



CANADA

Debates of the Senate

2nd SESSION

•

37th PARLIAMENT

•

VOLUME 140

•

NUMBER 63

OFFICIAL REPORT
(HANSARD)

Thursday, June 5, 2003



THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

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

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

Published by the Senate
Available from Communication Canada – Canadian Government Publishing, Ottawa, Ontario K1A 0S9.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, June 5, 2003

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

Prayers.

SENATORS' STATEMENTS

D-DAY

FIFTY-NINTH ANNIVERSARY

Hon. Norman K. Atkins: Honourable senators, it is with great honour that I stand today to pay tribute to those brave Canadian soldiers who stormed Juno Beach on D-Day, June 6, 1944, the start of the liberation of France and Europe. I had the honour of being with the veterans at the fifty-fifth anniversary of the invasion of France, and it was a humbling experience.

Fifty-nine years ago, over 21,000 Canadian soldiers landed at Juno Beach after a long, wet and difficult journey across the English Channel. Three-hundred and forty soldiers were lost, another 574 were reported wounded, and 47 men were taken prisoner. Those are the cold, hard statistics.

What these statistics do not tell us is the grit and determination demonstrated by Canadian soldiers in the invasion on Juno Beach, arguably the bloodiest beach of the British-Canadian landings. Canadians swarmed ashore while others perished in cold, bloodstained water under direct and indirect enemy fire.

Canadian soldiers got the job done. In fact, we achieved the farthest penetration into enemy territory of any unit deployed on that day.

As Prime Minister Winston Churchill said to President Roosevelt, at the time, "This is much the greatest thing we have ever attempted." He further stated in the British House of Commons, "This is not the beginning of the end, but is the end of the beginning."

Senators Meighen, Forrestall, Day and Wiebe from this chamber will be in attendance at the ceremonies commemorating this enormous feat as they attend the opening of the Juno Beach Centre in Normandy, France.

The Juno Beach Centre is special for us as Canadians. It is designed to commemorate Canada's enormous contribution to the Allied victory in World War II. During this period, 1939-45, 45,000 Canadians lost their lives, with another 55,000 wounded. We had an armed force of over 1 million volunteers, a truly remarkable commitment for a country, at that time, of approximately 13 million people.

Tomorrow, in addition to the ceremonies in France, Canadians will gather in various communities across the country to pay their respects to the women and men of the 3rd Infantry Division, the 2nd Armoured Brigade and the 1st Canadian Parachute Battalion, Canada's military units which participated in D-Day landings.

The Juno Beach Centre opening tomorrow has, as its mission to preserve, for future generations, knowledge of the contribution of those Canadians who fought in World War II and to honour their gifts of valour and courage, which resulted in freedom for all of us.

I commend the Government of Canada for designating the Juno Beach landing site as a site of national historic significance to Canada. Canada celebrates and commemorates many special days a year, and June 6 has to be one of those. We shall never forget the tremendous sacrifice Canadians made at Juno Beach in 1944.

PROFESSOR KARIM-ALY KASSAM

CONGRATULATIONS ON RECEIVING FULBRIGHT-ORGANIZATION OF AMERICAN STATES ECOLOGY GRANT

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to recognize the outstanding achievements of Professor Karim-Aly Kassam, an Albertan and one of Canada's finest northern researchers, who recently became the first Canadian winner of the prestigious Fulbright-OAS ecology grant.

The Fulbright-OAS ecology grant offers opportunities for scholars, in the fields of natural science, social science and public policy, who wish to pursue masters and doctorate level studies in the United States. Professor Kassam will pursue a doctorate in natural resource policy and management at Cornell University.

Last night, I was honoured to co-host a reception on Parliament Hill, celebrating Professor Kassam's outstanding achievement with Commissioner Nurjehan Mawani of the Public Service Commission. In attendance were diplomats, our Senate leader, Senator Carstairs, parliamentarians, including the Honourable David Kilgour who was our master of ceremonies, Rahim Jaffer who lauded Professor Kassam's achievements, Dr. Michael Hawes, Executive Director of the Canada-U.S. Fulbright Program, who spoke of the significance of the award, and Mr. Charles Coffey, Past Chair of the Canada-U.S. Fulbright Commission. We paid tribute to the tireless efforts of Professor Kassam to help sustain the indigenous communities of the Far North.

Commissioner Mawani spoke of Professor Kassam's academic excellence and highlighted a few of the many reasons why he is deserving of the award. He said:

His work in the Arctic has touched and has relevance for both U.S. and Canadian jurisdictions. His past work and proposed field of scholarship, based as they are on the Arctic and the sub-Arctic, are of universal interest far beyond the immediate confines of North America, and the plight of indigenous peoples is now increasingly engaging the attention of Governments around the world.

• (1340)

Speaking to the group last night, Professor Kassam had these words of inspiration:

I firmly believe to whom much is given much is expected. This is a principle I ingrain into my teaching and it informs my day-to-day activities, especially my research.

Those of us who teach in Canadian universities and undertake research with the support of public institutions have a responsibility to serve, to serve communities in which we live and across the world. Our role is to be "citizen scholars." The protection of academic freedom that we have is simultaneously a right and a responsibility, a duty to serve through our work.

I hope honourable senators will join me in congratulating Professor Karim-Aly Kassam for his groundbreaking achievement and for his determined research and efforts to assist the communities of the North to sustain their ways of life and enhance their future prospects.

GLOBAL TELEVISION NETWORK SCHOLARSHIP AWARD FOR A CANADIAN VISIBLE MINORITY STUDENT

Hon. Donald H. Oliver: Honourable senators, I am always interested to learn of new initiatives to promote and enhance the upward mobility of visible minorities. I recently came across a publication that outlined a new scholarship program called the Global Television Network Broadcaster of the Future Awards. Among these awards is the Global Television Network Scholarship Award for a Canadian Visible Minority Student. The specific scholarship is designed to encourage and aid talented and enthusiastic Canadians in establishing or furthering a career in the Canadian broadcasting industry.

The annual scholarship award is offered to one Canadian student from a self-identified visible minority and provides educational assistance toward the pursuit of a career in broadcasting. The award, valued at \$4,500, covers tuition and textbooks for one year for a radio or television arts program or journalism program at a recognized Canadian university or college.

Honourable senators, I find this exciting and encouraging. Television is a powerful medium and strongly influences opinion. The greater access visible minorities have to positions of influence, the greater their opportunity to promote equality.

The Global Television Network is owned by the CanWest Global Communications Corporation.

Canadian university tuition costs have risen dramatically since 1990. As a result, the average debt load for a student graduating with a bachelor's degree has nearly tripled from \$8,700 a year to \$22,000 a year. This is a significant amount of debt to carry in order to achieve a university degree. As employers' expectations rise, university education is quickly becoming an essential element on a resumé.

In Canada, a member of a visible minority may be paid a wage significantly less than a fellow employee who is performing the same job but who is not a member of a visible minority. Wage disadvantages are unfair, but they are real. For a family, the effects of prolonged wage disadvantage may determine whether a child will complete a university degree with a great debt.

Students should contribute to the cost of their education. The problem arises when tuition fees are so expensive that they prevent less-privileged students from attending university. The outcome of increased tuition may be that underprivileged high school students will not have a chance to attend university.

Honourable senators, the need for scholarships, such as the Global Television Network Award for a Canadian Visible Minority Student, is evident. I strongly support this initiative.

ENVIRONMENT WEEK

Hon. Catherine S. Callbeck: Honourable senators, this week marks a very important week — Canadian Environment Week. During this week, Canadians across the country will be celebrating the progress that has been made toward the protection of our environment and learning more about what each of us can do to ensure its health.

The theme of this year's environment week is, "Taking Action for Our Environment." Earlier this week, a number of people from my home province of Prince Edward Island were honoured, in five categories, for their contributions to the environment.

Everett and Betty Howatt were honoured as individual citizens. They have been planting trees around their land to create windbreaks and habitat for wildlife. Betty Howatt has a regular segment on CBC Radio that she uses for discussing the environment.

The Agri-Conservation Clubs, East and West, were honoured in the category of business or government agency. The clubs have been tremendously successful in introducing and promoting sustainable farming practices that are environmentally friendly.

Dr. Ian MacQuarrie was honoured for his work in education. Dr. MacQuarrie teaches at the University of Prince Edward Island. Many of his students have continued on in environmental fields.

The Morell River Management Co-op was commended in the category of citizenship group or organization. The co-op has been dedicated to enhancing the health of the Morell River system and has been fundamental to restoring the salmon population in the river.

Finally, Sarah Field was honoured in the youth category. Sarah is currently working on her masters degree in biology at the University of Prince Edward Island. Her graduate research is on the behaviour of coyotes in Prince Edward Island and will be instrumental in developing effective management practices in dealing with and ensuring the conservation of the animals.

I should like to extend my sincere congratulations to the Islanders honoured this week and to all Canadians who have taken action for the environment. Individuals' actions may seem small; however, even the smallest efforts can make the biggest difference toward improving not only the health of our environment but also our own health.

ROUTINE PROCEEDINGS

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PUBLIC HEALTH GOVERNANCE AND INFRASTRUCTURE

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the infrastructure and governance of the public health system in Canada, as well as on Canada's ability to respond to public health emergencies arising from outbreaks of infectious disease. In particular, the Committee shall be authorized to examine and report on:

- the state and governance of the public health infrastructure in Canada;
- the roles and responsibilities of, and the coordination among, the various levels of government responsible for public health;
- the monitoring, surveillance and scientific testing capacity of existing agencies;
- the globalization of public health;
- the adequacy of funding and resources for public health infrastructure in Canada;
- the performance of public health infrastructure in selected countries;
- the feasibility of establishing a national public health agency as a means for better coordination and integration of improved emergency responsiveness;

- the Naylor Advisory Group report and recommendations.

That the committee submit its report no later than March 31, 2004.

UNIVERSITY RESEARCH FUNDING FROM FEDERAL SOURCES

NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, I give notice that, on Tuesday next, I will draw the attention of the Senate to the matter of research funding in Canadian universities, from federal sources.

QUESTION PERIOD

FINANCE

FUNDING OF MUNICIPAL INFRASTRUCTURE

Hon. Terry Stratton: Honourable senators, I have a question for the Leader of the Government in the Senate. A question regarding gasoline taxes that I asked on May 7, at the National Finance Committee meeting elicited the following response from the Department of Finance: "The federal government imposes an excise tax of 10 cents a litre on gasoline and 4 cents a litre on diesel fuel. This brings in a total of \$4.8 billion a year."

• (1350)

Honourable senators, let us put this in perspective. The infrastructure of Canadian municipalities is crumbling and is in urgent need of renewal. For example, Winnipeg alone faces a \$1 billion deficit in capital investments, and they do not know where to find the money. That number is part of an estimated \$57 billion projected need across Canada with respect to urban and rural infrastructure. The federal contribution to this national need is a grand total of \$3 billion over 10 years, or \$300 million per year. Remember, the government brings in \$4.8 billion per year. At its meeting last week in Winnipeg, the Canadian Federation of Municipalities called for a minimum of 5 cents per litre from the current excise tax to be devoted to funding municipal infrastructure. Former Finance Minister Paul Martin is open to some form of revenue sharing.

Could the Leader of the Government in the Senate inform us whether the government is seriously considering such a request?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows full well, municipalities are the creatures of provincial governments, not of the federal government.

The traditional way of passing money to municipalities from the federal government has been through tri-partite programs involving municipal, provincial and federal government participation, with two of the three governments determining where the money will go. If the honourable senator is asking whether the change proposed by Mr. Martin, who is no longer the Minister of Finance, will happen now, I would say no. Is he indicating that discussions may take place with provincial governments? That has not been decided, but I do not think, within the ambit of the Constitution Act, that the Government of Canada would start giving contributions directly to municipalities without the approval of provincial governments.

Senator Stratton: Does the federal government not tag monies flowing to the provinces, respecting how it should be spent? Surely to goodness, if you bring in \$4.8 billion per year, you can afford to give more than \$300 million per year to urban infrastructure.

Senator Carstairs: In fact, there are some agreements, such as the Health Care Renewal Accord, between provinces and the federal government, that the provinces will spend monies in certain ways. That has been an accepted principle. However, much money flows to the provinces that is not earmarked in that way. Should such earmarking be desired, then the appropriate agreements would have to be worked out with the provinces.

Senator Stratton: Honourable senators, yet again I can appreciate that, but municipalities, both urban and rural, have a \$57 billion deficit. The City of Winnipeg does not know where to find \$1 billion to fill its shortfall for infrastructure rebuilding. As the honourable leader knows, because she is a resident of the province and a frequent visitor to Winnipeg, the streets are falling apart. Surely to goodness there has to be a better solution than simply flipping it out and considering it to be a provincial responsibility when all cities, all towns and all villages across the country are experiencing the same problem.

Senator Carstairs: It is most interesting, but the ability to give cities additional tax revenues does not come from the federal government; that ability belongs to the provinces. A province has the right to give its municipalities the authority to raise taxes in new and different ways. They also collect far more in gasoline taxes than the Government of Canada collects. One would then wonder why provincial governments do not provide more direct funding to the municipalities, particularly the City of Winnipeg where 65 per cent of the residents of the province live.

Senator Stratton: We seem to be getting along and then the honourable leader makes a remark that requires me to get to my feet again. Honourable senators, this problem will not go away. It will only become larger. Most senatorial seats are in those urban areas, so it would stand to reason that members of this chamber would pay some attention to this issue.

Is the honourable leader saying that she will do nothing, and is she unequivocally saying no to any kind of assistance for infrastructure rebuilding?

Senator Carstairs: That leads me to think of the most recent provincial election in the Province of Manitoba, when most of the seats of the honourable senator's party were in rural Manitoba. I

believe that only four or five Conservative seats remain in the City of Winnipeg, which represents 65 per cent of the population of Manitoba.

Having said that, the reality of the relationship between the provinces and the federal government is that negotiations are ongoing regarding funding. However, until such time as the provinces agree that the municipalities should be funded separately through their provincial governments, I do not anticipate any immediate change.

HEALTH

BOVINE SPONGIFORM ENCEPHALOPATHY— TRACE-OUT CASES IN UNITED STATES

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it pertains to the trace-out investigation that the Canadian Food Inspection Agency, CFIA, is conducting into the case of mad cow disease that occurred in Canada. Now that the trace-out will have to deal with five bulls that were moved to two farms in the United States of America, the matter of cross-border contamination has emerged as a major issue.

My question for the Leader of the Government in the Senate is: In working with American authorities on this trace-out, will the two farms in the United States undergo a rigid process of scrutiny and testing similar to what has happened with affected farms in Canada, or are farms in Canada being held to a different standard in the process of investigating the origins and points of possible transmission of bovine spongiform encephalopathy, BSE?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator must understand, the two farms in the United States would not fall under the authority of the Government of Canada. Both farms fall under the authority and the direction of the rules set by the United States Department of Agriculture.

The systems are a little different but, in some ways, they are the same. However, the United States has not put in place the same kind of trace-back provisions that we put in place in Canada in 1997, as a result of the BSE outbreak in the United Kingdom. We can now follow exactly where any animal goes from birth to death. The U.S. tracing procedures are not the same, but the rules to which these farms in the United States will be subject are not within our purview or control.

HUMAN RESOURCES DEVELOPMENT

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO BEEF INDUSTRY WORKERS

Hon. Donald H. Oliver: Honourable senators, the federal government has been criticized for not agreeing to waive the two-week Employment Insurance waiting period for workers who lost their jobs due to the mad cow disease scare. Even Mr. Paul Martin and Mr. Ralph Goodale have criticized their own government for taking this stance. The source for that information is *The Leader-Post* of Regina, June 2, 2003.

Could the Leader of the Government in the Senate comment on the possibility of whether her government will reconsider this position? If not, because Mr. Goodale has deviated from the government's line on this issue, is the principle of cabinet solidarity a myth with this government?

Hon. Sharon Carstairs (Leader of the Government): In response to the first part of the honourable senator's question, Human Resources Development Canada, HRDC, has put an absolutely appropriate procedure in place. As I indicated yesterday in response to a question from Senator Roche, the reason for waiving the two-week waiting period in Toronto and other areas affected by SARS was the health emergency status of these people. The honourable senator may know that 56 people in Western Canada did not have to serve the two-week waiting period for that reason. Those people were not allowed to look for work. By this incentive, it was hoped that they would remain quarantined and therefore would not lead to the contamination of anyone else in the community. It was the first time that the waiting period has ever been waived, but it was not waived, for example, for all of those hotel workers and others who lost their employment opportunities in Toronto and in other cities or communities across this country.

HRDC made the correct decision. As to the statements that may have been made by the Honourable Mr. Goodale, I can only say that he does not speak for the Employment Insurance program.

• (1400)

HEALTH

BOVINE SPONGIFORM ENCEPHALOPATHY— LETTER OF VETERINARY SCIENTIST EMPLOYEE TO DEPARTMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I have a supplementary question regarding BSE, honourable senators. Could the minister advise whether the health department is examining whether the food materials made from rendered materials are part of the study or analysis that is being undertaken?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am not sure I fully understand the honourable senator's question. If he is asking if we are looking at policies with respect to ruminant materials, yes, indeed, we are undertaking such a study.

Senator Kinsella: I ask the question because it is reported today in the media that Dr. Chopra, who works for the Department of Health in the Veterinary Drugs Directorate, was disciplined for having written a letter in which he had asked the Department of Health to ban the use of these substances. He and his colleagues considered that the primary cause for the transmission and spread of this disease, animal feeds containing rendered materials of other animals, has been allowed to prevail for much too long. As everyone knows, in other jurisdictions, particularly in the European Community, feeds containing those materials may

not be used. Could the minister at least have someone look into why a qualified veterinary scientist who works for the department would be disciplined for writing a letter internally and making a recommendation of this sort? I find this development somewhat curious, and perhaps we should obtain some background information.

Senator Carstairs: I can assure the honourable senator that because of much good work that he personally has done, there is a new policy in place with respect to how an individual will be dealt with should he or she bring matters of concern to the department. I can only presume that, in this case, Dr. Chopra did not follow the procedures, which are clearly laid down, that he must follow, but I will try to obtain further information on this case.

JUSTICE

LOSS OF FIREARMS REGISTRY RECORDS

Hon. Gerald J. Comeau: Honourable senators, the Solicitor General admitted recently that a computer crash at the federal firearms registry may have wiped out the records of gun owners who had registered their guns around that time. As well, the minister said that no additional time would be provided to Canadians to ensure that their registration papers had in fact gone through the system. Would the Leader of the Government advise what the government will do to protect Canadians from being prosecuted because of this bungling, and will she give assurances that Canadians will not be prosecuted under the Firearms Act or the Criminal Code for what is not their fault?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, those individuals who applied and may have had their information lost would clearly not have had a response at this point from the Government of Canada because the government would not have received the information. Some five months have passed since then, and the minister has indicated that if the government has not received a response, individuals should immediately inform the government. In that case, they would have been deemed to have applied in the appropriate ways, and the licence will go through its normal procedures. They will not be unduly punished by something that, as the senator has indicated, is beyond their fault.

Senator Comeau: Honourable senators, I hope I understand correctly. If those people who did apply around the time of the crash have not been contacted by this time, they should try again. The fact that they are trying again will ensure that if they do not get their papers by the deadline date, they will not be prosecuted under either the Firearms Act or the Criminal Code.

Will the government undertake to advise those people who did in fact send in their application at that time but who may not be aware that the computer crashed or may not have been reading the newspapers? Those people may not be aware that they are soon liable to become criminals. Is there a means for the government to contact these people to ensure that they are advised that they may soon become criminals?

Senator Carstairs: There is a certain thing called due diligence, honourable senators. If an individual made an application and did not receive any word from the person to whom the application was made and some five months have passed, one would say that the normal individual, knowing that the time frame was quickly coming to pass, would have contacted the government to indicate that there was something wrong.

The minister has indicated that a communications strategy will be put into place so these people are informed. However, the government will not be able to identify them. They will have to self-identify because if they were in a computer that crashed, the government does not know about them. An effort will be made, but there is also a responsibility on individuals to inform the government that some considerable number of months has passed and they have received or heard nothing.

NATIONAL DEFENCE

EFFORTS TO DESIGN NEW LOGO— RELATIONSHIP BETWEEN CONTRACTED COMPANIES

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. After failed efforts to design and test a new logo for the Canadian Armed Forces, costing more than \$100,000 in total, the Department of National Defence has gone back to the drawing board. Despite its previous failure, the Quebec firm of Createc Plus is being paid a further \$70,000 to try again. Focus groups liked a logo designed in-house by the government better than the one proposed by the supposed experts hired outside. Can the leader tell us why we continue to waste taxpayers' money, hiring an outside firm to design a new logo, when the in-house capability exists to create a logo? Why are they not simply improving the one they had?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the issue is that the in-house logo has not been as effective at reaching out to the new generation of individuals the Canadian Armed Forces wishes to attract, and it is not considered to be effective even by the Armed Forces. Having said that, they sent it out.

The senator is quite right that focus groups indicated that this logo was not the right one either. The company has gone back to the drawing board in order to come up with a logo.

The people on service with the Armed Forces themselves are not trained in logo development. Logo development is, in itself, a highly developed skill. The logo they were given is not right, and they have gone back and attempted to draw up another.

Senator Atkins: Honourable senators, the minister is saying that they wasted their time having focus groups. I assume one of the focus groups they would have used would be members from the armed services.

Senator Carstairs: It is one thing to be a member of a focus group from an armed service and say, "That logo does not say anything to me." It is another thing to ask the Armed Forces to design the logo. We have firms across this country who do

nothing but specialize in the development of logos. They do not always get it right. Just ask corporations from coast to coast in this country. Sometimes the logo just does not make it.

Senator Atkins: Having been in the business myself for a number of years, I know a little bit about logo design. Can the Leader of the Government explain the relationship between Createc Plus and Groupaction, which provided many, if not all, the logo designs in 2000?

Senator Carstairs: I do not know what the relationship is, if any, between the two. I will have to take that question as notice.

• (1410)

[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 to oral questions. The first is a response to an oral question raised by the Honourable Senator Oliver in the Senate on May 13, 2003, concerning the biometric national identity card proposed by G8 nations, and the second is a response to an oral question raised by the Honourable Senator Spivak on May 27, 2003, concerning bovine spongiform encephalopathy.

CITIZENSHIP AND IMMIGRATION

BIOMETRIC NATIONAL IDENTITY CARD— PROPOSAL BY G8 NATIONS

(Response to question raised by Hon. Donald H. Oliver on May 13, 2003.)

The Minister of Citizenship and Immigration has initiated a discussion on national identity cards by requesting that the Standing Committee on Citizenship and Immigration look at this issue and hear witnesses. As this issue is before the Standing Committee, neither the Minister nor the Government have taken a position on implementing biometrics on a national identity card. While it is possible that a national identity card with biometrics could be used to facilitate international travel, there are many other applications also being considered by the Standing Committee. The recent discussions of biometrics at the G8 involved the application of biometrics on travel documents and does not specifically involve a national identity card.

The department has had no direct discussions to date with the U.K. government about their concerns. CIC, along with other government departments, are represented at G8 and ICAO meetings where such discussions regularly take place.

We attach for your reference, the following information from the G8 Justice and Interior Ministers' meeting of May 5, 2003:

The G8 Justice and Interior Ministers, at their meeting of May 5, 2003, agreed upon the following with respect to biometric technologies in travel documents (extract from the Justice and Interior Ministers' Communiqué):

Use of Biometric Technologies

We unanimously stressed the importance of developing biometric technologies and their application in travel procedures and documents. We recognized that these new technologies open up new possibilities in the fight against the use of fraudulent documents for criminal or terrorist purposes. Consequently, they help strengthen transportation security, in accordance with the objectives set out in 2002 by the G8 Leaders.

We underlined that the issues relating to application of this new technology should lead us to work on developing a common framework and standards within the competent international bodies. In this spirit, the G8 contributed to the International Civil Aviation Organization's (ICAO) work in the form of a Declaration (G8 Roma and Lyon Groups Statement for ICAO on Biometric Applications for International Travel). The declaration identifies three guiding principles in establishing the standards: universality of standards to ensure perfect technical interoperability, urgency in implementing these technologies and technical reliability.

We have decided to convene a high-level working group co-chaired by France and the United States, with a first meeting in Germany, which before the end of French Presidency shall report their recommendations on ways to develop biometric technologies, including manners of assessing their effectiveness. We ask them to work in conjunction with the Roma and Lyon groups and to take into consideration the work underway within ICAO about biometrics.

Senator Oliver has stated that the G8 countries have agreed to develop travel documents capable of carrying biometric information. That a document is "capable" of carrying a biometric does not necessarily mean that it does, rather that forward planning has incorporated that capability. Discussions of biometric technologies predate the US requirements which arose after Sept. 11, 2001. The international standards-setting organization for travel documents, ICAO, has been involved in exploring biometric technologies for several years. Paragraph 9 (above) of the Justice and Interior Minister's Communiqué refers to the G8 Summit in Kananaskis, Alberta in June 2002, and the recognition at that time of biometrics as one means of increasing the security of travel documents, and hence, of transportation security. Therefore, the Justice and Interior Ministers expressed support for continued work in the G8 and in ICAO to develop international standards for biometrics. They further called (in paragraph 11) for a "high level working group" to be convened. Canada is awaiting information from the co-chairs of that group, France and the USA, as to the date, place and agenda of that meeting.

HEALTH

BOVINE SPONGIFORM ENCEPHALOPATHY—IMPLEMENTATION OF EUROPEAN UNION RECOMMENDATIONS

(Response to question raised by Hon. Mira Spivak on May 27, 2003.)

Health Canada's number one priority is protecting the health and safety of Canadians. To that end, the Department's goal in this investigation is to prevent the entry of the infectious agent, Bovine Spongiform Encephalopathy (BSE), into the human food supply.

We have a strong food safety system in Canada and we will continue to work with the Canadian Food Inspection Agency (CFIA) and all of our other partners in food safety, to strengthen and enhance the food safety systems in Canada.

Prior to the discovery of a BSE-infected bovine in May 2003, Canada had met the criteria of the Office International des Epizooties, for a BSE-free country. In July 2000, however, the European Union classified Canada as a level II country with respect to geographical BSE-risk, where the presence of BSE was unlikely, but could not be excluded.

Health Canada created a Transmissible Spongiform Encephalopathy (TSE) Secretariat and has brought together multi-disciplinary science and policy teams, including representation from the CFIA, to conduct risk assessments, provide scientific advice regarding TSEs and provide risk management strategies that take in account the science and other relevant consideration.

Health Canada is concluding a risk assessment related to imported processed meat products and we also note that CFIA has concluded a risk assessment of BSE in cattle in Canada to support a petition for a reassessment by the EU of their classification of Canada as a level II country. It is anticipated that these risk assessments will inform our concerns in relation to all aspects of BSE in the food supply.

Further, with regard to the specific issue of the use of brains and the spinal cords of Canadian cattle, Health Canada is reviewing all relevant policies and practices, including those related to specified risk materials as a result of the recent finding of BSE in one cow in Alberta. CFIA's list of specified risk materials include brain, eyes, dura mater, pituitary, skull, spinal cord, dorsal root ganglia, trigeminal ganglia, vertebral column, spleen, intestine, tonsils, lung, thymus.

If the results of Health Canada's review and CFIA's investigation lead to new information, the Department will revise its policies in consultation with the CFIA, industry and provincial territorial governments. We will continue to work together to ensure that BSE does not enter the human food chain.

If a decision is made to revise policies, Health Canada will consider a number of other related factors, such as the impact on other products, the costs of any new measures, and the feasibility of implementing them.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under "Government Business, Bills," I would like us to address Items No. 1, 3, and 4 first, followed by Item No. 2, and then resume the order proposed on the Order Paper.

[English]

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

BILL TO AMEND—THIRD READING

Hon. Colin Kenny moved the third reading of Bill C-9, to amend the Canadian Environmental Assessment Act.

He said: Honourable senators, I rise today to speak in favour of Bill C-9, to amend the Canadian Environmental Assessment Act. Making or amending environmental laws is time-consuming and complex. It is, however, an immensely important task because these laws affect our environment, our economy and, most important, future generations. I know that, when it comes to the environment, all honourable senators take their responsibilities seriously.

The objective of the bill is to ensure that our economy grows in ways that do not unduly degrade the environment or impact on human health, and I sincerely believe that the amendments set out in Bill C-9 help us to do that.

The origins of Bill C-9 go back to June 1998, almost five years ago, when the Canadian Environmental Assessment Agency began preparations for the five-year review of the Canadian Environmental Assessment Act. It was this review that generated the ideas that have been transformed into the amendments now before us.

From the start, the development of this bill has been characterized by measured steps aimed at solving problems with the current act. Prior to the drafting of Bill C-9, the government consulted extensively with the provinces, Aboriginal peoples, environmental groups, representatives of industry and individual citizens who have been involved in community assessments.

Parliament's review, now spanning over two years, has been equally rigorous. The bill is a step in the continuing evolution of vital assessment, an evolution that promotes innovation so that development projects are designed in ways that minimize and avoid negative environmental impacts.

[Senator Robichaud]

Honourable senators, when the Minister of the Environment introduced this bill, he set out three goals for strengthening the Canadian Environmental Assessment Act. First, the revised process must be more predictable, certain and timely; second, the revised process must produce high quality assessments; and, third, the revised process must offer more meaningful opportunities for public participation.

These goals are supported by the provinces, Aboriginal people, industry and environmental groups. The Standing Senate Committee on Energy, the Environment and Natural Resources heard that there was a high degree of consensus among this wide range of interests in support of the manner in which the bill attempts to achieve these goals. This is quite an accomplishment, given the difficult and polarized debates that have often surrounded environmental issues.

Honourable senators, I urge you to support the adoption of this bill.

Motion agreed to and bill read third time and passed.

PENSION ACT ROYAL CANADIAN MOUNTED POLICE SUPERANNUATION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Yves Morin moved the second reading of Bill C-31, to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act.

He said: Honourable senators, I am pleased to rise to speak in support of Bill C-31, to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act. I am confident that you will find it worthy of your full support. I say that because, first and foremost, passage of this bill will help bring peace of mind to our men and women in uniform, both those in the Canadian forces and in the Royal Canadian Mounted Police. No one would disagree with that good intention. Second, I believe that you will come to the same conclusion as I have, that this bill should be passed without delay because it reflects the military requirements and responsibilities of the 21st century faced by our Canadian forces as we speak.

Bill C-31 deals specifically with improved disability pension insurance coverage for service personnel performing duties in areas defined as having an elevated risk attached to them.

[Translation]

As you are probably aware, Canadian Forces personnel can apply for a pension if their disability resulted from an injury or infection due to military service. Should military personnel die as a result of service, their dependents can also receive survivor's benefits. These benefits are provided to eligible military personnel in active service, both in Canada and abroad, in times of peace and war. The applicable legislation is administered by the Department of Veterans Affairs.

[English]

You might be interested to know that disability pension payouts in total are by far the largest expenditure of this department. Of a budget of over \$2 billion a year, approximately \$1.5 billion is spent on pension payments. Most of this amount goes to Canada's veterans, those men and women who have been honourably discharged from service. That said, you should know that more than 5,000 men and women, about 3 per cent of the total receiving disability pension payments, are currently serving Canadian Forces personnel. To be clear on this, this bill applies only to currently serving members of the Canadian Forces and Royal Canadian Mounted Police.

Bill C-31, which speaks specifically to issues of comprehensiveness, equity and timeliness, has two main components. The first deals with what are known as special duty areas, a term with which, I know, most of you are familiar. Most of us tend to associate special duty areas with Canada's peacekeeping operations within United Nations service, and that is a pretty fair assessment.

[Translation]

For over fifty years, Canadian Forces have been serving in different capacities in operations abroad under the United Nations and other peacekeeping organizations.

During these operations, soldiers must take part in combat. They are exposed to dangerous conditions that they would not normally be subjected to in times of peace.

That is why Parliament enacted special duty areas legislation in 1964. This legislation made official a principle that had been applied since January 1, 1949. It stipulates that personnel taking part in operations in certain areas abroad, designated "special duty areas" by the Governor in Council, benefit from special pension provisions.

• (1420)

[English]

The special pension provisions deems members serving in special duty areas to be on duty 24 hours a day, seven days a week, for Pension Act purposes. That means that, from the moment members arrive in such an area, up to the moment they depart, they are covered for death or disability that may occur during or be attributable to their service in those special duty areas.

Bill C-31 will improve this coverage in two important ways. First, the process of declaring a special duty area will be done with increased speed. At the moment, the declaration of a special duty area takes too much time. It is a Governor in Council process which takes some time, too often an inordinate amount of time. With the passage of this bill, the Minister of National Defence or

the Solicitor General, in consultation with the Minister of Veterans Affairs, will be able to declare a special duty area and have that term apply in a much shorter time frame. This means that service personnel departing for overseas duty would know in advance if the area they are moving into is a special duty area, and they will be assured of their 24-7 coverage and, as a result, they and their families will have greater peace of mind.

This bill also adds greater coverage for deploying Canadian Forces members and their RCMP counterparts. Their coverage will include training for the deployment, travel to and from the duty area, and even authorize leaves of absence from special duty areas. In short, they will have door-to-door coverage.

The second part of this proposed legislation offers a brand new category of service: special duty operations, the designation of which also grants those affected the same disability pension coverage as those in special duty areas. The need for a new and separately designated category has been precipitated by the changing nature of warfare, especially by events such as those that occurred on September 11, 2001. The terrorist attacks in New York and Washington changed the way we saw the world.

[Translation]

It has become impossible to provide a static definition for theatres of military operations using geographical maps or specific dates. The deployment of our troops no longer respects the old rules of engagement during times of war. From now on, in the fight against terrorism, one part of our troops can be in precisely designated areas and be supported by troops assigned to other regions on land or sea. The primary characteristic of special duty operations is the extremely high risk involved, which is higher than the normal risks of duty during times of peace. The current bill also includes high-risk situations occurring on Canadian soil, particularly disaster relief and search and rescue operations.

[English]

Special duty operations, as proposed in this bill, are not defined by their location, but rather by their element of defined risk. When deployed to a special duty operation, either in Canada or overseas, service personnel will benefit from the same coverage as those deployed to special duty areas.

The Minister of National Defence will be able to declare a special duty operation.

Similarly, the bill proposes to give the Solicitor General the same authority, under the Royal Canadian Mounted Police Superannuation Act. The Solicitor General will be able to designate areas of operations outside Canada as either special duty areas or special duty operations. The commissioner of the Royal Canadian Mounted Police will be able to deploy officers to special duty operations in Canada, if the Minister of National Defence has designated them as such.

Honourable senators, I believe that we all agree that the events of the past few years on the world stage demonstrate that we must be able to adapt swiftly to rapidly changing military and political realities. If we are to ask our police and armed forces to stand on guard for us, then the least we can do is ensure that they have the fullest disability coverage if they need it.

Honourable senators, I urge speedy passage of this important bill.

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

PUBLIC SERVICE MODERNIZATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government) moved second reading of Bill C-25, to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts.

She said: Honourable senators, I rise to move second reading of the proposed Public Service Modernization Act. Bill C-25 will amend an important piece of legislation that impacts profoundly on one of our country's vital assets, our federal public service.

The Public Service of Canada has changed considerably since the first Canada Civil Service Act was introduced in 1868. Its growth has mirrored that of our country. At the time of Confederation, the public service was relatively small and its activities were limited. It was seen as an inefficient, highly partisan organization that often appeared indifferent to the wishes of the public. Times have certainly changed.

That change started in 1918 when Prime Minister Robert Borden made public service reform a central plank in his election platform. He categorized it as the second greatest priority for Canada, after winning the war in Europe.

Borden recognized that a talented, impartial and professional public service is essential to a country's prosperity and quality of life. That was true 80 years ago, and that is equally true today.

We are fortunate in Canada to have a public service that is respected around the world. Despite the health and vitality of the institution, there is a clear and pressing need for continuous improvement and reform. The world is changing. Factors like technological innovation and globalization are making day-to-day work more complex. Public expectations of government are rising as citizens demand faster answers and better service. We need to ensure that the public service can continue to pursue excellence in the 21st century. This requires that the public service have the tools and support that it needs to serve Canadians effectively.

[Senator Morin]

[Translation]

Honourable senators, as you know, for some time now we have been trying to improve human resource management in the public service. Recently, we have begun to take steps to stop harassment, strengthen diversity in the workplace, support employees with a disability and encourage learning.

[English]

More needs to be done, particularly from a legislative standpoint. The acts that provide the framework for human resource management are the foundation upon which all other public service HR practices and policies are built. It has been in place, essentially unchanged for over 35 years. Its rules are becoming less appropriate for today's reality. It is time to modernize our legislative framework and that is exactly what this bill proposes to do.

Honourable senators, the proposed Public Service Modernization Act represents a balanced approach to achieving many important objectives of human resources modernization and to creating an exemplary work place. It is a starting point for the elimination of unnecessary staffing procedures, and for laying the foundation for more constructive labour management relations. It will clarify the responsibilities and strengthen the accountability of the key players in the human resource management system, the Public Service Commission, deputy heads and the Treasury Board. It will provide greater support for all employees in the area of learning, so that they can pursue their professional development and continuously meet the needs of the public service.

Bill C-25 includes two new or completely revised acts: The Public Service Employment Act and the Public Service Labour Relations Act and it amends two other statutes, the Financial Administration Act and the Canada Centre for Management Development Act.

• (1430)

Some people have questioned the decision to incorporate two acts into one piece of legislation. The reason is fairly straightforward. Staffing and labour relations, while related in many ways, are also very different. They have very different regimes and trying to force them together under one act would have been unworkable. That said, they are both integral parts of effective human resources management and must be recognized as such. Hence, two acts are in one bill.

[Translation]

Human resources management is complex and multi-faceted. Consequently, drafting this bill took a great deal of time and presented many challenges. The work was done by the Task Force on Modernizing Human Resources Management, established by the Prime Minister in April 2001. The task force and the President of the Treasury Board held extensive consultations before proposing the measures contained in this bill.

[English]

The bill has recently passed through the parliamentary committee process. Over a period of three months, the House of Commons Standing Committee on Government Operations and Estimates heard testimony from over 20 organizations and individuals including eminent academics, bargaining agents, the Clerk of the Privy Council and public servants representing several key functional areas. It systematically reviewed 175 proposed amendments, accepting 40. While these amendments do not change the key elements of the bill or what it intends to achieve, they nonetheless strengthen it in certain important areas.

Honourable senators, the majority of the amendments that did not pass would have applied the Canada Labour Code to the public service. True, Bill C-25 borrows where appropriate from the code. However, the bill adheres to the premise that the government is not just another employer. It is a unique organization that first and foremost must serve the public interest. I welcome this opportunity to speak for a moment about each of the key aspects of the bill. Let me begin with staffing.

The current public service staffing system was designed with the merit principle as the cornerstone of public service hiring. To that end, almost 100 years ago, the government created the Civil Service Commission, now the Public Service Commission, an independent agency accountable to Parliament. Its mandate is to ensure that appointments to and within the public service are based on merit.

Over the years, in trying to achieve the objective of protecting merit, our current system sets prescriptive and time-consuming mechanisms for meeting a court-defined "best qualified" candidate for a given position. The system that has emerged over the years is now, in the words of the President of the Treasury Board, "an obstacle course." Many managers try to get around the system by hiring term employees. The proposed public service modernization act proposes to change this and remove unnecessary red tape associated with staffing.

Honourable senators, make no mistake. Bill C-25 preserves the Public Service Commission and strengthens its authority to protect merit. However, Bill C-25 would return the merit concept to its original intent of ensuring that competence is the basis for appointments by requiring that an individual meet the qualifications for the work and that the appointment process be free from political interference. Merit could also include the legitimate consideration of operational requirements and the needs of the organization and the public service.

[Translation]

The purpose of Bill C-25 is to give the responsibility for staffing to those who should have it, namely, the managers. They are the most aware of the skills required in order to provide results for Canadians. Deputy heads would establish the qualifications

required for the work to be carried out, as well as operational requirements and organizational needs, since these are integrally linked with their management responsibilities.

[English]

Of course, with greater delegation and flexibility comes the need for clear and effective accountability. With this in mind, the legislation proposes to establish a new, independent public service staffing tribunal that would hear internal appointment complaints, assisting in protecting the integrity of the staffing system against abuse of authority. The legislation also proposes to focus the mandate of the Public Service Commission more tightly on ensuring merit and on monitoring, investigating and auditing staffing activities.

Several amendments passed by the Standing Committee on Government Operations and Estimates will strengthen the independence of the commission and its audit role. One amendment, for example, requires that both Houses of Parliament, the Senate and the House of Commons, approve the appointment of the President of the Public Service Commission. Another amendment will increase the commission's audit functions. Together, these and other measures in the bill, such as the greater clarification of roles and responsibilities for staffing, will ensure that merit remains the basis of staffing.

The labour relations section of the bill would bring about other badly needed reforms. Over 85 per cent of federal public servants are represented by bargaining agents. There is a clear and pressing need for constructive and productive labour relations. The employer and bargaining agents must learn to view one another not as adversaries but as partners in a collective effort to create an exemplary work environment.

The proposed public service modernization act is designed to encourage this. Among other things, the legislation requires each deputy head to establish a joint consultation committee as a forum to improve dialogue and consultation on workplace issues. It also encourages the employer or deputy heads to enter into co-development arrangements with bargaining agents that allow for joint discussion, problem solving and mutually agreed solutions without hindering the responsibility of management to make decisions.

[Translation]

The bill has been drawn up with the purpose of modernizing dispute management in the workplace. It requires departments and agencies to provide informal dispute management services to all public servants. This is an important stage that can help resolve disputes before they give rise to formal proceedings.

[English]

Other measures proposed in the legislation include provisions to foster greater efficiency in the collective bargaining process and provisions to ensure that Canadians will continue to receive essential services in the event of labour disruptions.

The final element of legislative change that I would like to discuss comes in the area of learning. In many respects, learning is the foundation of all public service reform activities. Effective learning is needed to ensure that employees share a common set of values. Learning is also the basis of leadership development and capacity building. Ultimately, the ability of the public service to continue to deliver results for Canadians will depend significantly on its success in promoting a culture of continuous learning and improvement.

The current approach to learning in the public service is fragmented and uncoordinated. That is why Bill C-25 proposes to create the Canada School of Public Service. The new school will combine the Canadian Centre for Management Development and Training and Development Canada. The mandate of the new school is to offer corporate and other learning and development activities to all public service employees and managers across the country.

This integration of learning services is key to better deliver training and developmental activities. It is also key to ensuring that our public service workforce has the capacity and knowledge to be able to adapt to change.

Honourable senators, other important areas covered by the bill are political activities, appointments, whistle-blowing and harassment. The new act would establish a clear regime for political activities that balances the right of employees to engage in the political process with the principle of political impartiality in the public service. Amendments were proposed to strengthen the bill.

To further reinforce the protection of merit, the committee also moved amendments that will increase the scope of the Public Service Commission's audit function. Together, these and other measures in the bill will ensure that merit remains the central principle guiding staffing.

Amendments were also proposed to help build a supportive working environment, notably one that is free from harassment and where public servants can feel safe to speak out against perceived wrongdoing. One issue that received some attention is a perennial concern for many parliamentarians, and that is the issue of geographic criteria in staffing. Many Canadians have expressed the view that all jobs in the federal public service should be open to qualified people no matter where they may live. This is a fine idea in principle but unfortunately there are some practical problems.

• (1440)

Often when jobs are open for competition across Canada, managers receive literally thousands of applications. The commission has lacked the physical capability for handling this volume of interest promptly enough to enable managers to respond to changing needs and priorities. While this is not addressed in the legislation, it is nonetheless being addressed by the Public Service Commission, and several projects are now ongoing to ascertain how new technologies can help alleviate the capacity concerns.

[Senator Carstairs]

Honourable senators, Bill C-25, the public service modernization act, will have a profound and long-term impact on the life of the public service and, in turn, on its ability to meet the needs of Canadians. It is balanced legislation that has been thoroughly studied and improved through the committee process.

[Translation]

The greatest challenge lies ahead. Change of this scope in the public service will not be made easily, nor will it be made quickly. Our human resources systems have existed for a long time and some of our approaches are well established. Because of the complexity of our systems, implementation will be staggered over several years, while new institutions, like the Canada School of Public Service and the Public Service Staffing Tribunal, are created. This time will allow us to update our systems and guidelines resulting from the new legislation, and to train employees, managers and bargaining agents.

[English]

Of course, as the bill's implementation takes place, there must be regular and diligent reporting. Under this bill, the President of the Treasury Board will report to each House of Parliament annually on the implementation of the human resources management provisions of this act. This would be in addition to the current requirements to report unemployment equity and official language issues.

Bill C-25 will also be subject to review in five years. The bill had initially proposed a seven-year review, but the standing committee in the other place felt that five years was a more appropriate period.

Honourable senators, there is much work to do, but I am confident that the talented and dedicated men and women in the public service are up to the challenges. Certainly, public servants are anxious to get started and to put a new staffing regime in place, and to embark on a more cooperative relationship with bargaining agents. They want to continue improving and building upon an institution to which they have dedicated their careers.

Honourable senators, I wish to digress for a moment from my speaking notes. Originally, I was not to give this speech; it was to be given by Senator Day, but he has gone to the ceremony at Juno Beach. However, I asked for the briefing notes and any preparatory information. As I was reading it, I thought, "My goodness, when is the last time I really entered into a discourse about the public service?" I have to say that it was in a fourth-year Canadian history exam in 1962 at Dalhousie University. The one question on the exam concerned the value of the Public Service Act and its contribution to Canadian life. It was interesting to find myself, some 41 years later, rethinking some ideas about the public service.

I believe that Bill C-25 is a sound piece of legislation that will give the public service the tools needed to continue serving Canadians with excellence. I know many honourable senators are looking forward to carefully and thoroughly studying this important bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator accept a question of clarification?

Senator Carstairs: Yes.

Senator Kinsella: First, the honourable senator has drawn our attention at our second-reading debate to a restructuring of the Public Service Commission. My understanding is that this new structure will have a permanent commissioner here in the National Capital Region and part-time commissioners across the country. Since the honourable senator has underscored the importance of the merit principle, leaving intent or motivation aside, is the government not concerned that structurally that kind of model with these part-time public service commissioners might lend itself to political appointments and therefore completely defeat the fundamental and laudatory principle of the bill, which is the maintenance of the merit principle?

Senator Carstairs: I have to say that I do not for several reasons. The first reason is the change in process whereby both the Senate and the House of Commons would, by resolution, have to approve the appointment of the head of the Public Service Commission of Canada, and I believe that is a very important change.

In terms of the outreach across the country, and this is personal, those of us who live outside of the centre of this country have been concerned for a long time that the public service is dominated by individuals who have spent their entire lives living in this central core of the nation. I am positive in my approval that this new principle will make it possible to attract bright talent, no matter where it exists, with the experience of having lived elsewhere.

Senator Kinsella: That is very helpful. Having the appointment of the head of the Public Service Commission ratified by the two Houses of Parliament would ensure no political interference. Would that same principle not give that same guarantee if it were extended to the appointment of these part-time commissioners?

Senator Carstairs: Honourable senators, I think that would be cumbersome. That would be my response. However, that issue is worthy of some further discussion in Senator Murray's committee, and I am sure we will get to that discussion.

Senator Kinsella: I have another question of principle. I listened carefully to the honourable senator's speech, which was very helpful. I did not detect any reference to ministerial responsibility but I might have missed that. Would the minister not agree that the public service of a country — and I believe the senator has alluded to the fact — is a special kind of area of employment? Being a public servant is not any old job, and there is a relationship with the executive through ministerial responsibility. Where is the interface between the role and function of the modernized Public Service of Canada and the ministerial responsibility?

Senator Carstairs: The interface remains exactly the same as it has always been. I would concur with the honourable senator that it is a strange interface, because at the same time you want the

Public Service Commission to be totally independent and separate, and yet clearly all of the jobs come under the direction of ministers, through their deputy ministers, and that line of authority.

If the honourable senator is looking for a chart drawing of the exact lines, that is not possible. However, the bill ensures that the Public Service Commission can get highly qualified people to serve in our public service. At the same time — and I know that Senator Oliver will certainly be addressing this issue in committee — it ensures that our public service is reflective of the true dimensions of Canada, including the two linguistic groups. That is why I was pleased to see in the amendment process a change to the legislation that speaks specifically to linguistic duality.

• (1450)

I also think that, clearly, we need more visible minorities within our public service. We need a true reflection of Canada in the public service.

Senator Kinsella: The honourable senator drew our attention to the establishment of a new public service school. I might not have the terminology down exactly in that regard, but I understand that it will be rolled into the Canadian Centre for Management Development and Training.

When examining the Estimates made available for the Canadian Centre for Management Development and Training, National Finance Committee members will often look at the board of directors. Lo and behold, they have found that most members of the board of directors are in positions such as deputy secretary to the Treasury Board, et cetera.

As there has been great discussion in both Houses of Parliament concerning avoiding a conflict of interest, et cetera, sometimes the questioning in the Standing Senate Committee on National Finance in the past was to this effect: Is there not a possibility of conflict between the board of directors and the budget-making process?

Is it a principle of the new bill that the board of directors of this school will be at arm's length? What will be the relationship?

Senator Carstairs: Honourable senators, I do not know because I do not think it is specifically in the bill. Again, it is worthy of discussion.

I must say, though, that I am less concerned about that issue than I have been when I have followed some of the debates that have taken place. As an educator, my primary concern is to ensure that programs are in place to take bright and talented people and give them the skills they require so that when they appear before our committees they have knowledge and expertise. I am somewhat dismayed on occasion when we have public servants appear who, quite frankly, cannot answer the questions asked of them. I sometimes wonder why they cannot answer our questions. My concern is that we have to be able to better train them so that they can access that material more rapidly. Maybe that is all in the area of technology and they need to be better trained in that area.

I think that a school is essential and that training needs to be beefed up considerably.

Hon. Lowell Murray: Honourable senators, I have a question to ask the minister. Before I do so, let me thank her for her kind references to Sir Robert Borden and to his seminal contribution to the public service legislation and to the public service culture, if I can put it that way, that we have today. I do so on behalf of Senator Lynch-Staunton, who is too shy to mention that Sir Robert appointed his grandfather to the Senate, rescuing him from Hamilton, Ontario, and on behalf of Senator Gauthier, whose grandfather, Dr. Louis-Philippe Gauthier, served in the Unionist government of Sir Robert in the other place during the First World War, only to be defeated by the ungrateful Liberal candidate Rodolphe Lemieux in the subsequent election in the Gaspé. If one watches and listens carefully these days, one can sometimes hear and see a burst of the old “Bleu” tradition coming from Senator Gauthier, and even from Senator Lynch-Staunton when he is at his best.

What would Sir Robert have thought, and what does the honourable minister think? Indeed, what principled explanation can she give for eliminating the oath of allegiance in this legislation?

Senator Carstairs: That is interesting, honourable senators, because there are many, who I consider to be public servants, who do not take the oath of allegiance at the present time. For example, Senate staff members do not take the oath of allegiance. There are others who have not been asked, over the years, to do it.

It is also interesting that the oath of allegiance is not taken in the United Kingdom or Australia.

Interestingly enough, I did a little research on this matter, which will not surprise Senator Murray, and pulled up a Hansard from the House of Lords of January 22, 2003, in which it was reported that Lord Laird asked Her Majesty's government:

Whether any new appointees to the Civil Service in any part of the United Kingdom are required to take an oath of allegiance; if so, which parts of the Civil Service require this; who they require to take this; and to whom it is made.

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, Lord Macdonald of Tradeston, replied:

Under the terms of the Civil Service Code, members of the Home Civil Service owe their loyalty to the administration in which they serve.

No civil servant in the UK is required to take an oath of allegiance.

There have been changing and evolving systems. As honourable senators know, public servants are required to take an oath of loyalty. They are required to take an oath which for many of them requires secrecy, but they have not in this legislation been asked to take an oath of allegiance.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I am happy that the government is introducing a review of the whole Public Service of Canada Act, including labour relations. My concern is about the Public Service Commission. There will be a Public Service Staffing Tribunal, to which employees will be able to appeal when there are problems in the staffing or classification process.

Will the responsibilities of this tribunal be clearly laid out in the legislation, or is this something that will be done in the future?

[English]

Senator Carstairs: Honourable senators, the principles are outlined as they are in most pieces of legislation. The actual details will come through the regulatory process, as is the case with so much legislation.

[Translation]

Senator Gauthier: My second question deals with language training. If I understand correctly, there will be a Canada School of Public Service. Will this institution or this establishment be responsible for language training for the entire public service in Canada?

[English]

Senator Carstairs: Honourable senators, I do not think so. I do not think that is the vehicle by which the language training will be directed. It is not at the present time, under any one of those two schools, nor do I anticipate that it will be under this legislation. Language training is separate and apart.

Hon. Anne C. Cools: Honourable senators, perhaps I misunderstood the answer of the minister to the question of Senator Murray who asked the Leader of the Government why the oath of allegiance was removed. I heard her say that it is not required in the U.K. or in Australia. However, I did not hear her tell us why it is being removed in Canada.

Senator Carstairs: Honourable senators, it is part of the modernization of the public service. It was decided that it would be consistent with practices in other countries upon which our tradition is built, in particular the United Kingdom, where, as I indicated, public employees are not required to swear an oath of allegiance to the Queen. That is the reason it has been changed.

Senator Cools: To whom, then, will public servants owe allegiance?

Senator Carstairs: They will owe loyalty to the Government of Canada, to which they will take an oath of office and secrecy.

[Senator Carstairs]

Senator Cools: That means, then, that public servants will be compelled to have different loyalties at different times, depending on the colour of the government of the day or the political complexion of the government of the day. I always understood that the oath of allegiance was supposed to transcend partisanship. That was why we had an oath of allegiance. The oath of allegiance meant loyalty to a principle higher than the colour or the political complexion of the government of the day. That was my understanding of "allegiance." Perhaps it has changed recently.

• (1500)

Senator Carstairs: No, I do not think so, honourable senators. In taking the oath of office, they offer to the people of Canada the best of their talents, abilities and skills.

Senator Cools: Am I to understand, in following the honourable senator's reasoning, that every time there is a change in government, the members of the public service will take a new oath?

Senator Carstairs: Of course not. When we refer to the Government of Canada, we refer to it as a generic entity.

Senator Cools: Governments of Canada are not generic entities. Her Majesty is a generic entity but the Government of Canada does change.

Hon. Tommy Banks: Honourable senators, pursuing the same question, the leader may recall that I did write to her respecting this question. Can the leader confirm that the words contained in the oath of allegiance refer to the Government of Canada? It is my understanding, which is rudimentary and has only been learned recently, that the Crown represents the people. The Crown rises above mere government, not to cast any aspersions or doubt on the good intentions of any government.

It seems to me that the Crown supersedes or transcends government per se. I may be an old stick-in-the-mud, but I have difficulty with the concept of an oath of allegiance to anything but the Crown in our system. Public servants are paid by the Crown, or at least most are. Perhaps I should ask for confirmation of that. Are those public servants we referred to in this bill employed by the Crown?

Senator Carstairs: If honourable senators look at their paycheques, they will see that those cheques are received from the Government of Canada. They do not come from the Crown.

The Public Service Employment Act requires that, in an oath or solemn affirmation of office, the public servant promises to be faithful and honest in his or her service to Canada.

Senator Murray: Am I not correct, though, in stating that there is an oath of allegiance taken at the present time by people joining the Public Service of Canada and that this bill will eliminate it?

Senator Carstairs: The honourable senator is right, but my understanding is that some have not taken it, to be fair.

Let me read the exact wording of the oath. In Part 4, under section 54, we see the following:

I swear (*or* solemnly affirm. —

Some religious groups in this country will not swear on the bible.

— that I will faithfully and honestly fulfill the duties that devolve on me by reason of my employment in the public service of Canada and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment.

The other place added the words, "So help me God" or the name of a deity which is known to a particular individual in religious observance.

Senator Cools: Honourable senators, the matter is becoming more complex by the minute. We have just been told that public servants are required to be loyal to themselves. Loyalty, as we know, is one of the first orders of any administration. I would still like to get to the fundamental question.

I know we have had episodes with Mr. Manley and his unseemly statements about the monarchy. Why is this government systematically dismantling, as far as I am concerned, the system of governance? My question is: Why is the oath of allegiance being removed?

I do not have an answer to that yet. We all know how critical the question of the loyalty of the public service is, as is the question of the loyalty of senators. Senators can lose their Senate seats for a change in allegiance.

Why is this government removing the oath of allegiance? It is something that means a lot to many Canadians; I would even say to most Canadians. I am not satisfied that I have yet been told why this is being done.

Senator Carstairs: I recommend to the honourable senator that she attend the committee meetings. All senators are entitled to go. She can put that question to the witnesses who are called before the committee.

Senator Cools: Honourable senators, my comments provide me with an opportunity to put my question on the record here. This honourable senator would like to know if the leader intends to reinstate me as a member of that honourable committee. I am no longer a member of that committee because she removed me. If she wants me to go to that committee, she should reinstate me.

Some Hon. Senators: Order!

Senator Cools: I am quite in order. If you want to discuss it here, I would be happy to do that.

Senator Carstairs: If the honourable senator is asking me why she is not a member of that committee, it is because she has not shown loyalty to the government.

Senator Cools: I have shown loyalty to Her Majesty, and that is what I am sworn to do. I will never swear loyalty to anybody else other than to Her Majesty. Some of us here believe in that principle. Perhaps the leader does not, but some of us do. I submit that the majority of Canadians believe in that principle and I would invite you to join them.

Senator Carstairs: Honourable senators, with the greatest of respect, my family has been in this country for generations. My Acadian family comes from the area of Nova Scotia near Louisbourg. There is no question of my loyalty to this country. I would never question the honourable senator's loyalty to this country and I will not have my loyalty questioned.

Some Hon. Senators: Hear, hear!

Senator Cools: Honourable senators, the issue of taking an oath is not about loyalty to a country. The issue is about allegiance. Allegiance is owed to "someone," not to "something." Everyone knows that countries and boundaries of countries come and go. They change. That is why we have the concept of a king or queen or a Crown that is perpetual and undivided.

I just want to say that the fact that the Leader of the Government or her grandparents were born here means nothing to me. I was not born in this country and, quite frankly, it does not matter a scrap to me. I feel just as loyal to Her Majesty and to this system as anybody else.

On motion of Senator Bolduc, debate adjourned.

POINT OF ORDER

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise on a point of order.

Honourable senators, I have just been accused by the honourable senator at the end of the chamber of being a racist, and I demand that the honourable senator apologize.

• (1510)

Hon. Anne C. Cools: I did not accuse the honourable senator of being a racist. As she so rudely, in that bombastic aggressive way, walked by me and said something to me, I said, "I would love to." She said, "Are you calling me a racist?" I said, "I would love to do it," and, if you want, lady, I could do it too. My point was that it was a very racist statement. When senators begin to compare each other to who was born here and who lived here longer, then I think that those are racist suppositions.

Some Hon. Senators: Order!

The Hon. the Speaker: Honourable senators —

Senator Cools: She raised the point.

Some Hon. Senators: Order!

The Hon. the Speaker: I remind honourable senators of the provision in the *Rules of the Senate* in respect of inappropriate language used in the Senate. Rule 51 says, "All personal, sharp or taxing speeches are forbidden." I think it is fair to say, honourable senators, by analogy, that that would extend to matters such as the one that is being raised here. I remind you of that and I would request that you observe the rules.

Senator Cools: I would say, honourable senators, that I was living and existing within the rules. What the honourable senator just did was to come down here and —

Some Hon. Senators: Order!

The Hon. the Speaker: A point of order was raised and I interpreted it. I should hope that honourable senators would understand its relevance. I reminded honourable senators, in response to the point of order raised, in effect giving a ruling, that we have rules that apply in these circumstances. That is my response. Our rules also provide that it is not a debatable matter. We will move to the next item.

[Translation]

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Fernand Robichaud (Deputy Leader of the Government) moved the second reading of Bill C-39, to amend the Members of Parliament Retiring Allowances Act, and the Parliament of Canada Act.

He said: Honourable senators, the purpose of Bill C-39 is to correct some legislative provisions concerning the remuneration of parliamentarians.

I must point out that this bill makes absolutely no changes to the existing policy on this. The corrections address four things: salaries for committee chairs; the rounding down of ministers' salaries; disability allowances; and certain clarifications relating to pensions.

First, concerning committee chair salaries, this bill remedies an oversight discovered in the changes made in 2001. As a result of this oversight, chairs and deputy chairs of standing committees received salaries while their counterparts on special committees did not. Since the work done by chairs and deputy chairs of Senate special committees is the same as that done by their colleagues on standing committees, the bill is intended to provide them all with the same treatment.

The second amendment concerns the rounding down of ministers' salaries to the nearest hundred dollars. Bill C-39 amends the provisions on rounding down. Parliamentarians' salaries are generally rounded down to the nearest one hundred dollars to facilitate administration. The changes made in 2001 applied this to all salaries except ministers' salaries, which were quite simply omitted inadvertently. In other words, honourable senators, this bill re-establishes the rounding down for ministers that was in place until 2001.

Bill C-39 includes a provision to make a more exact calculation of the disability allowances made to parliamentarians who resign because of disability. Since the current provisions do not state what salary should be used in the calculation, the disability pension could be based solely on the parliamentary salary and not on other allowances paid before the parliamentarian left. The purpose of the legislation is to ensure that all payments made before the parliamentarian begins receiving a disability pension be considered. The list of all the payments in question makes it possible to clarify this point.

Finally, the Chief Actuary indicated in his 2001 annual report that the provisions of the pension plan concerning the rate of accumulation of benefits for years of service after 2001 should be updated in order to eliminate any confusion about them. Therefore, Bill C-39 takes the Chief Actuary's comments into account by giving details on the application of provisions relative to rates of accumulation for years of service after 2001. These changes do not affect the guidelines issued by the pension plan.

Honourable senators, Bill C-39 corrects several legislative provisions dealing with the remuneration of parliamentarians. However, it does not propose any change to the policies involved, and I hope that it will be supported by all senators.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Would the Deputy Leader of the Government allow a question?

Senator Robichaud: Certainly.

Senator Lynch-Staunton: What is the justification for rounding down? It is not rounding up but it is rounding down, which means that if the salary came to \$9,999, it would be rounded down to \$9,900. What is the justification for that? Why is it not rounded to the closest \$100?

[Translation]

Senator Robichaud: Honourable senators, I asked why this method was being used. I was told simply that this practice of rounding down to the nearest \$100 has been the practice for some time now to facilitate management.

Using your example, a salary of \$100,999 would be rounded down to \$100,900, which is the nearest \$100 down. This appears to be a long-standing practice.

[English]

Senator Lynch-Staunton: Honourable senators, what is the justification? I would like to know why, with all the electronic machines and calculators we have today, anything should be rounded off in the first place? What is the point? Would the honourable senator prefer that I ask the question of officials in committee? I shall do that.

[Translation]

Senator Robichaud: I intend to ask this question, because I agree with the honourable senator's comment. Given the means currently at our disposal, how can this be a problem? All the calculations are normally done according to pre-established programs, and the figures have been provided to us. If, in committee, the question is asked, I will listen very carefully to the answer provided.

[English]

Hon. Colin Kenny: Honourable senators, I have two questions for the Deputy Leader of the Government. Is my understanding correct in that no individual can draw two salaries, for example, as the chair of one committee and the deputy chair of a special committee? Is it possible, under the act, for people to draw two salaries or is it possible to draw only one salary?

• (1520)

The second part of my question has precisely to do with retroactivity and our friend Senator Nolin. My recollection is that the initial legislation had a retroactive component for chairs and deputy chairs. When is the starting date for this, and how far back will it be retroactive? Will it be retroactive to the beginning of the Parliament, for example?

[Translation]

Senator Robichaud: Honourable senators, I cannot confirm or indicate if it is retroactive. Currently, this bill grants the chairs of special committees the same salary as that granted to chairs or deputy chairs of standing committees. This was not done during the amendments made in 2001. I will have to find out whether this will be retroactive. During consideration in committee of this bill, however, it will be possible to ask questions about the retroactive nature of these changes. However, currently, I do not think this is possible.

[English]

Senator Kenny: I raise this only because there was a period of time when Senator Nolin was serving as chair of a special committee while others were chairs of standing committees who were drawing pay. There was that overlap. If the intention is to correct this anomaly, there seems to be some logic in doing so in a retroactive fashion, if there is recognition that an error was made.

There is also the question of whether an individual can draw two salaries at the same time. My assumption is that that is not possible, but perhaps the honourable senator could confirm that for the house, please.

[Translation]

Senator Robichaud: Honourable senators, the allowances paid to a committee chair or deputy chair are set out in the Parliament of Canada Act. In 2001, when all the changes were made, a new formula was established to determine the sessional allowances of members.

The standard practice is to try as much as possible to divide the duties of chair among the senators, so that everyone has an opportunity to do this, but as to whether this means people are entitled to two salaries, I will have to check.

[English]

Hon. Terry Stratton: Honourable senators, while I appreciate the chairs and deputy chairs of special committees getting paid as others are because they work just as hard, my concern, and I must put it on the record, would be how many special committees we are likely to have now that there is an incentive to create them.

[Translation]

Senator Robichaud: Honourable senators, I do not think we could decide how many committees we are going to have or have had. I think that, when a special committee is appointed here or in the other place, it is only fair that the chair or deputy chair receive the same salary as the chairs or deputy chairs of a standing committee. The purpose of this legislation is to correct this situation. I feel the current situation is not entirely fair to those who are chairs or deputy chairs of special committees.

[English]

Hon. Serge Joyal: Honourable senators, I would like to inform my colleague that I have not raised this issue with the Speaker, even though it concerns the Speaker. I would certainly like to pay respects to His Honour in that context.

My question is of the Deputy Leader of the Government. When we adopted the previous bill on salaries and compensation, I drew the attention of my colleagues in the chamber to the fact that the salary and compensation for our Speaker in the Senate was not at par with the one in the other place. I draw to the attention of my colleagues that our Speaker occupies the fourth rank in the order of precedence, the first being the Governor General, followed by the Chief Justice of the Supreme Court of Canada, the Prime Minister of Canada, and then the Speaker of the Senate, and after the Speaker of the Senate, the Speaker of the other place.

There is a reason why I contended that our Speaker should receive identical compensation to the one in the other place. Senator Mahovlich said it should be more, but he is negotiating for hockey players and they have a higher bar. Honourable senators, I believe that His Honour's salary should be at par because, as the Speaker, he has to be on duty all the time in case the government decides to recall this house. Because he occupies the rank that he occupies, his representative duty, foreign and national, is at par, if not higher. I have exercised restraint in not using this opportunity of adjusting to correct what I consider to be a flaw in the bill we adopted some years ago. It is important

that we maintain the parity principle between the two Houses. The Speaker occupies a specific role on behalf of this chamber. As such, he has exactly the same responsibility as the Speaker in the other place. For instance, if our house has to intervene in court, it is our respected Speaker who acts on behalf of the Senate. He is, in a way, the embodiment of our institution. Our institution and constitutional base is exactly the same as the other place. If there is one person who should be put at par with the other place, I think it is our Speaker.

Again, I have not approached His Honour on this issue. I did raise it with the previous Speaker, and I think it is important that the government look into it. I know that we cannot, without a Royal Recommendation, increase the expenses from the public purse. However since we are reconsidering what the honourable senator has properly termed "our mission," the chairs and deputy chairs of special committees, or ministers and so forth, we ought to use the opportunity to state that principle, which is very fundamental.

Some Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wonder whether the sponsor of this bill, reflecting on what our colleague Senator Joyal has said, would agree. I agree with the general thrust of Senator Joyal's proposition given the order of precedence of the Speaker of the Senate, our bicameral Parliament, and our duty to maintain and ensure the dignity of the office and this place.

• (1530)

However, by way of a little more precision, Senator Joyal said that the Speaker of the Senate has to be available in case the house is called back by the government. Yes, indeed, it is the government that indicates that the house is to be called back. However, because any senator can take the Chair in the Senate, it is not necessary to have the Speaker available, or the Speaker *pro tempore*.

Equally, unlike the Speaker in the other place, who decides points of order and that is it, the Speaker in the Senate gives a decision on points of order that are subject to review or overturn by honourable senators — all of which underscores the point that all honourable senators are equal in the Senate of Canada, and the Speaker is equal with all honourable senators.

Notwithstanding that, I agree with Senator Joyal that the Speaker has a special role, not only because of the order of precedence but, more important, because ours is a bicameral system.

I agree also that the Speaker of the Senate should have a house. There are many houses available in the National Capital Region that are owned by the Crown, and perhaps this would be a good project for senators to advance at some point in time.

I am equally interested in the compensation afforded to the whips of both Houses. I wonder whether the honourable senator might agree that there should be greater equity in compensation for our whips.

[Translation]

Senator Robichaud: Honourable senators, I had thought that this bill seemed to be quite simple and that the debate would go smoothly. However, honourable senators have several questions to ask and good suggestions to make.

As for the second last suggestion, I believe it is too early to consider the issue of residence, but this could be applicable later.

We could also discuss the whips' duties, which were not recognized in 2001.

[English]

Senator Lynch-Staunton: Before moving the adjournment of the debate, I think colleagues will be interested to know that we have spent more time here in the Senate at this first stage of the bill than the other place did on all stages. It was introduced there with leave on the second of June. I calculate that it took the House of Commons about 15 to 20 minutes to dispose of this bill. It was read the first time and printed with leave. There was a speech from the Leader of the Government in the House, a reply by the Canadian Alliance representative and one by the Bloc.

I will just read how the House treated this bill because we feel here that all bills are important. They are all to be treated the same way, whether they are called technical — do not worry about them — or whether they are like Bill C-25, very complex. They are all deserving of similar study.

Let me read how they handled this. The Hansard of June 2, 2003, reads as follows:

(Bill deemed read a second time on division, deemed referred to a committee of the whole and reported without amendment, deemed concurred in at report stage on division, and deemed read a third time and passed on division)

I think we can do better than that.

Hon. Anne C. Cools: I have heard of bills being deemed to have been read, especially the resuscitation-revival process that they use in the House of Commons, but how can a bill be deemed to be passed on division?

Senator Lynch-Staunton: I move the adjournment of the debate, whether it is deemed right or not.

On motion of Senator Lynch-Staunton, debate adjourned.

THE ESTIMATES, 2003-04

SECOND INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Finance (Second Interim Report on the 2003-2004 Estimates) presented in the Senate on May 27, 2003.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, this is the second interim report of our committee on the Main Estimates for the present fiscal year, 2003-04. Our first interim report was tabled in March, following upon meetings that we had with officials of the Treasury Board. That report paved the way for passage of the interim supply bill. This report follows upon a meeting that we had with Ms. Robillard, the President of the Treasury Board. After debate, and I trust adoption, it will pave the way for us to deal with the main appropriations bill that is supposed to be here on or about June 12.

I will not take very much of your time, honourable senators, but I will draw your attention to several items in our report, which is 19 paragraphs in length and generally speaks for itself.

[Translation]

Senator Bolduc will speak later in the debate on two issues that were raised during our committee's discussions. The first is infrastructure, bridges and highways that cross the Canada-U.S. border. There is no need to underscore the importance of this infrastructure to our economy, given the frequency and the extent of trade between the two countries.

The second issue deals with salaries for senior managers of government organizations and corporations. This issue was the subject of a lively exchange between Senator Bolduc and the President of the Treasury Board, Lucienne Robillard. Senator Bolduc expressed doubt about comparing managers' salaries in the public service and crown corporations, on the one hand, and those in the private sector, on the other hand. Senator Bolduc would like to have the opportunity to be heard on this matter later.

[English]

There are several matters I do want to draw to your attention. One concerns the famous Vote 5 — Treasury Board Vote 5, government contingencies. Honourable senators will recall that this matter has been a lively subject of debate and discussion at our committee, and in our reports, and in debates here in the chamber for some time. I simply wish to report that we are making some progress.

• (1540)

The question is whether Treasury Board Vote 5 is a real contingency fund to be accessed by ministers and officials in emergent situations, or is it some kind of slush fund to be accessed by ministers and officials as bureaucratic or political convenience dictates?

The truth probably lies somewhere in between, and we have been making diligent efforts to get at the truth. I am glad to say that the Treasury Board itself, officials and ministers, with a bit of prodding over a long period of time from our committee as well as from the Auditor General, acknowledge that some clarity is needed as to the wording of the vote itself, and as to the policy and guidelines under which ministers and officials are supposed to work when accessing the money in this vote.

We had a meeting with Treasury Board officials, which was, of necessity, in camera because we were discussing draft documents that were being circulated by the Treasury Board Secretariat to their counterparts throughout the bureaucracy. The committee hopes to have very soon another briefing session, one that would bring together Treasury Board officials with the Auditor General and her staff in an effort to move forward on this matter.

I do want to acknowledge that the minister herself seems to be a hands-on minister, as we have seen with Bill C-25, and her interest in the public service reform. She is also taking a direct interest in this vote, and in trying, as a matter of practice, I think it is fair to say, to tighten up its operation. However, there is nothing like dealing with the policy and guidelines themselves, as well as the wording of the vote in the Estimates, because, as we all know, ministers come and ministers go, but the bureaucracy goes on and on.

I have two other items I would like to draw to your attention. One is just en passant, the question of the Canadian Firearms Program. Honourable senators will recall that our protest here was not just at the way in which initial Estimates had been exceeded many times over by the government, in the operation of what I identified many reports ago as a fiasco, but also that the government, time and time again, was having recourse to the Supplementary Estimates to fund these overruns.

I must say that here again the minister seems determined to tighten things up. In practice, she has told us that while she could not guarantee that more money will not be sought in Supplementary Estimates, she has made it her business and has satisfied herself that the amount sought in the Main Estimates should be adequate. In fairness, she said, or the officials said, that there might have been some incidental cost to the transfer of the registry from the Ministry of Justice to the Solicitor General. We should take that into consideration when we are holding her to her statement before the committee.

Finally, there is the matter that is highlighted in paragraph 16 of our report, having to do with the process of moving funds from one account to the other. The occasion for the committee's inquiry into this matter was this brief saga of cabinet disunity in which, if I have it straight, Mr. Manley, the Finance Minister, reduced in his budget the amount of money that was to go to Telefilm Canada. There was a great storm about this from the cultural community. The Minister of Canadian Heritage, Ms. Copps, objected very publicly but then announced that not only was she able to recoup the \$25 or \$30 million that Mr. Manley had cut, but she was bringing another \$130 million to the fund, and that she was going to do it by transferring funds from Telefilm Canada, from the Canadian television funds contingency fund, and from various private sector contributions.

The question that arose, obviously, was how can she do this? Do the Estimates that we pass in principle, item by item, with their definition, mean anything, or is a minister free to scoop up \$100 million from this or that fund and simply transfer it at will to another fund? What is going on? The President of the Treasury Board and the officials were quite forthcoming. They simply said that she could not do it without parliamentary approval, and of

course she could not do it without going through the Treasury Board process itself. That was somewhat reassuring, but it also raised a question in my mind about how clearly these votes are written, and whether we insist in Parliament, particularly in the other place where they have the power of the purse, on knowing the parameters for the use of funds in a given vote.

I have always had a suspicion, and I think it is a well-founded suspicion on the basis of considerable experience with these matters, that some of these votes are looked upon as pools of funds to be accessed by ministers and bureaucrats at the convenience of the government. I think we have to look into this.

Another issue had to do — and I do not have the numbers in front of me at the moment — with a bid by Vancouver-Whistler for the Winter Olympics. It is being supported, of course, by the province, the federal government, the Prime Minister and others and certain parameters have been set out. One of the projects that they want to complete on the Lower Mainland, supposedly in connection with the Olympics, as a permanent improvement to infrastructure, is a very expensive rapid transit system. The question is, how much will the province put in, and can they persuade the federal government to exceed the ceiling it already set for itself. The Government of British Columbia, or one of its ministers said, “Look, here is something called, I think it is the Climate Change Fund under the Department of the Environment. What an opportunity to scoop up, say, \$100 million and throw it in as a federal contribution to the rapid transit project of the Lower Mainland.”

To his great credit, the Minister of the Environment, Mr. David Anderson, said no. He said he was all in favour of rapid transit, but the connection between the climate Change Fund and building a rapid transit project is, to put it mildly, rather tenuous. However, the question that comes to mind, and I asked it of the minister and the officials at the committee, is, “What if Mr. Anderson were not so scrupulous?” What if he said, “I have all this money — it is a billion dollars, I think, in the Climate Change Fund. I am minister for British Columbia; I have the money and I want this done, so why not just scoop up the 100 million dollars?” My question to the minister and the officials was, “Could he have done it?” There was no answer.

I think we have to look at the wording and the parameters of some of the votes that we are being asked to pass. I think that members of the House of Commons, in particular, who have the power of the purse, ought to deal with this. We talk a lot about the need for fiscal prudence and restraint and about imposing fiscal prudence and restraint on bureaucrats. However, it occurs to me that perhaps fiscal restraint should start here in Parliament where the power of the purse exists. It can be addressed in various ways, including, perhaps, being a little more particular about the way in which votes are worded and about the amount of flexibility we give to ministers and bureaucrats to spend public funds.

With those few remarks, honourable senators, I commend this report to your favourable consideration.

On motion of Senator Bolduc, debate adjourned.

• (1550)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Cools*).

Hon. Vivienne Poy: Honourable senators, I have a question for Senator Cools. On Monday she said that she intended to speak to this matter this week. When does she intend to speak?

Hon. Anne C. Cools: Honourable senators, the time taken for this response should not be deducted from my speaking time. I was planning to speak today, but at this very moment I am due to speak to a group of University of Michigan students down the hall.

As well, honourable senators, with all due respect, I believe that I have been subjected to an act of provocation and it is my practice and style that, when I am provoked, I usually take a break and not speak for a day or two.

Senator Poy: Would Senator Cools give an indication of when she might speak?

Senator Cools: I just told the honourable senator that I will speak when I am calm and composed.

The Hon. the Speaker: Does this matter stand?

Senator Cools: If anyone wishes to speak, they are quite free to do so and I am quite willing to defer to them. I know that other senators wish to speak to this bill. However, I think, honourable senators, that it is wise and prudent to move to a state of calm after upset.

The Hon. the Speaker: I take it this matter is to stand, honourable senators.

Hon. Senators: Agreed.

Order stands.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Bolduc, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-17, respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability.—(*Honourable Senator De Bané, P.C.*).

Hon. Douglas Roche: Honourable senators, I have a question of the Deputy Leader of the Government. I wish to speak to this order but I also wish to show respect to Senator De Bané, in whose name it stands. Senator Bolduc will not be around here for much longer, and I would like to see some action taken on this matter. Can the Deputy Leader indicate when I may speak to it?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe Senator De Bané will be able to give his speech quite soon; however, he has no objection to Senator Roche going before him.

[*English*]

The Hon. the Speaker: Senator Roche, do you wish to speak?

Senator Roche: I prefer to wait until Senator De Bané speaks.

Order stands.

PUBLIC SERVICE WHISTLE-BLOWING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Murray, P.C., for the second reading of S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to continue my remarks on this bill at second reading, which I began some time ago. However, earlier today the Honourable Leader of the Government in the Senate, when speaking to Bill C-25, advised us of a provision in that bill dealing with whistle-blowing. Therefore, I am inclined to proceed no further with my remarks at second reading at this time so that, when I do so, I will know what is being developed in Bill C-25.

On motion of Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, people keep asking when Senator Prud'homme will speak. I have told you that I studied the scroll of a period of two and a half years. Today, two important matters stand at day 14. On the same page of today's Order Paper, another matter stands at day 15.

I do not know why people are so persistent.

On page 20 of the scroll, two matters stand at day 14. On page 21, another matter stands at day 14.

The Hon. the Speaker: Senator Prud'homme, in order to ensure that I know what you are speaking to, have you risen on a point of order or are you putting a question on house business?

Senator Prud'homme: I am commenting in response to Senator Kinsella's remarks about postponing his remarks.

The Hon. the Speaker: Procedurally, we have disposed of that matter. Hopefully there will be an opportunity for you to make your point, if you wish.

COMPETITION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Michael Kirby moved second reading of Bill C-249, to amend the Competition Act.—(*Honourable Senator Robichaud, P.C.*).

He said: Honourable senators, I rise in support of second reading of Bill C-249, an act to amend the Competition Act. Bill C-249 is consistent with the objectives of the Competition Act, which are to promote and maintain fair competition so that Canadians may benefit from lower prices, product choice and quality services. The act enables Canadian business to capture new markets with innovative products and services. This bill seeks to amend section 96 of the existing Competition Act to ensure that consumers benefit from mergers that simultaneously create gains in efficiencies.

In general, honourable senators, under the act, mergers can be viewed positively as a core business strategy to increase competitiveness. The Competition Bureau reviews mergers that may substantially prevent or lessen competition. Once the Competition Bureau has completed its review, companies may choose to proceed with the merger, with the approval of the Competition Bureau, or they may choose to proceed despite the objections of the Competition Bureau. If this happens, the matter is then brought before the Competition Tribunal.

During any tribunal proceedings, merging parties may raise the so-called efficiency defence under section 96 of the Competition Act.

• (1600)

To successfully argue the efficiency defence, the parties must persuade the tribunal that the merger will generate efficiencies that are greater than and simultaneously offset the anticompetitive effects of the merger.

Most merger cases are resolved without the need for litigation. However, recently, the bureau challenged the merger between Superior Propane and ICG Propane before the tribunal saying that it would result in a substantial lessening of competition. That was the view of the Competition Bureau. The bureau held that view because the merger created monopolies or virtual monopolies in 16 local markets as well as a national market share of 70 per cent.

Nevertheless, the merger was allowed to proceed by the tribunal because the tribunal concluded that the efficiencies gained by the merging parties outweighed and offset the anti-competitive effects of the merger.

The outcome of the Superior Propane case is unacceptable from a policy perspective for two reasons. If you have monopolies and/or near monopolies in 16 local markets, it is clearly an anti-competitive merger. First, the ruling in the Superior Propane case establishes that an anti-competitive merger that generates sufficient efficiencies will be allowed, regardless of the harm to consumers in the form of higher prices. Second, the interpretation of section 96 by the tribunal in the propane case actually sanctions the creation of monopolies. This is clearly in contrast to the purpose and spirit of the Competition Act, which is to ensure that consumers benefit from competitive prices and product choice. The efficiency defence should not be used to obtain approval for a merger that would otherwise create substantial problems for consumers. The Competition Bureau substantially holds this view. The members of the bureau believe that the only feasible solution to the problems posed by the tribunal decision in the Superior Propane is legislative change.

Therefore, honourable senators, what this bill proposes to do is to revise the role of the efficiency defence in the Competition Act. Bill C-249 continues to consider economic efficiencies to be a factor along with all the other criteria outlined in section 93 of the act. However, this bill stops the current ability, as exemplified by the Superior Propane decision, of the efficiency defence trumping all other factors that impact on a merger. Instead of the current trade-off between efficiencies and anti-competitive effects, this bill ensures that efficiencies are considered as part of the overall assessment of the merger. The Competition Tribunal will still be able to review efficiencies, but only when there is a net benefit to the consumer through competitive prices or product choices.

This proposed change to the Competition Act parallels the structure with respect to competition policy that exists in many other industrialized countries, including the United States and the United Kingdom.

Honourable senators, although that is a private member's bill, it is important to note that it garnered significant multi-party support in the other place, passing by the wide margin of 175 to 29.

In conclusion, honourable senators, let me be clear that what this bill seeks to do is to strike a balance between protecting the interests of consumers and the importance of efficiencies in merger review. It will provide Canadians with merger review provisions that are more compatible with other jurisdictions, such as the United States and Europe, and simultaneously safeguard consumers from non-competitive price increases, loss of choice and quality that would result from monopolies of the kind created in the Superior Propane decision.

Hon. Colin Kenny: I have a question for the honourable senator if he would care to entertain it.

Senator Kirby: I would be happy to hear the question.

Senator Kenny: I understand the point that the honourable senator is making in regard to the efficiency defence, but it seems to me that propane is a fuel that is readily interchangeable with a variety of other fuels and competes in the marketplace with natural gas, gasoline and a variety of other products. Consequently, to my way of thinking, there is competition. While the competition may not be propane to propane, it may be propane to natural gas or propane to electricity or some other fuel, and that market discipline will be applied, notwithstanding. Would the honourable senator care to comment?

Senator Kirby: Honourable senators, I recognize that question with respect to this particular case. The dilemma, however, is that this decision, because of the way it was written, as opposed to focussing narrowly on propane, lays out a series of principles in which it appears that efficiencies can outweigh any other consideration, including the impact on consumers.

Had there been a single decision that did not set a framework for other potential decisions, it would be different from the way the decision was written. That is the essential problem.

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

THE FINANCIAL ADVISORS ASSOCIATION OF CANADA BILL

PRIVATE BILL TO AMEND ACT OF INCORPORATION—SECOND READING— DEBATE ADJOURNED

Hon. Michael Kirby moved second reading of Bill S-21, to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada.—(*Honourable Senator Kirby*).

He said: Honourable senators, I am pleased to sponsor Bill S-21 and move second reading. The purpose of this bill is to amalgamate the Canadian Association of Financial Planners and the Canadian Association of Insurance and Financial Advisors. The name of the amalgamated corporation would become the "Financial Advisors Association of Canada."

Founded in 1981, the Canadian Association of Financial Planners was the national association representing individual practitioners in the personal financial planning profession. With a membership of more than 2,700 individual financial planners across Canada, the association's goal was to raise the standards of financial planning in Canada and to increase consumer awareness of the value of financial planning services.

The Canadian Association of Insurance and Financial Advisors traces its origins to the founding of the Life Underwriters

Association of Canada in 1906, which was, at that time, an association of insurance agents only.

In 1998, the Underwriters Association changed its name to the Canadian Association of Insurance and Financial Advisors to reflect its transition from an association of life insurance agents to multi-licensed professional financial advisors. Approximately 70 per cent of its members are licensed to sell mutual funds and other securities as well as life insurance. A significant number of its members specialize in pension benefits.

In September 2002, members of the Association of Insurance and Financial Advisors and the Canadian Association of Financial Planners voted in favour of merging their two groups under the distinctive but product-neutral name of Advocis. Advocis is now the brand name of the Financial Advisors Association of Canada and is Canada's largest association of professional financial advisors, with members in 50 chapters across the country.

As its predecessor organizations have, Advocis continues to serve the Canadian financial advisors community and their clients. Advocis has 17,000 voluntary members who are financial advisors licensed to sell life and health insurance, mutual funds and securities.

The objectives of Advocis are to protect the interests of consumers by promoting the professionalism of its members, to uphold standards of market conduct through the enforcement of a code of professional conduct, to encourage basic and continuing education, to improve public awareness and understanding of personal financial planning, and to participate in the development of policy and regulation affecting financial advisors and their clients.

I will ask that this bill be referred to the Standing Senate Committee on Banking, Trade and Commerce once second reading debate has been completed.

In its recent meetings to examine the administration and operation of the Bankruptcy Insolvency Act and the Companies' Creditors Arrangement Act, the Senate Banking Committee heard from officials from Advocis who, at the time, briefly explained their efforts to bring this private member's bill forward.

• (1610)

Honourable senators, the Canadian Association of Financial Planners and the Canadian Association of Insurance and Financial Advisors have been working hard over the recent months to realize their goal to create the amalgamated corporation of the Financial Advisors Association of Canada.

I hope that honourable senators will join me in supporting their efforts by giving considered and speedy passage to this piece of legislation.

Hon. John Lynch-Staunton (Leader of the Opposition): I would like to ask the honourable senator for some clarification, if he will allow a question.

I am not in favour of using Parliament to incorporate or even amalgamate private corporations. There are mechanisms now available through the Canada Corporations Act and elsewhere to do so. However, I notice that one of the “whereas” clauses claims that: “There is no existing law of general application that would enable the two corporations to amalgamate and continue as one corporation.”

However, it seems to me that, since one of the organizations that wants to merge into the other is already incorporated under the Canada Corporations Act, the other organization, which was incorporated by Parliament, could have surrendered its charter and merged with the Canadian Association of Financial Planners through the existing mechanism available by law. That would save Parliament the time and expenditure of having to do it through a private bill.

How does one support the “whereas” clause saying that there is no ability to merge without an act of Parliament?

Senator Kirby: Honourable senators, that is an interesting point. I asked exactly the same question when the issue was put to me. Not being a lawyer, I can only repeat what the counsel for the association said, which was that given the fact that one organization had already been created by an act of Parliament, it would be extremely difficult to do what the Leader of the Opposition has suggested. Frankly, I did not pursue the matter in any great depth.

It is a good question worthy of having the members of the Standing Senate Committee on Banking, Trade and Commerce raise with the representatives of the organization when they come before the committee. I was informed from a legal standpoint that this was the only way to successfully proceed.

Senator Lynch-Staunton: Honourable senators, I will reflect on this matter on the weekend because I am not convinced that if a party that is already incorporated under Parliament surrendered its charter, the amalgamation could not be done without Parliament’s intervention. Unless there are others who want to intervene, I will move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

NATIONAL ACADIAN DAY BILL

REPORT ADOPTED—THIRD READING

The Senate proceeded to consideration of the Fourth Report of the Standing Senate Committee on Legal and Constitutional

Affairs (Bill S-5, respecting a National Acadian Day, with amendments) presented in the Senate on June 3, 2003.—(*Honourable Senator Furey*).

Hon. George J. Furey moved adoption of the report.

He said: Honourable senators, I would like to make a few comments, pursuant to rule 99 of the *Rules of the Senate*, in order to explain to you the reasons for the amendments proposed and what they seek to achieve.

[English]

The passage of this bill, honourable senators, would give parliamentary recognition to a National Acadian Day and send a message that it is a day for Canadians to reflect upon Canadian heritage.

While there was general support among the committee members for the intent of Bill S-5, some senators raised concerns about the use of the word “national” in the proposed federal legislation. Witnesses from the Department of Canadian Heritage expressed the view that Parliament, when passing a law that uses the word “nation” or “national,” should do so in a way that includes all of the peoples of Canada.

Because Acadians have historically marked August 15 as a national celebration of the Feast of the Assumption of the Virgin Mary, some senators expressed the concern that the word “national,” or “nationale” in French, might be interpreted as giving recognition to an Acadian nation.

To address this possible ambiguity, your committee recommends that the word “national” be defined in the bill as relating to all Canadians throughout Canada. In addition, your committee proposes that two paragraphs be added to the preamble of the bill to accomplish this same objective.

The first additional paragraph states that Acadians constituted the first permanent settlement from France in Canada and that they now reside in most of the provinces and territories of Canada. For example, the sponsor of the bill, Senator Comeau, pointed out to the committee that New Brunswick has over 300,000 Acadians, Nova Scotia has approximately 45,000 who still speak French and many more who no longer do, Prince Edward Island has approximately 5,000 and Quebec has over 1 million people of Acadian extraction.

The second paragraph added to the preamble clarifies that it is in the interests of all Canadians to share in and become acquainted with the rich history and culture of Acadians. Therefore, we expect that the amendments recommended by the committee will improve the bill by pre-empting any misinterpretation of the word “national.”

The effect of this amendment is to create legislation that celebrates Acadian heritage without being seen to recognize nationhood for the Acadians. Senator Comeau, the sponsor of the bill, is in agreement with the amendments, and I urge all senators to support Bill S-5, with the amendments.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I would like to take a few moments to express my support for the report by the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-5. I also approve of the amendments it proposed.

My thanks to Senator Comeau for introducing this bill, and my congratulations as well to the Legal and Constitutional Affairs Committee for a job well done. I am pleased that among the witnesses it heard was our highly respected Acadian historian, Professor Maurice Basque of the Université de Moncton.

For the Acadians, this recognition by the Government of Canada by formally instituting August 15 as their holiday is a very significant event.

As I have said on numerous occasions here in this chamber, the Acadian people can boast of numerous accomplishments and numerous contributions to the Canadian and international francophonie. Acadians have made their mark in education, health and economics. Their culture has made its mark internationally as well. Today, in 2003, Acadians artists are box-office successes in Paris. I am referring to Natasha St-Pier, Roch Voisine, and Jean-François Breau, among others.

Our own colleague and famous actress Senator Viola Léger played to sold-out audiences at Montreal's Théâtre du Rideau Vert in December 2002 and January 2003.

• (1620)

Last week, the Université de Moncton awarded over 875 university diplomas to young francophone students from Atlantic Canada, elsewhere in Canada, and even Europe and Africa.

Assomption Limitée, of Moncton, is proud to be recognized as one of the ten best companies to work for in Canada.

Recently, a great Acadian, the former Speaker of the Senate and former Governor General of Canada, our colleague, the Honourable Roméo LeBlanc, was named Grand Officier of the Légion d'Honneur, France's greatest honour. The first Acadian to receive this award was also one of our colleagues, Senator Poirier, in 1902.

Next year will be a time for Acadia, Canada and France to renew their ties during celebrations of the 400th anniversary of the founding of Acadia on Sainte-Croix Island and later at Port-Royal. This was the first permanent French settlement in North America. Acadia revels in this distinction.

Those are a few reasons to celebrate this event. I invite all the honourable senators to join us on August 15 to experience our legendary and warm hospitality.

In the meantime, I ask the Senate to adopt this report and to vote in favour of Bill S-5. I hope that the Government of Canada will adopt it before August 15.

Hon. Gerald J. Comeau: Honourable senators, I would like to thank the members of the Standing Senate Committee on Legal and Constitutional Affairs, as well as its chair, Senator Furey, for their professionalism during consideration of this bill. I can assure the Senate that this bill was considered in great detail.

Professor Maurice Basque, a historian from the Université de Moncton, and Professor Neil Boucher, a very well-known historian from the Université Sainte-Anne, appeared before the committee, as well as representatives of the Department of Canadian Heritage. All the witnesses made a valuable contribution.

The bill was the subject of very serious consideration. Senator Joyal, who moved several amendments, did so in a manner that strengthened and improved the bill. I want to very sincerely thank Senator Joyal for his amendments.

This bill shows the respect with which Acadians are regarded all across Canada. This is something parliamentarians are doing, not the government, and Parliament is expressing its wishes in this bill. It is very important to see it as Parliament's doing.

Next year, as has been mentioned, we will celebrate the 400th anniversary of the first permanent European settlement in Canada at Sainte-Croix and in Nova Scotia. It is a very special anniversary for Canada.

You are all invited; it is your celebration; it is a celebration not only for the Acadians but also for all Canadians. Come and visit the Acadian communities of Nova Scotia, where almost all the activities will take place next year. Come and see our historic sites and our villages. Come and meet the Acadians who will be coming from all over Canada, the United States and Europe. It is a big family and all Canadians are invited to join it. We will be there and we want you there, too.

To return to the remarks made by Senator Joyal, we are all Canadians and for that day, you will all be Acadians.

[English]

Hon. Serge Joyal: Honourable senators, it is important that our colleagues understand that when Parliament establishes a national day, whatever that day, it is the highest recognition that we can give to a special historical fact. Our committee heard from experts and witnesses from the Department of Canadian Heritage, who explained to us the four approaches that are at our disposal, as Canadians, to celebrate a special occasion.

The first approach is a ministerial declaration. In that regard, they cited the example of the declaration that was adopted by the Minister responsible for the Status of Women to recognize the tragedy at the École Polytechnique in Montreal that we all remember.

The second approach is a prime ministerial declaration, which gives a "higher level of recognition" to the circumstances, although I hesitate to use that phrase, because the Prime Minister is the Prime Minister.

The third approach is by an Order in Council, which is a proclamation of the Governor General. That is a higher proclamation. In fact, National Aboriginal Day, which will be celebrated in approximately two weeks, was initiated through a declaration of the Governor General.

The fourth approach, honourable senators is by an act of Parliament. Today we are giving the Acadians the highest recognition within our system for a special element of Canadian identity. I am not saying — and I acknowledge our colleague, Senator Chalifoux — that National Aboriginal Day is a less important day, absolutely not. The fact that the Governor General proclaimed National Aboriginal Day recognizes the unique relationship of the Aboriginal people with the Crown. That has been mentioned in this chamber before.

This bill is important because it will recognize the differences among French Canadians, not only the differences, but also the additional resources of the uniqueness of the Acadian people. In the other place there was much discussion about a proposal to request an apology from Her Majesty for the deportation of 1755. I believe some of us have read the proceedings in the other place about the attempt to revisit a historical fact that was so important in shaping the identity and the development of the Acadian peoples in the 100 years that followed.

It is important, when we want to understand this, to try to put this inescapable damage done to the Acadian people in the context of the time. In the 17th and 18th centuries it was a common practice of kings, be it the King of France, England, Spain, Portugal or the Netherlands, to deport people when they seized a territory. In those days, persons were subjects of their king or queen. When a king or a queen took over a certain land, the inhabitants immediately became subjects of that king or queen. As such, they were under the total control of their new ruler. Even the King of France gave instructions to a famous Governor General of New France, Frontenac, to deport people.

• (1630)

I can quote for honourable senators the text of the instructions that were given to Frontenac in 1689 to deport the British subjects who were living at that time close to the Canadian border, which was New France. This was a way to deal with communities that were becoming subjects of the new kingdom.

When we try to understand the history of Acadia —

[*Translation*]

It is very important to understand history and the way it was written down at that time. Professor Basque and Professor Boucher, who were invited to appear by Senator Comeau, have given us a good discussion of the historical context in which the Acadians became a people and how they have grown since then. There is no doubt that the deportation in 1755 strengthened the Acadian identity.

[*English*]

Sometimes in history you need to be in an adversarial position to strengthen your identity. It is the same for Quebecers. In 1838, when Lord Durham published his report, he said that French

Canadians have neither culture nor history. It was like a major stroke of the whip on the identity of French Canadians, who, as a result, started writing their history and developing their culture. Sometimes history works backward. A decision that is supposed to erase a people can produce the contrary result.

From 1838 to 1859 many Quebec historians began writing their history and as many as 10 books were written. Historians, such as François-Xavier Garneau showed that French Canadians had a culture and history rooted deeply in the making of the fabric of Canada in those days. It was similar to 1755. The deportation of Acadians was probably the most important challenge of the Canadian identity to maintain and develop.

Instead of seeing it with what I call the “revisionist eyes of history,” we should try to understand what happened at that time and determine how we can act today to ensure we pay due respect and recognition to those historical elements.

[*Translation*]

That is why we wondered, after discussing it with our Acadian colleagues, if this legislation would meet our objectives. In other words, we wondered if the Acadian community would be seen throughout Canada as a significant element of Canadian identity. We came to the conclusion that this fundamental element should also be spelled out in legislation, hence the amendments put forward during consideration and debate in committee.

Honourable senators, I can only strongly encourage you to give your enthusiastic support to the committee's report. We have tried to the best of our knowledge to provide Acadians and Canadians with a bill through which they will be proud to celebrate on August 15.

Motion agreed to and report adopted.

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

Senator Comeau: Now.

Senator Prud'homme: With leave?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have no problem granting leave, but the Leader of the Government in the Senate would like to comment on this bill. Given that we were at report stage, we thought that third reading would be held on Monday or at the next sitting of the Senate. Consent was sought to proceed to third reading of this bill. I would like to ensure that the Leader of the Government in the Senate has the opportunity to comment on the bill now, so that we may dispose of it.

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have any speaking notes. I want to talk a little bit this afternoon about a culture of which I only knew I was a part once I became an adult.

[Senator Joyal]

My grandparents many generations back came from the area around Arichat, Nova Scotia, which is a fishing village close to the community of Louisburg. I have not done as Senator Milne has and traced back the family tree. My understanding, however, is that we may have been here as early as the late 1600s.

In 1905, when my grandmother decided that there was no future for her family in this Acadian village, she, who had given birth at that point to 17 children, 12 of whom were alive, decided that she would move the entire family to Boston. It was called the Boston States in those days. She put the family on a boat and took them to Boston.

Her husband thought she was mad, which I think is the correct term. He thought that she would go, come back and that would be the end of that, that it would be just a little vacation. However, she did not. She got off the boat in Boston with her 12 children and announced that since they now lived in an English-speaking country they were to speak only English. When her husband decided that she was not coming home, he went to Boston. My mother was the result of the reunification, if you will, of this family and became the eighteenth child.

She never heard her mother speak French, except when she prayed, for her mother knew her prayers in no other language. When my mother had diphtheria, her mother taught her many skills to do with her hands. For example, my mother could tat, crochet and knit. She could also do intricate embroidery patterns. There was in my house a needlepoint of a school with a flag, which was clearly not the Canadian flag or the British flag, but the flag of France. I asked about it as a child, as you do when you are aware of what flag should be over the schoolhouse. My mother would say, "That was done by your grandmother and that was the flag."

It was at a later point in her life that my mother began to ask, "What is my background? What is my cultural contribution here?" My father had grown up in an Irish tradition and, as far as he was concerned, his children were Irish. Thus, we were raised as Irish kids. We were Connollys. We were Irish. That was the way things were. My mother came home one day and put a piece of stained glass on a stand on the main table in the living room. I would welcome any of you to my office to see it. It is a stained glass replica of the fleur-de-lys. She put it there and said to her husband, "Your children are also French." That was when I realized that I had another cultural background to which I could relate. My mother's maiden name was Martel but the grandparents were named Leblanc and Boudreau. As a young university student, I decided to drive to the birthplaces of my maternal grandparents. I went looking for one community that was known to me as "Lordways." I followed the map and I arrived at the closest community and I asked where Lordways was. They said, "You are here." I said, "No, this community is called L'Ardoise." They replied, "No, it has been anglicized and it is pronounced Lordways."

• (1640)

That, to me, epitomized the unfortunate part of the whole Acadian culture. Like every fifth grade student in Nova Scotia, I memorized stanzas and stanzas of "Evangeline," some of which I

can still spout. We knew about Evangeline; we knew about Gabriel; but we did not really know what they represented because their significance was not taught to us. We studied history and we knew about the Expulsion Act of 1755, but we did not truly understand what it meant to the families of the people who had been in that situation.

I stand here today feeling that I have been given another day to celebrate my roots, my heritage. I thank Senator Comeau for having given me that opportunity.

Motion agreed to and bill, as amended, read third time and passed.

STUDY ON POSSIBLE ADHERENCE TO AMERICAN CONVENTION ON HUMAN RIGHTS

REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Human Rights entitled: "Enhancing Canada's Role in the OAS: Canadian Adherence to the American Convention on Human Rights," tabled in the Senate on May 28, 2003.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu: Honourable senators, I rise today to speak on the fourth report of the Standing Senate Committee on Human Rights entitled, "Enhancing Canada's role in the OAS: Canadian Adherence to the American Convention on Human Rights."

Canada has been a member of the Organization of American States since 1990. We have developed strong relationships with the Americas and we have been active in promoting human rights issues in the region. However, Canada has not yet ratified the principal treaty with respect to the protection of the human rights in the Americas, that is, the American Convention on Human Rights.

After over a year of study and public hearings, the committee has come to the conclusion that it is time for Canada to fully commit itself to the regional human rights system to which it already belongs by ratifying the American Convention on Human Rights.

The committee recommends that Canada take all necessary action to ratify the American Convention on Human Rights with a view to achieving this goal by July 18, 2008, the thirtieth anniversary of the convention.

Upon ratification of the convention, Canada should recognize the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the convention.

The federal-provincial-territorial Continuing Committee of Officials on Human Rights should identify specific provisions of the convention that raise concerns and inform the public about them so as to foster debate and a search for solutions.

The Government of Canada should consider making the necessary interpretive declarations and reservations to address any concerns raised, in particular to maintain the status quo of abortion under Canadian law.

The committee also recommends that, as the Government of Canada takes appropriate steps towards the ratification of the convention, it should actively engage in promoting the convention.

[Translation]

At our public hearings, we realized there was little or no reason for Canada not to ratify the American convention. Government representatives and other witnesses shared some of their legitimate concerns about the compatibility of Canadian law with some of the provisions in the convention.

However, none of these problems is insurmountable. Legal experts, human rights advocacy groups and NGO representatives unanimously proposed means to overcome the obstacles uncovered by the Government of Canada.

The witnesses spoke out in favour of ratifying the convention with at least one reservation and a few declarations of interpretation.

[English]

During its first mandate, the committee visited the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, both in San José, Costa Rica. Members met with the president and judges of the Inter-American Court of Human Rights and were able to witness, first-hand, how the court functions by attending hearings. Members also met with the president, several commissioners and the Inter-American Commission Special Rapporteur on Freedom of Expression.

The committee learned that the Inter-American system for the protection of human rights has evolved significantly since the entry into force of the American convention. The court now has an excellent record of compliance with its decisions.

Many of the concerns raised by government officials before the committee concerning the functioning of the commission have been and continue to be addressed by the commission. The issues raised before these two bodies range from acts of violence committed by the state, unknown in our democracy but existing elsewhere, to matters that are closer to Canadian concerns such as equality rights, rights of Aboriginal peoples, rights of refugees and migrant workers, rights of pensioners, and so on.

[Senator Maheu]

However, rather than influencing this evolution, Canada sits on the sidelines because it is not a full participant in the human rights system. Canada's leadership has been important to reinforce democracy in the Americas, and we believe it can be just as important to reinforce human rights in the hemisphere.

[Translation]

Honourable senators, I would like to point out some of the benefits of adherence to the convention. First, ratifying the convention would strengthen the inter-American system.

• (1650)

It would increase Canada's chances, for example, of appointing a judge to the Inter-American court and a commissioner to the commission.

It would also further strengthen Canada's credibility as a leader in the area of protecting human rights. For example, Canada's commitment could lead to the Caribbean and, possibly, the United States ratifying. They signed the convention but have yet to ratify it.

Several witnesses, both in Ottawa and in Costa Rica, said they were convinced that the ratification of the American convention by Canada would improve the protection of women's rights in the Americas, as the Inter-American court could be inspired by jurisprudence from the Supreme Court of Canada.

[English]

Finally, honourable senators, this study would not have been possible without the great contribution of some of our honourable colleagues. I think about the Honourable Senator Andreychuk, who started the study with great conviction. I would also thank the Honourable Senators Beaudoin, Cochrane, Fraser, Ferretti Barth, Jaffer, Kinsella, LaPierre, Poy, Rossiter, Taylor, and the Right Reverend Lois Wilson for their contribution and participation in this study. Thank you.

On motion of Senator Fraser, debate adjourned.

THE SENATE

WORLD HEALTH ORGANIZATION— MOTION REQUESTING GOVERNMENT SUPPORT FOR TAIWAN'S REQUEST FOR OBSERVER STATUS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Atkins:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization (WHO).—(Honourable Senator Poy).

Hon. Vivienne Poy: Honourable senators, I am pleased to speak to the motion introduced by Senator Di Nino in support of Taiwan's request for observer status at the World Health Organization. As Senator Day stressed in his recent speech on this issue, the World Health Organization's mandate is the enjoyment of the highest attainable standard of health regardless of race, religion, political belief, and economic or social conditions. This preamble for the organization elevates health and human rights above politics.

As the recent outbreak of SARS has shown, the spread of disease is a global issue that requires international cooperation. Politics must take a back seat to health if we are to fight diseases such as SARS. As we all know, viruses and bacteria do not respect political affiliations or boundaries.

Canadians are integrally tied to Taiwan. Visa students, Taiwanese Canadians and international trade mean that we have daily interactions with the Taiwanese people. Approximately 150,000 Taiwanese visit Canada each year, in addition to the 150,000 Taiwanese immigrants and students living in Canada. Taiwan is also Canada's tenth largest trading partner and the world's sixteenth largest economy.

As Canadians concerned about our health and the health of people around the world, it is in our best interests as global citizens to support Taiwan's ready access to health information provided through the World Health Organization.

In recent months, Taiwan has had the third largest number of SARS cases. It also had a great deal of difficulty coping with the spread of the disease, and the number of cases actually rose at the end of May, just as the cases in other affected areas were beginning to wane.

Unlike the rest of the world, Taiwan had very little help coping with the disease. World Health Organization officials arrived too late and provided too little information. Taiwan was not privy to all the data, warnings and reports being issued from the World Health Organization. Is it appropriate to deprive an area of the world of available supports when lives are at stake? I think not.

The fact of Taiwan obtaining status as an observer at the World Health Organization would not affect the sovereignty issue that has been a subject of dispute with The People's Republic of China. Organizations such as Rotary International, the Red Cross, the Holy See of the Roman Catholic Church, the Order of Malta and the Palestinian Liberation Organization have been granted observer status. Taiwan, with its advanced medical technology and research capacity has a major contribution to make to world health. Taiwan needs to have the means of exchanging information with the world community, including reports on its own health situation.

The World Health Organization is the natural conduit for health data. There has been unprecedented world support for Taiwan's request. The United States, the European Parliament, Japan and other countries, as well as medical associations around the world have supported this request. In fact, the U.S. Congress

has repeatedly passed and presidents have repeatedly signed legislation directing the executive to undertake concerted efforts to bring about Taiwan's observer status at the WHO.

Yet despite the support from many powerful nations, the World Health Organization's annual assembly has repeatedly rejected Taiwan's request for observer status. Canada considers health care a fundamental human right, and so I believe that we have a role to play in ensuring that our government shows leadership on this issue.

Honourable senators, health crises are global crises. We cannot afford to be unprepared for the new diseases that are cropping up frequently. The only possible course of action is to work in cooperation with our neighbours, whoever they may be. The World Health Organization offers valuable experience and expertise in dealing with these issues. Politics cannot take precedence over health. Therefore, I would ask for your support in passing this motion.

Hon. Yves Morin: Would the Honourable Senator Poy take my question? Given that the SARS outbreak is still active in Taiwan, and given that the other place has already passed a similar motion, would Senator Poy think that there is a certain urgency in adopting this motion in the Senate?

Senator Poy: Absolutely. I think we should adopt the motion immediately.

Hon. Eymard G. Corbin: Honourable senators, I should like to make a modest contribution to the debate. This is a matter of great importance. My knowledge of diplomatic recognition is a fundamental matter of national policy. I hate to say this, but, inasmuch as what Senator Poy is seeking is highly recommendable, there is a diplomatic conundrum in respect of this issue because Taiwan has not been recognized by Canada and by a number of other countries.

It could well be that there is a way out of this difficulty in an attempt to achieve what Senator Poy is seeking. Would it not be prudent, honourable senators, to refer the matter to committee for examination before proceeding any further? That is the observation I wish to make. Perhaps we could have an objective reaction from the other side.

Hon. Consiglio Di Nino: Honourable senators —

• (1700)

Hon. Marcel Prud'homme: On a point of order, the speaker at the moment is Senator Poy, and she is answering questions. Senator Corbin has made a comment. Has Senator Di Nino spoken? He cannot answer for Senator Poy. I would like to ask a question of Senator Poy, one question only.

Senator Poy: That is why I brought up the fact that there is no diplomatic recognition for the Rotary International and the Red Cross. The Holy See of the Roman Catholic Church and the Order of Malta and the Palestine Liberation Organization do not have diplomatic status, as far as I know. If they have observer status, why should Taiwan not have observer status?

Senator Di Nino: Honourable senators, would the Honourable Senator Corbin not agree that we are not approving a status of any kind for Taiwan? Would he not agree with me that the motion as worded is only a recommendation to the Government of Canada to support? It would then be their responsibility to decide whether this is an appropriate issue or not. It is not up to us. The wording of the motion is that we urge the Government of Canada to support the application, and then the government will have to make a decision. Would Senator Corbin not agree that that would cover his concern?

Senator Corbin: I think that explanation does address my concern, and I think that the answer is implicit in the question, which is all the more reason to have this motion sent to committee and to call the government as a witness to clear matters up. I am not opposed to the general intent of the motion. However, what is the purpose of stamping the motion today only to find out later that the government is not prepared to take any action for any reason?

Senator Prud'homme: I want to be clear. Is this not unusual? Senator Poy had the floor. She made a speech. Senator Corbin then asked a question. To the best of my recollection, this is the first time I have seen an honourable senator asking a question of another senator who asked a question of the speaker who had the floor. The Senate is the master of its own house, but this should not take place. If someone were to ask me a question after I had asked a question of Senator Poy, it would not make sense because I would not have had the floor.

I should like to address a plain question to Senator Poy, and then I will adjourn the debate until Monday for one reason, and Senator Corbin touched on it. There was a strong vote in the other chamber on a similar motion. I want to find out, between now and Monday, why the entire government, every minister, voted against it. To my mind, that means there must be something that we should know before we decide.

I know the Taiwanese people. I was the founder 25 years ago of the Canada-China Parliamentary Group. Our first chairman was Speaker Molgat. Now I have been completely forgotten by the new chair of the Canada-China group, but I still know my politics about everything pertaining to China. It is very sensitive.

I would like to know why all the government ministers voted against the motion in the other place.

Senator Poy: I do not have that information, and I am afraid I cannot answer that question correctly. Perhaps Senator Di Nino would have the answer. This is a Senate motion, and we must deal with it in the Senate.

Senator Prud'homme: If on Monday I do not speak, we can let the motion go. I am making a commitment. However, I want to ensure why, in the other chamber, the government of the day decided to vote against the wish of the House. The House passed the motion, but the ministers seem to have been reluctant to join in. I will have an answer on Monday, and on Monday I will let the motion go forward. I will not push it further, and if the Senate is prepared to vote, that is fine.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

AMERICA DAY IN CANADA

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I would like to say a few words on this subject. However, I will have to continue my comments at a future sitting of the Senate. I would like to have been able to talk before today on Senator Grafstein's motion to establish September 11 of this year, and every year hereafter, as a commemorative day to be known as "America Day in Canada."

I cannot do so for the simple reason that I have asked the Library of Parliament to initiate in-depth research on the practice of designating days of commemoration in Parliament, be it by the government or any other way, and that document will not be available to me until next week. Therefore, in the meantime, any other honourable senator who may wish to speak on this topic is welcome to do so.

Honourable senators, we have just experienced a parliamentary or procedural incident with Senator Poy's motion, which was just debated. This chamber has the reputation of doing an excellent job of considering bills and motions in committee. I am increasingly opposed to the widespread practice of adopting motions on the floor of the Senate, without their having first been considered in detail by a committee of this institution.

• (1710)

It is fundamental to the practices and the business of the Senate. We have before us the excellent book put together under the direction of our colleague, the Honourable Senator Joyal, entitled *Protecting Canadian Democracy: The Senate You Never Knew*.

I think we must always take a moment to reflect before adopting hastily or under the influence of strong emotions any motion or proposal concerning the designation of an honorary title. This has happened in this place, in a matter of minutes, without any prior consideration and under pressure. I disagree with this approach.

The purpose of the Senate is to review, if not take a first look at bills or motions. We must have an absolute right to review proposals referred to us by the other place. This is work better done in committee, if we want to do it right.

Without getting into the substance of Senator Grafstein's motion, I give notice that I will be proposing an amendment to Senator Grafstein's motion to have this motion referred to a committee and ask the committee to look into the common practice of designating "days of commemoration" in this country.

Today, the bill sponsored by Senator Comeau was passed. Last year, we did the same with Senator Losier-Cool's motion on the same basic question, that is recognition of a national day to celebrate the feast of the Acadians' patron saint on August 15. What did the Senate do? It could have given in to emotion, since everyone appeared to be agreeable, and could have moved to put the bill through all of its stages. But that is not the route we chose. We chose to refer the matter to the committee for in-depth consideration. The committee did an excellent job. Senator Joyal presented some amendments there, which serve to clarify the scope of the bill for the reader. Fortunately, we have passed the bill. I, too, wish to congratulate all those who were involved in this. The bill has been sent to the House of Commons. That is the fundamental job of the Senate of Canada.

During debate on the motion with respect to September 11, we heard some very strong emotions being expressed by some of our colleagues in connection with Senator Grafstein's motion. I can understand that, but the clock has continued ticking. Weeks and months have gone by, and more and more Canadians are now questioning our relations with the United States, the way they sometimes speak about Canada, the way they interpret trade agreements, and statements made by official representatives of the U.S. government in this country, not in Parliament but in such places as Toronto. Our American friends sometimes have some irritating things to say about this country. They certainly have a great need to learn more about what Canadians are really like deep down. Let there be no more spreading of false information about this country via the media, CNN, Fox News and many others.

I would like it to be known right from the start that I personally am not wildly in favour of what Senator Grafstein is proposing, but I will go beyond that. I want to see us stop acting on the emotion of the moment to adopt initiatives that have not undergone serious and in-depth consideration in committee. That is what the purpose of my amendment will be, and I will speak further on this at a subsequent sitting of Senate.

On motion of Senator Corbin, debate adjourned.

FOREIGN POLICY ON MIDDLE EAST

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to Canadian foreign policy on the Middle East.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: Honourable senators, my speech on the Middle East was ready.

[*English*]

There is a great development taking place with the extraordinary actions of President Bush, who I respect immensely. There is an

immense development taking place that could affect what I may have to say. I recognize that President Bush is going through great difficulty with his proposal for peace in the Middle East, a very sensitive part of the world, so I prefer not to speak today.

Order stands.

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy," tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Stratton*).

Hon. Tommy Banks: Honourable senators, I rise today to continue the debate on the inquiry of the Honourable Senator Nolin calling attention to the report tabled by the Special Committee on Illegal Drugs, but I understand that we would rather do this at another time.

An Hon. Senator: Monday.

Senator Banks: Did you notice how remarkably perceptive I have become in just three years?

Honourable senators, I would crave your allowing me to adjourn the debate for the remainder of my time until the next sitting of the Senate.

On motion of Senator Banks, debate adjourned.

[*Translation*]

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Lapointe*).

Hon. Michel Biron: Honourable senators, Senator Poulin would have liked to speak to Inquiry No. 14, standing in the name of Senator Gauthier, on the important role of culture in Canada and the image that we project abroad. Since she is not yet prepared to speak, I would like to adjourn the debate on her behalf. She will speak at a later date.

On motion of Senator Biron, for Senator Poulin, debate adjourned.

FOREIGN AFFAIRS

MOTION TO REFER 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C.,

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Human Rights for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

Berlin, 6 - 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE’s “comprehensive approach” to security, calls for “improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms,” and urges participating States to address “acute problems,” such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to “counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism”;

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Senator Grafstein asked me to move to adjourn debate so that he can exercise his right to reply to this motion. He has been detained. He had to be present to discuss the SARS crisis in Toronto. It is a good reason, and that is why I agreed to move adjournment in his name.

• (1720)

Hon. Marcel Prud'homme: Honourable senators, the motion stands in my name and can remain so. I am pleased to receive your representations. Nonetheless, Senator Grafstein would like to hear my statements before presenting his final inquiry. My comments are so extensive, unfortunately, that I will not have the opportunity to have them heard today.

[*English*]

I get the message that enough is enough for today. Thank you for having put that item back to zero, but stand by because you will hear much that you have not heard before.

The Hon. the Speaker: It is moved by Senator Robichaud, seconded by Senator Prud'homme, that further debate be adjourned to the next sitting of the Senate and that this matter stand in the name of Senator Grafstein.

[*Translation*]

Senator Robichaud: The Honourable Senator Prud'homme has asked for a little more time and to present his comments at the next sitting of the Senate since, if the Honourable Senator Grafstein were to speak, this motion would be considered debated. I have no objection to Senator Prud'homme asking that the order stand until the next sitting.

Senator Prud'homme: Personally, I would prefer to conclude today.

On motion of Senator Prud'homme, debate adjourned.

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

Hon. Colin Kenny, pursuant to notice of May 28, 2003, moved:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday, June 9, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, with leave of the Senate, I ask that this motion be withdrawn.

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

Hon. Senators: Agreed.

Motion withdrawn.

MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING ADJOURNMENT
OF THE SENATE—DEBATE ADJOURNED

Hon. Colin Kenny, pursuant to notice of May 28, 2003, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the adjournment, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, I am advised that there is confusion in the minds of some people about this motion. Therefore, I ask leave, pursuant to rule 30, that the motion be modified by adding the words "traditional summer" before the word "adjournment" and by adding the words "until such time as the Senate returns" after the word "week" so that it would read:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the traditional summer adjournment even though the Senate may be adjourned for a period exceeding one week until such time as the Senate returns.

The Hon. the Speaker: Is leave granted, honourable senators, for the modification of the motion? Senator Kenny has quoted the appropriate rule.

Hon. Senators: Agreed.

Senator Kenny: Honourable senators, the purpose of the motion is to allow the Standing Senate Committee on National Security and Defence to meet during the summer and to continue its study of coastal defence and of first responders. The meetings would be subject to all members of the committee finding a convenient time to return to Ottawa to meet. The committee has indicated to me an interest in having such meetings, and the clerk is working on finding appropriate times to hold them.

The Hon. the Speaker: I am advised by the Table that we have not had a motion to adopt this motion.

Senator Kenny: I so move.

The Hon. the Speaker: It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Losier-Cool:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the traditional summer adjournment, even though the Senate may then be adjourned for a period exceeding one week until such time as the Senate returns.

Hon. Consiglio Di Nino: Honourable senators, I do not know if I heard the honourable senator correctly. I believe he said something that this would be subject to all members of the committee being available to come to Ottawa. Did I hear him correctly?

Senator Kenny: Yes, that is correct. Over the past two summers, we found times when everyone wanted to come back and do the work, so we are trying to do that now.

Senator Di Nino: Will you require only a quorum of the committee or all members of the committee? If one member of the committee cannot come, will you still convene a meeting?

I am not trying to create a problem; I am only trying to understand your comment.

Senator Kenny: In the past, I believe everyone has been able to attend. However, we do have meetings from time to time when one or two people cannot attend. I cannot give you a clear answer on that because we are still canvassing the availability of members of the committee. If we can meet on days when everyone can be here, that would be great. However, we are asking for leave to proceed, obviously with a quorum, even if some members cannot attend.

Hon. John Lynch-Staunton (Leader of the Opposition): I interpret this amendment to mean any summer, not only this summer. What is "the summer adjournment"? Is it until we meet in September? What if, for some reason, we do not meet in September?

I will ask to adjourn the debate on this in my name because our whip is not here and I want to consult him and our members to ensure that they support this motion. I am sure the honourable senator has spoken with them, but I have not had a chance to speak to our whip about this.

If the honourable senator would answer my question about the interpretation of the time frame of summer adjournment, I will then adjourn the debate and the matter can be resolved on Monday.

Senator Kenny: The modification was intended to clarify what I thought was perfectly clear in the first place. I do not know exactly when we will be coming back, but the intention, presumably, is to resume in September. If we do not resume this September, it will be because of a prorogation or a dissolution and the committee will have no authority to meet. My problem is that I do not know when the Senate will be coming back.

Senator Lynch-Staunton: My concern is that this applies to any summer, as long as we are in the same session of Parliament.

Senator Kenny: I have not said that, with due respect. If we do not resume at the end of the summer, I would assume that the committee no longer exists.

Senator Lynch-Staunton: That is an assumption that is not in the motion. We can only vote on words, not on assumptions.

Senator Kenny: I very much want to satisfy Senator Lynch-Staunton's concern. If the honourable senator would assist me with more precise wording, I will endeavour to modify the motion. Would "the summer of 2003" be appropriate?

• (1730)

Senator Lynch-Staunton: It would be clearer, yes.

Senator Kenny: With leave of the Senate, pursuant to rule 30, I would ask to further modify the motion by adding the year "2003."

The Hon. the Speaker: Senator Kenny wishes to further modify his motion to read:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the summer adjournment of 2003.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I think we could simplify matters considerably if, at the end of the motion amended by the Honourable Senator Kenny, we could say:

[English]

...until such time as the Senate returns on September 15, 2003" —

— which is according to the calendar we have before us.

Senator Kenny: My understanding is that the Deputy Leader of the Government has suggested that we name the date that is in the pro forma calendar, which is September 16.

The modified motion, therefore, would read:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the summer adjournment, even though the Senate may then be adjourned for a period exceeding one week, until such time as the Senate returns in September of 2003.

The Hon. the Speaker: Honourable senators, Senator Kenny seeks leave to modify his motion to read as follows:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the summer adjournment, even though the Senate may then be adjourned for a period exceeding one week, until such time as the Senate returns in September of 2003.

Honourable senators, is leave granted to allow Senator Kenny to modify the motion as requested?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave being granted, the motion is so modified.

Senator Lynch-Staunton: I wish to adjourn the debate until Monday in order to ensure that the dates the committee has in mind are satisfactory to our members on that committee, particularly since we have at least two caucus events this summer, one in September and perhaps one earlier. I want to ensure that the dates do not conflict, and I think we can deal with that matter by Monday evening.

On motion of Senator Lynch-Staunton, debate adjourned.

MOTION TO AUTHORIZE COMMITTEE
TO DEPOSIT INTERIM REPORTS WITH CLERK
OF THE SENATE—DEBATE ADJOURNED

Hon. Colin Kenny, pursuant to notice of May 28, 2003, moved:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit such interim reports that it may have ready during the adjournment, and that the reports be deemed to have been tabled in the Chamber.

He said: Honourable senators, I would like to take the occasion to speak to this matter. I know that there are differing views in the chamber on it and I would like to put mine on the record so that senators are aware of my point of view.

I understand that the Senate is its own master, that committees exist at the pleasure of the Senate, that committees may only work when the Senate decides they may, and they may only function in a manner of which the Senate approves.

Having said that, I wish to observe that during my 30 years on the Hill the Senate has continually struggled to protect its reputation and, in fact, its very existence. About five years ago, we hit a low with the Andy Thompson affair and the Senate was in disrepute. Only as a result of extraordinary efforts by people I see in this room did we start digging ourselves out of the hole in which we found ourselves as a result of the Thompson affair.

I would argue that the change in the public perception of the Senate has come about as a result of individual initiatives by senators in this room and as a result of the work of committees and committee reports that have met the needs of the Canadian people, have been of interest to the Canadian people and have caused Canadians generally to hold this house in higher esteem.

One of the keys to all these initiatives and one of the keys to a successful committee report is to gain a certain level of publicity in the media and public debate in order that the Senate's work becomes part of the national debate. It is a real struggle. We have all seen terrific reports of this institution that have not become part of the national debate because we were not able to generate enough publicity initially in order that people debated them and that we were joined with the public and the other place in a matter of public policy.

It is my theory that we must attain a certain level of public attention before we become relevant, that the ideas by themselves do not accomplish this, that we must work to get that public attention. If that theory is accepted, then it behooves us to be very nimble in finding ways to fill that gap.

If we look around us today, there is no one from the press here covering the Senate, as is the case on most days. I do not even have to look at the press gallery to know that there is no one there. I also know that on a normal day, unless something extraordinary happens, such as someone throwing an inkwell across the floor, it is very difficult for us to crack the national media.

We are all here because we have the objective of changing public policy, hopefully for the better. I would argue that the only way we have a chance of changing public policy is by catching the public's attention, which is a very difficult exercise. This is a very competitive town. The media conducts an auction every morning to determine what stories they will cover. If you are competing with two or three other stories emanating from the other place, you will simply not make the media list for coverage that day. If you do not get coverage on the day that your report is being dealt with, you do not have a chance of being part of the debate and your colleagues will say, "Your work was terrific, but it is too bad no one noticed it."

• (1740)

I want honourable senators to think about the situation when we are dealing with poor coverage or with delaying a report until the end of a summer. The Senate can make just about any decision on this. The first argument for tabling a report in the chamber is that it is traditionally done that way. The second argument is that no senator likes to be blindsided by a report that has not been tabled or presented. Senators want to know about them. The third argument is that senators want to have a opportunity to debate reports when they are tabled or presented.

In regard to the traditional argument, I would argue that we should go with the times and, if you buy my argument that we need a certain level of publicity, it is time for the Senate to think about what is in our best interests. Should the public know that the Senate and its committees can go from July 1 through to September without any work? Is that really what senators want? Should we not be seen on screens or come to the attention of the public at all? Alternatively, is the preference that, if we have good ideas or prepare a good report during the course of the summer people will be able to see that and note that the Senate is doing some good work? I am obviously in the camp that favours the alternative way of proceeding.

The second problem about senators being blindsided is one that we can resolve. We have resolved it in the past by ensuring that, before any press conference, senators were e-mailed copies of the report so that it was available to them; that hard copies of the report were delivered to their office if their staff wanted to go through it; and that senators would be invited to the committee while it was working on the final draft so that they could participate in the writing of the report if they so chose. The blindsiding problem can be dealt with easily.

[Senator Kenny]

I have done some homework on the question of debating reports and what I have found has been quite interesting. Senate committee chairmen have tabled or presented to the Senate 128 special study reports between 1990 and today. Of those 128 reports, 66, or 52 per cent, were debated; 62 or 48 per cent were not debated. Of the 66 reports that were debated, 51 were tabled or presented in the chamber. On average, it took 26 calendar days before the debate on the report commenced. As well, 15 reports were tabled with the Clerk of the Senate and, on average, it took 21 days after the Senate resumed for the debates on those reports to start.

Honourable senators, in fairness, these are averages, and people can make any argument they want with numbers, but I would draw to your attention that roughly 50 per cent of the reports are debated. Those that are tabled with the Clerk of the Senate are debated about five days sooner, on average, than those that are tabled or presented in the chamber.

Honourable senators who are concerned with debating reports in the Senate need to ask: Is the Senate better served if we have a public debate going on and people are aware that the Senate is working throughout the summer, or is it better to complete the report and wait until the summer recess is over to table the report, running the risk of a leak? Should we wait for 60 days or however long it takes to table it in the chamber?

I ask honourable senators, when they consider how to deal with this motion, to look at the broader question of what they think is in the best interests of this institution in 2003. Will we be better served if, on a regular basis, the public receives reports from the Senate and sees us working over the summer period and asking for permission to table a report with the Clerk of the Senate? That would not obviate the need for debate. The debate would still go on, as I have shown here. Perhaps the debate would commence sooner.

On motion of Senator Robichaud, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Wilfred P. Moore, for Senator Kolber pursuant to notice of June 3, 2003, moved:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study on the present state of the domestic and international financial system, which was authorized by the Senate on October 23, 2002, be extended to March 31, 2004.

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

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

THIRD REPORT OF COMMITTEE ADOPTED

Hon. Rose-Marie Losier-Cool, pursuant to notice of June 3, 2003, moved:

That, in accordance with paragraph 58(1)(g) of the Rules, the Third Report of the Standing Senate Committee on Official Languages, tabled in the Senate this past May 28, be adopted.

She said: Honourable senators, I would like to briefly outline the content of this third report, tabled in the Senate on May 28, 2003. This report arises out of the order of reference of the Senate of February 5, 2003, concerning a report entitled "Environmental Scan: Access to Justice in Both Official Languages."

Justice Canada revised this report in 2002. Then, in February 2003, we received the order of reference of the Senate. This report is designed to provide an update on recent developments in law as they relate to language.

The authors of "Environmental Scan" found general dissatisfaction with legal services in French in the nine provinces and three territories where French is the minority language.

The three areas under federal jurisdiction identified as unsatisfactory are criminal law, bankruptcy law, and divorce and support law.

[English]

The former Standing Joint Committee on Official Languages studied the report entitled "Environmental Scan." In November 2002, the Government of Canada officially responded to the report. In February 2003, the Senate committee was asked to study the response of the Government of Canada.

[Translation]

In the summer of 2002, Justice Canada formed a Federal-Provincial-Territorial Working Group co-chaired by Justice Canada. At the time of its creation, this group, that is referred to as FPT, brought together representatives from Justice Canada, Alberta, British Columbia, Manitoba, Ontario, New Brunswick and the Yukon. Since that time, representatives from Nunavut and Saskatchewan have joined FPT.

The group's mandate of unlimited duration is to bring the government and communities closer together in partnership. One of FPT's main priorities is to push for the full implementation of linguistic obligations set out in the Criminal Code.

The federal action plan for official languages, submitted on March 12, 2003, Minister Dion's plan, earmarks \$45.5 million over five years. A sum of \$18.5 million will allow Justice Canada to fund language training programs in legal terminology. However, funding of the plan is not the only solution.

• (1750)

The work of the FPT working group is vital, and the Standing Committee on Official Languages recommends that the federal government encourage all provinces and territories not yet members of the working group to join.

There are concerns about certain specific aspects of access to justice in both official languages. One of the first is that means must be found to encourage bilingual law graduates to return to their home regions to practise law.

Bilingualism should be one of the selection criteria in assessing candidates for new appointments to the bench. Surprisingly, only between 40 and 60 per cent of judges inform parties to proceedings, when they are not represented by a lawyer, of their right to be heard in the official language of their choice.

Enforcement of the provisions of section 530 of the Criminal Code must be ensured. Two pilot projects have been set up in recent years to improve access to judicial and legal services in both official languages.

[English]

The single window model in Manitoba and the launch of a travelling provincial court staffed by bilingual personnel in Saskatchewan are examples of those two pilot projects. The committee wants a commitment from the government to support those two pilot projects and to investigate the possibility of introducing similar models in other provinces and territories.

It is also essential that all legal documentation, such as charges, be accessible in both official languages in those regions of the country where it is not the case.

[Translation]

The seven recommendations contained in the report reflect the concerns that I just identified and the members of the committee included them as recommendations. I would therefore ask, honourable senators, that this report be adopted.

[English]

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

Motion agreed to and report adopted.

THE SENATE

MOTION TO CONGRATULATE LUNENBURG, NOVA SCOTIA ON TWO-HUNDRED FIFTIETH ANNIVERSARY ADOPTED

Hon. Wilfred P. Moore, pursuant to notice of June 3, 2003, moved:

That the Senate of Canada extend its congratulations and best wishes to the Town of Lunenburg, Nova Scotia, its Mayor, Councillors and Townsfolk upon the 250th anniversary of its founding, which is to be celebrated on Saturday, the 7th day of June, 2003.

He said: Honourable senators, the first foreign Protestant settlers arrived in Lunenburg, Nova Scotia, on June 7, 1753. One of those settlers was Michael Hirtle, a miller and sawmiller of 62 years of age from Hockdroft, near Göppingen in the Duchy of Württemberg, Germany. He and his family sailed into Lunenburg that day from Halifax, having arrived in the capital in 1751 onboard the ship *Pearl* out of Rotterdam. Michael Hirtle was my maternal grandfather six times removed. With his blood coursing through my veins, it is with much personal pride that I speak in this chamber today.

I have my Senate office in Lunenburg. I never tire of the unique flavour and architectural character of the Old Town and of our working waterfront. The people of this beautiful town, which predates Confederation by over a century, have good reason to be proud of the two-hundred and fiftieth anniversary of its founding, which is to be celebrated on Saturday next.

In 250 years, our ancestors and their descendants, and subsequent settlers, have created a strong and vibrant community. Throughout the centuries of change, the old world charm of times gone by has been successfully preserved. Indeed, to walk the streets of Old Town Lunenburg is like taking a walk back in time.

In consideration of all that, in addition to being the home port of the legendary fishing and racing schooner *Bluenose*, and her replica *Bluenose II*, it is no wonder that this proud town's heritage has been recognized both nationally and internationally. Old Town Lunenburg was designated a National Historic District by the Government of Canada in 1992. In December 1995, Old Town Lunenburg was designated a World Heritage Site by the United Nations, a distinction that it enjoys with only one other urban locale in North America, Old Quebec City.

I look forward to participating in Saturday's re-enactment of that first landing of settlers. It is most fitting that Canada Post has chosen to honour Lunenburg with a commemorative envelope on that historic occasion. I shall be pleased and honoured to represent Canada Post at the unveiling of this commemorative envelope and to bring greetings to those assembled from the Government of Canada and from this august chamber.

In closing, I wish the Town of Lunenburg and its people a two-hundred and fiftieth birthday filled with happiness and fellowship, and I hope that they continue to enjoy and share their well-founded heritage for centuries to come.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to associate all my colleagues in extending congratulations and best wishes as Lunenburg celebrates the two-hundred and fiftieth anniversary of its founding two days hence.

Lunenburg's history is indeed a most fascinating one, engaged as it has been over the years in fishing and shipbuilding, with a colourful sideline during prohibition when the sturdiness of the Lunenburg vessels and their crews once again proved to one and all their superiority on the seas.

Today, as Senator Moore reminded us, ships remain a key aspect of the culture of Lunenburg. For example, the *Bluenose II* Preservation Trust is a volunteer organization established to

preserve and operate *Bluenose II* for the people of Nova Scotia. The purpose of the trust is to preserve the schooner and ensure that the legacy of traditional seamanship skills and the craft of building great wooden ships are maintained for future generations of Nova Scotians. The trust has a mandate to raise funds to ensure that *Bluenose II* continues in full operational status as Canada's sailing monument. I commend Senator Moore for his great leadership in its activities.

Lunenburg, on this two-hundred and fiftieth anniversary of its founding, is recognized by all of us for the significant contributions it has made to the history of Nova Scotia and Canada. As Lunenburg's past has been colourful and exciting, its future can only be the same.

Again, congratulations and all best wishes to its citizens. May they have a most successful and well-deserved June 7 celebration.

Hon. Marcel Prud'homme: Honourable senators, it never hurts to be gracious. I know that Senator Lynch-Staunton wanted to second the motion. In my enthusiasm for Lunenburg, I would have been honoured to be the one who seconded it. However, I want Senator Lynch-Staunton to do it.

I am very pleased to join with the Honourable Senators Moore and Lynch-Staunton to wish this beautiful city well. I have visited Lunenburg, and I wish that everyone would see it.

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

Motion agreed to.

• (1800)

The Hon. the Speaker: Honourable senators, I see it is now six o'clock. Is it your wish not to see the clock?

Hon. Senators: Agreed.

[Translation]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Monday, June 9, 2003 at 6:01 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Monday, June 9, 2003 at 6:01 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

(2nd Session, 37th Parliament)

Thursday, June 5, 2003

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology	03/04/29	0	03/05/27		

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon	03/03/19	03/04/03	Energy, the Environment and Natural Resources	03/05/01	0	03/05/06	03/05/13	7/03
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26	03/03/25	Banking, Trade and Commerce	03/03/27	0	03/04/01	03/04/03	5/03
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-6	An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts	03/03/19	03/04/02	Aboriginal Peoples					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-9	An Act to amend the Canadian Environmental Assessment Act	03/05/06	03/05/13	Energy, the Environment and Natural Resources	03/06/04	0	03/06/05		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	Divided Message from Commons concurring with the division 03/05/07			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03	03/05/13	8/03
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs	03/05/15	5	03/05/29		
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04	03/02/04	03/03/19	2/03
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-15	An Act to amend the Lobbyists Registration Act	03/03/19	03/04/03	Rules, Procedures and the Rights of Parliament	03/05/14	1	03/05/28		
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	–	–	–	02/12/11	02/12/12	27/02
C-25	An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts	03/06/03							
C-28	An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003	03/05/27	03/06/04	National Finance					
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	3/03
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	4/03

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-31	An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act	03/06/03							
C-39	An Act to amend the Members of Parliament Retiring Allowances Act and the Parliament of Canada Act	03/06/03							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25	03/03/26	National Security and Defence	03/04/02	0	03/04/03	03/04/03	6/03
C-249	An Act to amend the Competition Act	03/05/13							
C-300	An Act to change the names of certain electoral districts	02/11/19	03/06/03	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs	03/06/03	2	03/06/05		
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08	03/02/25	Social Affairs, Science and Technology					
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications	03/03/20	0	03/04/02		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23	03/05/06	Legal and Constitutional Affairs					
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources					
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10	03/05/07	Official Languages					
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11	03/02/27	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13	Dropped from Order Paper pursuant to Rule 27(3) 03/06/05						
S-16	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	03/03/18							
S-17	An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc)	03/03/25							
S-18	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	03/04/02							
S-20	An Act to amend the Copyright Act (Sen. Day)	03/05/15							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-19	An Act respecting Scouts Canada (Sen. Di Nino)	03/05/14							
S-21	An Act to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada (Sen. Kirby)	03/06/03							

CONTENTS

Thursday, June 5, 2003

	PAGE		PAGE
SENATORS' STATEMENTS		National Defence	
D-Day		Efforts to Design New Logo—Relationship Between Contracted Companies.	
Fifty-Ninth Anniversary.		Hon. Norman K. Atkins.	1502
Hon. Norman K. Atkins.	1497	Hon. Sharon Carstairs	1502
Professor Karim-Aly Kassam		Delayed Answers to Oral Questions	
Congratulations on Receiving Fulbright-Organization of American States Ecology Grant.		Hon. Fernand Robichaud	1502
Hon. Mobina S. B. Jaffer.	1497	Citizenship and Immigration	
Global Television Network Scholarship Award for a Canadian Visible Minority Student		Biometric National Identity Card—Proposal by G8 Nations.	
Hon. Donald H. Oliver.	1498	Question by Senator Oliver.	
Environment Week		Hon. Fernand Robichaud (Delayed Answer).	1502
Hon. Catherine S. Callbeck	1498	Health	
<hr/>		Bovine Spongiform Encephalopathy—Implementation of European Union Recommendations.	
ROUTINE PROCEEDINGS		Question by Senator Spivak.	
Social Affairs, Science and Technology		Hon. Fernand Robichaud (Delayed Answer).	1503
Notice of Motion to Authorize Committee to Study Public Health Governance and Infrastructure.		ORDERS OF THE DAY	
Hon. Michael Kirby	1499	Business of the Senate	
University Research Funding from Federal Sources		Hon. Fernand Robichaud	1504
Notice of Inquiry.		Canadian Environmental Assessment Act (Bill C-9)	
Hon. Wilfred P. Moore.	1499	Bill to Amend—Third Reading.	
<hr/>		Hon. Colin Kenny	1504
QUESTION PERIOD		Pension Act	
Finance		Royal Canadian Mounted Police Superannuation Act (Bill C-31)	
Funding of Municipal Infrastructure.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Terry Stratton	1499	Hon. Yves Morin	1504
Hon. Sharon Carstairs	1499	Public Service Modernization Bill (Bill C-25)	
Health		Second Reading—Debate Adjourned.	
Bovine Spongiform Encephalopathy—Trace-out Cases in United States.		Hon. Sharon Carstairs	1506
Hon. Donald H. Oliver.	1500	Hon. Noël A. Kinsella	1509
Hon. Sharon Carstairs	1500	Hon. Lowell Murray	1510
Human Resources Development		Hon. Jean-Robert Gauthier.	1510
Bovine Spongiform Encephalopathy—Aid to Beef Industry Workers.		Hon. Anne C. Cools.	1510
Hon. Donald H. Oliver.	1500	Hon. Tommy Banks.	1511
Hon. Sharon Carstairs	1501	Point of Order	
Health		Hon. Sharon Carstairs	1512
Bovine Spongiform Encephalopathy—Letter of Veterinary Scientist Employee to Department.		Hon. Anne C. Cools.	1512
Hon. Noël A. Kinsella	1501	The Hon. the Speaker.	1512
Hon. Sharon Carstairs	1501	Members of Parliament Retiring Allowances Act	
Justice		Parliament of Canada Act (Bill C-39)	
Loss of Firearms Registry Records.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Gerald J. Comeau	1501	Hon. Fernand Robichaud	1512
Hon. Sharon Carstairs	1501	Hon. John Lynch-Staunton	1513
		Hon. Colin Kenny	1513
		Hon. Terry Stratton	1514
		Hon. Serge Joyal	1514
		Hon. Noël A. Kinsella	1514
		Hon. Anne C. Cools.	1515
		The Estimates, 2003-04	
		Second Interim Report of National Finance Committee—Debate Adjourned.	
		Hon. Lowell Murray	1515
		National Anthem Act (Bill S-3)	
		Bill to Amend—Second Reading—Order Stands.	
		Hon. Vivienne Poy	1517
		Hon. Anne C. Cools.	1517

	PAGE
Canadian International Development Agency Bill (Bill S-17)	
Second Reading—Order Stands.	
Hon. Douglas Roche	1517
Hon. Fernand Robichaud	1517
Public Service Whistle-Blowing Bill (Bill S-6)	
Second Reading—Debate Continued.	
Hon. Noël A. Kinsella	1517
Business of the Senate	
Hon. Marcel Prud'homme	1517
Competition Act (Bill C-249)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Michael Kirby	1518
Hon. Colin Kenny	1518
The Financial Advisors Association of Canada (Bill S-21)	
Private Bill to Amend Act of Incorporation—Second Reading— Debate Adjourned.	
Hon. Michael Kirby	1519
Hon. John Lynch-Staunton	1520
National Acadian Day Bill (Bill S-5)	
Report Adopted—Third Reading.	
Hon. George J. Furey	1520
Hon. Rose-Marie Losier-Cool	1521
Hon. Gerald J. Comeau	1521
Hon. Serge Joyal	1521
Hon. Fernand Robichaud	1522
Hon. Sharon Carstairs	1522
Study on Possible Adherence to American Convention on Human Rights	
Report of Human Rights Committee—Debate Adjourned.	
Hon. Shirley Maheu	1523
The Senate	
World Health Organization—Motion Requesting Government Support for Taiwan's Request for Observer Status— Debate Continued.	
Hon. Vivienne Poy	1525
Hon. Yves Morin	1525
Hon. Eymard G. Corbin	1525
Hon. Consiglio Di Nino	1525
Hon. Marcel Prud'homme	1525
America Day in Canada	
Motion—Debate Continued.	
Hon. Eymard G. Corbin	1526

	PAGE
Foreign Policy on Middle East	
Inquiry—Order Stands.	
Hon. Marcel Prud'homme	1527
Illegal Drugs	
Report of Special Committee—Inquiry—Debate Continued.	
Hon. Tommy Banks	1527
Role of Culture in Canada	
Inquiry—Debate Continued.	
Hon. Michel Biron	1527
Foreign Affairs	
Motion to Refer 2002 Berlin Resolution of Organization for Security and Co-operation in Europe Parliamentary Assembly to Committee—Debate Continued.	
Hon. Fernand Robichaud	1529
Hon. Marcel Prud'homme	1529
National Security and Defence	
Motion to Authorize Committee to Meet During Sitting of the Senate Withdrawn.	
Hon. Colin Kenny	1529
Motion to Authorize Committee to Meet During Adjournment of the Senate—Debate Adjourned.	
Hon. Colin Kenny	1530
Hon. Consiglio Di Nino	1530
Hon. John Lynch-Staunton	1530
The Hon. the Speaker	1531
Hon. Fernand Robichaud	1531
Motion to Authorize Committee to Deposit Interim Reports with Clerk of the Senate—Debate Adjourned.	
Hon. Colin Kenny	1531
Banking, Trade and Commerce	
Committee Authorized to Extend Date of Final Report on Study of Domestic and International Financial System.	
Hon. Wilfred P. Moore	1532
Official Languages	
Third Report of Committee Adopted.	
Hon. Rose-Marie Losier-Cool	1533
The Senate	
Motion to Congratulate Lunenburg, Nova Scotia on Two-Hundred Fiftieth Anniversary Adopted.	
Hon. Wilfred P. Moore	1533
Hon. John Lynch-Staunton	1534
Hon. Marcel Prud'homme	1534
Adjournment	
Hon. Fernand Robichaud	1534
Progress of Legislation	i



If undelivered, return COVER ONLY to:
Communication Canada – Publishing
Ottawa, Ontario K1A 0S9