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**Wednesday, May 14, 2003**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Wednesday, May 14, 2003

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

Prayers.

### SENATORS' STATEMENTS

#### THE LATE DOCTOR JOHN SAVAGE, O.C.

##### TRIBUTES

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to pay tribute to John Savage, a medical doctor who served as Liberal Premier of Nova Scotia from 1993 to 1997 and who passed away yesterday.

A native of Wales, John Savage chose Nova Scotia for himself and his family in 1966. His community work as a physician in Dartmouth, particularly in the largely black community of North Preston, is legendary. When he left the premier's office, he resumed with great energy that humanitarian work, which saw him devote his knowledge and expertise to those less fortunate in Russia and Africa.

When John Savage took over the administration of Nova Scotia, our province was a financial basket case, with a deficit of \$617 million. His mission was to put our financial house in order. Through financial reforms, the good doctor's sometimes tough medicine resulted in a reduction in the provincial debt for the first time since 1965.

Among his many accomplishments, one of the most outstanding, in my opinion, was his creation of a province-wide emergency ambulance system, one that has become a model across North America, indeed, around the world.

A man of integrity and vision, John Savage's tough love was both timely and necessary for Nova Scotia. In an interview last month, he said the following: "A more astute politician would have staged major changes over two terms, not in one... that would have been the wiser course." As true as those words are in the political world, that luxury was not available to John Savage, given the real-world financial situation he was facing as our premier.

We shall always respect and honour his unselfish integrity. It has been a rough year for the Savage family. John Savage's wife, Margaret, passed away only six weeks ago, also of cancer. Our deepest and heartfelt sympathy go to their seven children, and we thank them for sharing their wonderful parents with us.

**Hon. John Buchanan:** Honourable senators, I first met Dr. John Savage in 1971, shortly after I became Leader of the Opposition in Nova Scotia. He was at a Mother's Day pancake breakfast at St. Thomas More Church, in Dartmouth, his church from the time he arrived in Nova Scotia until his death recently. He was serving pancakes with the men's club. When I entered the hall, he

immediately came over to congratulate me, telling me that he was not of my political party but that he hoped that we would become personal friends. Let me tell honourable senators that, from that time on, John and his dear late wife, Margaret, were personal friends of my wife and myself.

As a parent, he wanted sex education taught in Dartmouth schools. When that was refused, John Savage decided to become involved in political life. He ran and was elected to the school board. He served there for seven years, eventually becoming its chairman. In 1985, he was then elected Mayor of Dartmouth, serving for three two-year terms. Following that, he was elected to the Nova Scotia legislature, and became premier in 1993.

During my 14 years as the Premier of Nova Scotia, I got to know John Savage much better than I had in the years previously. I had worked very closely with John when he was mayor of Dartmouth. As well, during his term as President of the Union of Nova Scotia Municipalities, we worked closely together on matters relating to the whole province and the municipal situation.

He was always easy to deal with — at times, a little bit difficult — and he was absolutely committed to the people of Dartmouth. He was very sincere in his passion for public service and underprivileged people throughout our province.

• (1340)

John Savage will be remembered as a staunch family man, deeply religious, with a deep-rooted faith in his Roman Catholic Church, a healer and a humanitarian.

Just a few months ago, he said that he had accepted what life had offered him, and he had accepted the fact that his death was coming very soon. That was the kind of man he was.

His reputation as a humanitarian was manifested quickly in the 1960s, after he and his family had settled in Nova Scotia when he recognized the plight of people in North Preston and that there was no medical clinic nor care for the people of that area.

**The Hon. the Speaker:** Honourable Senator Buchanan, I regret to advise you that your three minutes under Senators' Statements has expired.

**Senator Buchanan:** I misunderstood. Perhaps I could have a bit more time. Could I have a few more minutes?

**The Hon. the Speaker:** I cannot ask for more time under our rules.

**Senator Buchanan:** Honourable senators, might I have leave for just a few moments?

**Hon. Senators:** Agreed.

**Hon. Gerry St. Germain:** Honourable senators, on a point of order, will we extend the time?

**The Hon. the Speaker:** We will do it one by one. We are on Senators' Statements, and we have 15 minutes, three minutes each. Senator Buchanan has been given leave to continue.

**Senator Buchanan:** He established the free North Preston Medical and Child Care Society, and he was there every week, from time to time for 20 years as a medical doctor. He was honoured by that community in 2002.

After establishing the North Preston clinic, his attention was drawn to the problem of drug addiction, and he ran a drug detox centre while at the same time working full time as a medical doctor in Dartmouth.

After serving as mayor, MLA and premier, he resigned in 1997. Not content to retire, John Savage continued his humanitarian efforts overseas, which he had commenced in the years 1983 to 1986, when, from time to time, he travelled to Nicaragua and El Salvador to provide medical aid in those countries.

Late in 1999 and 2000, Dr. Savage went to Africa, where he helped establish medical infrastructure and AIDS education to young people. He was in Niger in 1999, and there he delivered medical aid to people in that country, along with pharmaceutical supplies donated by Medical Assistance Programs International.

John Savage was not able to continue his overseas humanitarian work when he learned his stomach cancer had spread. His wife, Margaret, as Senator Moore said, just recently died from cancer also.

He was awarded the Canadian Red Cross Humanitarian Award for Nova Scotia 2002, and just last week was made an Officer of the Order of Canada. The citation making him an Officer of the Order of Canada described him perfectly. He was lauded for his compassion and outstanding commitment to helping the less fortunate at home and abroad.

He will be missed by his family of seven children and his grandchildren.

**Hon. Jane Cordy:** Honourable senators, yesterday, Dr. John Savage, a former Premier of Nova Scotia, passed away at his home in Dartmouth at the age of 70. I first heard of Dr. Savage when I was a student at Holy Angels High School in Sydney in the late 1960s. He came to the school to talk to us about what we called "sex ed," for Dr. Savage firmly believed in the necessity for sex education of young people. This philosophy was not warmly welcomed by all in the 1960s and 1970s.

In the first school board elections in Nova Scotia in 1978, John was elected to the Dartmouth school board. As Senator Buchanan said earlier, his reason for running was that,

as a parent, he could not persuade educators to teach sex education, but that as a school board member, he could implement change. His determination and perseverance resulted in change.

John Savage was elected Mayor of Dartmouth in 1985 and served in this position until he became leader of the Liberal Party of Nova Scotia in June 1992. He was elected as my MLA and as Premier of Nova Scotia in 1993.

When John and his wife, Margaret, moved to Dartmouth from Wales in 1966, they adopted the community as their own and made their presence felt. John Savage established the first Halifax detox centre and established an evening program for families of drug dependent people.

He was a founding member of Big Brothers Big Sisters of Greater Halifax, and a founding member of the Dartmouth pre-school.

John worked with the community of North Preston to establish a medical clinic and to provide recreational facilities. His son Michael told me that the whole family went to North Preston with shovels and rakes to help build a ball field. He said that as a child, he believed all families did those kinds of things.

When John Savage resigned from public office, he said it was time for him to move on to explore and to accept new challenges. That he did, so much so that he received the Red Cross Humanitarian Award, the Order of Nova Scotia and the Order of Canada.

His accomplishments are only surpassed by his caring for others and the province he adopted and loved so dearly.

He would not want to be maudlin about his death; rather, he would want to celebrate his life. Dr. Savage was a man of kindness, integrity and honesty. As his obituary stated, he made things better. Honourable senators, I am privileged to have called him my friend.

**Hon. J. Michael Forrestall:** Honourable senators, I wish to associate myself with the remarks of my colleagues from Nova Scotia in paying tribute to John Savage. It would be difficult for me not to pay tribute for, in some ways, I was probably closer to John Savage than most people are aware.

I wish to say to the family of Dr. Savage how much I appreciated, as a young parent, the care and attention Dr. Savage showed my second-oldest son and the number of meals Ms. Savage helped prepare for that young man.

Dr. Savage, indeed, deserves the recognition that has been bestowed upon him.

May I ask only that his memory grow, his lessons with respect to community service get to all of us so that we will continue, as he would want, to live not just in a better community but in a better province, a better country and a better and safer world.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I knew John Savage as one Liberal leader of one province knows the Liberal leader of yet another province, in this case, my native province of Nova Scotia.

I wish to quote from an interview he conducted on April 21 of this year. Dr. Savage said the following:

What's interesting to me is how little-known this palliative care team is. It's a team of one specialist, a resident, nurses, physiotherapist, whatever you need...they come to you....This team is the only one that we have in Nova Scotia, and operates out of the cancer unit.

I've yet to meet anybody who was not overwhelmed by the generosity and the love that you get in the cancer unit....The palliative care unit is a logical sequel to that.

The reporter added: "This is vintage John Savage: turning the spotlight away from himself and onto other people."

It was indeed vintage John Savage, and I can only say how grateful I am that, at the end of his life, he had quality palliative end-of-life care.

• (1350)

## ROUTINE PROCEEDINGS

### LOBBYISTS REGISTRATION ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lorna Milne,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, May 14, 2003

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

#### TENTH REPORT

Your Committee, to which was referred Bill C-15, *An Act to amend the Lobbyists Registration Act*, has in obedience to the Order of Reference of April 2, 2003, examined the said Bill and now reports the same with the following amendment:

1. *Page 4, Clause 4:* Add immediately after line 15 the following:

"(h.1) if the individual is a former public officer holder, a description of the offices held;"

Respectfully submitted,

LORNA MILNE  
Chair

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

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

## SCOUTS CANADA

### PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

**Hon. Consiglio Di Nino** presented Bill S-19, respecting Scouts Canada.

Bill read first time.

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

On motion of Senator Di Nino, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

## HUMAN RIGHTS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY SPECIFIC CONCERNS

**Hon. Shirley Maheu:** Honourable Senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, with specific human rights concerns; and

That the Committee report to the Senate from time to time and table its final report no later than March 31, 2004.

[English]

## THE SENATE

### MARITIME HELICOPTER PROJECT— NOTICE OF MOTION TO RECEIVE BRIEFING IN COMMITTEE OF THE WHOLE

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I give notice that two days hence, I will move, seconded by Senator Forrestall:

That the Senate resolve itself into Committee of the Whole in order to receive Jane Billings from the Department of Public Works and Government Services and Alan Williams from the Department of National Defence for a briefing on the procurement process for the Maritime Helicopter Project in light of developments since their appearance before Committee of the Whole on October 30, 2001.

## QUESTION PERIOD

### JUSTICE

#### NEWFOUNDLAND AND LABRADOR TERMS OF UNION—CONFLICT WITH CONSTITUTION ACT, 1982

**Hon. Gérald-A. Beaudoin:** Honourable senators, my question is for the Leader of the Government in the Senate and follows on the question by Senator Murray regarding Newfoundland and Labrador.

I agree with Senator Murray that the *Reference Secession of Quebec* states clearly in paragraphs 69, 88 and 153 that, when a resolution is passed in a province for a constitutional amendment, the federal government must react and negotiate. This is what we have done for 10 years in many cases when we amended the Constitution, because we have amended the Constitution nearly 10 times in the last 10 years.

My question is: Is it not true that, according to the jurisprudence of the Supreme Court of Canada, there is an obligation on the government to negotiate?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, according to the material that the Honourable Senator Murray put before the chamber yesterday, the judicial ruling would have us believe that such an obligation does exist. However, in the case of this particular situation, as the honourable senator knows, the issue with respect to the fishery is not an issue exclusive to the Province of Newfoundland and Labrador; it is an issue that is of consequence to many provinces in this country, with few exceptions.

**Senator Beaudoin:** Honourable senators, I agree that the subject of fisheries falls under section 91.12 and that is found under the distribution of legislative powers. I also agree that formula 7-50 would apply. In the Terms of Union of Newfoundland, we must consider section 22. I cannot say with certainty, but it is possible that section 43 of the Constitution Act, 1982 may also apply. The minister will remember that we amended the system of schools in Newfoundland three times, under section 43. Under the provisions of section 43, we amended section 93 in respect of Quebec. As well, under section 43, we passed a constitutional amendment from New Brunswick regarding the equality of the two linguistic communities.

Obviously, there is a problem. The 7-50 formula will probably apply, which may cause some difficulties. As well, section 43 may apply, depending on how the amendment is drafted.

• (1400)

Will this be in the research of the Prime Minister or the Minister of Justice? Will they study the question of section 43 and the question of 7-50? In my opinion, it is a very important amendment.

The Leader of the Government is not obliged to say yes, but the Senate must study the matter and decide which formula will be employed if she does say yes.

**Senator Carstairs:** As you know, honourable senators, I will not say yes.

It is very interesting that, in terms of all the other amendments to which the honourable senator referred, particularly the one with respect to the Newfoundland and Labrador school question and the one with respect to New Brunswick, they were exclusive to the jurisdiction of each of those provinces. In this case, it is not within the jurisdiction of only one province. For example, many Canadians may not realize that Manitoba would want to have a large participatory role in this issue because Manitoba has a significant inshore fishery. In fact, it takes place right out in front of where I live.

In terms of changing the fisheries arrangements between provinces, the federal government and the territories, I would suggest that section 43 of the Constitution Act, 1982 does not apply.

The honourable senator has raised an extremely important issue, as did his colleague yesterday, and I will take those representations to the Minister of Justice.

**Hon. Lowell Murray:** Honourable senators, I hope the minister and her colleagues will appreciate the fact that Senator Beaudoin as well as myself and others are providing employment for people in the Department of Justice.

Whether the resolution in question from Newfoundland and Labrador, when and if it comes, is to be dealt with through the so-called bilateral amending formula or through the general amending formula, will the Leader of the Government in the Senate not agree that the binding obligations identified in the advisory opinion of the Supreme Court of Canada apply to all of the partners of Confederation? If one partner brings forward a resolution to amend the Constitution, then, as I read the advisory opinion, the other partners — federal government and provinces — are obliged to come to the table.

**Senator Carstairs:** Honourable senators, that is a very interesting argument to set forth. I do not intend to reply, however, and I know the honourable senator would not expect me to. As I indicated in response to Senator Beaudoin, this is an issue that I shall take to the cabinet table.

### NATIONAL DEFENCE

#### REPLACEMENT OF SEA KING HELICOPTERS— OPERATIONAL REQUIREMENTS

**Hon. J. Michael Forrestall:** Honourable senators, the Maritime Helicopter Project basic vehicle requirement review slide deck of July 31, 2001, states that only one maritime helicopter, the EH-101 Cormorant, is technically compliant with the BVRS revision 3. The slide deck then states that the:

...goal is to rationalize specification to the operational requirements thereby opening the MHP to greater competition.

Can the Leader of the Government finally come to grips with that simple statement and admit that there have been significant changes, indeed, that the requirement specifications have been revised seven times to allow for smaller, less capable bids for competition?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the best way to answer that is to reiterate what was said by the Chief of Defence Staff. He has indicated that he is confident that there is more than one helicopter that can fit the needs of the Canadian Forces, that the competition is robust and that the right helicopter will be bought at the best price to the Canadian taxpayer.

**Senator Forrestall:** Honourable senators, that is a matter of opinion, is it not?

Can the minister admit — and if she cannot, I suppose that is up to herself to resolve — that, according to the government's own documents, the Maritime Helicopter Project office determined in July 2001 that only the Cormorant could meet the basic vehicle requirement specifications, the specifications that she has constantly said have not changed, and that, therefore, to avoid choosing the EH-101 yet again, the government decided to rationalize the requirement specifications to the statement of operational requirements to allow in other competitors, specifically Eurocopter? Can the Leader of the Government confirm that, as of the basic vehicle requirement revision 3, the Cormorant was, in fact, the only technically compliant vehicle?

**Senator Carstairs:** Honourable senators, as the honourable senator knows, the statement of operational requirements was determined in 1999 and has not changed since then.

**Senator Forrestall:** Honourable senators, why can the minister not address the other side of that coin that caused seven revisions? Why can she not admit that that is, in fact, the case, notwithstanding her insistence that there has been no change? There have been seven.

**Senator Carstairs:** Honourable senators, as the honourable senator knows, there has been much consultation with all the manufacturers throughout this entire process, including with his odds-on favourite, the Cormorant developers. There is no question about that.

**Senator Forrestall:** That is not my favourite at all.

**Senator Carstairs:** The discussions have taken place. The important thing to remember is that the statement of operational requirements has not changed.

## HERITAGE

### GRANTS TO SYMPHONY ORCHESTRAS

**Hon. Edward M. Lawson:** Honourable senators, my question is directed to the Leader of the Government in the Senate for direction to Sheila Copps, Minister of Canadian Heritage.

In the last couple of years, through that federal government ministry, a \$5 million grant was given to the Montreal Symphony Orchestra. In the last two years, a grant of \$5 million was given to the foundation for the Toronto Symphony Orchestra, which transferred \$2.5 million of that the following year to the Toronto Symphony. When it came to Vancouver, the minister's generosity and imagination gauges were apparently running on empty, and Vancouver got nothing.

As a result, the musicians of the Vancouver Symphony Orchestra were asked to take a pay cut of 9 per cent last year and will be asked to take another cut this year, this time in the amount of 15 per cent. The base salary for musicians in the Vancouver Symphony Orchestra will be \$38,000. In Toronto, due to the generosity of the minister and the government, the base salary is \$56,000 a year. In Montreal, also a beneficiary, it is \$61,000. Of course, the musicians at the National Arts Centre, which is totally financed, receive a base salary of \$68,000.

This was brought to my attention when I was at the symphony last Saturday night. Yes, old truck drivers go to the symphony once in a while. It was a special evening because there was a jazz band on the same stage as the Vancouver Symphony Orchestra. This jazz band had five of the most outstanding musicians I have ever heard — a drummer, a trumpet player, a trombone player, a clarinet player and a pianist. Not only were they on the same stage at the same time as the symphony orchestra, they were playing at the same time. This was due to the genius of a guest conductor, a master musician and outstanding conductor — Senator Tommy Banks, who brought great distinction to the Senate and to the symphony.

**Hon. Senators:** Hear, hear!

**Senator Lawson:** Well done, Senator Banks.

• (1410)

My question is for the minister — and I would like an answer in writing, if she can find the time in-between her campaigning. Ms. Copps must be aware of the term “Western alienation,” because Paul Martin reminds her, in every campaign debate, that Western alienation is real. It is real because of situations like the one I just described with respect to the Vancouver Symphony Orchestra, and some of us did not know about this. I did not know about the funding issue until I attended the symphony and started asking questions.

If the Montreal symphony can get \$5 million, well done, congratulations, they need it, they deserve it. The same for Toronto — well done, get it to them. However, why does the money run out when she gets to the B.C. border? Would the Leader of the Government in the Senate please ask for an answer to that question? I should like that answer in writing.

**Hon. Sharon Carstairs (Leader of the Government):** I thank the honourable senator for his question. I should point out to him that not only is the Vancouver Symphony Orchestra experiencing considerable difficulties, but so, too, is the Winnipeg Symphony Orchestra; therefore, this issue is not region-specific. Symphonies are having great difficulty, straight across this country.

It is true that the Montreal symphony did receive a considerable grant, but, interestingly enough, it did not come from Heritage Canada; that grant to the Montreal symphony actually came through the economic development initiative within the Province of Quebec.

Other symphonies have not been able to benefit as much from those kinds of programs. In the case of my own symphony, the Winnipeg Symphony Orchestra, they were, in fact, offered a sum of money, but they had to match that in fundraising activities. To date, they have not been able to do that, which is part of the problem with the present-day symphony movement across this country. Unfortunately, the number of people we would like supporting the symphony, in particular corporate entities, are all too often not there.

**Senator Lawson:** I do not care where the funds came from. A lot of this came from federal funding in one form or another.

Honourable senators, just to capsulize this, the clarinet player I referred to is of Hungarian descent — his father was from Hungary. He is now a Canadian. The clarinet player told us a story that seems to be apropos to what we are discussing here. When his father was on his deathbed, the clarinet player asked him this: "I know you love the country you were born in and Canada equally, so where would you like to be buried?" His father answered, "You decide. Surprise me." Then he asked his father this: "Is there anything special you would like to have?" His father replied, "Yes, I can smell from here that your mother is baking an apple pie. I would love to have a piece of pie." The son said, "I'll get it for you." The clarinet player returned to his father and said, "Mother says, 'Sorry, the pies are for the guests who will be here after the funeral.'"

Honourable senators, that sounds similar to what we are talking about here.

[Translation]

**Hon. Laurier L. LaPierre:** Honourable senators, is it not a fact that the funds allocated to Canada's symphony orchestras come from the Canada Council and not directly from the Department of Canadian Heritage?

[English]

**Senator Carstairs:** The honourable senator is quite right, that, in terms of the ongoing funding, the grants come from the Canada Council, and as the honourable senator well knows, certain criteria have to be met. However, there are circumstances in which additional sums can be provided from Heritage Canada, or, as in the case of some symphonies, the appropriate ministers can decide to use their economic development agreements to provide that kind of funding.

**Hon. David Tkachuk:** Does that mean that the Vancouver Symphony Orchestra and symphonies in the West could apply to Western Economic Diversification Fund for funding?

**Senator Carstairs:** If they meet the criteria required by that fund, they certainly can apply for funding. In fact, my understanding is that the Western Economic Diversification Fund has been used in certain circumstances to provide help to a variety of arts groups.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to the presence, in our gallery, of the Honourable Abdygany Erkebaev, Speaker of the Legislative Assembly of the Parliament of the Kyrgyz Republic, the ambassador of the Kyrgyz Republic to Canada and members of the Parliament of the Kyrgyz Republic from all parties.

[Translation]

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

[English]

## FOREIGN AFFAIRS

### UNITED STATES AND NORTH KOREA DISCUSSIONS ON NUCLEAR WEAPONS— PARTICIPATION OF GOVERNMENT

**Hon. Norman K. Atkins:** My question is to the Leader of the Government in the Senate. The negotiations between the U.S. and North Korea over the latter's nuclear weapons program remain extremely delicate and potentially explosive, with thousands, if not millions of lives at stake. Has the Government of Canada offered our services, in any way, to assist in the resolution of the crisis? Are we working at the UN to defuse the situation? What steps have been taken to prevent a conflict to which the war in Iraq would be pale in comparison?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that these negotiations are currently ongoing between the United States and North Korea and that other countries are not participating because they are content, at this time, with the level of negotiations taking place between the U.S. and North Korea.

The honourable senator is quite right, the situation is delicate and potentially explosive. I know our country would be there should we be asked to lend a helping hand.

**Senator Atkins:** Has Canada, in any way, participated in any discussions at the UN?

**Senator Carstairs:** Not to my knowledge, because I do not think discussions with respect to these negotiations have taken place at the United Nations.

## HEALTH

### EFFECT OF METAL TOXINS IN FOOD

**Hon. Wilbert J. Keon:** Honourable senators, I have a question for the Leader of the Government in the Senate. A study released by Environmental Defence Canada has revealed information on disturbing levels of toxins, such as lead and cadmium, in the food we eat. The study, based on published data from Health Canada, found that Canadians ingest as much as four times the acceptable levels. Although the Minister of Health, Anne McLellan, and many scientists say that the toxins are not at an alarming level, they admit that there is, at present, no understanding of the long-term consequences of metal content in food.

My question for the Leader of the Government in the Senate is as follows: Is Health Canada undertaking a study to look at the long-term effects of these toxins?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I will have to take that question as notice. I do not know whether such a study is ongoing, but like the honourable senator I share that concern. It was not that many years ago when we did not think lead was a toxin that should be carefully avoided, particularly by young children and nursing mothers; clearly, we now have different information. However, as to whether such a study is going on, I do know and, as such, will have to seek that information for the honourable senator.

**Senator Keon:** I thank the honourable senator. Perhaps at the same time the honourable leader could inquire about when Health Canada will report on this problem.

**Senator Carstairs:** Obviously, if such a study is not already ongoing, I will lend my support to the honourable senator's desire that such a study take place. I will try to find out everything I can for the honourable senator.

## JUSTICE

### DECriminalIZATION OF MARIJUANA— CONSULTATION ON LEGISLATION

**Hon. Gerry St. Germain:** Honourable senators, my question is also to the Leader of the Government in the Senate. A news release just off the press today states:

On the eve of the introduction of legislation affecting the legal status of marijuana use, the Canadian Medical Association (CMA) emphasizes the fact that marijuana is an addictive substance that is known to have adverse health effects and we strongly advise Canadians against its use.

Further down in the press release, it says:

The CMA is dismayed with the lack of consultations on the development of the legislation affecting the legal status of marijuana...

Why would the government not consult with those who are responsible for the well-being and the health of all Canadians?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I happen to think that the Canadian Medical Association is not the only body in this country that is interested in the health of all Canadians, and not only their physical health but their mental health as well.

In terms of the reports that have been done with respect to the use of marijuana, I believe the government looked quite wisely to the reports that were done under the leadership of Senator Nolin from this place and under the leadership of Paddy Torsney in the other place. Those committees, in my understanding, met with all interested parties across this country.

• (1420)

**Senator St. Germain:** Honourable senators, the Canadian Medical Association views this as a disease. With all respect to Senator Nolin's inquiry, in which I participated in British Columbia, although I believe that his study was comprehensive, I do not agree with it and CMA does not agree with it.

The CMA has said that they will monitor developments closely. In the last federal election, the government promised a comprehensive national drug strategy to combat illicit drug use, and Canadians are still waiting. The CMA monitors this closely because they view the use of any addictive substance as a disease. Why would the government proceed with decriminalization for certain amounts of a certain drug? How they set the amount, Lord only knows. Why would they proceed without a strategy? That is what the Canadian Medical Association is asking.

**Senator Carstairs:** Honourable senators, it is an interesting question. I think the honourable senator will be extremely surprised when he discovers that, at the same time the legislation is tabled, a drug strategy will also be tabled.

## CITIZENSHIP AND IMMIGRATION

### REFUGEE CLAIM OF MR. ERNST ZUNDEL— DEPORTATION FROM UNITED STATES TO CANADA

**Hon. David Tkachuk:** The federal government has finally issued a national security certificate, and I congratulate them for it, against Ernst Zundel, the well-known Holocaust denier. One unresolved aspect of this case — it has never been explained — is why Mr. Zundel was deported from the United States to Canada in the first place. He is a German citizen and is wanted on hate crime charges in that country. Had he been sent to the appropriate country when he was initially deported, we would have been spared about three months of Mr. Zundel's attack on our refugee system, all at the taxpayers' expense. Has the federal government made any formal inquiry to American authorities as to why he was deported here and not to Germany?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have a difficult enough time keeping up with the activities of the Canadian government without now trying to keep up with the activities of the American government.

Having said that, what is known to date is that Mr. Zundel was on a visitor's visa that was granted when he crossed the border from Canada to the United States. When that visitor's visa expired, he was returned to the entry point from which the visitor's visa had been granted.

## FOREIGN AFFAIRS

### UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

**Hon. Douglas Roche:** Honourable senators, last week, in response to my question on the U.S. missile defence system, the Leader of the Government in the Senate said that Canadian authorities are watching developments and “raising our concerns about the possible weaponization of space.” In that context, has the government studied the United States Department of National Defence news release number 642-02, which states that the missile defence system will take advantage of technological developments, one of which is the development and testing of space-based defences, specifically space-based kinetic energy called “hit-to-kill” interceptors and advanced target tracking satellites, meaning weapons in space, and thus an end to Canada's policy of no weapons in space if we support the missile defence system?

**Hon. Sharon Carstairs (Leader of the Government):** As I indicated to the honourable senator last week, the Government of Canada is most concerned about the weaponization of space and is opposed to it. If discussions of any sort take place with the United States, those will be clearly with the proviso that we are opposed to the weaponization of space, but no decision has been made at this point, as the senator knows, as to whether Canada will have further discussions with the United States about the ballistic missile defence system.

**Senator Roche:** Would the government also examine the text of the report by Donald Rumsfeld shortly before he became the Secretary of Defence, a report entitled: “Commission to Assess United States National Security and Space Management and Organization”? In that report, it is made clear that space is another medium, like land, sea and air, that will be used for war, and that the U.S. must dominate this medium. The report states that the U.S. must develop the capability for “power projection in, from and through space.”

Is the Government of Canada looking at this carefully and will they assure the people of Canada that, if we proceed with missile defence, there will be a guarantee that this will not lead to the weaponization of space? The reports of senior officials — budgetary, management, and those related to fiscal operations — all point in that direction. Canada will be caught in the end and have to face the fact of either maintaining our policy of no weapons in space, or we will give it up.

**Senator Carstairs:** I would assure the honourable senator that Canada is not giving up its opposition to the weaponization of space and that that continues to be the policy of this government.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### FIRST NATIONS GOVERNANCE BILL— OPPOSITION OF ABORIGINAL GROUPS

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Canada's native groups have expressed a considerable amount of anger over Bill C-7, the proposed First Nations Governance Act. They argue that they were not consulted properly on it and that it will be unfairly imposed on them. Matthew Coon Come, National Chief of the Assembly of First Nations, has said of the bill that it is colonialism, and that there is no place for it in the new millennium.

My question is for the Leader of the Government in the Senate. In order to treat Canada's Aboriginal peoples with respect and fairness, will the government enter into discussions with native groups to arrive at something more appropriate?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the government has conducted consultations with a great many Aboriginal groups during the process of the development of Bill C-7. It is quite clear that the chiefs, led by their National Chief of the Assembly of First Nations, are opposed to this particular piece of proposed legislation. Interestingly enough, when you talk to individuals who live in Aboriginal communities, and in particular to those who live off Aboriginal communities, many indicate support for this legislation.

The question that the honourable senator has raised today is an important one, one that we must delve into further when that bill comes to us. The bill is still in committee in the other place, and it may be some time before it arrives here. However, when it does, clearly, because of our mandate with respect to the protection of minority peoples, we will do a thorough job of studying the bill.

**Senator Stratton:** I sincerely hope that the study will be thorough and lengthy. I would hate to be forced to move quickly on such a contentious bill.

This bill is also opposed by at least one Liberal leadership candidate. Though former Finance Minister Paul Martin seems to have backed off an earlier statement that he would scrap the bill entirely if he became leader, Mr. Martin did say that the proposed legislation has “severely poisoned the well” in federal Aboriginal relations. Last week, the House committee studying this bill, chaired by a Martin supporter, halted its review and sent the bill back to the House leaders. The chair had declared himself to be both frustrated and exhausted, and I can fully understand why.

Could the Leader of the Government in the Senate tell us if other committees are taking similar direction from Mr. Martin to delay legislation that he does not support?

**Senator Carstairs:** Honourable senators, I would hope that the agenda of the House of Commons, and indeed of this place, would not become the fodder of election campaigns to choose the next leader of the Liberal Party of Canada. We have a responsibility as legislators to do our job. I am hoping we will do it in the manner in which we have always done our job.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table two delayed answers, the first in response to a question raised in the Senate on March 25, 2003, by the Honourable Senator Comeau, regarding the cost of the Firearms Registry Program; the second in response to a question raised in the Senate on March 27, 2003 by the Honourable Senator Comeau, regarding the cost of the Firearms Registry Program, the legal challenge and the cost to the government.

## JUSTICE

### COST OF FIREARMS REGISTRY PROGRAM

*(Response to question raised by Hon. Gerald J. Comeau on March 25, 2003).*

While CFC does not track costs for each of these items specifically, it is estimated that approximately one-third of costs have been spent on registration of firearms and the remainder on licensing and other elements of the program. Cost of spousal notification procedures are also not tracked individually. CFC has reimbursed CCRA approximately \$15.3M to the end of 2002-03 for border control initiatives and system connectivity costs. An implementation evaluation document on the Canadian Firearms Program will be completed in the near future.

### FIREARMS CONTROL PROGRAM— LEGAL CHALLENGE—COST TO GOVERNMENT

*(Response to question raised by Hon. Gerald J. Comeau on March 27, 2003).*

Canada was represented by a legal team composed of Department of Justice litigators before the Supreme Court of Canada in the Reference Respecting the Firearms Act. While there were costs associated to the litigation, no specific tracking code was assigned to costs related to the challenge either by the Department of Justice or by the Canadian Firearms Centre, such that it is not possible to give the Honourable Senator a specific amount of money spent on the Reference.

• (1430)

[English]

## ORDERS OF THE DAY

### STATISTICS ACT

#### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

**Hon. Gerald J. Comeau:** Honourable senators, most of us in this chamber have probably, at one time or another, filled out a census form. To set the stage for my remarks, I should like to read some comments that have been written on the census form.

The first page of the census form states:

As Canada's national statistics agency, Statistics Canada uses census data for producing statistical tables, analytical reports and for selecting samples or following up responses for some of our surveys. These uses are strictly for statistical purposes and no one outside the agency can have access to your identifiable information.

By law, Statistics Canada must take a census every five years and every household must fill in a census form. Also, by law, Statistics Canada must protect the confidentiality of the personal information you provide. Our employees, including census takers, are personally liable to fines or imprisonment should they break the confidentiality of your information.

This form is signed by Ivan P. Fellegi, Chief Statistician of Canada.

Further down the form, it says, "Confidential when completed."

The last page of the census states:

The law protects what you tell us.

The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right.

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely.

These statements are made on the census form that I am sure all of us, at one time or another, have completed. This language leaves very little room for interpretation. It promises confidentiality.

Employees of Census Canada are personally liable to fines or imprisonment should they break the confidentiality of your information on this form. The purpose of this bill, Bill S-13, is to break the promise of confidentiality made by our predecessors.

Proponents of the bill argue that those who responded 92 years ago have raised no complaints. There is little doubt that most are probably dead or too old to follow this debate, but it is rather a disrespectful argument to be making.

The Chief Statistician has finally given up the good fight to maintain the confidentiality provisions of the census. This is understandable. The government has tabled a bill to break the promise, and Justice lawyers have reversed their legal advice and now apparently suggest that the confidentiality promise might not stand up in court.

Honourable senators, there are no voters in cemeteries. Therefore, Ministers Allan Rock and Sheila Copps issued a press release in support of breaking the promise. What else could the Chief Statistician do?

Given that reality, the Chief Statistician is trying to salvage whatever he can to maintain some kind of credibility in the census. He hopes that the withholding consent provision that extends confidentiality to 112 years might encourage Canadians to keep faith in the credibility of the census. In my view, he is whistling past the graveyard.

Let me remind honourable senators that the Chief Statistician's concern is not with the impact on our image as parliamentarians breaking our promise; his concern is with the impact that this will have on the integrity of census data.

Similarly, the Privacy Commissioner has problems with this bill but, unlike the Chief Statistician, his concern is not with the negative consequences of broken promises but, rather, the impact on the privacy of Canadians.

It is, therefore, up to this chamber to assess the consequences of breaking our legislative promises to Canadians. We wonder why Canadians do not trust parliamentarians.

Would we not somehow feel violated if our doctor suddenly decided that our private medical files are to be opened to the public? Would we not feel violated if our lawyer started breaking client confidentiality, or priests started breaking the silence of the confessional?

Why should we hold ourselves to a lesser standard of trust than doctors, father confessors and lawyers? Why should we accept that our promise is only as good as the current group sitting here? Why should it be that our promises are not worth the paper on which they are written? Why should that be?

The premise is that your privacy dies with you, but this bill goes way beyond breaking promises made to the dead. In fact, this bill breaks the promises to Canadians who are alive today, because it breaks the promise made to all Canadians living today who have

ever filled out a census return. The bill provides only for withholding consent to future census returns to 112 years. However, even this withholding consent option is worthless if we establish the principles that parliamentarians can break promises at will and simply retroactively break the consent provision in the future.

Lawyers from the Department of Justice are now of the view that the legislated promises of confidentiality might be broken by the courts. This is the same group of lawyers who supported the government position in the Pearson bill that would have taken away citizens' rights to their day in court. It is the very same group of lawyers who joined Allan Rock on an eight-year political vendetta against the former Prime Minister.

Honourable senators, should we roll over and accept their opinion that the courts can break our parliamentary promises? Is this the pitiful excuse we offer for the breach of trust? Are we, as parliamentarians, ready to accept that the judges are so powerful that they can break our word?

Will we say, "The judges made us do it"? I would suggest not.

I read the confidentiality declarations earlier. There is no room for doubt. If Justice lawyers now suggest that the wording in the act was not sufficiently clear, then let us make it so. Let us not hide behind the fear that the courts might misinterpret the meaning of confidentiality and cower under their watchful gaze.

If senators want to break the promise, do not blame the courts. Do it out of conviction.

For those who may not have reviewed the testimony at committee, allow me to quote a few comments made by some experts. I refer first to Mr. George Radwanski, Privacy Commissioner, Office of the Privacy Commissioner of Canada. He said:

This bill, if passed, will violate a promise repeatedly made to Canadians by successive governments and eliminate existing privacy rights retroactively.

For censuses taken after 1918, there is neither ambiguity nor inconsistency. The 1918 Statistics Act stated explicitly that the material would be kept confidential. That prohibition has been repeated in every Statistics Act since.

Breaking the promise of confidentiality made to Canadians could seriously erode public trust in undertakings made by the Government of Canada... If a commitment made in perpetuity can, in fact, be broken after 92 years, what makes 92 years such a magic number? Might a future government, next time, break promises after 50 years or 25 years or 10 years?

In referring to Canadians, he said:

We have always been able to assure them that the government has undertaken to respect the confidentiality of their answers and that Statistics Canada has a very good history of protecting confidential information.

We will not be able to give any more such assurance in the future if this bill, as it is presented, is passed.

If people cannot trust that confidential information will remain confidential they will lie. Wouldn't you? It is common sense.

I believe that privacy will be the defining issue of this decade.

These are statements made by the Privacy Commissioner. Let me refer to Mr. Fellegi, Chief Statistician. He said:

Would I be more comfortable as Chief Statistician if the promise of confidentiality was protected forever? Of course, I would.

The compromise goes as far as I dare to go. No one knows how the public will react. However, what I do know is that trust is a very fragile commodity. This is as far as I dare to go. Am I concerned? Yes, I am.

Honourable senators, I am not making up these remarks. They are all on the record, and you may check them should you choose to do so. It is in the testimony of the committee. These are the professionals. These are the recommendations and comments that they made.

• (1440)

Where will our disregard for privacy end? Which files will be opened next? Will it be student loan applications? Will it be application information for immigration, EI benefits, passports, jobs, firearms or pardons? Where will it end?

The fact that legislation is needed to break the promise is evidence that the promise was, in fact, made. The government needs our approval. To absolve itself from breaking the promise, the government needs Parliament's permission. The government might well be open to libel if it did not have this permission from us.

Honourable senators, I can understand that some may not share my passion for keeping legislative promises. The release of private and confidential information, in their view, may be more important than keeping our word. However, I should like to remind honourable senators that statistical information is only as good as the information that is gathered. I fear that many Canadians, when they become aware of this bill, will provide information as worthless as our promises. If our guarantees are false, can we not expect false responses? I would urge honourable senators to carefully consider the consequences.

It is true that a well-orchestrated lobby has been mounted to seek your support. Little opposition has been shown to this bill. I wonder how the media and Canadians will react when they eventually find out what is at stake here? What will happen when Canadians learn that this is not only breaking a promise made to dead people but also breaking a promise made to the living? Will they accept and forgive?

[ Senator Comeau ]

We can reject this bill and still provide access to legitimate users. A compromise had been made whereby access would be given to families of deceased census respondents and responsible historians. This compromise was rejected by those involved in the process. It was all or nothing. It resulted in this bill.

I would urge all honourable senators to consider seriously what is at stake here and to vote to reject this bill.

On motion of Senator Stratton, debate adjourned.

[Translation]

## NATIONAL ANTHEM ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Prud'homme, P.C.*).

**Hon. Maria Chaput:** Honourable senators, after consultation with Senator Prud'homme, it was agreed that I should speak today. After I speak, the debate will be adjourned in the name of Senator Prud'homme.

Honourable senators, I rise to speak today to Senator Kinsella's Bill S-14, which proposes to amend the National Anthem Act to reflect Canada's linguistic duality.

The national anthem has an interesting history that reflects the fascinating character and history of our great country. It began as a poem composed in Quebec by a judge, Adolphe-Basile Routhier, 13 years after Confederation. Later, Calixa Lavallée was commissioned to set the poem to music.

The first version of this moving song was in French. And it was in French that it was sung for the Duke and Duchess of Cornwall, later King George VI and Queen Mary, when they visited Canada in 1901. In 1906, the song was published in English and French.

The English version we know today uses the poetry of Robert Stanley Weir. It was not until 1967, the centennial of Confederation, that Parliament contemplated adopting *O Canada* as the national anthem. In June 1980, some 13 years later, the anthem was unanimously adopted by the House of Commons and the Senate to become the symbol Canadians know today.

On the sheet music for our national anthem, the English words always appear above the French. This is not reflective of the anthem's history or of the dual nature of Canadian society.

Singing our national anthem should be a time to reflect on our history and our pride in our wonderful country. Much of this pride is due to our linguistic duality and Canada's diverse multicultural society, where conditions are much better than in many other places in the world. All told, we have little reason to complain about our society's complexities, since we live in relative peace.

Some members of this house fear that the Western provinces will not accept the new version of our national anthem. This is not a problem since the new version will be only an option and not an obligation.

As a Franco-Manitoban, I represent the interests of that part of the country. It is true that the majority of people in the Western provinces are primarily English-speaking. However, this does not alter whatsoever Canada's linguistic duality, which must be reflected in Western Canada through our national anthem.

Honourable senators, by having an alternative version in both official languages, we are promoting both official language communities. This proposal represents who we are and what we stand for as senators. The unilingual French and English versions will remain official versions and can always be used.

As a francophone from Western Canada, I would be thrilled to have a bilingual version of our national anthem, as it opens the door to a francophone presence in a mainly English-speaking context.

All Canadians, no matter what their mother tongue, should welcome this new version. By having the option to sing the national anthem in both of Canada's official languages, they will be able to remember the history and pluralistic nature of our society, which makes us so proud.

A national anthem in both official languages will help to dissipate much of the confusion at national events. It is sad to see the Montreal Canadiens stammering a few lines to the national anthem while they try to figure out which official language they should be singing in. Sometimes, at certain events, people have held up cards with the words, so that the Montreal Canadiens knew which language to sing and when.

I trust that the honourable senators who have spoken against this bilingual version of our national anthem will understand that this third version is a new tool for promoting and raising awareness of the linguistic duality of this great and beloved country to which we have pledged allegiance.

Honourable senators, the proposed change will not in any way alter the balance of power in Canada. It will merely provide Canadians who so desire with the opportunity to sing a bilingual version of their national anthem at group events, and by so doing to feel included rather than excluded.

Again, I would point out that the possibility of singing only in English or only in French will still be there. That reality remains. We are, however, offering another choice to those who wish it. Perhaps in so doing so we will be able to contribute to enhancing people's awareness that Canada is a country that takes pride in its two official languages.

On motion of Senator Robichaud, for Senator Prud'homme, debate adjourned.

• (1450)

[English]

## HUMAN RIGHTS

### MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP— DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003;

And on the motion in amendment of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Keon, that the motion be amended in the first paragraph thereof by replacing the words "Standing Senate Committee on Human Rights" by the words "Standing Senate Committee on Aboriginal Peoples"; and

That the reporting date be no later than March 31, 2004 rather than June 27, 2003.—(*Honourable Senator Rossiter*).

**Hon. Eileen Rossiter:** Honourable senators, I rise today to speak to the motion before us that would authorize the Standing Senate Committee on Human Rights to examine and report upon the key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

I concur with the Honourable Senator Kinsella, who stated, on April 1, 2003, that under rule 86(1)(k)(v) of the *Rules of the Senate*, issues relating to marriage and divorce fall within the purview of the Standing Senate Committee on Legal and Constitutional Affairs. Rule 86(1)(q) defines the mandate of the Standing Senate Committee on Aboriginal Peoples, wherein it states that the committee is to deal with issues or matters relating to the Aboriginal peoples of Canada. In light of these mandates, I consider it more appropriate that the Standing Senate Committee on Aboriginal Peoples or the Standing Senate Committee on Legal and Constitutional Affairs undertake this study, if the Senate agrees that it should be undertaken.

The Department of Indian Affairs and Northern Development, in its discussion paper, entitled: "Matrimonial Real Property on Reserve," covers the issues in great depth. In that paper, there is reference to the report of the Royal Commission on Aboriginal Peoples (1997), which states:

There is no prohibition against women owning property through a Certificate of Possession (for the family home). But the cumulative effect of a history of legislation that has excluded women and denied them property and inheritance rights, together with the sexist language embedded in legislation before the 1985 amendments (to the Indian Act), has created a perception that women are not entitled to hold a certificate of possession (for the family home).

All of these legal barriers to equality — and intrusions into fundamental questions affecting First Nations women's identities — interfered with traditional roles of women in governance, their relationship to traditional territories, and their role as conveyors of cultural values and traditions.

The 1985 amendments to the Indian Act were intended to remove the worst aspects of sex-based discrimination in the Act's Indian status and band membership provisions. However, on reinstatement under the 1985 amendments to the Indian Act, many women have reported difficulty in acquiring housing on-reserve and establishing residency on-reserve in their own right.

As the report of the Royal Commission on Aboriginal Peoples (1997) so aptly put it, in their conclusions concerning the position and role of Aboriginal women:

Whether Aboriginal women's concerns related to the Indian Act, health and social services, family violence, fairness and accountability in governance, or the well-being of the family, Aboriginal women are demonstrating courage and resilience in acting to secure the kind of future they

want to see for the generations yet unborn. We heard them speak of the need for governments and other Aboriginal people to acknowledge, recognize and respect their contributions and to find meaningful ways to include all citizens in the task of rebuilding Aboriginal nations.

We see, in these conclusions, that the issues surrounding the subject of on-reserve matrimonial real property are many and complex. For the Government of Canada, gender equality is a key policy value expected to guide the development of all federal policy and legislation. When the area of human rights is considered, I note the discussion paper again:

While some First Nation people expect Charter equality values to be fully applied to First Nation communities, and also endorse notions of gender equality, others have identified problems in applying the Charter and notions of gender equality from the larger Canadian society to a First Nation context.

All this to say that these are serious issues requiring understanding of the very broad context of several distinct legal regimes governing land issues on reserve, as well as First Nation communal traditions and values in relation to properties and family.

The discussion paper states:

The legal situation of First Nation people across the country with respect to real property varies according to the specific legal regime governing land issues in their communities, and the extent to which it affords room for the exercise of First Nation jurisdiction (inherent or delegated) or the adoption or incorporation of provincial family law.

In considering new policies, programs or legislative initiatives, whether federal, provincial or First Nation, in relation to matrimonial real property issues on reserve, there are several important policy considerations, including the following: different reserve land management regimes; the source and scope of law-making — in particular, whether legislative action should be left to First Nations or whether provincial or federal legislation is needed; the impact of other areas of law, for example, wills and estates, marriage and divorce; gender equality concerns; the interests of children; resource and capacity needs of women at the community level; the scope of relationships, from rights of common law couples to Indian status and band-membership considerations; land and housing situations — the availability of housing, as well as allotment processes; legal remedies and alternative dispute resolution; and community, legal and mediation services, to assist in resolving matrimonial real property disputes.

I would strongly advise that now is not the time for us to take this on. In view of Bill C-7, the proposed First Nations Governance Act, which deals with various self-governance issues, including the powers assigned to band councils and

leadership selection, and which sometime in the near future may be before us, and the excellent discussion paper that the Department of Indian Affairs and Northern Development has done, what more can be said? How can we add to it in the short time that is left?

We have women lawyers, judges and elders. I should like to see a group of those people come together and study the issue. I am sure that they could come to a solution that would be more agreeable to everybody than something else imposed from the outside. It is an internal issue. It concerns the people who live there. That is where the decision should be made.

• (1500)

**Hon. A. Raynell Andreychuk:** I should like to move the adjournment of this debate.

[Translation]

**The Hon. the Speaker *pro tempore*:** The Honourable Senator Andreychuk moves, seconded by the Honourable Senator Kinsella, that further debate on the motion be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

[English]

**An Hon. Senator:** No.

**The Hon. the Speaker *pro tempore*:** All those in favour, please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed, please say “nay.”

**Some Hon. Senators:** Nay.

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

On motion of Senator Andreychuk, debate adjourned.

The Senate adjourned until Thursday, May 15, 2003, at 1:30 p.m.

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