loss to the clearing house and, ultimately, to its members. Because of this, securities and derivatives clearing houses require members to post collateral, usually in the form of securities, and to net their payment and delivery obligations with the clearing house. These risk-reducing measures are critical to the efficient operation and competitiveness of Canadian securities and derivatives clearing houses with clearing houses in other countries, particularly those in the United States.

It has recently become apparent that changes are required to help Canadian securities and derivatives clearing houses be competitive internationally. Without these changes, more securities and derivatives trading will occur outside of Canada, principally in the United States.

Current Canadian bankruptcy and insolvency laws, which include the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Winding-up and Restructuring Act, do not protect netting agreements with clearing houses to the same extent as they do in other countries. For example, these statutes do not prevent stays imposed by a court on the ability of securities and derivatives clearing houses to realize collateral in the case of a bankruptcy or insolvency of one of its members. Stakeholders have raised this concern.

The Bourse de Montréal, on behalf of the Canadian Derivatives Clearing Corporation, along with the WCE Clearing Corporation and the Canadian Depository for Securities have all asked that the Payment Clearing and Settlement Act be amended to cover securities and derivatives clearing houses.

These stakeholders have expressed the importance of Canadian bankruptcy and insolvency laws from lowering settlement risks to their clearing houses and their members. That is, they encourage changing the laws to ensure they will be spared from the added costs that result from poor bankruptcy protection — a solution easily achieved by making the necessary changes to the Payment Clearing and Settlement Act. The proposed changes will allow them to lower their costs, to be more efficient, and to compete on level terms with the United States and other G7 countries.

Honourable senators, it may be instructive to take a moment to look at how the system in other countries operates. In the United States, for example, bankruptcy and insolvency legislation generally exempts securities clearing organizations from court-ordered stays and allows them to net the obligations of members and to realize on their members' collateral.

The current law hinders our competitiveness with the United States. A great deal of Canadian securities and derivatives trading occurs on their exchanges because of the potential risks one faces due to the lack of protection in Canadian bankruptcy and insolvency legislation.

The Canadian industry needs to have a competitive legal regime so that it can keep more trading activity in Canada. However, it is difficult to attract large international dealers if Canadian clearing houses face higher costs as a result of their inability to enforce their netting and collateral agreements with their members, or because they present greater risks to their participants in the event of insolvency of one or more members.

In Europe, the 1998 Settlement Finality Directive established a legal framework for payment and security settlements systems in countries in the European Union. This directive requires member states to ensure that security settlement systems can net obligations, and it ensures that the netting is legally enforceable and binding on third parties, even in the event of insolvency proceedings. It also allows collateral security to be realized expeditiously in any winding-up procedure. This means that collateral security will be insulated from the effects of insolvency and can be realized to the benefit of the claimants. Given how our competitors function, it is imperative that changes be made to ensure that Canadian securities and derivatives clearing houses can compete with those in the United States and Europe.

Honourable senators, it is also important to take into account the position of the Bank for International Settlements on this issue. The BIS is an international organization that fosters cooperation among central banks and other agencies in pursuit of monetary and financial stability. It has become an important forum for international monetary and financial cooperation between central bankers and increasingly for other regulators and supervisors.

The work of the BIS has contributed to the setting of standards, codes and best practices that are deemed essential for strengthening the financial architecture worldwide. In November 2001, the BIS and the International Organization of Securities Commissions made recommendations about security settlement systems, including securities clearing houses.

•(1500)

A central recommendation is that these systems have a well-founded legal basis so that their rules and procedures can be enforced with a high degree of certainty. This includes the enforceability of transactions, netting arrangements, and the liquidation of assets pledged or transferred as collateral.

These issues are addressed in Bill S-40. The amendments in this bill protect netting arrangements and prevent stays imposed by a court on the ability of securities and derivatives clearing houses to realize collateral in case of bankruptcy or insolvency of one of its members.

In conclusion, honourable senators, I should like to leave you with the following considerations. As mentioned earlier, securities and derivatives clearing houses are a critical element in the efficient operation of our financial markets. Their efficient operation lowers the cost of securities and derivatives trades, thereby making our markets more efficient, less costly and better able to fulfil their role in providing access to capital, channelling savings into investments, and minimizing and hedging risks in the financial and agricultural sectors.

An important risk faced by securities and derivatives clearing houses is that one of their members may default before a transaction is completed and settled. As honourable senators know, these clearing houses take measures to reduce this risk by requiring members to post collateral and to net their operations with the clearing house. However, without a competitive legal regime, Canadian securities and derivatives transactions may continue to migrate to other countries, in particular the United States.

An important component of Canadian securities and derivatives trading occurs on exchanges in the United States. The Canadian industry would like to retain trading in Canada and attract international dealers and brokers. The amendments in this bill will help to ensure that this happens.

Honourable senators, it should be noted that these changes are in keeping with a commitment made by the government in the Speech from the Throne in January 2001, to keep Canadian laws and regulations competitive.

In addition, in considering this bill, I urge honourable senators to keep in mind the following two points: first, that these changes are in line with recommendations by the Bank for International Settlements and the International Organization of Securities Commissions regarding securities settlement systems; and, second, that they are supported in Canada by financial sector participants and their associations, by provincial governments and by the insolvency community.

For these reasons, honourable senators, I urge you to support the passage of this legislation without delay.

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

[*Translation*]

LEGISLATIVE INSTRUMENTS RE-ENACTMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Serge Joyal moved the second reading of Bill S-41, to re-enact legislative instruments enacted in only one official language.

He said: Honourable senators, the title of Bill S-41 may cause a bit of a stir among some. The title reads as follows: An Act to re-enact legislative instruments enacted in only one official language.

The title, honourable senators, refers us immediately to the issue of linguistic rights. The Senate Standing Committee on Legal and Constitutional Affairs is in the process of debating a bill, which was referred to us by the House of Commons and which raises important issues related to the protection and the recognition of linguistic rights.

Bill S-41 is obviously not something that was pulled out of a hat. It does come from somewhere, and I will attempt to remind you of its origins and scope.

The Supreme Court of Canada, in the *Mercure* case in 1995, confirmed that linguistic rights, and I quote:

> — are basic to the continued viability of the nation.

In other words, when dealing with linguistic rights, we are dealing with that which defines Canadian nationality. For this reason, when the Fathers of Confederation had to decide how to provide for legislative texts in both languages spoken in Canada at that time, they passed section 133 of the British North America Act, a simple paragraph I shall now read for you:

> The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

Some might wonder what was meant by acts of the Parliament of Canada. Did this refer exclusively to legislative texts, such as Bill S-40, which Senator Furey spoke to this afternoon? Should we define "act" more broadly in order to include all of the regulatory activities that, as many of my colleagues know, have an enormous impact when it comes to adopting the obligations and restrictions that apply to an inestimable number of activities in Canada?

The Official Languages Act, enacted in 1969, to some extent set out the obligation that is contained in section 133. I would remind the honourable senators that section 4 of the first Official Languages Act, the 1969 one, stipulates that all rules, orders, regulations, bylaws and proclamations that are required by or under the authority of any Act of the Parliament of Canada to be published in the official gazette of Canada shall be made or issued in both official languages and shall be published accordingly in both official languages. This provision in section 4 was picked up again in the 1988 statute. A number of the honourable senators were present when it was debated, either here or in the other place.

This requirement to enact regulations and legislative instruments arising out of legislation enacted by the Parliament of Canada in both official languages was the object of a judicial interpretation. Many of my colleagues will recall the *Blaikie* case in Quebec, a Supreme Court of Canada judgment in 1979 after the passage of Quebec's Bill 101. This judgment established that Quebec could not enact legislation in French and publish it subsequently in both official languages. When legislation was enacted, it had to be passed in both languages and then published in both. This interpretation for Quebec applies *mutatis mutandis,* as my old teacher would say, to the federal government, because the provision it addresses for Quebec is identical for the Canadian government, as well as for the Province of Manitoba. I shall revisit this later.

•(1510)

The *Blaikie* judgment addressed the enactment of legislation and we know what happened in Quebec subsequently. I shall come back to this.

In 1981, there was a second *Blaikie* judgment, which specified that this applied not only to laws but also to regulations and that consequently section 133 should be interpreted more broadly, since, as we know, violation of a regulation is, in some cases, as likely to have legal and criminal consequences as mere non-compliance with an act.

Consequently, the situation as far as Canadian case law is concerned, in both its legislative texts — section 133 of the Official Languages Act — and its interpretation by the Supreme Court of Canada, is very clear, very formal.

What happens when one or the other of these legislative activities — either the adoption of laws or the adoption of regulatory texts, instruments and orders — has not been done in both official languages? This immediately brings to mind the Manitoba case.

Some of us had to deal with this same principle, including myself, when I served as Secretary of State for Canada. Honourable senators will recall that in Manitoba, in 1890, an act allowed for Manitoba to enact legislation in English only.

Subsequent to the *Forest* case, all of Manitoba's legislative activity was ruled unconstitutional and invalid because it did not respect the obligations outlined in section 133. We were faced with a situation without precedent in Canada's legal and political history, which had the effect of causing a complete legal vacuum in a province, as its entire legislative history was invalidated by the court.

It was the Supreme Court, in 1985, that proposed a solution for this situation. A fundamental question, which had rarely been debated in Canada's Parliament, had to be answered, that of the principle of constitutional continuity.

In other words, when the rights of an individual are not respected and these rights are violated for a certain length of time, how is it possible to remedy this unprecedented situation?

As a result of the *Blaikie* decision, the Government of Quebec was forced to pass remedial legislation, as defined by the Superior Court of Quebec. Reference is made to this in *Asbestos v. Attorney General of Quebec* in 1980. Following the *Blaikie* ruling in 1979, the Government of Quebec passed legislation to retroactively validate legislation that, since 1976, had only been passed in one official language. In the reference resulting from the Manitoba decision, the Supreme Court of Canada recognized the validity of remedial legislation, or of a sort of legal amnesty, adopted by the Government of Quebec.

Regarding the Government of Quebec's actions subsequent to the *Blaikie* case, the Supreme Court stated, and I quote:

> The day after the decision of this Court in *Blaikie No. 1*, the Legislature of Quebec re-enacted in both languages all those Quebec statutes that had been enacted in French only. See: *An Act respecting a judgment rendered in the Supreme Court of Canada on 13 December 1979 on the language of the legislature and the courts in Quebec.*

In 1985, the Supreme Court therefore recognized the validity of this remedial Quebec legislation, which validated *a posteriori* the statutes it had enacted solely in French but had published in both official languages.

What has this got to do with Bill S-41? I will tell you, honourable senators. The Standing Joint Committee for the Scrutiny of Regulations, in its report of October 10, 1996, raised the question of the constitutionality of five regulations it found had been published in both official languages but passed in English only. The seal of the Governor in Council was only on the English version, although the regulations had been published in both languages in the *Canada Gazette*.

There are two elements to the valid passage of a law: it must first be passed and then printed and published to make it available to the majority of Canadians.

Publication is an essential element, based on the principle that ignorance of the law is no excuse. If that is the case, then the law must have been published. Publication is an essential element to the validity of a law, which is why section 133 clearly indicates both "printed" and "published." This is a vital element in any examination of the undertaking contained in Bill S-41.

The Joint Committee for the Scrutiny of Regulations reached the conclusion that five regulations had been published in both official languages but not enacted in both official languages. It did a kind of review of the regulations, and in referring to the original text of these five regulations in question in order to ensure that the text conformed to the way it was published, discovered the absence of a French version.

Obviously, the question arose as to whether, if it had found five, there might well be other old regulations dating back as far as 100 years — who knows — and others which, due to their nature at the time, contained some element of confidentiality.

Examples of these would be regulations relating to national security and international relations, orders relating to the Official Secrets Act or texts with some connection with federal-provincial relations.

We are aware of the exceptions mentioned in the Access to Information Act. We discussed them during the debate on Bill C-36, the Anti-terrorism Act. The Standing Joint Committee for the Scrutiny of Regulations raised the issue of the validity of certain specific texts, but in doing so, raised the possibility that other statutory instruments, orders or instruments adopted by virtue of enabling powers granted by Parliament, but passed in only one language, may be published in one or both official languages.

Some of my colleagues objected to federal regulatory activity, given that it was virtually impossible for any one person to know all of it. And often in the past, this activity was not entirely codified. Of course, there was a codification done in 1978, but this does not guarantee that all of the regulations are integrated.

Consequently, there is a shadow of doubt regarding the validity of some regulations. Understandably, this raises the issue of the validity of measures taken based on these regulations, and in some cases, criminal obligations that may result if an individual is charged pursuant to one of these regulations and challenges whether or not the regulations apply, given that they do not respect the obligations set out in the Constitution and the Official Languages Act, as interpreted by the courts.

•(1520)

Now, honourable senators, you will better understand the relevance of this bill's title. It is a bill to rectify omissions committed when certain legislative measures were passed. Some of these omissions are known — as the Standing Joint Committee for the Scrutiny of Regulations mentioned in its report — and others may not be, but could well exist. This will deal with a number of the specific cases mentioned by the committee, as well as other potential cases that we may not know about, but which we can reasonably presume exist.

This is an important preventive and remedial bill. What is its purpose? To standardize all of the government's regulatory and legislative activity based on the Canadian Constitution and the Official Languages Act.

Honourable senators, I have tried to outline this in the simplest way possible and to describe the prior court judgments and our obligation, as legislators, to ensure that all of our legislative heritage — that which has been passed and that which remains to be passed — fully respects the principles of linguistic equality contained in the Canadian Constitution.

A number of incidental questions also arise, but I do not want to prolong my presentation any further. We are at the second reading stage and will certainly have the possibility in the Standing Senate Committee on Legal and Constitutional Affairs to hear representations by the Department of Justice, as well as other witnesses and to clarify certain implications of this bill. In my opinion, at the second reading stage, the essential questions raised by the bill have been addressed in order to pique the interest of the honourable senators and the members of the Legal and Constitutional Affairs Committee, so as to ensure that the bill gets the examination and debate it deserves.

Hon. Lowell Murray: Honourable senators, I would like to ask Senator Joyal one question, if he is agreeable.

Senator Joyal: Yes, of course.

Senator Murray: Senator Joyal has succeeded in piquing my curiosity. In the five cases to which he refers, in which regulations had been enacted in one official language, were these regulations, which came under the authority of a single minister, or orders-in-council, from the cabinet?

Senator Joyal: Honourable senators, the list of the regulations will give you a good idea of what is involved. They are given in paragraph 2 of the committee report and are: the Public Lands Mineral Regulations, the Hull Construction Regulations, the Aids to Navigation Protection Regulations, under the Canada Shipping Act, the Flue-cured Tobacco Producers' Marketing Order, under the Agricultural Products Marketing Act, the Regulations respecting Aeronautics, under the Aeronautics Act. These are just a few examples. This does not concern just one department or one minister. There is, of course, the Department of Transport, and we are all familiar with its tradition, which I have had personal knowledge of in other circumstances, but there is also one relating to agriculture.

Senator Murray: Are these not orders-in-council?

Senator Joyal: One of them is the one relating to flue-cured tobacco in Quebec. This is, moreover, why the bill, in defining its scope, clearly defines what is involved when we refer to instruments. It means legislative instruments.

[*English*]

What does it mean? A legislative instrument is an instrument enacted by or with the approval of the Governor in Council or a minister of the Crown in the execution of a legislative power conferred by or under an act of Parliament or an instrument that amends or repeals an instrument referred to in paragraph (a).

Therefore, in addition to regulations, decrees are covered.

[*Translation*]

Senator Murray: Out of curiosity, I cannot help but ask the following question: Have we sinned five times in English and five times in French — equally in both languages?

Senator Joyal: The honourable senator is leading me to a slippery slope. We are aware of historical tradition, honourable senators. I do not really like to use the term "tradition" because I have a great deal of respect for traditions, as they frame and structure behaviours.

However, there has been a habit, in the administration, and particularly in some departments, such as the Department of Transport, for example. We cannot excuse it, but we can explain it.

Transport Canada was a department where many of the professional resources were often borrowed from abroad — from Great Britain — when it was time to establish the infrastructure to regulate the merchant marine. We understand the history of these services in Canada, aeronautics in particular, and other transportation sectors. As a result, there was a propensity in this department to adopt regulations in only one official language in the beginning. Then, when it came time to print and publish them, since they had to be applied throughout Canada, they were inevitably made available in both official languages.

The regulatory activity that consists, as the bill states, of making regulations, that is, drafting them and affixing the seal, was traditionally done only in English, in a number of departments. It was a different time. I believe the courts have done us a favour. The Official Languages Act did us the favour of specifying that, henceforth — since the *Blaikie (No.2)* judgment — all this activity must be carried out in both official languages. However, this interpretation of section 133 that I gave you is quite recent. It had not yet been given by the courts in the first years of Canada's Confederation. The *Blaikie* judgment is a recent judgment. It was prompted by Quebec's Bill 101.

It is important to understand that, for 100 years, the specific obligations were somewhat vague. I have no doubt now that the statutory instruments, orders, and other instruments outlined in the bill are made, adopted and printed in both official languages.

Hon. Joan Fraser: Could Senator Joyal provide us with the date on which the most recent sin — to use the same term as Senator Murray — was committed? Since when have we once again become as white as the driven snow?

Senator Joyal: Honourable senators, in looking at this list of the five omissions from the report of the Joint Committee for the Scrutiny of Regulations, I see that it dates back some years. In order to have a more precise answer to the question, I would have to do more research. As I have said, section 4 of the first Official Languages Act, passed in 1969, is quite precise, however. There was a legislative obligation for passing instruments, not just publishing them. It can be presumed that the obligation we have had since that time is a clear one. In order to be totally honest and respectful of the professionalism of the Canadian government, I would have to take the time to identify what the more recent omissions are. This we could go into when in committee.

On motion by Senator Beaudoin, debate adjourned.

•(1530)

[*English*]

STATISTICS ACT
NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, P.C., for the third reading of Bill S-12, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator Murray, P.C.*).

Hon. Lowell Murray: Honourable senators, our friend Senator Milne opened debate on third reading of her bill, Bill S-12, on February 19. At that time, I made a few preliminary remarks on behalf of Her Majesty's Loyal Opposition. I intend now to take up where I left off on that occasion.

Today, I want to refer briefly, but I hope satisfactorily, to the testimony that was heard by the Standing Senate Committee on Social Affairs, Science and Technology when it had the bill under study, to the report that the committee tabled in this place and to a compromise that I, and many others, believe is available, which strikes a better balance between the right of Canadians to privacy and the public's right to access to information.

This bill was before us for second reading debate in February and March 2001. I believe the main issues were canvassed thoroughly during that debate. The bill was referred to the committee, which heard witnesses on September 19 last. It considered the bill again on December 13 and reported the bill to the Senate on December 14.

I regret to say that I was not present at the committee. However, I have read the verbatim transcripts carefully.

The committee report on this bill is essentially a narrative of the testimony that the committee heard on September 19, supporting or opposing the bill. In support of the bill, beside the sponsor, Senator Milne, there was the National Archivist, Mr. Ian Wilson, and the former President of the Canadian Historical Association, Mr. Chad Gaffield, who was a member of the expert panel on this matter. The expert panel was appointed by the government.

Opposed to the bill, at least in its present form, were Statistics Canada, as represented by Assistant Chief Statistician Michael Sheridan, and the Commissioner of Privacy, Mr. George Radwanski.

In its report, the committee notes the existence of this compromise proposal by Statistics Canada. I draw the attention of honourable senators to a paragraph in the committee report found in Issue No. 45, at page 10. Speaking of the compromise proposal, the committee said:

> This proposal would provide more limited access than anticipated by Bill S-12. Access to historical census records would be provided only for genealogical research about one's own family and for historical research. Only family members (or their authorized agents) or those conducting historical research (peer reviewed by the Social Sciences and Humanities Research Council) would be given access. While access would be unrestricted, researchers would only be permitted to make public the following basic information: name, age, address, marital status and birthplace. Furthermore, those accessing information would have to sign a legally enforceable undertaking confirming that they agree to be bound by these terms.

A bit later, the committee concluded:

> In summary, many witnesses and Committee members favoured the disclosure of historical census records after 92 years, but there was disagreement as to whether Bill S-12 provides adequate privacy protection. Some members of the Committee favour the provisions of the compromise proposal over the process delineated by Bill S-12. For these reasons, the Bill was agreed to on division of the Committee.

I think it is fair to say that the committee decided not to take the time that might have been necessary to try to come to a conclusion on the merits of the compromise proposal versus the bill itself and that they have thrown the ball firmly back into our court by sending the bill back to us adopted, on division.

When I spoke on September 19, I said the bill goes far beyond its stated purpose, which is to provide access to personal census records for genealogical or historical research.

The government has refused to make these personal records available because of regulations promulgated in 1906 and 1911 under the 1905 and 1906 Census and Statistics Act and because of legislative provisions passed in the Statistics Act of 1918, all of which require that personal information collected in the course of a census remain confidential.

During the debate at second reading, I read the relevant regulations and provisions of the law into the Senate record. I will not repeat that exercise now.

The sponsor of the bill, Senator Milne, believes that the 1918 legislation and the 1906 and 1911 regulations have been overtaken by the 1983 Privacy Act and its provision for release of government information after 92 years. On the basis of her speech here on February 19, I acknowledge that she seemed to have some support for that position from the Department of Justice, or from at least one officer in the Department of Justice, judging by the quotations that she placed on the record on February 19.

If Senator Milne is right, then this bill is not necessary at all. All that remains is for the Department of Justice and/or the cabinet to instruct the Chief Statistician to turn over those records to the National Archives and provide immediate access to the 1906 personal census records and access next year to the 1911 personal census records.

However, the government and/or the Department of Justice have not done so. They continue, I think properly, to consider themselves constrained legally by the earlier legal enactments to which I have referred. I think it is safe to say that they believe themselves constrained also, morally and politically, by undertakings of confidentiality given by past governments.

•(1540)

Even the expert panel appointed by the government was of the view that legislation would be needed to release information collected since 1918 because of the confidentiality provisions in the law passed in that year.

On that point, Mr. Radwanski said, when he appeared before the committee, and I quote from his evidence of September 19:

> While there may be some dispute as to what Parliament intended in the early censuses, there is none as to what the government actually said in its regulations and, from 1918 on, in legislation. Since 1971, when Statistics Canada began sending forms directly to respondents rather than using enumerators, respondents have been told in writing that their information will remain confidential.

We have this bill before us. I have to confess that one sympathizes — and I do — with Mr. Gordon Watts, an expert in genealogy, who came to the committee in support of the bill, when he told the committee:

> I am interested in my ancestors. I am not interested in Mr. Radwanski's ancestors. I am not interested in Mr. Fellegi's ancestors. I am looking for my ancestors.

Just so, honourable senators, and that is the purpose of the compromise that was before the committee from Statistics Canada, and to which Mr. Radwanski referred, and to which the committee referred in its report.

I also want to share with you several comments that were made by the Commissioner of Privacy in his testimony before the committee. He said:

> This bill, of course, goes far beyond what has been proposed even by most of the advocates of access to census records, and far beyond the compromise that both I and the Chief Statistician have publicly supported. It also raises a deeply troubling issue by proposing legislation that limits or eliminates existing rights retroactively, and violates a promise repeatedly made to Canadians by successive governments. The bill, as you know, states that every individual who has filed a census return and has not made a valid written objection is deemed 92 years later to have given irrevocable consent to public access to his or her census return.

Later, Mr. Radwanski said:

> This would apply to all censuses taken to date, despite the government having explicitly told respondents that their returns would not be accessible. To call this "consent" is frankly to debase the term and to cause real concerns to anyone who must be preoccupied, as I am, with the concept of meaningful consent with regard to privacy.

Mr. Radwanski also points out in his testimony that only the individual census respondent is considered to have any right of privacy. He mentions that none of the other people affected by census information would, under this bill, have any right to object. That could include relatives and descendants of respondents. Mr. Radwanski said:

> Not only do the dead or very old lose their privacy, but so do their survivors. This could also include people who are not respondents, but who are included in a census record because they are part of a household.

Honourable senators, it could even include, as I discovered reading the long form that Statistics Canada put out, someone who happened to be spending the night in a particular dwelling the night before the census form was filled in. I will not speculate as to the possible implications of that.

One of the stated benefits of this bill has to do with information relating to the medical histories of one's ancestors. I note from reading the transcripts that Senator Graham raised this matter at the committee. When Mr. Radwanski referred to this as supposedly one of the most important benefits of the bill, he said:

> I would respectfully suggest that it is one of the most dangerous aspects of this bill. One of the great emerging issues in the privacy field is the issue of genetic privacy and who has the right to the genetic information of an individual.

There has been reference earlier in the debate in some questions involving Senator Fraser, Senator Milne and me to other countries. Since February 19, I took the occasion to read census questionnaires not only of our own country but of Australia and of the United Kingdom, in the latter case what is called the "England Household Form." I must say that while the census forms of those countries are intrusive enough, they are rather less so than the Canadian long form in certain respects. There is, for example, no reference to same-sex relationships in either the England or Australia documents. Information that is required about sources of income is less detailed in the England and Australia forms than it is in the Canadian long form. In both the England and Australia forms, the respondent has the option of replying or not to the question on religion.

Finally, in Australia, as I pointed out on February 19, the information can be divulged after 99 years only if the person has signed his or her agreement. Let me quote you the relevant provision from the Australian form.

> Question 50: Does each person in this household agree to his/her name and address and other information on this form being kept by the National Archives of Australia and then made publicly available after 99 years?

Then it continues:

> Answering this question is optional. A person's name and identified information will not be kept where a person does not agree or the answer is left blank. See page 15 of the census guide for more information.

I did not track it down that much. As you see, it is obvious that even after 99 years the respondent will have had to have signed his or her approval at the time of the census being taken, and that even after 99 years the personal information may not be divulged.

I also note in passing that income information is sought on the Canadian form, in particular the sources of one's income. It occurred to me, and I have confirmed, that this is the kind of information that, when we file it — as we do, with the Canada Customs and Revenue Agency in the course of filing our annual income tax return — is kept confidential forever.

•(1550)

Under this bill, however, it would eventually be made public. There is no exemption in the bill. The questions are quite detailed. You would fill them in and, under Senator Milne's bill, they would eventually be divulged, be made public.

On February 19, I made reference to the representation Senator Milne made in her speech immediately preceding mine concerning allegations of bad faith or worse on the part of Statistics Canada, and in particular Dr. Ivan Fellegi, the Chief Statistician. I suggested at the time that we must give Dr. Fellegi and Statistics Canada the opportunity to reply to our colleague's representations.

My opinion on this matter is reinforced, having taken the opportunity to read the transcript of Senator Milne's speech. She states that the Chief Statistician has shown "complete and utter intransigence and inflexibility." She accuses him of failing to do what he is "legally and morally required to do." In particular, she makes the following representations: First, of providing "false information" as a basis of focus group studies commissioned by Statistics Canada; second, of "disregarding the will of Parliament" by not releasing the individual returns from the 1906 census; and, third, "breaking the law by withholding the 1906 and 1911 individual returns from the National Archives."

Honourable senators, these are serious representations concerning a senior public servant and the agency he heads, Statistics Canada. The public servant in question I know is highly respected and I also know that the agency, Statistics Canada, enjoys an excellent reputation at home and abroad. These representations have been made by a senator in the Senate. I believe we must deal with them. We will not have another opportunity to do so. The only way to do so, in my view, is to refer the bill back to the committee and have Statistics Canada answer on their own behalf. I intend therefore to move an amendment to make this possible.

I repeat, the substance of the bill before us goes far beyond the stated objectives of the bill. I make my own the words of the Privacy Commissioner, Mr. Radwanski, who said:

> My suggestion, senators, is to draft, introduce and then pass legislation that reflects the compromise position which precisely permits individuals to research their own genealogy, subject to undertakings not to use it for other purposes, and that also permits legitimate research, provided again that it does not get used in such a way as to compromise the rights of individuals in the kinds of areas about which we are concerned.

Then he uttered the sentence that I endorse completely:

> There is a solution, and it is before us, but it is not the bill that is before the Senate at this time.

MOTION IN AMENDMENT

Hon. Lowell Murray: Honourable senators, I move, seconded by Senator Stratton:

> That Bill S-12 be not now read a third time but that it be referred back to the Standing Senate Committee on Social Affairs, Science and Technology for further study.

Honourable senators will know what I intend by that amendment, which is that the representations made by Senator Milne concerning Statistics Canada and Dr. Fellegi be taken up by the committee and that the appropriate officials of the government appear to answer to them.

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

Hon. Lorna Milne: I must say, honourable senators, that I would absolutely delight in having a further crack at Dr. Fellegi when he appears before the committee because there are many more questions I would like to ask him. I also want to make sure that the members of this chamber know that nothing that I said in my speech was news to Dr. Fellegi, because he had been in my office and we had spoken about this long before the Senate committee meeting.

He still did not come to that Senate committee meeting; he sent a representative. If it should happen to be that this bill is referred back to committee, which would not bother me a bit, I would like to have a time limit on the duration it may be before that committee. I would not like to see the bill sitting in limbo for another six months or a year. I would like to see the committee report back to the Senate perhaps by the end of April. Would that be a reasonable time frame?

If I can amend the amendment to add that caveat, I would like to do so.

Senator Murray: Honourable senators, I appreciate the point made by the honourable senator. I do not have a view on that. I would assume that is something that ought to be negotiated between the government, my friend and the chairman of the committee.

Senator Milne: In that case, perhaps Senator Murray would want to add it to his motion.

Senator Murray: I hesitate to take it upon myself to instruct the committee as to a particular date to bring in its report, not having had the opportunity to consult with them. I have no objection in principle to imposing a deadline, if that is the wish of the Senate. Why do we not let it stand until next week until somebody has had an opportunity to discuss the matter with the chairman of the committee?

On motion of Senator Milne, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved the third reading of Bill S-18, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Taylor*).

He said: Honourable senators, do you ever wonder why the public is sceptical about politicians and politics? Do you ever wonder why politicians rate so low in public esteem? One reason is that the public believes politicians do not care about the obvious cares of the people they have been chosen to serve. Does anybody care, they ask?

Mother Teresa scoffed at politicians with her oft-repeated observation that "politicians care more about power than people" — so true, honourable senators.

Honourable senators, we have one startling example for the rationale behind this glaring deficit in public trust — the tragedy in Walkerton. That was a clear and public danger to public health. Since that so-called wake-up call almost two years ago, the situation with respect to clean drinking water in every region of the country continues to deteriorate.

We now learn from Walkerton that some 85 volumes, with hundreds of thousands of lines of testimony, have been generated with an estimated cost of $150 million — that is for the preliminary report of the inquiry, for the cost to renovate the water system, the costs incurred to the health system, and the economic costs to the community.

•(1600)

Walkerton is comprised of some 5,000 residents — $30,000 per resident. That is the cost to the taxpayer for the lack of regulation in respect of the water system of that small community. Still, Walkerton was not a wake-up call.

Bill S-18, my modest but cost-effective step, is to redress the problem of clean drinking water, which is deteriorating in every region of the country. This bill is curative. This bill is preventive regulation, precisely what Parliament was established to do: to prevent bad conduct by the rule of law, by regulation.

The evidence, honourable senators, is uncontroverted. In Newfoundland, there are constant boil advisories. Honourable senators from Newfoundland know that. In Quebec, there are constant boil advisories. Senators from Quebec know that. In the Maritimes, there are constant boil advisories. Senators from the Maritimes know that. In Ontario, my region, there are boil advisories in urban regions, northern regions and throughout the province. In Manitoba — the Leader of the Government in the Senate knows it — in Saskatchewan, Alberta and in many rural and urban regions across the country, the situation continues to deteriorate. Most obscene of all is the situation with respect to the Aboriginal communities. Our Aboriginal representatives here in the Senate know that, and still there is no concerted action or leadership to prevent this clear and present danger to public health in the country.

The federal Minister of Health cannot object to this bill. Why? Because the department does not know. The Department of Health collects no reliable data about the number of bad drinking water systems in Canada, the number of boil advisories, or the state of the water systems in this country. The Department of Health has no reliable calculation with respect to the costs to the health system of bad drinking water. The department does not know.

We know that Canadians die. We know that children are affected. We know that children's health is permanently damaged due to bad drinking water. We know that 25 per cent of all Aboriginal communities suffer from bad drinking water systems. The situation is so bad that Aboriginal women, in order to cleanse their wombs, will leave the reservation for two or three years so that they can have healthy babies. This is in the 21st century. This is in Canada.

What does the federal government proffer as a preventive or curative measure? It offers only guidelines, and the testimony before the Senate committee about the guidelines is that they are inadequate.

However, the Government of Canada does regulate water. It regulates bottled water through the Food and Drugs Act. It regulates packaged ice, but it does not regulate clean water in our water systems. The federal government regulates water on trains and in planes and in parks, yet the federal government refuses to regulate clean drinking water in our urban and rural communities.

Canada has the largest supply of fresh drinking water in the world. However, today, on the front page of *The Globe and Mail*, the World Water Council advises us through its Canadian representatives that the situation with respect to water management in this country is worsening every day and, within decades, will be lost.

An internationally respected scientist from the University of Alberta, Dr. Schindler, whom I had the privilege to meet last July at a summit on water organized by M.P. Dennis Mills at the Wahta Mohawk Territory, estimated to me that no less than 100,000 Canadians would suffer from physical ailments from bad drinking water. We did not get those statistics from the Department of Health because it did not have them. We had to extrapolate them from the American experience. Imagine that!

Over 100,000 Canadians every year suffer incalculable damage to their immune systems with respect to physical ailments arising from bad drinking water, and we have no cost figures on this. However, if we extrapolate using the Walkerton example, we are talking about hundreds of millions of dollars incurred every year by the taxpayer because of an absence of leadership on this narrow issue.

The only argument I have heard against the bill is that there are so-called "constitutional problems." We know there are constitutional problems. Are there constitutional problems under the Constitution? No, certainly not, and that is what Mr. Justice Dennis O'Connor said in the report on the Walkerton inquiry at page 445. He says that the federal government has the power to regulate clean drinking water systems, obviously, if it chooses.

Honourable senators, I want to commend Senator Taylor and the members of the Standing Senate Committee on Energy, the Environment and Natural Resources, who meticulously reviewed this bill and unanimously concluded that it should be adopted. I want to thank them because they, with great patience and diligence, listened to testimony from across the country. Other than some voices of concern raised by federal officials who are not able to defend their position, everyone agreed that this bill was a salutary bill — no objection, none whatsoever.

Some argue that the federal government should not take "ownership" of this bill. Why? Because once the federal government "takes ownership," it may have "responsibility." However, the federal government does have ownership. It has the ownership of the cost to our health system. It has ownership of the cost to the children who are affected by this water. It has the cost of ownership for the responsibility to the Aboriginal community to which it is directly responsible under the Constitution. It has the ownership to protect the safety of our national health system. The federal government does have ownership, so it cannot run and it cannot hide from its responsibility.

The American government, which does not like to take on state responsibilities, has taken over ownership of this problem in the United States since 1974 because of exactly the same problem. There were wake-up calls and the federal government of the United States reacted. Now, the federal government, under its environmental agency, regulates water in the United States.

This is interesting. If one wants to phone the federal environmental agency in the United States and give them a long-distance code, one can find out immediately, by computer, about the most recent water advisories within that region. It is a simple process, but not in Canada. We simply do not know.

Honourable senators, we have yet to hear the final recommendations from Mr. Justice Dennis O'Connor, who, by the way, in this marvellous Part I of the report, reviewed all the problems and did it at the cost of millions of dollars. I commend Senator Taylor because he came to the same conclusions with less money through the work of the Senate committee: same conclusions, less money, cost effective. Congratulations, Senator Taylor, and all members of the committee.

We have yet to hear from North Battleford. I can tell honourable senators beyond reproach that it will cost millions of dollars to repair the situation there. We know the problem in Southern Alberta. We know the problem in the Northwest Territories. We know the problem in all the territories.

Honourable senators, we have senators in this chamber representing the great province of Newfoundland and Labrador. Is it not amazing that in the 21st century there are rural communities in Newfoundland, families with dozens of children, and some of those households have never had clean drinking water? They live on boiled water. Imagine.

Tomorrow the world will celebrate International Women's Day. Women of the world arise. Imagine being a housewife in Newfoundland and bringing up a family on boiled water. Think about it. It is shocking.

•(1610)

Honourable senators, let us get on with the job. This bill has been talked about in the other place. All parties save one, the Bloc Québécois, commend us for the work done on it. They are anxious for this bill and want to dig their teeth into it. Let them get on with the job. I urge honourable senators to support this bill and send it to the other place. I am confident that we will have at least added a footnote to the health and safety of all Canadians.

Some Hon. Senators: Hear, hear!

Hon. Nicholas W. Taylor: Honourable senators, after so many compliments and accolades to the committee, I am in the strange position of trying to gild the lily. I will resist, but I will blow on it a little. If honourable senators are talking in their regions about the values of the Senate, they might want to note how cheaply this investigation into pure water was done, as compared to what the Ontario government had to pay.

The bill was very well drafted. The legal eagles that we have, and there are many around Ottawa, saw this and it was felt to be perfect. There were no changes. I do not know what that means. It was either so hopeless they did not know where to start, or it was so good they did not dare try.

One thing that has come through, and perhaps it is not quite understood, is that we have spent the last generation cleaning up our sewage. In other words, we have put in very stringent regulations as to what can come through a sewer and out into the water. However, we have done little or nothing on wastewater. Even the city of Ottawa, the great capital with the National Capital Commission, allows wastewater to be dumped into the river untreated. In many areas, wastewater does not go through a settlement system to take the sand out of it. There are irrigation reservoirs in the West filling up due to the fact that cities are letting their wastewater run off. The irrigation reservoir then becomes a sediment trap.

The next time you are walking to work, look at how many dogs per block there are. Then remember that they are using the surface and that washes into the system and then into the water. There are other things as well, such as washing your car. Some people even get away with draining their oil. The point is that wastewater flows off the streets, through our sewers and into our rivers. Water comes from stockyards and feeding pens, as well.

To save costs, we take nearly 80 per cent of our drinking water from surface water, not from wells. That surface water is not contaminated by sewage, but by the wastewater that flows off the land. That is one of the interesting things to recall when we re-examine the whole area of pure water. It is not a case of sewage any more. It is a case of surplus water and the amount the population has spread. We have pig farms, feedlots, dogs and people all contributing to the wastewater that flows from the surface into the streams from which we get 80 per cent of our drinking water.

Until now, we have been getting by with a little chlorination or other basic treatments. The fact of the matter is if we tried to make sure the wastewater was treated before it went into the sewer, it would make it that much easier to clean before the public used it.

The second item that we run across is the question of provincial rights. We asked all the provincial ministers to appear before the committee to give their opinions. Most of them said yes, then I got a second letter, usually from the justice department in that provincial government, saying no, they decided they would not appear because it was a provincial problem, not a federal problem.

If you are taking in water that is poisonous or not suitable for cooking, it is a people problem, not a provincial or federal one. That is why the Senate is so well suited to put this issue forward. We are supposed to be less concerned about the interplay between provinces and the federal government, and more concerned with citizens and, in particular, the way minorities are affected. The federal government sits on its hands and says it is a provincial responsibility. The province sits on its hands and says it is a federal responsibility. Consequently, we have, for example, our First Nations left trying to drink polluted water.

I have a good illustration of what can be provincial or federal. If you go back to your hotel room tonight and open a bottle of water, that is regulated by the federal government. The federal government decides whether or not that is safe to drink. If you turn your tap on, the provincial government decides whether or not that is safe to drink. That is intriguing. Maybe all we need is a law saying labels should be applied stating that it is approved either by the federal governmentor by the province.

There is another idiosyncrasy with respect to surface water. If you pollute it to the extent that the fish cannot live, you would be prosecuted by the federal government. However, if you pollute it to the extent that people cannot live, the federal government would not prosecute. It is a provincial responsibility. In other words, fish have rights that people do not have.

The last thought I want to leave honourable senators with is that the United States, which is often criticized in many areas, took the bit in their teeth and decided, way back in 1974, that drinking water was too important to be left to state governments or to municipalities. Thus rules and laws were set down by the federal government. The least we can do is try to keep up to them in that way.

I, therefore, join in recommending the passage of this bill as quickly as possible in order to get it over to the House. Not only that but I would recommend that honourable senators might do a little lobbying when the bill is before the House in order to ensure its passage.

On the motion of Senator Robichaud, debate adjourned.

[*Translation*]

•(1620)

OFFICIAL LANGUAGES

SEVENTH REPORT OF JOINT COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Joint Committee on Official Languages, entitled "Good Intentions are not Enough," tabled in the Senate on February 21, 2002.

The Honourable Jean-Robert Gauthier moved that the report be adopted.

He said: Honourable senators, the Standing Joint Committee on Official Languages presented its report entitled "Good intentions are not Enough" on February 21. I had the honour and the pleasure to table the report here in the Senate and, of course, it was tabled in the House of Commons by co-chair Mauril Bélanger, the honourable member for Ottawa-Vanier.

The report makes 16 recommendations regarding the services provided by Air Canada in both official languages. On May 2, 2001, the committee undertook a study of the services provided by Air Canada in the two official languages. An interim report was tabled in Parliament the following month.

The committee continued its study of Air Canada when Parliament resumed sitting in the fall. The testimony heard during the eight public hearings allowed the committee members to identify problems preventing Air Canada from adequately meeting its linguistic obligations under the Official Languages Act, a quasi-constitutional act.

In its report, the committee urges senior management to introduce an appropriate system or implementing the Official Languages Act and to change the corporate culture. There is some resistance. Management must do something.

The committee takes very seriously Air Canada President and CEO Robert A. Milton's commitment to present an action plan to implement the Official Languages Act before the end of March 2002.

Most recommendations addressed to Mr. Milton are designed to ensure that Air Canada's action plan contains the necessary measures to correct the shortcomings in Air Canada's linguistic performance.

I invite the honourable senators to read this comprehensive and serious report, which was necessary, in my opinion.

[*English*]

Among other recommendations, the committee calls upon the Minister of Transport, the Honourable David Collenette, to amend the Air Canada Public Transportation Participation Act so that it stipulates, unequivocally, that the Official Languages Act takes precedence over collective agreements.

The unions have told the committee that they accept that the Official Languages Act has precedence over union contracts. That is important.

The introduction of such an amendment has proven necessary given evidence that the seniority rules have until now been given greater weight and respect than the provisions of the Official Languages Act. Other recommendations call on the minister and the President of Treasury Board to ensure that Air Canada lives up to its linguistic obligations and that it reflects Canada's linguistic duality at home and abroad. In addition, the committee draws the government's attention to a number of issues that have arisen during the course of its work and upon which it is not yet prepared to make recommendations. In their conclusion, the members of the committee emphasized that good intentions are not enough, that it is results that count.

When this report was tabled in the House of Commons, I felt that it was important to bring to the attention of the Senate that a dissenting opinion was appended to the report by the opposition party in the House of Commons without consulting the Senate, without obtaining prior consent from us, without even talking to us about this measure.

As honourable senators know, I have before the Senate a motion asking that the House of Commons correct that mistake. I think it is a serious mistake. I talked about it yesterday. I do not think a house can unilaterally change, modify, annex or do anything to a report of a joint committee. I will wait until the House of Commons comes back next week to see what it will do with this motion, which I hope will be adopted by this house.

In the House of Commons rules, there is a provision that allows for a committee, when it tables a report, to ask the government for a comprehensive answer to the report. The government usually gives a committee 150 days to provide an answer, which I think is important. We do not have such a measure or procedure in the Senate.

I intend to raise this matter at the appropriate committee so that from now on, when the Senate adopts a report — I am not saying when we table a report — that the government be asked to give us a comprehensive answer to that report. The normal, logical process that should be followed when a committee of the Senate or a joint committee of the House and Senate makes a report is that we should receive a comprehensive answer from the government as to what it thinks about the proposals given to it. This is important in parliamentary terms. It is important for senators to know that our work is understood. At least the government would have a chance to say, "This report is silly," or "This is what we want to do," or "This report has a certain amount of seriousness to it."

[*Translation*]

This would shift the burden of proof to the government, in order that it take a clear stand on the follow-up to a report by a joint committee of the Senate. On this note, I should like to thank you for your attention.

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

[*English*]

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE

On the Order:

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

Hon. Francis William Mahovlich: Honourable senators, I rise to make a brief remark on the aquaculture report tabled by the Standing Senate Committee on Fisheries in June 2001. At the outset, I should like to compliment the chair, Senator Comeau, and the deputy chair, Senator Cook, for their hard work and guidance during the course of this challenging study on an important and growing industry.

•(1630)

While aquaculture shows great potential for economically depressed communities, committee members agreed on the need to proceed with caution because of potentially negative impacts on our ecosystems. They noted that a major problem was the absence of objective, scientific information on a number of issues, including the ecological effects of escaped farmed salmon on local species, the incidence and possible transfer of disease between wild fish and farmed fish, and the possible environmental risks associated with the wastes that are generated by fish farms.

Honourable senators, your committee concluded that without sound scientific knowledge, it is difficult to see how agencies that regulate the industry can set meaningful standards and guidelines. To make a long story short, committee members recommended that the federal government invest in more research to ensure that the aquaculture industry remains within ecological limits, and that fish habitat and wild fish stocks are not compromised.

The Standing Senate Committee on Fisheries limited the scope of its study to marine waters on the Atlantic and Pacific coast areas that dominate national production. However, I should like to point out that aquaculture is also important in my home province of Ontario. In Ontario, the industry was valued at approximately $60 million in 1999. Over 4,000 tonnes of fish are reportedly produced annually, 95 per cent of which are rainbow trout. While fish farms are located mostly in southern and central areas of the province, there has been some recent expansion into Northern Ontario, particularly in the waters of Georgian Bay.

Last October, the Environmental Commissioner of Ontario released his annual report under the heading "Cage Aquaculture" that looked at, among other things, the growing of finfish in net cages in the Great Lakes. The provincial commissioner wrote:

> Caged aquaculture operations do not treat their waste and instead use the water body itself...to treat their wastes through dispersion, dilution and decomposition. This method has consequences similar to the practice of building taller smoke stacks —

— just as they did in Sudbury —

> — so that industrial air emissions can be carried away by the wind.

An example of the damage that caged culture operations can cause occurred in Ontario in 1997 in some of the bays in the north channel of Lake Huron, near Manitoulin Island. At the LaCloche site in Lake Huron, the Ontario Ministry of the Environment found that the dissolved oxygen levels were extremely low throughout the bay. There was absolutely no oxygen present at all in the deeper waters of the bay over a large area. As a result, fish were not able to survive in the deep water of the bay and they were forced to move to other areas of Lake Huron.

Honourable senators, accounts such as this about the industry worry me. In fact, they worry many people. Early on, during the course of our study, we learned about non-indigenous species of fish and shellfish being farmed in Canadian waters, including Pacific steelhead trout on the Atlantic coast and Atlantic salmon on the West Coast. In Canada, marine finfish such as salmon and trout are farmed in net cages, and every year large numbers escape for a variety of reasons. For many, this is a matter of great concern because of its biodiversity implications. Committee members were often reminded that when non-native species of fish are introduced, their effects on the ecosystems and on native species can be both significant and unpredictable.

What are the long-term impacts? While introduced species compete for food, will they take over the habitat of other species? Could they interbreed with native wild populations? These are some of the questions being asked.

In Ontario, Pacific salmon, chinook, coho and rainbow trout were introduced to the Great Lakes. According to one recent news report, those Pacific fish may be preventing depleted native salmon stocks from recovering.

Honourable senators, aquaculture in Ontario and in Canada is expected to increase. The Environmental Commissioner of Ontario concluded in his October 2001 report that it was essential that government ministries and agencies work together to ensure that the aquaculture industry is sufficiently regulated to protect the environment. That sounds reasonable to me.

The Hon. the Speaker *pro tempore*: If no other senator wishes to speak, this item is considered debated.

[*Translation*]

ENDING CYCLE OF VIOLENCE IN MIDDLE EAST

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Marcel Prud'homme: Honourable senators, for more than 40 years, I have kept repeating that the only way to solve the Israeli-Palestinian conflict taking place before our very eyes is through the spirit of United Nations Resolution No. 181, adopted on November 29, 1947, with 33 countries for, 13 against, and 10 abstentions. For historical reasons, allow me to name them.

They are, from South America: Bolivia, Brazil, Ecuador, Paraguay, Peru and Venezuela; from Central America: Costa Rica, Guatemala, Nicaragua, Panama; from the Caribbean: the Dominican Republic and Haiti; from North America: Canada and the United States; from Eastern Europe: Byelorussia, Czechoslovakia, Poland, Ukraine and the U.S.S.R; from Northern Europe: Denmark, Iceland, Holland, Norway and Sweden; from Europe, countries that were member states of the United Nations at that time: Belgium, France and Luxembourg.

Of all the countries in Africa, numbering more than 50 today, there were only two in the UN back then: Liberia and South Africa. From all the countries in Southeast Asia, there were only three in the UN: Australia, New Zealand and the Philippines. The aforementioned 33 countries have a moral responsibility.

Thirteen new member states voted against Resolution No. 181: Afghanistan, India and Pakistan as well as Egypt, Iraq, Lebanon as well as Saudi Arabia, Syria, Yemen, Iran and Turkey — the only Arab countries that were in the UN at the time — as well as Cuba — and I would point out not Castro's Cuba, because we are talking of 1947 — and Greece.

•(1640)

Ten countries abstained: Argentina, Chile, Colombia, Salvador, Mexico, Honduras, Ethiopia, Great Britain, China, and Yugoslavia.

What did this resolution recommend? Partition of the territory of Palestine into two states, a Jewish state and a Palestinian state, and a zone "under special international regime" — read Jerusalem — administered by the UN.

I would draw your attention to the active participation in the drafting of this resolution by Justice Ivan Rand of the Supreme Court of Canada. It was under the highly capable direction of a man of great skill and a great ambassador, Lester B. Pearson, Deputy Minister of External Affairs at the time and Canada's representative to the UN when Mackenzie King was Prime Minister, and Minister of External Affairs, when Louis Saint-Laurent was Prime Minister, that this resolution was adopted.

In order to have a clear understanding of the situation in the Middle East, it is essential to keep in mind the historical context of Resolution No. 181. Otherwise, it would be foolish to claim to be able to grasp the political issues at stake today. In fact, as has been said over and over, it is the Western countries, burdened with guilt over the Holocaust — a historical event that cannot be overlooked — which decided to have this resolution adopted. This they did despite the acts of terrorism that had already been perpetrated by such Jewish movements as the Stern Gang, the Irgun, with the backing of Menachem Begin and Itzak Shamir, who were both to subsequently be prime ministers of their country.

I will not go into the murders of Count Bernadotte, or of Lord Moyne in Egypt at this time. I will reserve that for a later speech.

This historical detour does not claim to determine the responsibility of each in the present drama, and still less so to judge certain figures. Its sole objective is to remind us that we have a historical responsibility as far as the situation in the Middle East is concerned. This is, moreover, the direction we must take in order to consolidate peace in the region. By what means?

It is not acceptable, I believe, to tolerate a policy that makes the well-being of a community dependent on the repression of another community. It is not acceptable for those with a monopoly on military might to take it upon themselves to bomb civil populations under the pretence of fighting terrorism.

In fact, I would suggest that you read the remarks made by Colin Powell, in the United States, no later than yesterday.

It is not acceptable for religious extremism, be it Jewish or Islamic, in all its cruelty and brutality, to be considered a conceivable alternative.

It is not acceptable for the implementation of Resolutions Nos. 181, 194, 242, 338, 3236, and 1322 of the UN General Assembly to be constantly postponed. I will give you an idea of what the press tells us about these resolutions:

[*English*]

"Canada stands for 242, 338, 13-something," without explanation, so people say, "Oh, Canada stands for 242."

[*Translation*]

It is not acceptable for us to stand by and say nothing about this tragedy. Everything should be done to avoid the lethal trap of this escalation of terror. What should we do? We should say loud and clear that brute force must yield to the forces of justice and peace and that we must abide by the spirit of Resolution No.181.

The resolution is clear, but its spirit is clearer still. It has been the policy of our country, Canada, and of every Liberal and Conservative government to say "no" to occupied territories, "no" to Jerusalem belonging exclusively to either side, "no" to settlements. In other words, we must get back to the spirit of the resolution. Judging by the feeling of disgust caused by the current situation, I sense that this solution will eventually prevail. There is no other one. People who have a short memory are misinterpreting our intentions, mine included. What would they say — and I am talking to, among others, senators who are wives, who are mothers, who have children, who have daughters, who have fiancés — if for the past 50 years they had been subjected to constant humiliation? What would we say about these people experiencing loss of dignity on a daily basis? What would they say if they had been dispossessed of their land, their trees, their water supply? What would they say if they had been stripped of their nationality, their roots, their culture? What would they tell these young boys who are committed to dying because life under a regime which, in many respects, is similar to apartheid is no longer worth living? In short, what would they tell these people who have lost hope?

I find it unbearable to have to talk daily about the cruelty shown by both sides. However, this is something I have been faced with since 1964 when I was first elected to the Canadian Parliament. We are exposed daily to scenes, each one more horrible than the last.

•(1650)

It is all so confusing. It is also confusing for people promoting the right of the Palestinians to self-determination to be accused of anti-Semitism. One inescapable fact remains: the situation in the Middle East is deteriorating rapidly. Yet, parliamentarians across the world, and especially in Canada, are deathly afraid to talk about it. I will always be astonished to see how easy it is to talk about practically anything, be it sports, sex, religion, but, when it comes to the Palestinian question, everybody clams up. This deafening silence is very telling. This begs the question of why some subjects are taboo. I want to draw your attention to how calm I am today, because I intend to make another very in-depth inquiry, which might surprise several of you. However, today I want to give you a glimpse of what I will tell you in writing.

Also, I do not understand the attitude of the Jewish diaspora, which has made such a major contribution to every field of human endeavour. I am saying so directly to my colleagues in the Senate, who have so much to offer. They are part of the diaspora. I do not understand why they, and all those who support them, cannot find a just and fair solution to the Palestinian question.

The Hon. the Speaker *pro tempore*: Honourable senators, I am sorry, but Senator Prud'homme's allotted time has expired.

Senator Prud'homme: Honourable senators, I ask for leave to continue.

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

Hon. Senators: Agreed.

Senator Prud'homme: Honourable senators, inevitably, there will be two viable states, two states whose security will have to be guaranteed. This has been my stand for a long time, but it is not my idea. Former U.S. President Clinton and even Mr. Bush, the current President of the United States of America, have said so. This is the message I want to give the Senate during the official visit of the President of Israel to our country.

I was at the official reception last night. I believe we have the duty to understand, to strive to avoid the sheer madness which has overtaken the whole area and which threatens to overtake us all. We have no idea when we will be able to put a stop to it.

Resolution No. 194, passed in December 1948, dealt with the situation of Palestinian refugees, allowing them to return to their homes and live in peace. Resolution No. 242, passed November 22, 1967, after the Seven Day War, laid the foundations for peace in the Middle East by requesting that Israel withdraw from the occupied territories and that Arab states recognize Israel's right to peace within safe borders. I defended this resolution within the Parliamentary Union, all on my own. I made the point that the two sides must recognize each other. It was not very popular. I did it because I believed in it. It worked.

Resolution No. 338, passed in 1973, during the Yom Kippur War, reaffirmed the validity of Resolution No. 242, which called for a cease-fire and negotiations to work for "the establishment of a just and lasting peace in the Middle East."

Resolution No. 3236, passed November 22, 1974, reaffirmed "the inalienable right of the Palestinians to return to their homes and property." The last resolution, Resolution No. 1322, was passed by the Security Council on October 7, 2000 with 14 votes and one abstention — a remarkable gesture, where even the United States did not use their veto. They abstained. This resolution condemned acts of violence especially the excessive use of force against Palestinians, and it deplores the provocation carried out at holy places in Jerusalem on 28 September 2000 by Mr. Sharon.

In a nutshell, then, these are my feelings on the visit by the President of Israel. I want so badly for it to be understood that we all need to work toward a solution. Canada's reputation has earned us a particular mission in the world. When are we going to understand this? Canada is liked. However, Canada is not playing its role, out of timidity or for some other reason. What is keeping us from playing the role we could really play with both sides, because of the friendship we enjoy within this country and the friendship we enjoy all over the world?

These are my thoughts, the first time I have put them down on paper. I shall shortly be addressing the contribution made by the Jewish diaspora throughout the world.

I will name names and give examples, examples of people who fascinate me, people who have shaped me, people to whom I turn when I seek greater understanding. I tell myself that it is impossible that people who have contributed so much to humanity could be incapable of finding a solution to a problem that runs the risk of degenerating into a conflict of unpredictable consequences.

Hon. Pierre Claude Nolin: Honourable senators, with leave of the chamber, I would like to ask Senator Prud'homme a few questions.

Senator Prud'homme: Honourable senators, I am agreeable to that.

Senator Nolin: You are certainly an expert in the Middle East situation, and have been for nearly 40 years. Might I take the opportunity of your inquiry to ask a question about a current event? As you know, Crown Prince Abdullah of Saudi Arabia has come up with a peace proposal. I certainly do not know everything about it, but it could be summarized as follows: The Arab states, which were among those who voted against Resolution No. 181, would recognize the State of Israel, if Israel were to withdraw from the Gaza Strip and the West Bank, and if a significant portion of it, East Jerusalem, were to return to Moslem control. What is your opinion of Prince Abdullah's proposal?

Senator Prud'homme: Honourable senators, I know Prince Abdullah personally. I had the honour to accompany His Honour, Speaker Molgat, to the Middle East, where we met with him, and also to accompany the Prime Minister, the Right Honourable Jean Chrétien, to Saudi Arabia, where we met with him and with the Minister of Foreign Affairs, who has been in this position for 27 years and is the son of former King Faisal, and whose friendship is an honour for me.

•(1700)

If only people would listen to this peace proposal. Prime Minister Sharon has implicitly rejected it. If only people realized this may be a step toward a solution.

I would like to mention to Senator Nolin, solemly and with all the intensity I can still muster, that I am all the more delighted with his question and this text today because there are new senators among us. I would like them to understand that these have been my real motivations throughout my life. They have never changed. No solution is possible, and no survival is possible unless they accept one another.

Prosperity could be there for all to share. This area could bring about prosperity. These people should recognize one another. This unusual initiative, an old idea of Prince Abdullah, is certainly a step forward that Canada should consider more carefully. We should make our position clearer. My answer to the senator's question is that this is indeed a possibility, but it is not by any means the only one. Nothing is easy. If we say from the outset that it is difficult, we will not do anything. I am an optimist by nature.

That is why I attended the dinner last night despite minor incidents. I had accepted the invitation even before one of our colleagues urged us to attend. I think that, as Canadians who want to find a fair balance, we should step forward and hold out a hand.

Could you explain to me, honourable senators, what people see in Canada that is so extraordinary? It took Prince Aga Khan, the spiritual leader of the Ismaili community, to tell us in a long interview the *Globe and Mail*. He said that he came to Canada looking for inspiration. He wanted to see how people from different racial backgrounds can live together. We have a responsibility to show them that it is being done here. It could be done over there as well.

Senator Nolin: Is the proposal by the Crown Prince in contradiction to the oft-repeated position of all Canadian governments since 1948? Is there a contradiction between the Saudi proposal and the Canadian position?

Senator Prud'homme: No, they are saying "Recognize us." It is the Canadian policy you just explained. I have the feeling Prince Abdullah looked at the Canadian policy and borrowed from it. This is the Canadian position. In return for mutual recognition, they will be able to have political and economic relations — they might not be friendly at first — but they will have civilized relations and they will recognize each other, provided that the right to exist and the right to protection are accepted for both. There needs to be two viable states. We Christians seem to have abandoned Jerusalem, even though it belongs to us too. I was born a Catholic and I am attached to the holy places. We must be involved, as actively and passionately as I am.

Hon. Laurier L. LaPierre: I just want to tell the Honourable Senator Prud'homme that I have been following his career since 1964. He has shown superb courage. When nobody was talking about the issue, he showed throughout Canada, and probably the world, great courage, which cost him dearly, both personally and in terms of his career. I thank him for that.

I only wanted to ask him if he would accept my compliment.

Senator Prud'homme: I greatly appreciate the comment made by Senator LaPierre, whom I have known for ages. I thank him very much.

[*English*]

Hon. Nicholas W. Taylor: If there are no more questions, honourable senators, I move adjournment of the debate.

The Hon. the Speaker *pro tempore*: Are there any more questions?

Hon. Anne C. Cools: Honourable senators, I was prepared to take the adjournment if Senator Taylor had not. I was just thinking what a wonderful speech this was. The senator talked about Lord Moyne and Count Bernadotte. At some point in time, I should like to speak to this matter.

On motion of Senator Taylor, debate adjourned.

ISSUES IN RURAL CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to issues surrounding rural Canada.—(*Honourable Senator Andreychuk*).

Hon. Terry Stratton: Honourable senators, I should like to speak briefly on this item, particularly with respect to the issues involving rural Canada. As Senator Gustafson pointed out yesterday in a question, on which I asked a supplemental question, there have been dramatic effects of weather on rural Canada, particularly in the West. It is unbelievably dry and arid. The situation is quite frightening. With this simple explanation, I firmly believe that we should continue the debate on this matter. I ask permission of honourable senators to start the clock again.

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

RESPONSE OF NEWFOUNDLAND COMMUNITIES FOLLOWING EVENTS OF SEPTEMBER 11, 2001

INQUIRY—DEBATE ADJOURNED

Hon. Joan Cook rose, pursuant to notice of March 5, 2002:

> That she will call the attention of the Senate to the response of Newfoundland communities following the tragedy of September 11, 2001.

She said: Honourable senators, the events of September 11, 2001 will not soon be forgotten in the history of humanity. During and immediately following the evil carnage in New York City, Washington, D.C. and just outside the city of Pittsburgh, a better side of our species was revealing itself.

About mid-morning on September 11, air traffic control centres at St. John's, Gander and Goose Bay, Newfoundland and Labrador were informed that suicidal hijackers had crashed commercial jets into the Pentagon in Washington and the World

Trade Center in New York City. Following this information, His Worship Claude Elliot, Mayor of Gander, was informed that all U.S. airspace was closed, and that Canada had followed suit in ceasing all domestic flights. He was told that much of the overseas air traffic bound for the United States would be diverted to those airports.

Before the end of the day, St. John's had received some 4,000 stranded passengers from 27 planes, and Gander had 38 planes on the ground with 6,595 passengers. Gander is a smaller town but, because of its strategic importance during World War II and transatlantic commercial viability following that period, it continues to maintain its long runways, which made it the most logical choice for landing capacity. Mayor Elliot immediately declared a state of emergency, putting the town of Gander on alert. He knew that the town, with a population of 10,500, would have to make preparations to accommodate an uncertain situation for an indefinite period.

Honourable senators, most of you are aware of the information that I have just shared. I will not elaborate as it has all been well publicized in all areas of the media, from the CBC's *National* to CBS's *Prime Time*. However, I do want to bring to your attention the events that followed in the four days after September 11.

After being told that their flights were being diverted, most of the passengers parked on the runways of Gander had no idea where in the world they were. One passenger commented, after leaving a plane 24 hours after landing, "Now I know why we had to wait so long. These people have been preparing to take care of us." Food and supplies were delivered to planes, but it took some time and ingenuity to organize accommodations.

As soon as the word was out, the towns of Gander, Appleton, Glenwood, Lewisporte, Gambo and Norris Arm had opened up their schools, their churches, their service clubs and their homes to care for those stranded and to offer some level of comfort and security in their hour of need.

Lewisporte is a small seaport town with a population of 4,000 located 60 kilometres northwest of Gander. When the bus arrived, Mayor Bill Hooper was there to extend a personal greeting. By that time, most of the accommodations had been arranged in public facilities, with one or two exceptions. All elderly passengers were given no choice and were taken to private homes. A young pregnant woman was housed in a private home just across the street from the 24-hour emergency facility.

When those travellers left their planes, they had their first opportunity to view what had taken place. All were overwhelmed, distressed, and in various states of shock and disbelief. To have had any concern for matters presently crucial or important in one's personal life seemed somewhat selfish and left one guilt-ridden.

Those words were used by an Australian family who were experiencing a medical emergency back home. Once they were set up with housing in Gambo, a church secretary took them under her wing and set up immediate and constant communication with Australia. They left Gambo knowing that the family crisis was now stable.

A British couple had their honeymoon interrupted. They, too, were housed in Gambo. There was little time for thoughts of what might have been. Once their predicament was identified, a family in the community invited them home and gave them privacy, but also arranged barbecues, organized tours and generally kept them so busy that they had a honeymoon they will never forget.

Honourable senators, the media archives are filled with many such wonderful stories from this tragic period. If there is any silver lining anywhere in this tragedy, it is of unique experiences, special relationships and friendships forged that will last a lifetime. Much has been written about how grateful the travellers were for the warm and open hospitality they received from the Newfoundlanders, but not everyone is aware of how grateful they were in the aftermath of their tremendous ordeal. I do know that whatever Newfoundlanders did for their unexpected guests was a natural and sincere response with no thought given to monetary return.

In the meantime, Newfoundland's guests had their own ideas of reciprocation, and I feel it needs to be expressed. Honourable senators, one of the passengers was a vice-president of the Rockefeller Foundation who was returning from Milan with five colleagues. They, along with others, were accommodated at Lewisporte. The group was housed in a church and used the school's computer lab as their communications centre. At the time, they saw no need to be identified, as they were just people among people caring, praying and surviving. A humorous statement followed later that "no one knew that the Rockefeller Foundation was being run for four days from the computer lab of Lewisporte Middle School." Recognizing the need for equipment upgrading, the Rockefeller Foundation donated $80,000 to the Lewisporte Middle School for that purpose.

The passengers and crew of Delta's Flight 15 agreed to set up a trust fund for scholarships for Lewisporte high school students. I am told that they have pledged in excess of $40,000.

In addition to these sums, I have been informed as well that many of the churches, service clubs and schools in all the communities that appeared to be in need of funds for any type of improvements have received amounts ranging from $250 to $28,000, totalling in excess of $100,000.

In closing, I should like to pay tribute to the citizens of the communities in Newfoundland and Labrador who opened their hearts and homes during this world crisis and to the stranded passengers who have acknowledged this goodwill in so many ways. They have both given us renewed faith in the strength of human kindness, in the face of such gross adversity.

Hon. Senators: Hear, hear!

On motion of Senator Rompkey, debate adjourned.

OFFICIAL REPORT

REPLACEMENT OF HEADING "INFLUENCE ON HATE CRIMES OF BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE"—MOTION WITHDRAWN

On Notice of Motion No. 96, by the Honourable Senator Cools:

> That the *Debates of the Senate* of Thursday, November 22, 2001, in Senators' Statements at page 1757 in the heading "Influence on hate crimes of bill to remove certain doubts regarding the meaning of marriage" be corrected by replacing that heading with a more accurate heading, being "Informing the Senate of the tragic murder of a homosexual man in Vancouver's Stanley Park" and also that all other corollary Senate records, including the *Debates of the Senate* Internet version, be corrected in this manner because:
>
> (a) it is desirable and honourable that Senators during Senate debate uphold the principled practice that Senators and Senate debate ought not to be linked to any murder or violent anti-social behaviour; and because
>
> (b) it is desirable and honourable that there be no attempt to connect a terrible and tragic murder to a Senate debate or to any Senator's participation in a Senate debate because such connection is offensive to the extreme; and because
>
> (c) it is desirable and honourable that for the proper functioning of the proceedings under Senators' Statements that all Senators uphold Rule 22(4) of the *Rules of the Senate* which states in part:
>
> > "In particular, Senators' statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate. In making such statements, a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate."; and because
>
> (d) it is desirable and honourable that all honourable Senators uphold the high standard of virtue that as Canadians we all share a common and collective humanity such that any person's death diminishes us all, for we are all connected.

Hon. Anne C. Cools: I should like to thank Senator Jaffer for that correction. Her request for it satisfies any concerns that I had. Consequently, I submit that the need for Motion No. 96 has been obviated, and I request that it be removed from the Order Paper.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that the motion be removed from the Order Paper?

Hon. Senators: Agreed.

Motion withdrawn.

[*Translation*]

ADJOURNMENT

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

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, March 12, 2002 at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 12, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, March 7, 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	02/03/05	4			
S-40	An Act to amend the Payment Clearing and Settlement Act	02/03/05							
S-41	An Act to re-enact legislative instruments enacted in only one official language	02/03/05							

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	02/02/19	1/02
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 Ressources					
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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15A	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
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-27	An Act respecting the long-term management of nuclear fuel waste	02/03/05							
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-30	An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts	02/03/05							
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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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					
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	02/03/07	0			
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		
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	*Bill withdrawn pursuant to Commons Speaker's Ruling* 01/06/12	

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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)				
S-22	An Act to provide for the recognition of the *Canadien* 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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Thursday, March 7, 2002

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