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(HANSARD)

Tuesday, February 11, 2003

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, February 11, 2003

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

Prayers.

SENATORS' STATEMENTS

CANADIAN ATHLETES

CONGRATULATIONS ON STELLAR PERFORMANCES

Hon. Yves Morin: Honourable senators, over the weekend, three Canadian athletes struck gold on the world stage. Two women, Cindy Klassen and Clara Hughes, both of Winnipeg, made speed-skating history in Sweden.

[*Translation*]

I, would, however, like to focus particularly on the brilliant success of Mélanie Turgeon, of the beautiful Quebec City area, who — no offence to my friend Senator Mahovlich — is involved in that most strenuous of sports, downhill skiing. Last Sunday, she became world downhill champion, clocking an amazing 1 minute 34.3 seconds on the extremely difficult course at St. Moritz. This put an end to a decade-long medal drought for Canada.

Mélanie trained at two of the most spectacular ski resorts in the country, Mont Ste. Anne and the Massif de Petite Rivière Saint-François in the very beautiful region of Charlevoix. Getting to the first place podium has required extraordinary determination and strength of character. I have had the pleasure of meeting Mélanie on a number of occasions and was attracted by her friendliness and charm. She is a role model for all Canadians, whether of her own age or of our more advanced years.

I invite all honourable senators to join me in congratulating Mélanie Turgeon on her remarkable achievement.

[*English*]

HUMAN RESOURCES DEVELOPMENT

STUDENT LOANS PROGRAM—COLLECTION OF LOANS

Hon. Norman K. Atkins: Honourable senators, I rise today to address a topic that we have dealt with previously in this chamber. Unfortunately, the situation seems to be worsening. The subject that concerns me is the debt load faced by students who are in post-secondary education institutions in Canada or who are recent graduates.

Students who borrow money from government in order to pursue education beyond high school are faced with many challenges. They may not obtain the full-time work that they have been educated to pursue. They may feel that they need more than a diploma, a certificate or a degree to be marketable in today's society. On top of these worries, they have to deal with repayment of their student loans.

In order to balance the budget and eliminate deficits, grants from the federal government to the provinces for education purposes were reduced through the latter part of the nineties. While it was important to put our financial house in order, a number of victims were claimed along the way. Post-secondary students who had to borrow money to attend university or college were among those victims. It is not my intent to complain about the government's lack of response to these young people caught in the crunch between tuition fees that keep going up and up and the need to borrow to access post-secondary education.

Honourable senators, I want to address the method by which these loans are collected. Surely, these loans should not be shovelled off to loan collection agencies. Surely, we can do better than this. Surely, the government could impose a moratorium so that loans and defaults stay with the lending agencies for at least two years, while the students try to work out a suitable repayment plan. Surely, the bureaucrats who administer this program could meet with the lenders to impress upon them the need for patience and compassion as the students attempt to find their place in the world of work and accept their financial responsibilities. These young people are our future. We owe them this much.

JUSTICE

SAFETY AND SECURITY

Hon. Gerry St. Germain: Honourable senators, safety and security are not some abstract concepts that social engineers can play with. They are basic perceptions that underlie the very foundations of our communities. People feel safe on our streets and secure in their homes when our justice system delivers justice; and justice is done when justice is seen to be done. The judiciary in this country cannot continue to be blind to public perceptions. Public fear and feelings of insecurity are increasing because criminals are not receiving the kind of punishment that society expects.

Inderjit Singh Reyat was sentenced yesterday to five years for manslaughter, after a plea bargain, in one of Canada's most notorious mass murders. Millions of dollars have been spent over many years investigating this horrific crime.

• (1410)

Honourable senators, how can Canadians feel safe in their communities when the Criminal Code allows minimum sentences far less than what most reasonable people consider as punishment commensurate with the crime? How can we feel protected against terrorism and other horrific criminal acts if our courts continue to ignore the public will and make sentencing decisions that make no sense whatsoever when considered relative to the gravity of the crime?

It is time that we, the people, take back our justice system from the elites of this country. It is time to review the Charter of Rights, which stands in support of certain wrongs. It is time to

review the minimum sentencing provisions of the Criminal Code to ensure that we punish criminals and deter crime. It is time we review judicial appointments at the legislative level. It is time we take the justice system back before people begin to take justice into their own hands.

YUKON QUEST DOGSLED RACE

Hon. Ione Christensen: Honourable senators, in the Yukon, we are into day two of the Yukon Quest. Twenty-three mushers and an average of 250 dogs will be running for up to 13 days through some of the wildest terrain and most severe weather in the northern hemisphere.

It is a true test of endurance as the mushers and their dogs run the 1,300 kilometres that separate Whitehorse, Yukon, from Fairbanks, Alaska. Cold weather, isolation and sleep deprivation put pressure on the mushers who must ensure that their teams are well fed, rested and watered.

Each dog wears booties — in a team of 14 dogs that is 56 little shoes. These booties wear out or are frequently lost. This small task alone is very demanding for a musher as one dog can go through 16 sets of such shoes during a race.

The Yukon Quest is known to be the toughest dogsled race in the world. It is certainly a "go as you are" situation. With the exception of one mandatory two-day layover in Dawson City, the musher is the only one allowed to care for the dogs.

The race is a replica of the days before the snow machine, planes and roads. Dogsledding is how the early prospectors, trappers, mail carriers and RCMP officers would travel. In those days, a musher had to be totally self-contained.

My father, who was an RCMP member, would do long patrols with his dogs that would last for weeks at a time. I also had my own small team and a trap line at that time. It was my dedication to this profession at the age of 11 that convinced my mother that a girls' boarding school in Vancouver Island was the best place for me to continue my education.

At the beginning of the Quest in 1983, my father was the official starter for the Whitehorse Darts. He continued until his death at 95 years of age.

Honourable senators, this year is the twentieth anniversary of the Quest, and the winner will go home, not only with bragging rights, but also the grand prize of $30,000 U.S. This morning, Martin Massicotte from Quebec, with 13 dogs, was holding first place in that race. Thomas Tetz from the Yukon was in second place with 14 dogs. However, this was no indication of who will be the final winner, as the complex mind games that are played during this race will determine, in the last couple of hours, who actually wins.

In closing, I wish the mushers good luck and safe trails.

ROUTINE PROCEEDINGS

NATIONAL ANTHEM ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.

Bill read first time.

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

On motion of Senator Kinsella, bill placed on the Orders of the Day for consideration two days hence.

[*Translation*]

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

> That the Standing Joint Committee for the Scrutiny of Regulations be authorised to permit coverage by electronic media of its public proceedings on Thursday, February 20, 2003, with the least possible disruption of its hearings.

QUESTION PERIOD

OFFICIAL LANGUAGES

NORTHWEST TERRITORIES ACT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, several questions were asked regarding amendments the Government of the Northwest Territories will propose, in early March 2003, to its own Official Languages Act.

I want to thank the honourable minister for the information she provided us that day. This is a very important and complex issue. This issue is important, above all, to minority francophone communities.

With regard to amending the Northwest Territories' Official Languages Act, the minister indicated in this House on February 5 that Parliament should agree to this by amending the Official Languages Act. The section in question is section 43.1 of the Northwest Territories Act.

What procedure does this government intend to follow to ensure that Parliament possesses all the information it needs on the scope of the bill to make a decision?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asks a question specifically about the regulations for section 41. To the best of my knowledge, they are not forthcoming, but I will make an inquiry to the responsible minister to see if I can give the honourable senator a further update.

[*Translation*]

Senator Gauthier: I will repeat my question, since it was misunderstood. The proposed amendments to the Northwest Territories Act, the Official Languages Act, must necessarily be supported by the Parliament of Canada.

On March 3, as explained last week, the Northwest Territories intend to introduce amendments to its Official Languages Act.

What measures are being taken and what information does the government intend to share with us to give us the necessary explanation of the scope of the proposed amendments to the Official Languages Act?

[*English*]

Senator Carstairs: My understanding, honourable senators, is that a parliamentary committee of the Legislative Assembly of the Northwest Territories is studying the Territories' Official Languages Act. They have not, as yet, made a presentation to the federal government.

Senator Gauthier: Honourable senators, my question to the minister also said, "The Attorney General maintains that Part VII of the Official Languages Act does not create obligations or rights." When the present law was being discussed here in Parliament in 1988, the then Secretary of State told me that section 41 of the Official Languages Act does indeed create obligations on the government.

• (1420)

Fifteen years after the adoption of said law, no regulations for implementation of section 41 have been proposed or adopted by the government. "No rules" means no law. It is an empty shell, which is being interpreted in different ways by different people.

The Northwest Territories has no such regulations either. It has directives, which are not the same thing.

Sunset clauses in the Northwest Territories Official Languages Act and in the New Brunswick Official Languages Act provide that those laws must be reviewed after 10 years. When will the federal government set the right example and propose regulations for section 41 of the Official Languages Act? Or is it the intention of the government, after 15 years of experience with this law, to review the entire act to modernize it and bring it up to date?

Senator Carstairs: Honourable senators, at the present time I do not know of any intention, as I indicated earlier, to either introduce regulations or conduct a review of the entire act. However, clearly, that is the representation the honourable senator would like me to make to the minister and I will make that representation on his behalf.

HERITAGE

EXPENSE CLAIMS OF MINISTER

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate.

Access to information requests show that Heritage Minister Sheila Copps claimed almost $180,000 in personal expenses over a 22-month period. Almost $81,000 of that amount was labelled as unspecified "other expenses" and did not have accompanying receipts.

The practice of claiming expenditures without showing where the money went is apparently perfectly acceptable to this government. No private company would allow that and no individual would get away with it when they filed their income tax forms.

Honourable senators, the government recently stressed provincial accountability in health care spending, but has not exercised its own accountability in areas such as the gun registry, HRDC and Groupaction scandals. This is a simple case of the federal government telling Canadians, "do as I say, not as I do."

Will the Leader of the Government in the Senate tell us whether the Prime Minister will require the Heritage Minister to submit proper receipts? If not, will the Prime Minister ask her to reimburse taxpayers for the unsupported claims?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the policy with respect to the expenses of the ministry was a policy in force and effect during all of the Mulroney years. It has not changed, nor do I think there have been any decisions to make any changes.

TREASURY BOARD

RELEASE OF INFORMATION ON EXPENSE RECORDS

Hon. Marjory LeBreton: Honourable senators, this system has obviously been in use for some time by this government, but on March 15, 2002, in the other place, the President of the Treasury Board, the Honourable Lucienne Robillard said, the "Prime Minister has asked all ministers and their political staff to release information related to their expense records."

Will the minister ask the Prime Minister to make his cabinet ministers comply with his request and the Income Tax Act and to suspend the honour system for claiming expenses?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the answer to the honourable senator's question is this: Ministers fill out a form each and every month, listing their expenses. That information is filed, as it was done in the previous administration, but the receipts are kept in the ministers' offices.

Senator LeBreton: Honourable senators, the minister did not answer my question, which is simply about the President of the Treasury Board asking the ministers to comply. I wonder, one year later, why they have not.

Senator Carstairs: They were asked to comply with the policy as it exists, and they do.

ENVIRONMENT

CLOSURE OF SASKATCHEWAN METEOROLOGICAL OFFICE

Hon. David Tkachuk: Honourable senators, I have a question about the Environment Canada Saskatoon office. An announcement was supposed to be made at the end of January as to the closure of the weather office in Saskatoon, the only one left in our province. Minister Anderson then delayed the announcement. Has the minister any further information as to whether the Saskatoon operations will be eliminated and moved to Edmonton?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, all I can undertake with the honourable senator is to lobby as hard for Saskatoon as I am lobbying on behalf of Winnipeg, just two among a number of weather offices that were recommended for closure. At this point, no policy decision has been made.

Senator Tkachuk: Honourable senators, perhaps the minister could go a little further than simply asking. Since 1997, the present office has been little more than a consulting office, when the federal government chose to move the metrological staff to Edmonton. At the time, there was a lot of controversy about the move. Alan Manson, Chair of the Institute of Space and Atmospheric Studies at the University of Saskatchewan, said that the quality of the information had already fallen drastically, and was so low that even losing what we had would have little effect. We really need to reinstitute the weather office in our province, a province that relies on weather information for our local economy.

Could the leader take her representations a little further and ask that provinces like Saskatchewan, which depend on weather information on a daily basis, have their weather offices reinstituted?

Senator Carstairs: Honourable senators, to be fair, it is unlikely that there will be any reinstitution of services that have been lost. The indications I have, unlike those of the professor, are that services have been maintained. However, as I indicated to the honourable senator, there has been some question about complete closure of a number of offices across the country. The two that I am particularly concerned about are in Winnipeg and Saskatoon. We both live in provinces where there are extreme temperatures. However, the ministry has retaken the matter under consideration and, hopefully, it will make a different decision than the one that was originally proposed.

Senator Tkachuk: Honourable senators, perhaps the leader could mention in that cabinet meeting, where I am sure she will raise this matter, that I will be following up with a letter. Perhaps, as well they could read what Mr. Manson said. He said that the notion that you can do it all from a central base, with a large computer with no local knowledge or tailoring of the forecast, is ridiculous. What we have here is a ridiculous federal government policy of closing weather stations across the country, thinking that machines can take the place of quality meteorologists to supply people, businesses and the farming community with the information they need.

Senator Carstairs: Honourable senators, to be fair, I think Edmonton, where the main office is presently located, has good quality meteorologists. However, it is important to have forecasting in local communities, particularly in our provinces, for the reasons that I have given. Some of us are working hard on this matter.

HEALTH

WORLD TRADE ORGANIZATION—USE OF GENERIC DRUGS TO TREAT HIV/AIDS IN AFRICA

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to AIDS and AIDS treatment.

On October 23 last year, I rose and spoke in an inquiry, and raised issues about the use of generic drugs for treatment of AIDS in Africa.

In his recent State of the Union Address, United States President Bush promised $15 billion over five years to combat the scourge of HIV/AIDS in Africa. If that pledge is kept, it will make a profound difference in the lives of more than 25 million Africans who fight this disease with little hope. In his speech, the President endorsed the use of generic drugs to fight AIDS in that continent and spoke about the important role they play in making medication accessible to those who have no way of paying for more expensive drugs.

Honourable senators, there is no good reason why drugs that prolong life for AIDS patients in the developed world cannot be made available in the developing world. In order to help make this a reality, I believe Canada must use its position as a leading trade nation to ensure that the WTO encourages generic drug manufacturers to export those vital drugs to Africa at the lowest cost possible.

• (1430)

Currently, WTO rules allow countries in crisis to produce unauthorized generic copies of a patented drug as long as the manufacturing occurs on its own soil. For many African countries, even this is a difficulty.

What measures has the Government of Canada taken to promote public health over private profits in global trade arrangements concerning the treatment of AIDS?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. Like him, I was delighted with the announcement by President Bush in the State of the Union Address that $15 billion will be earmarked for AIDS in Africa. Clearly, that is a substantial commitment. One hopes that it can be met through the American budgetary process, which it will have to undergo before it will be put into place.

The honourable senator is also aware that there is an Africa Fund established by this government. Some of the resources from that fund will also be directed to the AIDS initiative.

Concerning the discussions before the WTO, I will make representations to Mr. Pettigrew with respect to the suggestion put forward this afternoon by the honourable senator.

AFRICA—GOVERNMENT CONTRIBUTION TO COMBAT HIV/AIDS

Hon. Donald H. Oliver: Honourable senators, the $15-billion pledge by the United States is 40 times bigger than the $500 million announced by Canada in last year's G8 summit in Kananaskis. Overall, this country's official development assistance for 1999-2000 was 0.29 per cent of GNP, down from 0.49 per cent in 1991-92 under the previous Conservative government.

The UN Special Envoy for AIDS in Africa, Mr. Stephen Lewis, a Canadian, in response to the State of the Union Address, said:

> Countries like Canada are really on the hook to go back to their own treasuries and ask how they are going to up their own contributions to the epidemic... I don't know how they can escape it.

Is the federal government currently considering an increase in the amount of financial aid given by this country to fight AIDS in Africa?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we will have a better understanding of that next Tuesday at 4:30.

ENVIRONMENT

LEGISLATION TO IMPLEMENT KYOTO PROTOCOL

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask the Leader of the Government in the Senate if the government has decided if enabling legislation will be necessary to implement the Kyoto accord in whole or in part. If so, when can it be expected?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think that question is somewhat premature. Perhaps the honourable senator knows that discussions are ongoing with the provinces with respect to the implementation of the Kyoto accord. Until that process is completed, I do not think that they will be in a position to go forward with enabling legislation.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, my question is for the Leader of the Government in the Senate. Every hour, we get closer to war in Iraq. Today, on leaving cabinet, Prime Minister Chrétien said we should pray for a positive report by Hans Blix when he reports to the Security Council on Friday. I think prayer is not a bad idea, but I would like to couple it with action.

The Governments of France, Germany and Russia want to triple the number of UN inspectors in Iraq to ensure there can be no hiding or development of weapons of mass destruction. This is precisely the plan former U.S. President Jimmy Carter has put forward.

Why has the Government of Canada refused to support this proposal to strengthen the hand of the UN and to ensure Iraq's compliance so war will be averted? Perhaps, then, we could say a prayer of thanksgiving for no war.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would be delighted to join with the Honourable Senator Roche in a prayer of thanksgiving for no war.

Dr. Blix will be reporting to the United Nations on Friday. We do not know what he will be reporting. We do not know, for example, if he thinks more inspectors on the ground would aid and abet or be harmful to the process.

Yesterday, Iraq made provision for U-2 spy planes to be able to fly over Iraq. In my view, that might be more effective than having additional inspectors on the ground because these planes will be able to locate things that human beings are sometimes unable to locate.

Quite honestly, we must wait for Dr. Blix to report to the United Nations on Friday before we engage in hypotheticals.

Senator Roche: Honourable senators, the plan put forward by France, Russia and Germany is not hypothetical. It was contained in the speech of the French foreign minister in the UN Security Council, among other things.

THE SENATE

DEBATE ON POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, I should now like to turn to the subject of a debate on this matter here in the Senate.

The minister will recall that we discussed this matter before. For the moment, at any rate, we have a respectful disagreement. She says that my Motion No. 4 on the Order Paper is sufficient in this regard. I maintain that there should be a government-sponsored debate. I want to assure the minister that the following is not a trick question; it is an effort to secure information on the position of the Liberal Party of Canada.

Before the first Gulf War, the Liberal Party, then in opposition in the Senate, introduced a motion calling for a debate. On November 20, 1990, the Honourable Allan MacEachen, Leader of the Opposition, introduced a motion in the Senate which triggered a debate. The motion stated:

That the Senate do now adjourn for the purpose of raising a matter of urgent public importance, namely: the Persian Gulf crisis.

Senator MacEachen then made a speech. He was followed by the late Honourable Heath Macquarrie who spoke on behalf of the government. A number of other honourable senators took part in the debate.

I am puzzled as to why, in 1990, the Liberal Party, when it was in opposition, favoured a Senate debate on the then looming Gulf War and, today, is opposed to a Senate debate on a repeat Gulf War.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think Senator Roche has answered his own question. We have a situation in which the honourable senator has a motion before the chamber. I have encouraged all honourable senators to participate in debate on that motion, but I cannot force any individual senator to speak on the issue if he or she chooses not to do so.

Senator Roche: Honourable senators, the minister keeps returning to fact that I have a motion on the Order Paper. That is not the issue. The issue is the government's position. What is the position of the Government of Canada on the looming Iraq war? I believe that all senators have a right to hear that from the government.

Speaking of the government, if the government will not have a debate, will the minister herself undertake to speak to my motion?

Senator Carstairs: Honourable senators, the best spokespeople on this whole question on the government side are the Prime Minister and the Minister of Foreign Affairs. I am neither. They have both spoken eloquently on exactly what is the government's position. It is a government position that I fully support. Quite frankly, I do not believe that I could add anything to the debate beyond what has been said very clearly by the Prime Minister and by the Honourable Bill Graham.

Hon. Marcel Prud'homme: Honourable senators, what I see developing is exactly what took place in an earlier time. I have no notes because I lived these events.

On January 22, 1991, the national Liberal caucus, of which I was a member, decided early in the morning that we would not vote in favour of the motion put forward that day by the Right Honourable Brian Mulroney.

During the day, pressures of all kinds arose. I will not make a speech on that today. I have the names, the events and the room number. I was involved. I was very active in the national caucus. I was a member of the Quebec caucus, which reports to the national caucus.

• (1440)

For reasons I will not mention today, events took place throughout the day, and members fell away one after the other. When it came to the final vote, the Right Honourable Jean Chrétien stood in front of me, and I raised my hand and said, "Please, Jean, stop. Please."

When the vote took place, we switched. The Right Honourable John Turner came from Vancouver, if my memory serves me well, to disagree with Mr. Chrétien. Even though I was a friend, I had the guts to respond to the leader then. The government fell. The vote took place and we switched. At least the vote took place. There were 47 members who were opposed to the motion, 39 of whom were NDP. I was so glad that I was not the only Liberal. Four Liberals voted against the motion. One of those who voted against the motion is today the chief government whip in the House of Commons. The other two members who voted against the motion were Warren Almand and Christine Stewart.

Some Hon. Senators: Question!

Senator Prud'homme: The question is, I think we should have the right to vote. I do not care. I want to vote.

Senator Roche: The right!

Senator Prud'homme: Canadians are entitled to know where honourable senators stand. I do not want people to hide and wait until after the fact. This matter is too important. I urge the Leader of the Government in the Senate to pay attention to justice. The minister need not respond today. However, we will see divisiveness in this country if some countries at the Security Council vote with one side and other countries vote with the other side. I dare say nothing more. If there is a debate, I will say more.

Would the Leader of the Government in the Senate please urge the Prime Minister to understand that there are people who want to be counted? We cannot vote after the decision is taken. This is a national matter for our institution. We have the right to vote. We have the right to speak.

Would the minister at least consider the possibility of reassessing what was just said? She has more power. She is a cabinet minister. She represents us. She is our collective voice in this place.

Senator Carstairs: Honourable senators, I must disagree with the honourable senator for the simple reason that I do not wish to be put in a position at this moment where I am being invited to vote on an initiative that is still very much at the hypothetical stage.

We have committed ourselves to the United Nations. That is absolutely the right process to follow. The United Nations is meeting with Hans Blix on Friday. On that day, we will learn whether there is further evidence with respect to weapons of mass destruction that may exist in Iraq. Arms inspectors are still in the country. We will learn whether Iraq is failing or obeying resolution 1441 of the Security Council.

To vote prior to learning more about the actual circumstances would be entirely inappropriate.

Senator Prud'homme: Honourable senators, I did not suggest that we vote beforehand. I agree with every word the minister has said. However, regardless of which way the United Nations goes before that, we should have the right to vote. That is what I meant to say. For the rest, I agree totally with the minister.

Senator Carstairs: The position of the government has been quite clear: We will support the United Nations in this matter.

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. The minister has said that this is a hypothetical situation. We are deploying troops to the Gulf region. Deploying troops and personnel to that region does not seem to be a hypothetical activity, insofar as the decisions are being made. In the eyes of Canadians, we are doing what people like myself consider to be the right thing: We are moving in and supporting the U.S. in the action that they are taking to this point.

Senator Carstairs: Honourable senators, the honourable senator is wrong. We are not deploying troops. We have moved 25 individuals who were working with American officials in Florida and who were doing long-range planning to Qatar. I do not believe that one can say that moving 25 individuals means deploying troops.

As the honourable senator is well aware, there has been a change of command with respect to Operation Apollo and the war against terrorism. We have always been clear about our position on terrorism and the issue of naval control through our vessels that are already in theatre and have been ever since we began Operation Apollo.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. As the only government representative in this House, and under a principle won in a hard-fought battle by our ancestors, you must defend this government. It may be very comforting to rely on the opinion of the Prime Minister or the Minister of Foreign Affairs, except that it is up to you to answer our questions.

The President of the United States and his Secretary of Defense have said they would act alone or with their allies regardless of whether they receive support from NATO and the United Nations. Are we part of these allies the Americans are referring to, yes or no?

[*English*]

Senator Carstairs: Honourable senators, it is up to me to answer questions that are posed; that is why I rise here every day. The particular question of the honourable senator was whether I would give a speech. If I were to give a speech, I would give exactly the same speech that the Honourable Bill Graham gave in the other place. However, that is prohibited by our rules. I am not allowed to give exactly the same speech that is given in the other place. I indicate to honourable senators that the words would be identical because the words should be identical. It is critical at this time, in this very difficult situation, that all Canadians know where their government stands at the present time. None of us wish to go to war.

Canadians want the government to act judiciously. The greatest judiciousness that I could practice is by allowing the Minister of Foreign Affairs and the Prime Minister to give their speeches on this topic.

Honourable senators, in regard to the subject of the American question, we are allies of the United Nations. We have committed ourselves to the process of the United Nations.

[*Translation*]

Senator Nolin: Honourable senators, why not say so publicly?

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in this house, a delayed answer to a question raised in the Senate on October 23, 2002, by Senator Oliver, regarding the United States and the Smart Border Plan Agreement to Restrict Asylum Shoppers.

FOREIGN AFFAIRS

UNITED STATES—SMART BORDER PLAN TO RESTRICT ASYLUM SHOPPERS

(Response to question raised by Hon. Donald H. Oliver on October 23, 2002)

Co-operation on Resettlement (further to the Safe Third Agreement)

Article 9 of the Safe Third Agreement provides that both countries "shall endeavour to assist the other in the resettlement of persons determined to require protection in appropriate circumstances." The terms of this provision are reciprocal meaning that either Canada or the United States could propose that the other country assist them with the resettlement of refugees. Under the Agreement, the details of any referral would be the subject of further discussion between the parties. As circumstances change, it may be in the Parties' interest to accept more or fewer referrals or indeed none. It should be noted that it is not unprecedented for countries to assist one another in the resettlement of refugees.

Further to Article 9, Canada has established the parameters that will govern the referral of persons by the U.S.: they must be outside the United States and Canada, as defined in respective national immigration laws; and be determined by the Governments of the U.S. and Canada to be in need of international protection. It should be noted that any referrals pursuant to this supplementary agreement would be included within the target figure for government-assisted refugees made public each year.

SENATE

FORMAT FOR DELAYED ANSWERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a few comments regarding the delayed answer that the Deputy Leader of the Government just gave us. First, I appreciate the good work that he did in preparing the delayed answer.

• (1450)

The way this has been done for some time now is such that we only receive the answers to the oral questions. It is difficult to remember the question raised by an honourable senator. Could the officials who prepare these answers include the corresponding question?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as Senator Kinsella knows, answers are prepared by officials in the departments, and those answers come to us in a certain format. However, the senator makes a good point. I will inquire whether we can add the question to the documentation that we distribute.

SENATORS' STATEMENTS

THE HONOURABLE HERBERT O. SPARROW

CONGRATULATIONS ON THIRTY-FIFTH ANNIVERSARY OF APPOINTMENT TO SENATE

Leave having been given to revert to Senators' Statements:

Hon. Terry Stratton: Honourable senators, Senator Gustafson brought to my attention that we were remiss, two days ago, in that on the February 9, 1968, the Honourable Herb Sparrow was appointed to this chamber by Lester Pearson. I believe that February 9 was his thirty-fifth anniversary, and I extend my congratulations to him.

Hon. Leonard J. Gustafson: Honourable senators, I wish to speak briefly about our colleague from Saskatchewan. If there was ever a person who took the life of farmers to heart, it is Senator Sparrow. He chaired the committee that issued a report entitled: "Soil at Risk." That report did more to encourage farmers to practise continuous cropping, rather than leaving land in summerfallow and allowing the soil to blow away, than any other thing that influenced farming practices on the Prairies.

Senator Sparrow also has a very good wit. One never knows what to expect, but one always has a delightful time with him.

I am pleased to congratulate the senior member of the Senate on his thirty-fifth anniversary in this chamber.

Hon. David Tkachuk: Honourable senators, I would like to say a few words about Senator Sparrow. More Liberals should be like Senator Sparrow, because he agrees with many of the things we on this side of the house say. When Liberals say "independence of thought," they really mean that what they say is right and that what we say is partisan.

Senator Sparrow stands as a lie to that statement. He actually is an independent thinker. He is a joy to work with and a fun companion on trips back to Saskatchewan. He enlightens us with all kinds of stories about the Liberal Party from years ago — although nothing from the present. We exchange political stories and we have become good friends.

I look up to Senator Sparrow — even though I do, physically, look down to him — and I congratulate him on the work he has done on behalf of our province.

We are very proud to be associated with you.

Hon. Marcel Prud'homme: Honourable senators, I always bow to the dean of Parliament. However, I would point out that none of you noticed that, today, I commence my fortieth year in Parliament. That is, 40 uninterrupted years, for those who catch the nuance. It was thirty-nine years ago last night that I was first elected.

However, the dean of the Senate is Senator Sparrow and I wish to associate myself with everything that has been said about him. I respect him. He was appointed by Mr. Pearson; I was elected under Mr. Pearson; and there are not many people around here who can say that.

Congratulations, Senator Sparrow.

Hon. Anne C. Cools: Honourable senators, I, too, would like to join colleagues in congratulating Senator Sparrow on this milestone. It is a real pleasure to be able to speak like this of senators when they are still here with us and are going to be with us for quite some time.

Senator Sparrow's work has been truly exceptional. We all know that he was appointed by Prime Minister Pearson. The work that he has done for agriculture and for farmers has been stupendous. I had the great privilege to work with him on the agriculture committee some years ago when the committee was studying the issue of soil erosion. That study truly introduced me to Western Canada.

My heart and my affection are with Senator Sparrow, as are the good wishes of this chamber. Senator Sparrow truly is a man of the soil.

Hon. B. Alasdair Graham: Honourable senators, you are all wrong. Tomorrow is Senator Sparrow's anniversary. I know that because I remember that when I first arrived here, almost 31 years ago, Senator Sparrow was already a veteran. I remember the day I was sworn in. I had hardly warmed my seat when Herb came toward me with a wide grin and arms outstretched. However, before congratulating me he had to find out how old I was. Those were the days when they were appointing teenagers.

"How old are you," he said. "Nineteen," I said. He said, "That is great. I am still the youngest. I am only 16."

That is the way he has been behaving ever since.

Senator Sparrow has been my friend over the years, even through that memorable and perhaps best-forgotten period of the GST debate. When Senator Sparrow spoke, we did not know whether he was a Prairie preacher or whether the Reverend Jimmy Swaggart had entered the chamber.

Senator Sparrow has won many awards. In 2001, if I remember correctly, he was elected to the Saskatchewan Agricultural Hall of Fame. Reference was made to the wonderful report of the Agriculture Committee that he chaired, "Soil at Risk." As a result

of that report, Senator Sparrow was awarded an honorary doctor of science degree from McGill University. He is not only a Canadian authority on soil conservation, his knowledge of this particular field is known and respected around the world.

• (1500)

Senator Sparrow, in congratulating you and outlining some of your achievements, I want to observe that you are not getting old. You just get better.

Hon. Gerry St. Germain: Honourable senators, I would also like to pay tribute to Dr. Sparrow. I did not realize you received a doctorate, Herb. I have so much respect for you, sir. Two things epitomize you: a sense of humour and common sense. That is what you are all about, Herb. You are a nice guy. You are one of my favourites in this place. You are just a real good man. Congratulations! I hope you are here forever.

Hon. David P. Smith: Honourable senators, it just occurred to me that I am one of the few people here who actually knew Senator Sparrow before he was appointed to the Senate. In the early 1960s, I worked at Liberal headquarters under Mr. Pearson and, with Keith Davey, I travelled back and forth across the country. I got to know Senator Prud'homme very well.

I can recall a few hilarious meetings in the Bessborough Hotel in 1964 when Senator Sparrow was Ross Thatcher's right-hand guy and president of the party. I would also point out that he lives on Walker Drive, which is named after my wife's grandfather.

I consider it an honour to sit beside the dean.

Hon. Edward M. Lawson: Honourable senators, I wish to make two quick points on the relationship with my long-time friend, Herb Sparrow. I am second to him. I am in my thirty-third year.

A number of years ago, during the debate on the Charlottetown Accord, when everyone across the country seemed to be unanimously in favour of the accord, including those in the other place and in this chamber, Senator Sparrow asked me, "How are you going to vote on the Charlottetown Accord?" I said, "Against it." He then told me that was also his intention, and he asked me, "Will you stand with me?" Honourable senators, there were two "no" votes on the Charlottetown Accord.

We were once flying together — after he got his doctorate, Senator St. Germain — and there was an announcement that one of the stewardesses suffered a chest injury and there was a request that, if a doctor was on board, he make himself known to the crew. Senator Sparrow said, "I am a doctor." He went up and came back a couple of minutes later, and I asked him, "What happened?" He said, "Damn it, a doctor of divinity beat me to her."

You are a great senator; you have a wonderful sense of humour; and it has been a pleasure to work with you all these years.

Hon. John G. Bryden: Honourable senators, in the short time that I have been here, I have been able to figure out almost everything that goes on in here, sometimes when it happens, and sometimes a long time after.

However, one thing happened relatively recently in relation to Senator Sparrow that I could not figure out for the life of me. It was his motive in taking the amount of time and the effort that he put into trying to prevent Senator Lapointe's motion to limit tributes. Now I understand. I did not know he was about to celebrate a thirty-fifth anniversary. It was well thought out.

Hon. Senators: Hear, hear!

Hon. Herbert O. Sparrow: Honourable senators, thank you very much. I do appreciate your kind remarks. Yes, I have been here for 35 years, and I can say that, in all that time, I don't regret one day that I was here. That day was September 25, 1970. That is the day I do not regret being here.

I very much appreciate the goodwill shown by the opposition in this house. I appreciate their kind thoughts. I should make one thing clear, though. I was asked why I was a Liberal, and I said, "Well, my grandfather was a Liberal, my father was a Liberal and I am a Liberal." The chap said, "Well, if your grandfather was dumb and your father was dumb, what would you be?"

Senator Lynch-Staunton: Careful.

Senator Sparrow: I replied, "Well, I would probably be a Tory!"

Senator St. Germain: Herb, thank you.

An Hon. Senator: I take back everything I said.

Senator Sparrow: In thinking about the motion put forward by Senator Lapointe and the time allotted for speeches in this chamber, I want to take advantage of this opportunity to speak before a time limit is imposed on me. Indeed, the honourable senator was correct in making that statement.

I will use this opportunity to give you a bit of my background, something I have not had the opportunity to do in the 35 years I have been here.

The headline of the news report at the time of my birth read: "Mrs. Sparrow gives birth to a child." It went on to indicate that I was born in a manger and that my sex life began at an early age because the report read: "Mrs. Sparrow is in stable condition and Baby Sparrow is holding his own."

I recognize that a person should talk about his or her background, but I realize that I came from a poor family. As a child —

Senator Corbin: How poor were you?

Senator Sparrow: I remember walking down the street with my mother holding my hand and people saying, "There goes that poor Mrs. Sparrow." I knew that we must come from a poor family.

When I was in Grade 5, I remember coming home from school and saying to my mother, "Mother, was I adopted?" She said, "Well, now that you are 18, I might as well tell you the truth. You were adopted, but they brought you back."

My career in business also started at an early age. I was trying to help support the family. We had a lot of crows in our part of the country. I would take five eggs out of the crow's nest and I would put three hen's eggs in the nest. The crow would hatch the

eggs. After 21 days, I would go and pick up the three chickens. I would get about 100 chickens a year that way. In doing so, do not let your own chickens hatch the eggs because, as soon as they started to hatch, they would quit laying eggs. The news report in the papers at that time — and it was the first time I ever got a headline — read, "Sparrow beats crow."

There are one or two other things I want to tell you about my careers, and I have had a number of them. When I was in high school, I went to the navy barracks for a boxing match. Someone told me that every Friday there was a boxing match at the navy barracks, and if you entered a fight, you got $15, win or lose. I needed the money, so I went down on Wednesday to enrol and tried my gloves on and so on. I had never had them on before.

• (1510)

On Friday, when I went to the boxing match, they put on my gloves. I was put into the ring with a tough kid. In the first 30 seconds, I had him scared stiff. He thought he had killed me.

Your Honour, I am sure I have a time limit, but do I not know what it is.

I was a CN station agent. The rural communities had small stations. I lived in accommodation above the station. I got married there and we had a few people in for the wedding. When the crowd was there, the top floor broke through and down we went into the station. My mother said, "Herbie, I told you that you should not marry above your station."

Another thing I remember is coming home and asking, "Father, will you take me to the zoo?" He said, "Son, if the zoo wants you, they will come and get you." I wish my father was alive today so that he could know I got to the zoo here all by myself.

I think I have made a contribution to the government, to Parliament and to the country. I never realized that until several days ago, when I met the Prime Minister in the hallway and he asked my opinion. He said, "How are you, Herb?" That made me feel real important.

I have one other story. Prime Minister Pearson wrote in his memoirs, "I was often asked why I appointed Senator Sparrow to the Senate. I want to make that clear now. I wanted someone to represent the mentally challenged." That is how I got here.

Honourable senators, that is my story and I am sticking to it.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Jean Lapointe: Honourable senators, I have a great deal of admiration for Senator Sparrow and I told him so after his speech, when he gave his opinion on the matter of time allocated to tributes. However, there is a world of difference between paying tribute to someone who has passed away and someone as lively as Senator Sparrow.

It is my pleasure to applaud someone as special as Senator Sparrow. I am pleased with the comments made by the honourable senators about him. I would also like to congratulate him for his work. That said, I am not certain that Motion No. 76 on the Order Paper will be agreed to today.

[*English*]

ORDERS OF THE DAY

NUCLEAR SAFETY AND CONTROL ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Yves Morin moved the third reading of Bill C-4, to amend the Nuclear Safety and Control Act.

He said: Honourable senators, I urge all of you to support this excellent bill.

Hon. David Tkachuk: Honourable senators, I spoke at second reading of Bill C-4 in December about my concerns for the agenda of this legislation and the government's overall lack of public policy regarding the management of nuclear waste. At that time, I posed a number of questions, some of which we had an opportunity to discuss with the minister when he appeared before the committee.

I should like the record to state that I do support this bill specifically, since it merely eliminates the liability of lending institutions. From what we were able to find out through our research and the hearings conducted on this bill, the reason this liability coverage was not part of the original legislation in 1997 was because there were privately owned Canadian Nuclear Safety Commission licencees operating in Canada, including companies that mine uranium and work with medical isotopes and nuclear fuel. However, it seems that they were focused on the specific aspects of the legislation that pertained to their own business. It was not until Bruce Power entered the market and began to seek financing that section 46(3) became an issue. When they began to put together their financing strategy, Canada's financial institutions refused to take on this potential liability and cited section 46(3) in their defence.

I also appreciate the minister's explanation of Canada's current policy framework with respect to nuclear fuel waste, as he reminded the committee during his appearance on February 4 that the Nuclear Fuel Waste Act came into force in November of 2002.

Before I conclude, I should like to raise the way this legislation has been handled at a number of levels. I mention this because, frankly, I was mystified as to the urgency that had been communicated to the Senate regarding the passage of this bill for, it is true, I have been told by a number of stakeholders that this bill must be passed before February 14, even though the government first introduced it in May of 2002.

Honourable senators, it has taken this government and its experienced legislators almost nine months to pass a one-sentence bill. I was, therefore, concerned that there was more to the intent and impact of the legislation than I knew.

Ultimately, I believe that the additional time the Senate has had to consider this bill has allowed this place to conduct a thorough study on the specific matter of financing, in addition to a more general discussion on the future of nuclear energy in Canada. I am satisfied that we have dealt with this legislation fairly and efficiently, considering it was only referred to the Senate on December 10, 2002.

I believe the minister's appearance before the committee was of the utmost importance, since Canadians take the subject of nuclear energy and its waste very seriously. It is our job to assure ourselves that the legislation we are passing is just, necessary and will be of benefit to Canadians for many years to come.

Nuclear waste facilities must be able to gather financing to upgrade and refit their aging nuclear facilities. Facilities for high-level radioactive waste were only designed to accommodate used fuel for 15 to 20 years. Although the fuel could safely remain in these facilities longer, some of the older facilities in Canada have reached the point where they need to be refurbished. This will be an expensive proposition.

I ask honourable senators to support this legislation. In 10 years, this is the second time that I have actually asked this. I believe that the Senate should vote to support Bill C-4 and recommend that it receive Royal Assent immediately.

On motion of Senator Lynch-Staunton, debate adjourned.

STATISTICS ACT

BILL TO AMEND—SECOND READING

Hon. Lorna Milne moved the second reading of Bill S-13, to amend the Statistics Act.

She said: Honourable senators, I am extremely proud to begin this afternoon by uttering the one sentence that I have been waiting for five years to say.

I rise, honourable senators, to speak at second reading as the sponsor of a government bill that will allow for the release of historic census records.

• (1520)

Hon. Senators: Hear, hear!

Senator Milne: As all but our newest contingent of senators are well aware, for the last five years I have been fighting an uphill battle with Statistics Canada to allow for the release of the nominal census returns for Canada's historic censuses. It is a battle I certainly did not seek out. On February 19 of last year, I told this place that this issue,

> ...deserves the leadership and the attention of the government. There is nothing I would like more than to have the government announce that it will take the necessary steps to balance the interests of all concerned. I still hope that this issue will be taken out of my hands.

Over the course of my speech that day, I was particularly harsh with Dr. Ivan Fellegi, maybe overly harsh, as Senator Murray pointed out at the time. Today, however, the Chief Statistician, the Minister of Industry and I all agree that this bill strikes an effective balance between all kinds of competing interests. It does so by providing a framework that allows wide-ranging research by historians, genealogists and others. It also specifically protects people's privacy in a number of ways. In addition, the bill clears the way for all Canadians to make an active and informed decision on whether or not to include themselves in Canadian history in the future. I am confident that we will all be there.

I will start, then, by outlining for our new colleagues, and I hope the rest of you will forgive me for this, what all of the fuss has been about over the last five years. I will move on to give honourable senators a quick update on what steps the government has already taken to release historic census information. I will provide you with probably more information than you really want to know about the bill, and then I will make my pitch for support of this bill by each and every one of us.

For hundreds of years Canadians have been using nominal census records, some dating as far back as 1666, to trace and research Canadian history. Up to 1993, the Canadian government had always made the 92-year-old census records available to the public through the National Archives. The pre-Confederation censuses of 1851 and 1861, and the national censuses 1871, 1881, 1891 and 1901 have been an invaluable resource for Canadian historians, genealogists and medical researchers, all of whom have found them to be the only primary source of information on Canadians in their family groups.

In 1998, as we approached the ninety-second anniversary of the 1906 special census that was taken for the West after it joined Confederation, when the Western provinces were formed out of the Northwest Territories, Statistics Canada was preparing to release the census when it hit a snag. The regulations had exactly the same confidentiality and disclosure regulations as all previous regulations had had, word for word. However, in 1905, the previous year, the government had passed a bill specifically giving those regulations the force of law. The regulations did make certain references to confidentiality, and they prevented the census takers of the time from disclosing any information that they collected in the course of their duties.

As a result of legal advice, Statistics Canada erred on the side of caution and announced it would not release the 1906 census as planned.

This upset historians and genealogists everywhere. They did agree that census takers were not allowed to go up and down the road gossiping about their neighbours. In fact, no genealogist or historian doubts that contemporary confidentiality was then and is now essential. They were adamant, however, that a different section in the same regulations was equally, if not more important. That section specifically stated that the nominal census returns would be stored in the Archives of the Dominion.

My response was fairly straightforward. I thought that this was a simple oversight the government could correct, and when the government did not correct it, I felt it was perfect for a private senator's bill. Little did I know that I would have to introduce that same bill twice and wait five years before getting to this day.

I worked closely with the genealogical and historical communities who collected petitions and pounded out e-mails to senators and to members of the other place to encourage government action. The progress was slow but steady. Over the course of the battle, I presented petitions with over 26,000 signatures to the Senate, all calling for action on this very important piece of Canadian history. While I was working in the grassroots, the government was doing its own homework on the issue.

In order to find a way out of the legal log-jam, the then Minister of Industry, John Manley, appointed an expert panel to study the issue and to report back to him. The conclusions of the expert panel were fairly straightforward. The panel, led by former Senator Lorna Marsden and former Supreme Court Justice Gerard LaForest, found that there was no legal impediment to the release of census records created prior to 1918. In 1918, however, the Census Act itself was amended to include the same confidentiality provisions as had been included in the earlier regulations governing the 1906 through 1916 censuses.

Although there was no mention of the National Archives in the 1918 act itself, the regulations governing the 1921 and all subsequent censuses, which had and still have the force of law, all made specific reference to the fact that the nominal census returns would be turned over to the Archives of the Dominion.

The expert panel concluded that the placing of this reference in the regulations, rather than in the bill, was not a specific policy choice but an oversight. The panel recommended that "for greater certainty" the Statistics Act be amended to allow for the release of post-1918 census returns.

Although the report of the expert panel cleared things up in the minds of many people, it was still not sufficient to deal with the qualms harboured by Statistics Canada. Legal niceties notwithstanding, the Chief Statistician was genuinely concerned that Statistics Canada would take a hit to its reputation if it were seen to go back on its word. In my opinion, the reputation of Statistics Canada is worth fighting for. Stats Can is a world leader in statistics methodology and integrity. It is seen as a model around the world, and it relies on that reputation in the international community, and indeed within Canada, when it asks for highly sensitive and private information from business, industry, government and individuals. It became necessary to ensure that the decisions regarding the release of historic census records would not affect the broader present day or future operations of Statistics Canada.

In November 2001, Statistics Canada announced further public consultations by way of focus groups and town hall meetings. The goal was to measure the reaction that Canadians would have to the release of these census records. After a lot of study and hundreds of submissions, Statistics Canada was able to conclude sometime this past summer that post-1901 censuses could be released. All that had to be worked out were the details. It took another seven months to hammer out those details. I freely admit to all honourable senators that at times I was part and parcel of that delay. There were certain things that I felt had to be done. Fortunately, the Minister of Industry agreed with me that we would not proceed until some conditions had been met.

I am thrilled to tell you that the details have been worked out. Much has been accomplished and Bill S-13 is the result. At this time, I want to take a moment to recognize the valuable input of one particular senator at just the right time. On March 7, 2002, Senator Murray spoke on my bill and implored everyone to reach a consensus. He appealed to the Senate to continue to work to find a compromise that would accommodate all of the different perspectives. I took many of his comments to heart, and I hope he will be able to support this solution. It is precisely the type of compromise he suggested almost a year ago.

• (1530)

Let me turn now to what the government has already done to open historic census records to researchers. On Friday, January 24, the government released the entire 1906 census on-line and without restriction. Although Stats Canada felt there may be some ambiguity in the law governing the 1906 census, the government agreed there was no longer any need to withhold it. Ninety-seven years were long enough to deal with any privacy concerns. Since the 1906 census was only an agricultural census of three provinces, it contained information that was not highly intrusive. Also, it was the first census taken of Alberta and Saskatchewan. Therefore, the government agreed that, as part of the compromise solution, the 1906 census would be released immediately.

What has been the response of the public, honourable senators might ask? I will let the numbers tell the story. The government put the 1906 census on-line on January 24. In the first 12 days the census was on-line, the site received 4,870,569 hits. You may want to know how widespread that access was. We can learn that from the number of Internet service providers that accessed the site. For those who do not know what exactly a service provider is, Sympatico is one service provider with millions of subscribers. The Senate is a service provider, as is AOL, America On Line, and Roger's Cable. If every single one of the people who use only those four Internet service providers accessed the historic census, the National Archives would have recorded only four visits. On average, in the first 10 days that the 1906 census was on-line, the archives averaged 3,972 visits per day by servers. Not only is there a lot of research being done, but clearly that huge number indicates that the servers must come from all corners of the world.

Honourable senators may not be aware that the 1901 census has been on-line since June of last year. In the first seven months that the 1901 census has been on-line, June to December, the National Archives received a staggering 51,704,325 hits. There is absolutely no doubt that Canadians consider this census information vitally important, as it is to people around the world.

Between the 1901 and 1906 census, there are now over one half-million hits per day on the archives site. That is truly remarkable.

Honourable senators may ask what is the downside. Are there problems? After more that 56 million hits to the National Archives website, the exact number of complaints about the service lodged with the National Archives is zero. This speaks volumes about the value of this service and the importance that Canadians place on their history.

I will turn to the bill itself because it is the second and the most significant part of this compromise solution. The government has introduced this bill to govern the release of all censuses that have taken place after 1906, up to and including 2001, and all the censuses to be taken in the future, as well.

I believe, honourable senators, that you will find this framework both balanced and fair and, as it is quite a short bill, I want to take the time to walk you through it step-by-step, clause-by-clause. There are only three clauses.

The bulk of the bill adds to section 17 of the Statistics Act, which governs secrecy at Statistics Canada. The entire scheme that will govern the release of historic census records is set out at clause 1 of the bill, which adds new sections 17(4) through 17(10) to the Statistics Act. Clause 2 of the bill then adds section 17.1, which gives the Governor in Council certain regulatory powers. Clause 3 contains a penalty provision that applies solely to the disclosure of census information.

Proposed sections 17(4) to 17(10) govern the release of nominal records from censuses taken from 1911 to the present. Proposed section 17(4) gives genealogists and historians express but conditional permission to examine complete census records 92 years after the date of the census. The condition is that genealogists must sign an undertaking that will limit the information that they can publicly disclose. Historians must sign a similar undertaking as well, and must have their research proposal approved by an acceptable authority.

Under proposed section 17(5), those people who have the right to approve access to the census must assess the scientific and public value of the research before allowing it to go forward.

New section 17(6) goes on specifically to note that everyone who signs an undertaking under 17(4) must comply with the undertaking. Proposed section 17(7) states that everyone may freely examine and disclose census records 112 years after the date of the census. At that time, it is completely without restrictions.

There are a few key details to note regarding sections 17(4) through 17(7). These sections do not limit which parts of the nominal census returns a person can look at or even copy. It is the government's intention that the undertaking that genealogists and historians sign will limit the information that they can disclose to others to what they call tombstone information. That includes name, address, age, date of birth where available, sex, marital status, origin, and occupation. This limitation on publication will last for 20 years. When those 20 years are up, 112 years after the date of the census, there will no longer be any limitations whatsoever on what can be published or who can access census material.

Proposed section 17(8) governs the release of census material from future censuses. The next census is scheduled for 2006. Section 17(8) limits the census data that can be examined to the returns of those people who consent to having their information released to the National Archives. In other words, on all future census forms, Canadians will be asked to give their prior informed consent to having their census returns stored in the National Archives. If a person withholds consent, their information shall forever remain private. These returns of future census results from now on will all be available, completely open, 92 years after the date of the census, as the ones 1901 and prior were available. No two-step procedure will be required for these census returns because each person will already have given their informed consent on the issue.

Proposed section 17(9) specifically allows those who examine the nominal census returns to publish the information that they find there. This will be limited by the undertaking that genealogists and historians have to sign for the period 92 to 112 years after each historic census.

Proposed section 17(10) is very important. It orders Statistics Canada to transfer the individual census returns to the National Archivist 92 years after each census date. The National Archivist will be responsible for regulating access to the records. I repeat. This fact is most important. Ninety-two years after a census is taken, the records will be transferred to the National Archives and the archivist will have care and keeping of those records.

• (1540)

Once the scheme for releasing historic census records is laid out in proposed section 17.1, the bill goes on to set out the regulatory powers of the Governor in Council in relation to the scheme in section 17. This is clause 2 of the bill, and it creates section 17.1, which allows the Governor in Council to make regulations, (*a*) prescribing the form and the content of the undertaking that must be signed by genealogists and historians; and (*b*) prescribing the categories of people who can approve a historian's research.

These regulations must be made on the recommendation of both the Minister of Industry, who is responsible for Statistics Canada, and the Minister of Canadian Heritage, who is responsible for the National Archives. These regulations, when they are drawn up, will have to be vetted by both ministers.

Finally, clause 3 of the bill adds a section to the penalty provision of the Statistics Act, which states that any person who breaches an undertaking under section 17(6) will be guilty of an offence and liable for a fine of up to $1,000. This penalty is less substantial than those in the rest of the Statistics Act. I want to reassure genealogists that there is no possibility of jail time or a criminal record for an offence relating to the disclosure of census records. I am not sure of this fact — I will have to check — but it seems to me that no one has ever been convicted under the Statistics Act. That bodes well for historians and genealogists in the future.

Honourable senators, that gives you a solid foundation in the nuts and bolts of the bill. I want to spend some time now helping you all to understand the various policy trade-offs that have been made in this bill, and I want you to understand what steps are being undertaken to protect privacy. As well, I want you to understand why it is so important that this bill be passed.

When this whole debate started five years ago, genealogists and historians were told bluntly that there would be no future access to historic census records. The door was to be slammed shut. We were told that this had to happen in order to protect privacy.

In releasing the 1906 census and in introducing this bill, the government has made the ultimate concession. They have agreed that census records should generally be available with an absolute minimum of restrictions. Genealogists win. In fact, under this scheme, 100 per cent of past census records will be available for unrestricted research at some point in time — in 112 years. That concession alone is more than enough to warrant my support of this bill. The government has seen the historic value of census records and has decided to open the vault. Access to history will not be compromised.

I turn, then, to the limits that are being placed on access under this bill. I freely admit that I have struggled long and hard over what is set out here, and I have come to the conclusion that the temporary limits are justified. One simply cannot ignore the fact that, in 1918, the federal government wrote privacy provisions into the Statistics Act; nor can we ignore the fact that all of the regulations governing the 1911 and 1916 census had the force of law. Those regulations mentioned both release to the Archives of the Dominion and the need for privacy. Privacy rights are real rights and it would be totally improper for the federal government to disregard them.

One of the fundamental truisms of privacy law is that all information loses its sensitivity as time passes. Privacy theorists argue that one of the ways privacy issues can be resolved is just to let additional time pass in order for documents to lose more sensitivity. The censuses from 1851 through 1901 were all governed under a set of laws different from those taken after 1901. It stands to reason that because of the perceived lack of clarity in the legislation, the 1911 and subsequent censuses could be deemed more sensitive on their ninety-second birthday than earlier censuses. To cure this sensitivity, the censuses will be released, but some information within them will still be "unpublishable" after 92 years, and all information will be released completely free of restrictions after 112 years.

I want to take this opportunity to assure any genealogists and historians who may be listening, or reading Hansard later, that the proposed undertaking is nothing to be concerned about. The government does not want to make it difficult to conduct historical and genealogical research. I am told that the forms to be signed will be short, simple and easy to understand. More important, I have been given the personal assurance from the National Archivist that any requirements that the waiver contains will not prevent the historic census records from being accessible through the National Archives website or through local libraries that will have both the microfilm and the ability to collect signed undertakings. At the same time, it is Statistics Canada's position that the use of the waiver will sufficiently protect any privacy interests that arise from the release of the records.

The principles governing the release of future censuses are, I believe, equally sound. Starting with the next census in 2006, Canadians will have the opportunity to decide for themselves whether their census returns will be turned over to the National Archives. If they decide that they do not want their information ever to be made public, it will not be disclosed.

I know that many genealogists and historians will not be happy with this measure, but I must stress that census information, particularly the information now asked for on the long form, is intensely personal. As such, each individual should have a great deal of control over how it is used. The principle of prior informed consent is the best way to handle this situation. Some have expressed the concern that if people are given the opportunity to opt out of the disclosure to the National Archives, serious damage will be done to the integrity of the record and to the statistical validity of the historic record.

I hope these worries will prove unfounded. To give an idea of why I think they may be unfounded, let me share a key piece of information. When Statistics Canada conducted the Canadian Communities Health Survey, it asked Canadians if they would be willing to release their health information to local authorities to increase the quality of health care in their community. We all know that personal health issues are extremely sensitive, but over 95 per cent answered that they would be willing to do so. That is a truly astonishing response rate, and I think it bodes well for the release of historic census records.

Honourable senators, this is a solid, non-partisan bill and it is a good compromise. It achieves the goal of historians and genealogists of gaining access to historic census records and of properly preserving them. It provides adequate safeguards for privacy that are entirely appropriate. It is a bill that strikes the balance that I have been seeking for a long time — the balance that Senator Murray asked for. I am proud that the government and, in particular, Minister Allan Rock already took the bold step of releasing the 1906 census. I am also proud that they cared enough to preserve and protect Canadian history and the privacy of Canadians for generations to come. I urge all honourable senators to support this bill.

• (1550)

Hon. Lowell Murray: Honourable senators, so as not to keep my honourable friend in suspense, I will announce right away that I intend to support this government bill. I opposed the two private members' bills on this subject that Senator Milne sponsored in the previous sessions of Parliament because, as she knows, in my opinion they went considerably beyond what was necessary for the stated purpose and what was desirable in terms of public policy.

That said, I note that she has told us that the parties to this compromise, in addition to herself, were the Minister of Industry and the Chief Statistician. When we come to consider the details in committee, there are, of course, some matters that one would want some further information on.

Further, I note that she did not mention the Commissioner of Privacy as one of those who was party to this compromise. I would think the committee would want to hear from the Commissioner of Privacy on this bill. At first blush, it appears to me that the kind of compromise that he favoured when he appeared before the committee in respect of Senator Milne's private member's bills is indeed incorporated in this government bill, but he will have an opportunity to speak for himself, I hope, when the committee meets.

I congratulate the honourable senator on her achievement, and I am glad she regards it as an achievement. This is a government bill. She made it very clear when she brought in Bill S-15 in December of 1999 and when she brought in Bill S-12 in February of 2001, both private bills, that what she earnestly and ardently desired was a government bill. She made it clear that introducing the private bill was one way of exerting some pressure on the government to arrive at a new policy and bring in a bill of its own. She has succeeded in that effort, and I congratulate her without qualification on that.

This is a government bill. It meets the needs of the people on behalf of whom Senator Milne was speaking — in particular, people who want to trace their own family histories by consulting personal data collected in the course of census and scholars who want to do historical research. It meets the needs of those people, and it does so while, generally speaking, respecting the privacy of Canadians, living and dead.

I think it is fair to say that this bill — and the honourable senator acknowledged as much — resembles more closely the compromise that we were speaking about here. I do not take for myself or for members on this side authorship of the compromise. It had been suggested by the Commissioner of Privacy and was the subject of negotiations between him and the Chief Statistician and others for some considerable period of time. However, today's government bill resembles more the compromise that was being talked about than it does the wider-ranging bills that Senator Milne introduced. As I recall, her bill would have made this data public after 92 years, and there were no limitations or restrictions on what data might be released and to whom it might be released.

There was a provision that a person in respect of whom the personal data had been collected could object to its disclosure, and provided that that person satisfied the National Archivist that the objection was valid, and provided, again, that the objection was made in the 92nd year after its collection, then that person could succeed, perhaps, in preventing its disclosure. Therefore, a person had to be at least 92 years of age in order to make the objection in the first place. As our former colleague Senator DeWare said when she was speaking to Bill S-15, this was a form of negative option billing that Senator Milne was proposing for personal census data. Other than those who objected, all others, as Senator Milne said at the time, would be "deemed to have given irrevocable consent" to public access to their personal information.

Objection was taken to this, and properly so, not just by Statistics Canada and the Privacy Commissioner, but also by some of us on this side of the house, because we felt it went far beyond what was necessary in order to meet the needs of people wanting to trace their own family history or the needs of history scholars.

My honourable friend has pretty thoroughly outlined the provisions of this bill. The personal census data will be released 92 years after it has been collected to people who want to trace their own family histories and to people who want to do historical research.

We do not have the draft regulations in front of us, but that does not really matter because the government has sent out, with the bill, sufficient background material as to clearly indicate what the regulations will contain. In the case of people tracing their own family histories, they, or a person with whom they have contracted to do so, will be permitted to disclose only the tombstone information to which Senator Milne referred. Those wishing to do historical research will need to have their project approved as having a public or scientific value. Those history researchers will be subject to the same limitations as regards the disclosure of information as apply to people searching for information on their own family.

If you are interested, those who may approve such a history project — and this may be the subject of some questions in committee — will include, according to the background document that was sent out by the government, the Chief Statistician, who is presumed to be a history scholar, the National Archivist, ditto, members of Parliament and senators, a mayor, a chief of a First Nations community or a band council, the dean of a university, and senior clergy, whoever they may be. All of those people are presumed to have some qualifications in the field of historical scholarship, and I or someone else may want to ask when the matter goes to the committee how this can be so, or why the government has arrived at this list of people who could sign off on historical research.

Most important in this bill, in my view — and Senator Milne has referred to this — is that for all future censuses, respondents will have the opportunity to authorize or not the release, 92 years later, of their personal census data. This was a matter that Senator Comeau and I referred to in the debate on Bill S-12. As I pointed out at the time, Australia has just such a provision on its census form. The respondent is asked whether everybody living under the roof of that house authorizes the eventual release of the data referring to that person.

Honourable senators, there are some wrinkles in the government policy on this matter that remain to be explained. I hope that we will have an opportunity in committee to look into them. I am somewhat puzzled as to why the restrictions are lifted with regard to disclosure of personal data after 110 years. The restrictions come into force 92 years after collection of the data, but then 20 years later, no restrictions will apply.

• (1600)

I looked up the questions and answers sent out by the government to see the explanation for this. I will read one. Question 20: "Why 112 years?" Answer: "First, the 92-year release, subject to some conditions, coincides with the Privacy Act and its regulations which set out that information obtained from a census may be released 92 years later. In addition, there is a provision in the Privacy Act that permits the release of personal information 20 years after the death of an individual or 110 years after a person's birth. An increasing proportion of Canadians survive to 92 years but few do beyond 112 years. The 112-year restriction is, therefore, more stringent than the requirement of the Privacy Act and its regulations."

They have given us much information in that answer but they have not really answered the question of why it is 112 years. Perhaps someone will appear before the committee to provide that explanation.

I am also puzzled by the government's decision to overtake this bill by releasing, holus-bolus, the 1906 census. There is a question and answer about that which I will not read, but I think Senator Milne referred to it. In a nutshell, they released the 1906 census without any restriction, first, because the personal data therein is all tombstone information anyway — name, address, occupation, et cetera — and, second, because it was only taken in three provinces in Western Canada. That means that I will be able to look up Senator Chalifoux's ancestors, but she will not be able to look up mine.

It seems odd to me that they proceeded and released that data. Surely the 1906 census was covered. We know that it had not been released in 1998 because the legal opinions of the Department of Justice stated that it ought not to be released. This is covered by a euphemism in the material that the government sent out with this bill wherein they talked about lack of clarity and about ambiguity. Senator Milne today referred to what she would have thought was an excess of caution on Dr. Fellegi's part and qualms on the part of Statistics Canada concerning this matter.

There is an article in the current issue of *The Hill Times* that is much along the same lines. It is as if the failure to disclose this data before now was simply a whim on the part of the Chief Statistician of Canada, Dr. Ivan Fellegi. For the record, there were regulations in force under the 1905 and 1906 Census and Statistics Act. I read those regulations into the record when I spoke on March 27, 2001. I will not do so again. In addition, as Senator Milne pointed out, provisions were enacted in the law of 1918, the Statistics Act, and subsequent legislation in 1948, 1970, 1971 and 1972 all prohibiting the disclosure of personal census information.

Against that, Senator Milne and others have argued that there is a provision stating that the material should be sent to the archivist. Yes, there is; and, yes, there is an apparent conflict. However, we must bear in mind that this data has not been released before now and the government feels it is necessary to bring in the bill because the Department of Justice interpreted those regulations and that law in a certain way until fairly recently, when they have done a 360 degree flip-flop on the issue. I suppose that lawyers in the Department of Justice have a right to change their minds just like anyone else.

There was also the question of whether these regulations from the past and from the 1918 and subsequent legislative provisions were trumped by the 1983 Privacy Act, which provides for disclosure of government information after 92 years. Senator Milne and others argued that the Privacy Act trumped them. As a layman, I would have thought that if the Privacy Act were to trump existing legislation, it would say so. Notwithstanding the information in this or that other statute, this is the disclosure regime that would apply.

In fairness to Statistics Canada and Dr. Fellegi, I am glad that Senator Milne has acknowledged the eminence of Dr. Fellegi and the agency and the esteem in which they are held both internationally and in Canada. However, they were acting in respect of an opinion that was provided to them by the law officers of the Crown. That opinion has changed. When the Department of Justice changes its opinion, everything changes.

For greater clarity, we now have Bill S-13, which is an honourable compromise. It meets the needs of the people for whom Senator Milne was speaking so effectively. We all know that for a number of years much public pressure has been brought to bear on the government to disclose this information. I believe that those people could not have made such an achievement without such a persistent and tenacious spokesperson and champion as Senator Milne. I congratulate her on that.

Honourable senators, I am eager to see this bill go to committee because there are matters that we, on this side, wish to explore further. As to the principle of the bill and to sending it to committee now, I think I can speak for those in Her Majesty's Loyal Opposition and say that we are prepared to see that happen now.

Senator Milne: Would the honourable Senator Murray accept one brief question?

Senator Murray: Yes.

Senator Milne: My question is to ensure that the record is absolutely straight. The Privacy Commissioner of Canada, Mr. George Radwanski, was consulted, and I believe that question No. 6 has been consulted on the issue of the release of historic census. We are grateful for his helpful advice in respect of the safeguarding of personal information.

Honourable senators are now aware that the Privacy Commissioner has been consulted, and I am certain that he will be asked to appear before the committee. Are my honourable colleagues also aware that I am beginning to call myself either Senator Lorna "Bulldog" Milne or Senator "Power-to-the-People" Milne?

Senator Murray: Again, the question and answer in respect of the Privacy Commissioner of Canada states that he was consulted; I certainly hope that he was. They did not state, as they would have stated in respect of Senator Milne, of the Minister of Industry and of the Chief Statistician, that he is in support of Bill S-13.

I would not want to indulge in a canine metaphor in respect of the honourable senator or any other honourable senator. I am happy to congratulate her on her tenacity and let it go at that.

Hon. Tommy Banks: Honourable senators, I ask permission of the house to revert to a question to Senator Milne. I rose earlier but sat as soon as Senator Murray stood.

• (1610)

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

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would agree to one question, but this must not turn into a question period.

[*English*]

Senator Banks: Honourable senators, my question is much more mundane and simple, but no less important, than those raised by Senator Murray. In my previous life, in a roundabout way, I had to do with and became concerned about, not the moral integrity of the records, such as the ones to which you referred, but the physical integrity of them.

That issue has also been raised here by Senator Corbin, specifically with regard to the National Library. The same question sometimes arises with respect to the National Archives. Some of the contents of these records have, from time to time, been subjected to damage or materials have been irrevocably lost.

I do not know whether the honourable senator can answer my questions immediately, and, if not, I would draw these matters to the attention of committee members who will be studying this bill.

It was mentioned that after 92 years the data is transferred to the care of the National Archives. In what form and in what protective containment is it transferred? Are we satisfied that the place in which these materials will be stored is, in fact, safe from burst pipes and leaking roofs, which have already cost us the irrevocable loss of some very valuable Canadian Heritage materials?

Senator Milne: I thank the honourable senator for his question. Although I cannot answer it right now, I can tell him that many of the early census returns no longer exist on paper. They have already been microfilmed, which makes them much easier to store since they take much less room.

The 1991 census was at one point being stored in paper form in the archives and under the control of Statistics Canada. It was in paper form, wrapped in plastic and stored in climate-controlled areas in the new archives in Gatineau. It took up an enormous amount of room.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Milne, seconded by the honourable Senator Finnerty that this bill be read the second time.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Milne, bill referred to Standing Senate Committee on Social Affairs, Science and Technology.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the Third Report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(*Honourable Senator Keon*).

Hon. Wilbert J. Keon: Honourable senators, last week the first ministers signed a health accord. In it, the federal government agreed to invest about $27 billion over five years or 12 billion new dollars over the next three years in health care.

For their part, the provinces committed to using this money not only to shore up existing services, but also to begin the process of extending the range of health care services covered nationally by public insurance.

This accord thus represents progress in important areas. I had opportunity recently to speak with the Prime Minister, and I congratulated him for moving the agenda forward and not allowing the accord to fall into a stalemate.

Having said that, the dust has not yet fully settled. It would seem that neither the provinces nor the federal government got everything they wanted. Several premiers immediately made it clear that the outcome was, at best, a first step in the right direction and that they were already anticipating the next round of talks. More ominously, perhaps, the leaders of the territories felt that the agreement fell so far short of their needs that they refused to sign on.

The conclusion of this latest round of bargaining brings to a close an intensive period of discussion about the future of publicly funded health care that began last fall. It is worth reflecting for a moment on what has been achieved. My main focus will be on the impact on the negotiations of the two key reports that were issued during this period, namely, that of the Romanow royal commission and that of the Senate committee.

Something that struck me about the ongoing drama of publicly funded health care in Canada is that there is a sharp disconnect in the policy process between the amount of time we spend studying the system on the one hand versus the amount of time involved in concretely deciding what to do on the other. For example, on the study side of the equation, our committee devoted over two and one-half years to examining the complex and interrelated issues that traverse the health care debate, while the Romanow commission took 18 months to complete its work.

Both studies yielded comprehensive recommendations for change. The time frame that governs the other side of the equation could not be more different. The key decisions with regard to health care policy ultimately have to do with how to allocate that scarce resource — money.

In recent years, the process surrounding this critical phase of decision-making has come to resemble a high-stakes poker game. The crunch moments take place in the course of a single day, behind closed doors, and outcomes often seem to be determined by short-term political considerations as much as by the health care needs of Canadians.

Of course, the work of the committee and of the Romanow commission clearly helped to define the menu of items from which the first ministers were able to choose, but policy-makers seem to be incapable of agreeing to long-term plans. Thus, despite the fact that recent studies have laid out a comprehensive set of options, we seem to be condemned to repeat these acrimonious negotiations every year or two.

Some might say that the conclusions of this most recent exercise in choreographed brinkmanship has consigned both the report of the committee and that of Mr. Romanow to the realm of past history. I suggest that nothing could be further from the truth.

In the first place, the report upon which agreement has been recently achieved remains very general with regard to the specific programs that will receive new federal funding. Moreover, there are a number of critical areas, such as dealing with the serious, across-the-board shortages of health care professionals, that were not addressed at all in the accord. This means that the content of the recent reports remains very relevant to the policy debate. It is not that one should expect a wide-ranging report to be implemented integrally by government. I believe I speak for all members of the committee in saying that we stand by the full pack of recommendations that we adopted in our report. These form a coherent whole and, in an ideal world, would form the basis for a comprehensive action plan, thereby guaranteeing the long-term sustainability of publicly funded health care in Canada.

• (1620)

We live in a world where that is not likely to happen. Therefore, a realistic perspective on health care reform requires that we be prepared to proceed in stages and implement reform in a pragmatic manner. However, if the end result is to be something more than a fragmented system, even these incremental steps must be guided by an overall vision of the end result to be achieved. Thus, the short-term measures should be linked to a long-term plan.

In this context, I should like to examine briefly how the Senate committee's approach to health care reform compares to that of the Romanow commission. It is impossible to do full justice to the scope of either report in a single speech, so I will concentrate on a few issues that illustrate the similarities and differences between the two reports. I will begin with the health care issue of greatest concern to Canadians: excessively long waiting times for diagnosis and treatment. I will then look at the need for federal investment in health care infrastructure and the need to expand the scope of services that are publicly insured in this country. I will conclude briefly with some remarks on enhancing government accountability, before returning to the status of the debate in the aftermath of the first ministers' accord.

First, let me speak to the health care guarantee. There is little doubt that long waiting times for access to diagnostic services for treatment are the principal worry that Canadians have about their public health care system. To deal with this concern, the committee recommended that a maximum waiting time guarantee for all major procedures be put in place. When this maximum waiting time is reached, patients would be entitled to receive treatment in another jurisdiction, including another country such as the U.S.

The point at which this health care guarantee would apply for each procedure would be based on an assessment of when a patient's health is at risk of deteriorating as a result of further waiting. Safe waiting times would be established by scientific bodies using clinical, evidence-based criteria. Adopting the committee's care guarantee would send a signal that both governments and health care providers were committed to ensuring that Canadians receive timely care.

Mr. Romanow agreed that patients should be told how long they should expect to wait for each procedure, but did not recommend going the extra step the committee has recommended, that of making the commitment that these targets will be met and that someone other than the patient will bear the consequences if they are not. Mr. Romanow believes that it will be enough simply to inform people of how long they should expect to wait for the procedure or service they require.

In the short term, the first ministers' agreement to invest $1.5 billion in diagnostic equipment constitutes a first step towards reducing waiting times. Building on this would mean making firm commitments to provide diagnostic service with specific waiting times and, eventually, extending this commitment to a broader range of services.

Health care infrastructure has been woefully underfunded in this country. We now rank near the bottom of OECD countries in terms of the availability of many important pieces of diagnostic equipment. We have allowed our capital stock to deteriorate and are facing shortages of health care personnel across the board. The committee has recommended that the federal government invest in the renewal of urgently needed physical plant and equipment in Canada's teaching hospitals. In addition to being the primary site for training of Canada's health care professionals, teaching hospitals offer the newest and most sophisticated services, as well as treating the most difficult, complex cases. They are truly a national resource and, as such, must be supported by the federal government.

The committee proposed that the federal government fund the development of a national health information system, which could be used in hospitals and doctors' offices across the country.

Despite the importance of information management for good outcomes in health care delivery, Canada's health care system has little capacity for health care information management and does not make use of information management technology to nearly the same extent as other information-intensive industries. We consider building a system of patient electronic health records to be a national priority, and believe that it should be entirely funded by the federal government.

Honourable senators, our committee has defined infrastructure of the health care system to include the education and training of people who provide health care to Canadians. A national strategy is needed in order to make Canada self-sufficient in health human resources. In the short term, more money is needed to boost enrolment in education and training programs for all health care professionals. The committee recommended that the federal government do its share by buying places in educational institutions so that more doctors, nurses and other health care professionals can be educated and trained.

The general thrust of Mr. Romanow's proposal with respect to information systems and electronic health records is similar to those proposed by the committee. He has also proposed major investments in diagnostic equipment. However, in other infrastructure areas, this report is rather short in detail, especially in terms of estimating the costs of implementing the general objectives he has endorsed.

Perhaps most surprisingly, Mr. Romanow set no specific targets for increasing the supply of either doctors or nurses in this country, and consequently did not allocate any specific funding for education and training of health care professionals. Moreover, there is scarcely a word about hospitals to be found anywhere in Mr. Romanow's report. This strikes me as a serious oversight, especially with respect to the urgent need of Canada's teaching hospitals.

The first ministers' accord provides for an additional investment in the development of electronic patient records, but is imprecise concerning the implementation of its funding proposals on the other two infrastructure items, hospitals and human resources.

The structure of medicare in Canada means that publicly funded coverage for anything other than medically necessary services delivered by physicians or hospitals is either nonexistent or extremely uneven across the country. This leads to unequal access to many increasingly important elements in the continuum of care, such as prescription drugs. At the same time, it also perpetuates much inefficiency, such as unnecessarily long stays in hospital because of the unavailability of services in the home. It is therefore also imperative to begin to expand the scope of public insured services if we are to sustain an affordable system that is capable of using all key technological and scientific advances and providing Canadians with the best possible care.

The committee identified three key areas for investment by the federal government: post-acute home care, palliative care and protection against the risk of catastrophic drug expenses.

Recognizing that the resources are, and will continue to be, tight and that a fiscally responsible government program is needed, the committee recommended a national post-acute home care initiative; that is, one that focuses exclusively on home care following an episode of hospitalization.

The goal of palliative care is to provide the best possible quality of life for the terminally ill by ensuring their comfort and dignity while relieving pain and other symptoms. Recent studies have estimated that over 80 per cent of Canadians die in hospital. Fully 80 to 90 per cent of Canadians would prefer to die at home, close to their families, living as normally as possible. However, the services necessary to enable them to do so are not often available.

A national palliative care initiative could begin by allowing Canadians who wish to take time off from work to care for dying relatives to have access to Employment Insurance benefits.

Finally, a carefully targeted program is needed to protect the 11 per cent of Canadians at risk of experiencing significant financial hardship as a result of paying for catastrophic prescription drug expenses.

With respect to the delivery of health care services, Mr. Romanow and the Senate committee made recommendations on the same issues. There are many differences of detail, however. I would like to illustrate them briefly by using the example of the different proposals on dealing with catastrophic drug costs.

• (1630)

As everyone knows, drug prices are the fastest growing component of health care costs. A number of factors mean that the trend toward prescription drugs consuming an ever larger portion of the health care budget is not a short-term phenomenon. However, publicly funded coverage for prescription drugs is very uneven across the country.

The Hon. the Speaker: I regret to inform the Honourable Senator Keon that his time has expired.

Senator Keon: Honourable senators, might I have leave to complete my remarks?

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

Hon. Senators: Agreed.

Senator Keon: Although, on average, Canadians spend relatively little of their income on prescription drugs, the problem for those who face very high drug expenses can be extremely severe, with some people facing literal bankruptcy. In the committee's view, this is simply wrong.

The committee worked hard to find a feasible remedy to this growing problem. The committee's proposals call for the federal government to take over responsibility for 90 per cent of prescription drug expenses that exceed a certain limit that qualifies them as catastrophic. This plan, which would cost the federal government about $500 million per year to implement, would ensure that no Canadian would ever have to pay more than 3 per cent of his or her income for prescription drugs.

Mr. Romanow has also addressed the catastrophic drug problem. Unfortunately, it is impossible to know exactly what the impact of Mr. Romanow's plan would be for Canadians in general since there are no fixed targets set for the maximum that individual families could spend out of pocket on prescription drug expenses.

The first ministers also recognized the need to do something about protecting Canadians against the risk of catastrophic drug costs, but left working out the details to future discussions.

I should now like to say a few words about accountability to the Canadian public. The committee believes that the area where accountability must be significantly improved is the way in which all levels of government report to the Canadian public on the state of the health care system and health status of the Canadian population. For this reason, the committee recommended the creation of a national health care commission and a national health care council that would be national in scope and would be responsible for reporting to the Canadian public on an annual basis on the state of the system as well as the health of Canadians.

Mr. Romanow has proposed the creation of a new health council of Canada that resembles the committee's proposal in many ways. He has given his council a somewhat broader mandate than the committee assigned to its commissioner, but it would report to Canadians on many of the same topics. The one potentially significant difference is over the degree of independence that these organisms would have from government.

The structure proposed by the Senate committee would make the national health care commission entirely independent of government. While the first ministers agreed to some form of accountability mechanism, its exact scope remains to be clearly defined. However, in some way, they would be answering to the government authorities.

In conclusion, by highlighting some of the differences between Mr. Romanow's report and that of the Senate committee, and by pointing to some of the areas that were either not covered at all by the recent federal-provincial accord on health care or were left vague by that accord, I have tried to indicate some of the ways in which the Senate committee's report remains relevant to the ongoing debate on health care reform.

I am encouraged by the extent to which many of the proposals, analyses and recommendations contained in the committee's report have already had an impact on public discussion of these issues and on the various levels of government. There is clearly more work to be done if the foundation of the most important social program in the country is to be solidified long into the future.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would like to ask a question of Senator Keon.

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

Hon. Senators: Agreed.

Senator Lynch-Staunton: Has Senator Keon had a chance to read the statement following the first ministers' conference on the issue of health care? If so, did he find in it any conclusions that could have been drawn from either the Romanow report or the Senate report? Did the first ministers find those reports useful to their deliberations? Is any of that reflected in the conclusions that the ministers reached?

Senator Keon: Honourable senators, there is little doubt that the synergism in the Romanow report and the Senate report was reflected in the first ministers' conference. We have to accept that there has been a tremendous change in the operational frame of mind of governments in Canada. This whole phenomenon that we have lived with for the last 15 years of beating on hospitals, institutions and organizations to pull more out and to become efficient has been eased up. People are now beginning to accept the fact that this system cannot be sustained without a very major investment, and an investment that will bring about change. That was reflected in the accord arrived at by first ministers.

There is no question that the accord was criticized tremendously in the press. These things are always somewhat disappointing. However, we have to congratulate the governments of every jurisdiction and political persuasion for moving in a positive direction, although they could still be in a stalemate over this.

Some things are starting to happen. It is now up to all Canadians, in particular those who have been involved with this issue for some time, to assist governments of all persuasions and in all jurisdictions to try to come to grips with this matter.

A couple of weeks ago, honourable senators, I had the privilege of reviewing cardiovascular services and so forth in Great Britain. I spent a week conducting my review. I came home feeling pretty good about what we are doing in Canada.

It is interesting to note that the British approach is to give a health guarantee of a year for different procedures, diagnostic tests and so forth. Indeed, if someone waits a year, they can go to Germany or France for the procedure and the National Health Service will pay the bill.

However, the vast majority of these people do not wait a year. They go to a private clinic to buy the service. We do not have that option in Canada. Some 75 per cent of Canadians do not want that option. It is up to all of us to try to protect what we have and to build upon it.

Hon. Yves Morin: Honourable senators, following the thoughtful comments of Senator Keon, I would also like to comment on the thoughtful health care renewal accord that was agreed on by first ministers last Wednesday. To my mind, this accord was harshly and unjustly criticized. I think it is a remarkable initiative that will result in real and lasting change for our health care system.

As Senator Keon has stated, this accord is based on provincial as well as various federal studies. In the document that was made public at the end of the discussions leading up to the accord, the work of the Standing Senate Committee on Social Affairs, Science and Technology is specifically recognized as contributing to the accord.

As a matter of fact, as Senator Keon has stated, many of the various issues that have been covered come directly from our work.

[*Translation*]

This accord is made up of several components. The first deals with consolidation of current operations, for example, hospital operations and staff pay.

• (1640)

This funding is divided in three. The first, according to the September 11, 2000 accord, initially $21 billion, constitutes funding of $1.3 billion that will extend beyond the three years covered by the accord.

This year there will also be an immediate transfer from the federal government to the provinces in the order of $2.5 million. As well, there will be a transfer next year, assuming a budget surplus. This year, $8.4 billion in new funding was made available, which accounts for 50 per cent of federal transfers.

An excellent initiative is being announced, the creation of a health transfer fund. This means that, by 2008, all federal transfers to the provinces will be through one specific fund. At that time it will be possible, without any discussion of actual figures, to see what the government's exact transfers to the provinces are.

[*English*]

The second part of this accord is a new health reform fund of $16 billion over five years. At the end of five years, this fund will be transferred to the special Canada health transfer fund and, as I stated earlier, all federal transfer money will be in this fund. There will be an annual report on progress of spending of these funds by the provinces, with similar indicators, to which they have already agreed.

The first fund will be invested in primary care reform. That, to my mind, is by far the most important reform, as it will promote access to care, quality and sustainability of our system. The objective is to have 50 per cent of the Canadian population covered within eight years with 24/7 coverage by multidisciplinary primary care teams responsible for the care of the Canadian public.

The second program is a home care program with first dollar coverage, an important issue that the provinces debated at length. It means there will be no user fee, and it includes the funding for nursing, equipment, and so forth. It will apply to short-term acute care, to acute community mental illness, and that is a provincial victory because it was not in the original program as set out by Minister McLellan in her original plan. There will also be the coverage of palliative care. I would like to recognize the important and crucial work of Senator Carstairs in this regard. If that coverage is in the accord, it is due entirely to the efforts of Senator Carstairs.

Finally, there is catastrophic drug coverage. As Senator Keon stated earlier, 10 per cent of the Canadian public, mainly in the Atlantic provinces, has no coverage to pay for catastrophic drugs. It is an essential component of health care, and the Canadian public expects every Canadian to have this type of support. Also included is a type of pharmaceutical management, which we definitely need in this country, that will include efficiency of drug therapy and reduction of costs, including the costs of generic drugs. They are more expensive in Canada than in other countries, and the rate increase respecting those drugs exceeds that of other types of drugs.

There is a special diagnostic equipment fund of $1.5 billion. Senator Keon referred to the sad state of our equipment in Canada, which is near the bottom of the OECD list. That fund will help. This time there will not be the buying of lawnmowers or stoves or things like that because the provinces must report annually on the expenditure of this funding.

A very important fund will be allocated to health information systems. Senator Keon stressed the importance of these systems to the efficiency of our system, the quality of care and the sustainability of the Canadian system. Electronic health records are at the core of this health information system, and $600 million will be allocated to this system, in addition to the $500 million already allocated. Of the OECD countries, our system will be the most generously supported, with the exception of that of the U.S.

Other health accord initiatives will be funded at the level of $1.6 billion over five years to deal with patient safety, technology assessment and human resources.

Senator Keon stressed the importance that our Senate report placed on the academic health care centres, which are truly a national resource. The Romanow commission made no mention of academic health care centres. There will be $500 million given to these centres, and that will help them, of course, in their role of formation, research and ultra-specialized care.

There will be $1.3 billion going to Aboriginal health care, as well as a number of other initiatives, for example, health research. We can expect to see that in the next budget under the CIHR support. Health promotion, health protection and drug approval will have an extra $1.3 billion over five years.

[*Translation*]

This accord announces the establishment of a National Health Council, whose mission to demonstrate accountability, excellence and innovation will transform our system. The federal government is responsible for ensuring reasonably comparable health care for all Canadians. As Prime Minister Chrétien indicated, the residents of each province should be able to compare the quality of care they receive from one province to the next. The provinces have agreed on indicators for accessibility, quality of care and system viability. These accords are based on work being done by the Canadian Institute for Health Information. Funds will be granted to this institute so that it can assume a greater role.

In this regard, it is unfortunate that Quebec has not agreed to sit on this new council. Its absence will hurt all Quebecers, who will not be able to compare the quality of care they receive to that in other provinces. The Clair report, far from favouring closer cooperation with the federal government, recommended that Quebec participate in the Canadian Institute on Health Information, which Quebec is not doing, at present.

Honourable senators, this accord shows remarkable progress. This is a historic agreement for the development of health care delivery. It consists of a generous transfer of funds from the federal government to the provinces. If the federal government had given in to the provinces' demands, and Quebec's demands in particular, there would be a huge deficit when the budget is brought down next week.

• (1650)

Finally, we must acknowledge the key role played by the Minister of Health in preparing this accord, and that of the Prime Minister during negotiations.

[*English*]

Hon. John G. Bryden: I would like to ask a question, in order to make a comment. I was going to ask this of Senator Keon, but, as sometimes happens with me, I was ignored.

Some Hon. Senators: Oh, oh!

Senator Bryden: It is appropriate as well to ask it of Senator Morin. It is really for the interest of both senators given their professions and the reputations they hold in those professions.

I wish to draw to their attention a series of brief essays that appears in the latest issue of *The Atlantic Monthly*, entitled "The real state of the union." There are eight or ten articles, a page and a half in length, by eminent critics and people who obviously know something about which they are speaking, on various sectors of the U.S. economy such as defence, education and so on.

One of the articles that I found of particular interest was the discussion of health care in the U.S. and the reference to interesting studies that have been done. One of the conclusions is that there is not a direct relation within limits between the amount of money spent and the number of facilities, procedures and specialists available to the population of the community being served. The article indicates that specialists and facilities with the ability to do procedures tend to gravitate in the U.S. to the places with the best climates and the best culture.

Hon. Elizabeth Hubley (The Hon. the Acting Speaker): Honourable senators, I wish to inform you that Senator Morin's time has expired.

Senator Bryden, are you seeking leave to continue?

Senator Lynch-Staunton: Is there a question?

Senator Bryden: Yes. I am trying to get to the question. The article states that there is no direct relationship between the number of procedures performed and the health of the population in the area. Indeed, it is the reverse in some areas. For example, although far more procedures are done in the Miami area — given its general wealth — compared to the Dakotas, the health of the population in the Dakotas is greater.

There is no end to the number of tests that can be ordered and the number of procedures that can be done. People do not understand that virtually every time a procedure is performed in a hospital or on an out-patient basis, the risk of doing damage, the risk of being infected is great, which often offsets the ability to access this never-ceasing place where one can go to get work done.

The article also points to a study on arthroscopic knee surgery that was conducted on several thousand patients. One group received actual arthroscopic knee surgery and the other half received what would be the equivalent of a placebo; that is, they did not really have anything done to their sore knee at all. Six months later, there was no difference in the wellness of those who had actual arthroscopic surgery and those who thought they had had arthroscopic surgery. Has the honourable senator had the opportunity to read this article? If he has not, I would recommend it to him.

Senator Morin: It is extremely difficult for me to comment on an article that I have not read.

I have several comments. One is that social determinants of general health are more important than medical care. Education, social status and economic development are all extremely important factors for health. Lifestyle is more important. Whatever medical care a smoker gets when he has lung cancer is not important when we consider the fact that not smoking is more important. This is true for physical exercise, diet and so forth.

Concerning the study that has been referred to, clinical research using placebos happens all the time. Many drugs that have been used in the past have been found to be not as active as we thought they were after good clinical trials were conducted using placebos. There is nothing unusual about that. I am old enough to remember how many procedures were done when I was a young physician that were found not to be as effective as others.

That certain procedures are done and are not effective is not surprising. That is the difference between scientific medicine, which continuously changes and improves, and other types of treatments that are based on faith.

I certainly will read this article, but the two specific points — the relative lack of importance of medical care in the health of a community and the fact that some procedures may be found to be less effective than others — are part of the game. This has been going on for years.

On motion of Senator LeBreton, debate adjourned.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*).

Hon. Noël A. Kinsella (Deputy Leader of the Oppostition): Honourable senators, I rise to speak on this debate concerning the situation in Iraq, and in particular, the threat of war against Iraq. This is a crisis for the world community today, a crisis that leaves no country and no people in the role of bystander. We are all challenged with complex political and ethical questions surrounding this crisis.

• (1700)

What are we to do as Canadians? What do we foresee in terms of the imminent danger to human life? How are we to discern the correct course of action for Canada? Are we able to identify our responsibility to the world community? Shall we contribute to the shaping of the international order and respect for international rule of law, or shall we shrink from our duty and let others determine our course of action?

Honourable senators, we are standing on the brink of war in Iraq and we must ask: What is to be the nature of that war? Can it be justified politically or morally? Let us recall, honourable senators, that, while in its juridical sense, war is a contention carried on by the force of arms, in its humanitarian sense, it is the horrific slaughter of human life.

In order to analyze the morality of any war on Iraq, some of the questions we need to ask ourselves include: first, the existence of the right of war; second, the juridical source of such a right; third, its possessor; fourth, its title and purpose; fifth, its subject matter; and, sixth, its term.

To what extent can we speak of the right of war, or are the two terms contradictory of each other? Is it indeed an oxymoron to speak of the right of war? Clearly, there is much less difficulty in securing universal acceptance of the proposition that there exists a right of peace, a right to security, a right to solidarity.

Honourable senators, every perfect right, such as the right to security, involves an obligation in justice of deference to it by others. In order for the world to enjoy the right to peace and security, free from the threat of aggression and weapons of mass destruction, the Iraqi regime has a clear obligation to disarm. The right to peace and security of the people of the United States — as with the people of Canada and, indeed, the people of the world — carries with it the subsidiary right of coercion, if it is to be a real and efficacious right and not an illusory one.

Students of human rights will understand that a perfect right implies the right of physical force to defend itself against infringement, to recover the subject matter of right unjustly withheld, or to exact its equivalent and to inflict damage in the exercise of this coercion wherever it cannot be exercised effectively without such damage. It is critically important to understand that there are definite limitations to this coercive right, which include that its exercise be necessary, that the damage not be inflicted beyond measure and that the exercise of coercion be restricted in civil communities to public authority.

The existence of the right of war also might be supported by the duty that the state or group of states has to defend its citizens' rights, including the solidarity right of peace. States and the international community have the right of coercion in safeguarding their own and their citizens' rights in the case of menace. This is so because, without it, the duty of the state to defend the rights of its citizens would be impossible to fulfill. The rights of the common weal would be nugatory, while the individual and solidarity rights of the people of the world would be at the mercy of tyrants.

Regarding the juridical source of the right of war, the international law articulated by numerous resolutions of the Security Council of the United Nations, including resolution 1441, provide the international juridical backdrop for the crisis that we are currently facing. Additional resolutions of the Security Council might or might not be adopted so as to sustain the use of force in Iraq. Furthermore, honourable senators, the entire corpus of international humanitarian law clearly outlines the required limitations. Human reason makes clear that in order for the given state or the international community to fulfill its duty to protect the right to peace and security through a multilateral organization such as the United Nations, it must have the moral power or right to do its duty. This includes the subsidiary right of physical coercion, without which these rights would not be efficacious.

In a world of nation states, one might see the right of war resting solely with the sovereign authority of the state. However, given the nature of the interconnected and international global community of today, together with the nature of the right to peace and the right to security as third generation human rights or solidarity rights, we might need to understand the right of war as belonging to the international community.

Honourable senators, any claim by the United States to possess the right of war on Iraq would need to be seen as flowing from the right to security and other rights at peril in the United States. A claim by Canada would also have to meet that same test, as would the prosecution of war under a multilateral effort.

The primary title or right of a state or group of states to go to war is, first, the fact that the state's rights or the rights of the international community and the people are menaced by the aggression of Iraq and cannot be prevented other than by war; second, that the actual violation of right is not otherwise repairable; and, third, that there is the need to punish the threatening acts of Iraq for the security of the future.

The secondary title or right to go to war may arise when another state is in peril — the innocent are oppressed and the world responds. However, a clear title to wage war is limited to the condition that war is necessary, and necessary as a last appeal. Hence, if there are reasonable grounds to think that Iraq will withdraw its menace and disarm its weapons of mass destruction, and give a fair guarantee of the future security from any new developments of such weapons, then war cannot as yet be said to be a necessity. Therefore, there would be no right of war.

• (1710)

Again, the question of proportion between the dangers to be inflicted by war on Iraq and the value of the right of the people of the world, including those in the United States, to be free from the threat of the menace caused by the Iraqi weapons of mass destruction must enter into consideration for the determination of the full justice of a title or right to wage war on Iraq. The true proportion between the damage to be inflicted and the right violated is to be measured by whether the loss of the right in itself or in its ordinary consequences would be morally as great a detriment as the damage to be caused by the war on the people of Iraq.

In the prosecution of the war on Iraq, the killing or injuring of noncombatants — women, children, the elderly, the frail, et cetera — is not included within the subject matter of the right of war, nor would the use of nuclear, chemical or biological weapons be justified.

The term or object of the right of war is the nation against which war can be justly waged — in this instance, Saddam Hussein's Iraq. It is juridically in the wrong, having not complied with United Nations resolutions, and it violates the right of others to their right to peace and security because of their past use and threatened use of weapons of mass destruction to this day.

In conclusion, honourable senators, the world stands today on the brink of a war on Iraq. The question that Canadians need to address is the following: Is such a war justified? The issue should not be whether the war will be prosecuted by the United States, together with a coalition of the willing, nor should the question be whether the war will be prosecuted under the multilateral umbrella of the United Nations. Rather, Canadians need to determine if there exists a right to conduct such a war and if it can be claimed as an instance of the general, moral power of coercion.

For a war to be just, it must be waged for the security of a perfect right. In this instance, the perfect right is the right of the people of Canada, of the United States and of the world to live and exercise the right to peace and security free from the threat of weapons of mass destruction.

Hon. Douglas Roche: Would the honourable senator entertain a question?

Senator Kinsella: Yes.

Senator Roche: I congratulate Senator Kinsella on a brilliant speech. It was in the high manner, one would even call it the philosophical mould, that one has come to associate with Senator Kinsella's thinking. Would the honourable senator give us a bit more on the final question of his address, namely, is such a war justified?

Senator Kinsella brilliantly counterposed the right to war and the right to peace. One would take from his speech that there is no right to wage a war that will involve the massive killing of innocent people; in other words, if the damage caused would far exceed what would be permitted under the just war rules of limitation and proportionality.

Is it Senator Kinsella's view that the manner in which the United States has said this war will be prosecuted, particularly in the first two days, will be in harmony with humanitarian law? If he is not convinced that it will be, can the honourable senator say whether or not he favours Canada pushing hard within the United Nations context to support the French, Russian and German proposal for a tripling of inspectors to alleviate the concern of the world that Saddam Hussein is trying to hide weapons?

The Hon. the Speaker *pro tempore*: Honourable senators, I regret to inform you that Senator Kinsella's time for speaking has expired. Are you asking leave to continue?

Senator Kinsella: I will ask leave.

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

Hon. Senators: Agreed.

Senator Kinsella: I thank the honourable senator for his question.

In principle, it is clear, particularly in the aftermath of 9/11, that our very close friends in the United States have not only apprehended but have directly experienced a threat to their right to peace and security. The United States, in my view, has absolutely every right to use coercion to secure for its citizens the right to peace and the right to security, as does every other state. Indeed, it is the duty of the state to do what it can in that regard, including using as a moral power the subsidiary right to use coercion if the state's citizens are having their right to life, peace and security threatened, as has been the case.

The whole issue of justice being restored flows from the invasion of Kuwait by Iraq some 10 years ago. Under the international law fora of the United Nations, a cessation of hostilities was agreed upon and undertakings were given not only to repair the damage that had been done, but also to secure the peace and security that had clearly been threatened. As we know, that has not been done, and they have not delivered on the attempt by the United Nations to get Iraq to demonstrate that it has gotten rid of its weapons of mass destruction.

As far as international law is concerned, while maintaining respect for the rule of international law — we are not operating under the law of the jungle — there was, in my judgment, sufficient international legal grounds for the international community to use physical force 10 years ago.

In my own analysis of resolution 1441, I simply believe that there is in the wording of that resolution, again from the standpoint of international law, a sufficient case that physical coercion is legally justifiable. I am contrasting the international legal order on the one hand with ethical questions or the moral issue on the other.

• (1720)

International law contains a whole body of law on how to conduct a humanitarian war, which is almost a contradiction. However, it has been in place since the times of Henri Dunant and the whole series of conventions on humanitarian warfare.

As far as international warfare is concerned, I am of the school of thought that UN resolution 1441 is sufficient. I am in the disadvantageous position of not having sufficient data upon which to conduct a full analysis. Thus, I welcome the opportunity to have a debate under the vehicle of Senator Roche's motion. I would have preferred to have it under a different form whereby the government could lay before us some of the information that it has, which would help to inform the debate. We are debating in the dark, in many ways.

I am clear on the principles, but as far as how they are to be applied at the end of the day, there needs to be a debate.

Senator Roche: I have one more question for the honourable senator. I want to agree with almost everything that Senator Kinsella has said. However, did the honourable senator mean that resolution 1441 provides sufficient legal authority to prosecute a war? There is strong legal opinion in the international community that it does not. Therefore, a great effort is now being made to discuss the efficacy of a second resolution that would make concrete an authority for military action.

In asking Senator Kinsella this question, I, too, want to link the discussion of the legal proprieties with the moral and ethical considerations because we know that the manner in which this war will be prosecuted will not be, as the UN charter says, "a limited use of force for a certain objective." It will be a massive assault, in which countless numbers of people will be killed. That will be directly contrary to every aspect of humanitarian law.

We must give serious consideration to Senator Kinsella's opening statement. He said, "What are we to do as Canadians?" As Canadians, we have to stand up for the best of international law, and I would ask Senator Kinsella to comment on that.

Senator Kinsella: Honourable senators, I should think that there is no one on Parliament Hill who would not be supportive of the world community finding a resolution to the crisis that will not involve the use of coercion. I do not think the question is whether this is led by the United States with a coalition of the willing or whether it is initiated by the United Nations with a multilateral force. That is an interesting international, political question. However, no matter the method, is it right to do it? In order for it to be right, one must be at the point where no other solution is available. Many suggestions have been forthcoming over the past several days. The honourable senator has mentioned the German-French proposal, specifically. There have been other proposals to try to deal with the question of a regime change in Iraq.

I am hopeful that a resolution will be found. My concern is that I do not have much information because the government has not brought it forward. I have no idea as to the position of the Government of Canada. We are in a frustrating situation to try to engage in an intelligent debate. I can only deal with the principles.

My preference is that we find a peaceful solution beyond an armed conflict. I agree with Senator Roche and I share with him his concern about how to prosecute war in the world in which we live, given the ordnances that are intended to be dropped from 32,000 feet, et cetera. From a military, tactical standpoint, I do not know how one discovers and identifies targets. I would want the defence authorities to appear before the Committee of the Whole or a Senate committee to answer those questions.

Senator Roche: Yes, I agree.

Senator Kinsella: We can only identify the principles and, based upon the third-hand or fourth-hand knowledge that we have, give our best estimate.

Honourable senators, I would hope that, at the end of the day, we are able to find the perpetrator of the threat to our right to peace and security, namely, Saddam Hussein. I am hopeful that he and his totalitarian regime will comply with the UN resolutions and with the requirement of the world community that he demonstrate that he has disarmed and has rid Iraq of those threatening weapons of mass destruction. It is his obligation to do that.

I encourage the Government of Canada to have the wherewithal to adopt a policy to participate directly in a coalition with others, whether it be NATO or the United Nations, and to shape the tactics, should it come to that, so that the innocent are not massacred. It is not good enough for Canada to be on the sideline; Canada cannot be a bystander. First, the right of Canadians to security is in the balance. More important, if we participate, we may shape a peaceful resolution and ensure that all avenues are exhausted. By being a full participant, we may be able to determine the tactical side of things should force be used.

Hon. Herbert O. Sparrow: Honourable senators, I am not sure whether I am on safe ground with my question. In his address, the honourable senator referred to a war on Iraq. Is there a difference between a war "with Iraq" and a war "on Iraq"? The honourable senator talked about a massive assault. Are we talking about an assault on Iraq or a war on Iraq or a war with Iraq to obtain certain goals?

Senator Kinsella: The source of the threat to our right to peace and security comes from the regime of Saddam Hussein, who is the dictator — the tyrant — in Iraq. If he and his regime are not prepared to remove that threat, then the world community and individual states have the right, in my judgment, to take steps to remove that threat. There is no great distinction to be made between war on Iraq and war with Iraq.

• (1730)

I am talking about the regime that is running Iraq that has deployed and utilized weapons of mass destruction in the past. It is the regime that caused the invasion of a neighbouring country 10 years ago. That is the respondent, if you like, to the right of the world community to secure peace and maintain security, even by the use of coercion.

On motion of Senator Rompkey, debate adjourned.

DISCRIMINATORY AND NEGATIVE PERCEPTIONS SURROUNDING RESIGNATION OF FORMER SOLICITOR GENERAL LAWRENCE MACAULAY

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of November 7, 2002:

> That she will call the attention of the Senate to the discriminatory and negative perceptions and views of certain Opposition Members of Parliament and national media towards Atlantic Canada, and Prince Edward Island specifically, in relation to the circumstances surrounding the resignation of the former Solicitor General of Canada, Mr. Lawrence MacAulay.

She said: Honourable senators, I gave notice of this inquiry prior to the Christmas recess following a very tragic and unnecessary political event, the resignation of the former Solicitor General of Canada, Lawrence MacAulay. If you will recall, he tendered his resignation on October 22, 2002 following a vicious and sustained attack against his character both in Parliament and in the media.

Following his resignation, the *Ottawa Citizen* described the Canadian Alliance Party as an "effective" opposition for having "brought down" a Liberal cabinet minister and for taking the supposed high ground on a number of issues.

What had Mr. MacAulay done? The federal Ethics Commissioner determined that Mr. MacAulay had lobbied to obtain financial assistance for Prince Edward Island's only community college. The president of Holland College is the former minister's brother. In the House of Commons, the attack was led by the Canadian Alliance and by the Honourable Leader of the Progressive Conservative Party, Mr. Clark, and his Nova Scotia colleague, Peter McKay.

Honourable senators, I was an elected representative for many years, and I am certainly not naive when it comes to partisan politics. I do understand the parliamentary role of the official opposition.

However, I also believe that even in the contentious and, at times, uncivilized world of partisan politics, honest people should not be unjustly maligned, nor should the legitimate needs of any province or region be treated with disrespect. It is not my intention to examine the unfortunate circumstances that led to Mr. MacAulay's resignation from cabinet, although, like the Prime Minister, I was of the view that he had done nothing wrong, certainly not anything that warranted his departure from cabinet.

There are other larger issues raised by the so-called MacAulay affair, issues of fairness and equality and the manner in which smaller and less powerful provinces and regions are viewed, especially by Central Canada. The attack against Mr. MacAulay and the government quickly turned into an attack against Prince Edward Island and Atlantic Canada. At times, it was contemptuous and belittling.

Honourable senators, I should tell you this: Prince Edward Islanders of every political persuasion are proud of Mr. MacAulay. They not only consider him to be a honourable man, but they also believe that he did an outstanding job representing their province. Just ask Premier Pat Binns. Despite party differences, Premier Binns and Mr. MacAulay worked closely and successfully together to improve the economy of the Island.

In the wake of Mr. MacAulay's resignation, Premier Binns went to Toronto where he met with the editorial boards of *The Globe and Mail*, the *National Post* and *The Toronto Star*. In an attempt to dispel their stereotyped and negative perceptions about Prince Edward Island, he told them that Prince Edward Island has a dynamic economy based on agriculture, fishery and tourism, further enhanced by food processing and manufacturing, as well as emerging aerospace and technology industries. In all likelihood, the premier also took issue with *The Toronto Star*'s insulting remark that Prince Edward Island is "almost as famous for patronage as potatoes."

Premier Binns was clear about the controversy surrounding Mr. MacAulay. He said:

> It is unfortunate that this story got tied up with the fact that his brother was president of the college. I think that some people believe that there was to be some profit for his brother. The reality is that there was to be no profit.

Time has certainly not healed these wounds for Premier Binns. In a recent speech at the Charlottetown Rotary Club, the premier spoke again of the disservice done to Prince Edward Island by a national media seemingly bent on destroying its image in the eyes of other Canadians.

Honourable senators, let me tell you about Holland College, the educational institution at the heart of the MacAulay affair. Established in 1969 by provincial statute, and operated by an arm's-length board of governors appointed by the Lieutenant Governor in Council, Holland College provides Islanders and others with a broad range of educational opportunities in the fields of applied arts and technology, vocational training and adult education. One of more than 80 community colleges throughout Canada, Holland College has distinguished itself in many ways.

Let me tell you about a few of its programs. The Atlantic Tourism and Hospitality program and the Culinary Institute of Canada, working in support of the Island's tourism industry, enjoy an international reputation and attracts students from around the world. The Aerospace and Industrial Technology Centre graduates are skilled technologists and machinists, and the Justice Institute of Canada and the Atlantic Police Academy train law enforcement officers for the region as well as conservation and correctional officers.

Honourable senators, it was around this latter, highly respected, institute that Mr. MacAulay foundered politically. Holland College wished to establish a Justice-Knowledge network, an Internet-based police-training program and the then Solicitor General and regional minister wanted to help realize this important initiative.

Holland College is a publicly-owned and community-operated college. It is a vital part of our educational system in Prince Edward Island. The Justice Institute of Canada and the Atlantic Police Academy enjoy solid reputations based on many years of quality professional training in the region. Holland College is not, as Greg Weston of the Ottawa *Sun* suggested, Alex MacAulay's college.

The president of Holland College, the former minister's brother, Mr. Alex MacAulay, is an employee of the college under the direct supervision of a provincially appointed board of governors. He has provided excellent leadership during his tenure as president, and he stood to receive no personal benefit in any way, shape or form as a result of the federal government's participation in the expansion of the Justice Institute, other than perhaps the satisfaction of seeing Holland College further meet its mandated goals and objectives.

Yet, honourable senators, day after day, in Parliament and in the media, the former minister and his brother, and by extension, Prince Edward Island, were subjected to the most unfair treatment. There is a shameful double standard at play here. It is one that allows the larger and wealthier provinces to receive industrial development and other assistance from the federal government with no questions asked, while at the same time, initiatives assigned to lift my region out of its historical dependency on federal transfers are mocked and dismissed. Islanders are wondering about a federal system that tolerates such regional discrimination.

• (1740)

Honourable senators, Atlantic Canada is not an economic basket case where people prefer government handouts to honest work. This certainly is the view of Mr. Harper, Leader of the Canadian Alliance Party. He expressed it early in his leadership to an astonished and insulted audience in Halifax. Although he has since tried to distance himself from these remarks, his party has shown itself to be insular, not willing to embrace the spirit of Canada or its people.

The Canadian Alliance may be an "effective" opposition in the eyes of the *Ottawa Citizen*, but I do not believe for a moment that it is a "responsible" opposition, not when it chooses to turn its back on the people of an entire region of the country.

At a fundraising event in Toronto several months ago, the Leader of the Progressive Conservative Party, the Right Honourable Joe Clark, a man for whom I have had a great deal of respect and admiration, was sharply critical of U.S. political commentator Pat Buchanan for calling Canadians "freeloaders" because, militarily, we rely on our American neighbours. Yet Mr. Clark, I believe, displayed a similar view of Prince Edward Island and the Atlantic region when he questioned Mr. MacAulay's support of Holland College. It was also disappointing to see his colleague Mr. Peter MacKay, thought by some to be the next leader of the Progressive Conservative Party, also criticize regional development spending in Prince Edward Island.

Honourable senators, Atlantic Canada was an economic leader prior to Confederation, and we fully intend to be a leader again as the 21st century unfolds. However, we do need the help of the federal government. The outlook for Prince Edward Island's economy is good, but Islanders have the lowest per capita income in Canada, and we still have a lot of catching up to do. Programs such as the ACOA-administered Atlantic Innovation Fund, designed to strengthen the region's economy by accelerating the development of knowledge-based industries, will benefit Prince Edward Island greatly. Equalization and established program funding help us to provide equitable levels of service in health care and education, but we are not alone in receiving such federal contributions.

Honourable senators, in my province, we believe that future economic success will depend largely on the education and training our people gain for themselves. In a recent editorial in the *Financial Post*, Diane Francis pointed out that Canada's educational system is second only to that of the United States but that "the drag on Canada's educational levels is localized in the Maritimes." It is true that our region has the fewest number of people with university degrees of any region in the country, but that statistic does not tell the whole story. Atlantic Canada has, in fact, led the way in the educational field.

English Canada's first university, King's College, was established at Windsor, Nova Scotia, in 1788, and Prince Edward Island's Free Education Act of 1852 brought in one of the first systems of universal public education in British North America.

Today, honourable senators, Atlantic Canada has over 40 colleges and universities, the highest per capita ratio in Canada, as well as research programs that are leading the country in many areas. According to the most recent *Maclean's* national ranking of universities, the top three undergraduate schools in Canada are situated in Atlantic Canada: St. Francis Xavier, Mount Allison and Acadia. I am especially proud to see the University of Prince Edward Island ranked ninth in the country, up from fifteenth place last year.

Another myth that needs exploding, honourable senators, is that Atlantic Canadians are lazy and do not want to work. Nothing could be further from the truth. We certainly want to put more people to work; yet unemployment statistics are skewed by the seasonality of our primary industries and easily misunderstood. The truth is that labour participation rates in Atlantic Canada are high, and we have among the lowest rates of turnover and absenteeism in North America. You cannot fish lobsters in January or grow potatoes in March, but Atlantic Canadians are hard-working and enterprising people, qualities appreciated by the many new businesses establishing in the region.

Honourable senators, the forced resignation of Lawrence MacAulay was a blow to Prince Edward Island, and it puts into question the traditional role of the regional minister as an advocate for his or her particular province and as a purveyor of federal assistance. If we were to follow the new rules of the game, ministers of the government would confine themselves to passing laws and running their respective departments. They would not be involved at all in the apparently unacceptable work of promoting and developing their respective communities.

Honourable senators, the smaller and less powerful provinces need a minister at the cabinet table, not to "dispense gifts," as Anthony Wilson-Smith of *Maclean's* contends so cynically, but to ensure a degree of fairness and equity in a federal system that does not always take them into account.

In my province, successive governments have done their best to put forward the Island's unique position within the Canadian family. It takes constant initiative and effort on the part of all elected representatives, whether municipal, province or federal, to keep track of and access the myriad available federal programs to ensure that we get our "fair share," as some have described it.

If members of Parliament and, more specifically, cabinet ministers are now to be prohibited from engaging in this work, if they are no longer permitted to bring together individuals, businesses, local organizations and institutions with the federal programs that potentially might help them, if they are to give up the important role of directing strategic initiatives in their region, if that is the new road we are to follow, then our ministers will become political bystanders. They will be more akin to bureaucrats than politicians, and, in my view, that would be a tragedy.

Islanders have always been a small part of a very big country, and yet we claim our full constitutional rights as a province. We make no apologies to anyone, including Alliance MP Randy White, for federal spending to achieve legitimate social and economic objectives. Apparently Mr. White did not think much of a decision to locate a new federal government addictions research facility in Montague, even though the director of the facility pointed out that had it been located in Ottawa, it would not be any better able to carry out its work. Montague is not exactly the metropolis of the world, announced Mr. White. He is right; Montague is not a metropolis of the world. It is a beautiful small town in eastern Prince Edward Island with rural values and an enterprising spirit, not unlike hundreds of small towns elsewhere in Canada.

Possibly the most insulting and offensive editorial that appeared during the public demise of Mr. MacAulay was penned by Greg Weston of the Ottawa *Sun*. Like Mr. White, Mr. Weston could not accept the fact that federally funded projects were being undertaken in such a small and therefore insignificant part of Canada. "The Minister's own hometown and Cardigan riding," wrote a frustrated Weston, "isn't exactly the commercial centre of the universe...listing the entire business district would probably fit on a Yellow Page." Actually, for Mr. Weston's information, it would take several Yellow Pages.

You see, honourable senators, this is the same old problem: the inability or unwillingness of Central Canada to accept the reality of Prince Edward Island, that it is a small, close-knit province where people know and care for one another. Our size and our familiarity with one another are our greatest strengths as a community.

We will continue to fight for our fair share, and if Mr. Clark's metaphor of Canada as a "community of communities" still resonates and has meaning, Prince Edward Island will be understood and appreciated for its unique contribution to the life of this great country.

Susan Riley of the *Ottawa Citizen*, in a thoughtful and balanced editorial following Mr. MacAulay's resignation, described the former Solicitor General as "an honest man" who volunteered "to walk the plank." I could not agree more with her assessment. The former minister was guilty of giving preferential treatment, not to family and friends, but to his own province and region. This is not a crime in a federal state built around the ideals of cooperation and sharing.

• (1750)

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

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE ADJOURNED

Hon. Marjory LeBreton rose pursuant to notice of February 6, 2003:

> That she will call the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

She said: Honourable senators, we are now in the ninth year of a government led by the Right Honourable Jean Chrétien and, until recently, his right-hand man, the Honourable Paul Martin, a government which has created an unprecedented and lasting legacy of waste and mismanagement. We have not seen the likes of this in our history.

The collection of a complete compendium is obviously not possible since Prime Minister Chrétien has almost one more year to add to his thriftless legacy as Prime Minister. As ironic as it may seem, especially to followers of Mr. Chrétien, it now appears that the Honourable Paul Martin will succeed him. Although the waste and mismanagement that has come to light over the years is already extensive, it is likely that it represents only the tip of the iceberg.

Can you imagine, honourable senators, what we do not know thanks to the ineffectiveness of the official opposition in the other place and the easy ride given to Mr. Chrétien and Mr. Martin by an unusually sympathetic media during the first half of their term in office? While there is enough material on the subject of waste for a long, long speech, which could undoubtedly qualify me for the *Guinness Book of Records*, it is my intention to kick off this inquiry by reviewing some of the highlights to illustrate the true legacy of Messrs. Chrétien and Martin.

Honourable senators, even before the Thirty-fifth Parliament was summoned to meet for the first time, Prime Minister Chrétien and his cabinet wiped out years of work and negotiations involving hundreds of people with the stroke of a pen. Who can ever forget his words, "Me, I take a pen and write zero helicopters," thereby incurring contractual penalties of roughly $500 million?

Nine years later, we still have no helicopters, and we will not have any for some time. We have seen the process set back to zero on several occasions. The procurement project was split and then rejoined at a cost of $400 million — $400 million for absolutely nothing. The net effect is that our military forces have been condemned to using very old Sea Kings that are well beyond any reasonable expectation for the operational life of their airframes.

Current estimates are that the Prime Minister's arbitrary and very political decision to cancel the helicopter contract in 1993 will cost the taxpayers of Canada roughly $2.9 billion more than if the government had simply proceeded with the original contract.

The gross waste and mismanagement exemplified by the helicopter procurement contract is such that we must ensure this never again happens in Canada. We can only hope that this is the case, although there is no indication from either Mr. Chrétien or Mr. Martin that we should expect this.

Hot on the heels of the helicopter cancellation came the December 3, 1993 cancellation of the agreement to redevelop Pearson airport. Honourable senators, you will recall that this was a proposal which involved the investment of $750 million in private-sector funds over the life of the project, creating thousands of jobs and offering a reasonable rate of return to the developers. The Pearson airport deal was cancelled on the strength of a hastily cobbled together and totally discredited report written by former Ontario Liberal leader Robert Nixon, a slam dunk if there ever was one.

Based on sworn testimony, the special Senate committee stated that the Nixon report was riddled with false allegations and innuendo. It is interesting to note that less than one month into government a pattern was starting to develop that would establish a lasting legacy of waste and mismanagement.

An interesting footnote to the sorry Pearson airport fiasco is that the government at first tried to deny access to the courts to the wronged parties. They then claimed that the contract was too rich and the developers would make too much money. They then reversed their position once in court when they offered up the defence that the developers would have lost money.

Another example on a long list of questionable decisions by the Chrétien-Martin government was related to the Unemployment Insurance account and the raid on the wallets of Canadian workers. The fund reached such ridiculous proportions that the government was forced to amend the law because no reasonable person could possibly conclude that the staggering amount supposedly being kept in the account was in keeping with the intent of the act. Prior to Paul Martin's arrival on the scene, no previous government had ever attempted — nor would they ever attempt — to turn EI premiums into general tax revenue to pay for other programs. By the end of this fiscal year, the Chrétien-Martin government will have overcharged contributors by a total of $45 billion — and they have blatantly siphoned off this money for other programs. There is only one way to describe this money grab. It is, honourable senators, a new form of taxation.

Was this tax grab mentioned in the now infamous 1993 Liberal Red Book, "Creating Opportunity"? No. I would say that "Creating Opportunity" relates to creating opportunities for themselves. As for the title, the "Red Book," it should be called the red-faced book. Of course, this Liberal government is tough to embarrass.

The pork barrel was again rolled out in grand style in 1994 with a national infrastructure program, a Liberal dream approved by cabinet just hours after taking office in 1993. What a nightmare for Canadian taxpayers it was. So much money was involved with so little in the way of control that senior ministers were squabbling over who would be in charge. The Prime Minister turned it over to the Treasury Board. By 1995, nearly 7,000 projects had been accepted for handouts of $1.8 billion.

The Hon. the Speaker *pro tempore***:** Honourable senators, it is 6 p.m. Is it agreed that the Chair not see the clock?

Hon. Senators: Agreed.

Senator LeBreton: Had the money gone toward the Red Book definition of infrastructure, namely, transportation and communications links, and water and sewer systems, all might have been well. Unfortunately, the meaning of infrastructure was liberally massaged to include "any physical capital assets in Canada instrumental in the provision of public service." If honourable senators can figure out what that means, then you are more adept than I am at figuring out bureaucratic language. It was a rubric that appeared to encompass any project located in Liberal-held ridings. This new definition was used in the Prime Minister's riding for a $200,000 lighted fountain, as well as a $500,000 Canadian Canoe Hall of Fame. The Canadian Construction Association estimated at the time that 20 per cent of the projects approved did not fit into traditional infrastructure categories, and that was considered by many in the field to be a low estimate. Others placed the number at closer to 40 per cent as not fitting the criteria.

• (1800)

Honourable senators, I move to another example of out-of-control waste of taxpayers' dollars. Let me take you back to 1995 and the words of the then Minister of Justice, who said:

> Let us not contend that it will cost $1.5 billion to put in place. That is the way to distort the discussion. That is the way to frighten people.

Is it not now interesting that Allan Rock's snide comment, over seven years ago, has unwittingly hit upon a fairly accurate estimate of the total ultimate costs of the financial fiasco better known as the Firearms Act? Having provided Parliament with a sketchy financial plan claiming the total net costs to the taxpayers of this program from start to finish would be $2 million, we find ourselves today looking at a program that is 4,000 per cent over budget and still climbing, with no end in sight. Most certainly, it will easily surpass the $1-billion mark. Many provincial governments recognized this boondoggle for what it was at an early stage and had the good sense to steer clear of this financial quagmire.

Let us be clear: The motive was political, as was recently pointed out in *The Globe and Mail*. The Firearms Act of the Chrétien/Martin Liberal government replaced tough firearms legislation already passed by Parliament under the previous Progressive Conservative government, which was beginning to take effect, as most experts will say. As *The Globe and Mail* article stated, the Red Book required a policy to show up Kim Campbell, and the Red Book's vague promise to "strengthen our gun control laws" translated itself into the law on gun registry.

Honourable senators, consider this shocking example. In the year 2000, the most recent year for which precise taxation data has been published, 14.7 million Canadians paid an average of $5,782 in federal taxes on an average taxable income of $41,751. To put this gun registry into perspective, 172,950 Canadian taxpayers paid their entire federal tax to this government only to have their hard-earned tax money go into a black hole called the gun registry. I repeat: 172,950 taxpayers. Think of it.

The stage was also set in 1995 for the headlines of today when the Chrétien/Martin government decided to dismantle Enforcement Services, a 40-person intelligence unit dedicated solely to the detection and investigation of GST fraud. While the members of this group, which included ex-police officers and criminal investigators, were reassigned to general audit duties, GST fraud expanded by leaps and bounds. A warning by the Auditor General in 1999 about the likely extent of fraud and the apparent ease with which it was committed went unheeded by a government careless about the consequences. Mr. Chrétien and Mr. Martin knew about the problem but turned a blind eye while fraud artists plied their trade. We will never know just how much revenue was lost, but it is becoming apparent as each day passes that the Chrétien/Martin team sent hundreds of millions of dollars to con artists in response to their request for phoney GST refunds. Some estimates have placed the total losses in the range of $1 billion — there we go again — a figure the government has dismissed but has not been able to refute. I remind honourable senators that the government underestimated the costs of the gun registry by 4,000 per cent.

In 1996, the $300-million Transitional Jobs Fund was initiated supposedly to stimulate job creation in regions with unemployment rates greater than 12 per cent. Although it was announced as a temporary program, it was renamed the Canada Jobs Fund in 1999 and given an additional $110 million annually. It was turned into a permanent cash cow that was used to pump money into Liberal ridings, particularly the ridings of Liberal ministers. It will come as no surprise that the Prime Minister's riding, admittedly a riding with fairly high unemployment, was a significant beneficiary of this Transitional Jobs Fund largesse, nor will it come as a surprise that 75 per cent of the $7 million for his riding arrived in the hands of the grateful recipients just prior to the 1997 election.

Of course, that was relatively "small potatoes" in Liberal terms when it turned out that the mismanagement of the job grants program was such that an audit in the year 2000 showed, among other things, that 87 per cent of the projects did not show any evidence of supervision and that cash flow projections were missing from 72 per cent of the files. The media labeled this affair "shovelgate" after various attempts had been made by the Chrétien/Martin Liberals to either obscure the initial audit results or discredit them. A more detailed audit later resulted in 19 police investigations, all of which fell outside the original 459 files that were audited. The revelation that the HRDC would receive a 29 per cent increase in money for grants and contributions for the fiscal year 2000, nearly $1 billion more than the previous year, proved to be the last straw in terms of public opinion and the program thankfully came to an end on June 22, 2000.

While the more spectacular billion-dollar programs help to illustrate the size and scope of the legacy of waste and mismanagement being left in the wake of the Chrétien/Martin government, many Canadians, myself included, have difficulty envisioning $1 billion. All they and we know is that these billions represent hundreds of millions of Canadian tax dollars being treated with contempt by this government.

As I said, $1 billion is beyond the understanding of most Canadians. As Walter Robinson wrote in his column in the Ottawa *Sun* on Saturday, February 8, these numbers get thrown around so quickly and in such a cavalier manner that they lose their shock value. The Liberals love this, of course. They know we tune out numbers we cannot get our heads around. However, here are some examples that are easier to understand.

When the Chrétien/Martin government pays $333,000 to sponsor a convention that never happens, I am sure Canadians realize the government has a management problem.

When the government pays $549,990 for a report that is never produced —

Senator Tkachuk: Twice.

Senator LeBreton: — Canadians realize that the government has a management problem.

When the government spends $101 million for new jets for the Prime Minister against the advice of officials and without tender, it knows that is wrong. This money could have bought 42 MRIs for our health care system.

When the government sends heating rebate cheques to prisoners and deceased people, few Canadians would fail to recognize that the government has a management problem.

When the government pays a 12 per cent commission to a company to transfer money from one government department to another, Canadians realize the government has a management problem.

Honourable senators, I have just scratched the surface of the magnitude of this legacy of waste, but it is clear that mismanagement has characterized this government from the outset.

When the Prime Minister embarked on his long goodbye, there was a considerable amount of speculation as to what he would do in his final year and a half to secure his legacy. Little did he realize that the die had been cast in the minds of Canadians. Judging by the evidence so far, it is a legacy he will have no difficulty fulfilling; and, until last year, Mr. Martin was with him every step of the way and has been virtually silent ever since.

Senator Kinsella: Well spoken.

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

• (1810)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

Hon. Donald H. Oliver, pursuant to notice of February 6, 2003, moved:

> That the Standing Senate Committee on Agriculture and Forestry be authorized to examine issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products; and
>
> That the Committee submit its final report no later than June 30, 2004.

He said: Honourable senators, in moving the motion, I will give you some background information to explain why this particular study is being undertaken.

Six pages of the Senate Agriculture Committee report, "Canadian Farmers at Risk," were devoted to value-added agriculture. The committee recommended that:

> The government develop a comprehensive strategy that encompasses tax incentives as well as direct federal government funding and expertise to enhance the development of value-added industries, including farmer-owned initiatives, in rural Canada.

The report also states:

> The Committee thinks, however, that farmers themselves must look at entering the value-added business to capture a larger share of the food price.

During our hearings in the previous session, the president of the Agricultural Producers Association of Saskatchewan clearly stated:

> As the primary producers we realize that the money is in food processing and added-value.

The order of reference would permit the committee to examine very specific products, such as wine, grapes, cheese, milk, potatoes, pasta, wheat, and many other products. This is why the committee, after it completes its study on climate change and adaptation that is required in both agriculture and forestry, would like to undertake this study.

[*Translation*]

MOTION IN AMENDMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I only make one comment regarding the dates on which the committee should table its report. Other committees have changed their dates. They may table their reports at the end of May so that tabling is done during a Senate sitting. At the end of June, usually there is Saint-Jean-Baptiste Day and by then the Senate has already adjourned for the summer. If the committee chair sees no problem in changing the date of the report and putting down May 31, 2004, I will not object to adopting the motion now.

[*English*]

Senator Oliver: I agree. That is an excellent suggestion.

The Hon. the Speaker *pro tempore***:** Is it agreed that the motion be amended to delete "June 2004" and that we substitute "May 31, 2004"?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Is the motion, as amended, agreed to?

Hon. Senators: Agreed.

Motion agreed to, as amended.

The Senate adjourned until Wednesday, February 12, 2003, at 1:30 p.m.

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