CANADA

Debates of the Senate

2nd SESSION • 37th PARLIAMENT • VOLUME 140 • NUMBER 84

OFFICIAL REPORT
(HANSARD)

Thursday, October 9, 2003

THE HONOURABLE LUCIE PÉPIN
SPEAKER *PRO TEMPORE*

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, October 9, 2003

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE DOUGLAS ROCHE

CONGRATULATIONS ON PUBLICATION OF *THE HUMAN RIGHT TO PEACE*

Hon. Yves Morin: Honourable senators, I want to make my statement today in two parts. First, I would inform honourable senators that our colleague, and my friend, Douglas Roche has just published a book on a very important subject. The book is entitled, *The Human Right to Peace* and is edited by Novalis.

Congratulations, Senator Roche.

Hon. Senators: Hear, hear!

WORLD SIGHT DAY

Hon. Yves Morin: Honourable senators, the second part of my statement refers to the fact that today is World Sight Day.

[*Translation*]

Earlier today we wore our sunglasses in front of Parliament to show our support for the "Vision 2020, the Right to Sight" program. This program results from a collaborative effort between various Canadian and international organizations, including the World Health Organization. Its goal is to eliminate the major causes of preventable blindness.

[*English*]

In Canada, the Canadian National Institute for the Blind is spearheading Vision 2020. Every year, the CNIB assists more than 100,000 blind, visually impaired and deaf-blind Canadians to become full participants in all aspects of Canadian society. One of its priorities is ensuring funding for research in the area of visual impairment. This has worked in the past.

Honourable senators, because of research, more people in this country have cataract surgery each year than give birth. It is working in the present. Canadian researchers have made important strides forward in vision-related research. However, they need our support, not only on World Sight Day but also on every day.

[*Translation*]

JUSTICE

DECRIMINALIZATION OF CANNABIS FOR THERAPEUTIC AND RECREATIONAL USAGE

Hon. Pierre Claude Nolin: Honourable senators, there has been unhealthy confusion in Canada since the beginning of the year on the constitutionality of criminal prohibition of the recreational or therapeutic use of cannabis.

In light of recent Ontario Court of Appeal decisions in the *Hitzig* and *J.P.* cases, I would briefly like to remind you of the legal and historical context in which this court handed down these two judgments. For everyone to understand, it is highly necessary to grasp the intricacies of this whole subject, which have been addressed by the Court of Appeal.

This long legal saga began in July 2000 when the Ontario Court of Appeal, in the *Parker* case, declared that the general prohibition of the possession of cannabis in Canada was unconstitutional, as it prohibited the use of this psychoactive substance for therapeutic purposes. In order to allow the federal government to change the legislation, the court suspended the application of its judgment until July 2001.

Subsequent to that judgment, in July of 2001, the Governor in Council adopted a world first, the Marijuana Medical Access Regulations. At that time, Health Canada really felt it had found a good solution for the problem raised by *Parker*.

In January 2002, two Ontario court decisions complicated the situation. First of all, arguing that Health Canada was refusing to provide cannabis to patients with federal authorization for medical use, who were therefore being forced to get their supply through the black market, with all the attendant risks, the Ontario Superior Court of Justice found, in *Hitzig*, that the July 2001 regulations were unconstitutional.

Second, and at almost the same time, another Ontario court, a lower court, in Windsor, this time, heard the *J.P.* case — initials are used because this was a young offender who cannot be identified — and found that the July 2001 regulations did not constitute an adequate legislative response to the decision in *Parker*. In order to be valid, the new government policy on the therapeutic use of cannabis ought, according to this court, to have been set via amendments to the act. This decision was confirmed by the Ontario Superior Court of Justice in May 2003.

The combined effect of these two decisions was that, from July 2001 onward, there was quite simply no prohibition, in Ontario at least, of simple possession of cannabis, whether for recreational or therapeutic use. Moreover, the confusion created by these two decisions resulted in a number of police forces in Ontario ceasing to enforce the law on this.

Honourable senators, this week two Ontario Court of Appeal judgments — these decisions having been appealed by the Solicitor General of Canada — have ended all the confusion. This decision has been quashed.

The Hon. the Speaker *pro tempore*: I would like to inform the honourable senator that his time is up.

Senator Nolin: Honourable senators, I would ask your leave to finish my speech, which can be summarized in two pages.

The Hon. the Speaker *pro tempore*: I trust that the honourable senator realizes he is preventing several of his colleagues from speaking.

Senator Nolin: The Ontario Court of Appeal achieved this by declaring only certain provisions of the regulations unconstitutional because they imposed arbitrary limits on patients wishing to obtain cannabis produced for therapeutic purposes. This ruling dismisses the need in certain cases for a second physician's opinion favouring the use of cannabis, the restriction preventing consumers from compensating suppliers and the restriction regarding the number of producers who may supply cannabis to one patient.

With its ruling, the court has killed two birds with one stone; not only has it confirmed the validity of the regulations and indirectly legitimized the activities of compassion clubs, but it has also struck down the Superior Court's decision in the *J.P.* case by reinstating the ban on possessing cannabis for recreational purposes in Ontario.

• (1340)

Nevertheless, in Nova Scotia, Prince Edward Island and British Columbia, where the courts have made decisions similar to those of the Ontario judges, there is still uncertainty as to the validity of the ban. That said, the Ontario Court of Appeal has sent a very clear message to the Parliament of Canada that we should stop procrastinating on this subject and shoulder our responsibilities in order to eliminate any confusion surrounding the use of cannabis, whether for therapeutic or recreational purposes.

[*English*]

NOVA SCOTIA

HURRICANE JUAN

Hon. Jane Cordy: Honourable senators, on the night of September 28, 2003, Nova Scotia experienced the worst storm we have had in over 40 years. Environment Canada had warned of the impending hurricane, but most of us, being Eastern optimists, told ourselves that hurricanes have always slowed down before they reached land, and so would this one.

Hurricane Juan did arrive, with all its fury, torrential rains and winds of over 140 kilometres an hour. The result was more destruction than I have seen in Nova Scotia in my lifetime. Over 300,000 residents were without power. Classes at Halifax schools and universities were cancelled for a week because of safety concerns for students. Many neighbourhood streets were blocked by fallen trees; trees that were torn up by their roots, often destroying sidewalks. At least three people were killed when trees crushed their vehicles.

The historic Public Gardens and Point Pleasant Park were largely decimated and will take many years to recover.

Nova Scotians are resilient and have worked through many challenges in the past. The day after the hurricane, the generosity of spirit shone through as so many rallied around to help one another. Most power has been restored, which is small consolation to those still in the dark, but when one has seen the devastation, it is small wonder that it has taken this long.

Nova Scotia power crews worked long hours, day after day. The Province of New Brunswick and the State of Maine sent crews to help restore power. Over 800 members of our military helped with the cleanup. Their generosity was most welcomed by Nova Scotians. The Emergency Measures Organization of Halifax Regional Municipality, which had appeared before the Standing Senate Committee on National Security and Defence just a week earlier, coordinated what was a great emergency response.

Honourable senators, it has been a challenging week and a half for Nova Scotians. Their resilience and willingness to help one another have come to the forefront as the rebuilding process has begun.

WORLD MENTAL HEALTH DAY

Hon. Marjory LeBreton: Honourable senators, each year, October 10 is set aside as World Mental Health Day. It is a day co-sponsored by the World Federation for Mental Health and the World Health Organization. It aims to promote mental health advocacy and educate people around the world about related mental health issues. This is a large and important undertaking, as the stigma surrounding mental illness can be found in every country, in every group of people, and among all ages.

The theme being promoted this year is the "Emotional and Behavioural Disorders of Children and Adolescents." This encompasses a wide range of disorders, including autism, schizophrenia, depression, eating disorders and suicide.

Canadian children are all too often affected by these disorders. The Canadian Mental Health Association estimates that almost 20 per cent of children in this country have a diagnosable psychiatric disorder. Our suicide rate for children and youth under the age of 21 is also one of the highest in the world. Other statistics related to the mental health of children in Canada are similarly depressing.

The World Health Organization has stated that the absence of good mental health practices early in life may lead to mental disorders with long-term consequences which in turn may reduce the ability of societies to be safe and productive.

Often, we feel helpless in dealing with mental health problems in our society, especially when they affect children. Assistance is available, but many children and adolescents are not receiving it because mental health problems can be difficult to recognize. Adults, whether they are parents, caregivers, teachers or doctors, must be attuned not just to the physical well-being of the children with whom they are in contact, but also to their mental state. Taking the time to question a child's troubling behaviour that seems both persistent and severe may lead to the successful treatment of a disorder that would otherwise continue to inflict pain. Promoting good mental health practices as a preventive measure against these disorders is another way that adults may better protect the children in their care.

Honourable senators, let us hope that the message put forward on this World Mental Health Day leads to the improved emotional well-being of children and adolescents in our country and around the world.

On a personal note, I am honoured to be on a Senate committee that is now studying this very important issue. Action must be taken.

FOREIGN AFFAIRS

ISRAEL AND SYRIA—HEIGHTENING OF TENSIONS

Hon. J. Michael Forrestall: Honourable senators, I want to associate myself with the remarks of my colleague from Dartmouth. As one of those who just had power restored this morning, I have a greatly relieved spouse. She will not have to carry water upstairs any more.

Honourable senators, I want to draw your attention to the situation in the Middle East. It is my greatest fear, and I am sure that of many other watchers, that war clouds are gathering in that area once again.

After what can only be described as a weekend of terrible violence, first with a suicide bombing in Haifa and then an Israeli air strike on a terrorist training camp in Syria, it is my understanding that both Syria and Israel have traded threats of military action and that Israel has given its military permission to mobilize reserve units.

Sadly, in the last day, reports would suggest that the Israelis have reinforced with a brigade their frontier to the north with Syria and Lebanon, and that as many as two more units are currently being sent north. Reports also suggest that two further Israeli battalion-sized units are being put in place opposite the West Bank and the Gaza Strip.

The prospect of conflict between Israel and Syria, ongoing as it may have been, would place in jeopardy the safety of 193 Canadians who serve as peacekeepers in the Golan Heights.

I ask the Leader of the Government, through the Deputy Leader in her absence, to convey these concerns to the government and urge that the government take all possible steps to ascertain the current disposition of Israeli and Syrian forces near the Golan Heights. Further, I urge the government to take increased precautions with Canadian Forces personnel in that theatre of operations, including their withdrawal should that become necessary, and I ask that the Minister of Foreign Affairs take all possible steps to alleviate the tensions and restore some form of stability to that area.

[*Translation*]

ROUTINE PROCEEDINGS

CANADA-FRANCE INTER-PARLIAMENTARY ASSOCIATION

THIRTY-SECOND ANNUAL MEETING, JULY 6-15, 2003—REPORT TABLED

Hon. Lise Bacon: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-France Inter-Parliamentary Association on its thirty-second annual meeting, held in Paris, Angers and Vannes, France, from July 6 to 15, 2003.

• (1350)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROCEDURE FOR THE APPOINTMENT OF PARLIAMENTARY OFFICIALS

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday, October 14, 2003, I will move:

> That the Standing Committee on Rules, Procedures and the Rights of Parliament study the way in which Parliament's senior officials are appointed, with a view to standardizing the process so that such officials are appointed using an established procedure that has been approved by both Houses of Parliament;
>
> That the necessary provisions be put in place for removing such officials from their positions for cause, by a joint resolution of the Senate and the House of Commons; and
>
> That the Committee report no later than November 28, 2003.

LIBRARY OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEE TO PERMIT ELECTRONIC COVERAGE OF PROCEEDINGS

Hon. Yves Morin: Honourable senators, I give notice that on Tuesday, October 14, 2003, I will move:

> That the Standing Joint Committee on the Library of Parliament be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF THE CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table petitions signed by another 2,000 people, adding to the 4,000 already tabled, requesting that Ottawa, the capital of Canada, be declared a bilingual city and reflect the country's linguistic duality.

The petitioners pray and request that the Parliament of Canada consider the following:

> That the Canadian Constitution provide that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

[*English*]

> That section 16 of the *Constitution Act, 1867* designates the city of Ottawa as the seat of government of Canada;
>
> That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely English or French;
>
> That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.
>
> Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the *Constitution Act*, from 1867 to 1982.

[*Translation*]

QUESTION PERIOD

THE SENATE

QUESTION PERIOD—DESIGNATION
OF REPLACEMENT IN ABSENCE OF LEADER
OF THE GOVERNMENT

Hon. Marcel Prud'homme: Honourable senators, even if we address all our questions to the Deputy Leader of the Government in the Senate, given the absence of the Leader of the Government, I get the impression that the only response will be a guarantee to pass on our questions to the Leader of the Government in the Senate. Perhaps we could take this opportunity to suggest that the Standing Senate Committee on Rules, Procedures and the Rights of Parliament consider the possibility of having two individuals able to respond to our questions. Who knows; after the next election, perhaps certain provinces will be underrepresented and it will be necessary to appoint a second minister in the Senate. That is my prediction.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have no objections to Senator Prud'homme's suggestion. It is indeed unfortunate that the Leader of the Government in the Senate could not be here today, due to special and extraordinary circumstances. I would like to remind the house that it is quite appropriate to address questions to the chairs of various committees. This would be completely in order.

FOREIGN AFFAIRS

CONFLICT IN MIDDLE EAST—REQUEST FOR STUDY
BY COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, my question is for the chair of the Standing Senate Committee on Foreign Affairs. Given the dramatic and worsening situation in the Middle East — particularly along the Syrian, Israeli and Palestinian borders; given the presence of Canadians in the Golan Heights; given our interest and our international reputation, has the time not come for your committee, which ought to be the best known committee in Canada, to consider studying this issue, which could threaten the lives of Canadian soldiers in the Middle East?

After 20 years without consideration of issues relating to the Middle East, the House of Commons is preparing to consider the Muslim issue — there are 1.2 billion Muslims in the world. As the chair of the Standing Senate Committee on Foreign Affairs, would you agree to put on the committee's agenda the conflict in the Middle East and not just Canada's relations with the Arab world in general?

[*English*]

Hon. Peter A. Stollery: Honourable senators, as the Senate knows, committees of the Senate are instruments of the Senate. The Standing Senate Committee on Foreign Affairs has been occupied with questions of Canada-U.S. trade relations. Yesterday and the day before, we heard from some interesting witnesses on the pertinent question of exchange rates between Canada and the U.S. and whether the rising Canadian dollar will adversely affect our trade with the United States. These are the issues of which the Foreign Affairs Committee is currently seized.

Remember that the committee has a reference from the Senate. If the Senate orders the committee to study something, then the committee is obliged to do so. Under the circumstances, I must say that, given the calendar we all see coming at us, I do not quite see where we would fit in the time to study this issue.

I would add that, as Senator Prud'homme is aware, Senator Corbin has moved a motion concerning this issue.

Hon. Eymard G. Corbin: I gave notice.

Senator Stollery: I stand corrected: Senator Corbin has given notice of a motion. That is where the matter rests.

We all know that there are important issues concerning the Syrian-Israel frontier and Lebanon, and we are all aware of them. I completely agree with Senator Prud'homme. However, my problem is that the committee has an important order of reference, one on which we have already tabled Volume I of our findings here in the Senate in June. We are working hard on the exchange rate issue so that we can also table Volume II before we adjourn.

Senator Prud'homme is certainly as experienced a parliamentarian as I am, and he knows the calendar as well as I do, and at the moment, that is the state of business with the Foreign Affairs Committee.

Senator Prud'homme: Honourable senators, I have a supplementary question. I have been here in this chamber now for 10 years. Before that, I was in the other place for 30 years. People do tend to beat around the bush.

We know that the pressure is so immense that the Standing Senate Committee on Foreign Affairs — the most prestigious committee of the Senate, in my view — is staying away from the subject of the Middle East. That committee always studies Canada-U.S. affairs, and no one objects to that, but every time we publish a report it is already obsolete because the situation is changing so fast.

• (1400)

There have already been so many studies on Canada-U.S. relations, and so many exchanges concerning Canada and the United States, that perhaps it is a way to avoid other issues. I repeat again: A study on the Middle East started in 1982 and finished in 1985, and we never again touched on the Middle East.

Honourable senators, in view of the explosive situation over there, I want to know if a prestigious committee like the Standing Senate Committee on Foreign Affairs has a duty to take the initiative and not just sit and wait to react. Unfortunately, I am deprived from sitting as a member of the Foreign Affairs Committee. The honourable senator knows that, but I want to say that if I were on his committee, I would insist and I would put motions. I am a member of the Banking Committee, and that is fine, but I hope the chairman of the Foreign Affairs Committee will show leadership and return to the days of the late Senator George Van Roggen, from Vancouver, who ran a most prestigious committee and was not afraid to tackle difficult issues. Please do not try and avoid this difficult issue, because the question of the Middle East threatens to explode in our faces, and then it will be too late for us.

Senator Stollery: Honourable senators, Senator Prud'homme has very ably expressed his views on this subject. First, let me just explain to honourable senators that the Foreign Affairs Committee has not continually and persistently dealt with Canada-U.S. affairs. In fact, since the free trade debate in 1987 or 1988, I do not recall us dealing with that subject at all. What we are concerned with here is a review of the free trade agreement. That is a very important issue and affects the lives of millions of Canadians.

Honourable senators, there are many important issues in the world. We could sit for 24 hours per day, 365 days per year and we would not resolve the problems of this large world in all of its complexity. We must make decisions. The members of the committee have made decisions, and we decided that it was important, on the fifteenth anniversary of the North American Free Trade Agreement, to review that agreement. That is what the committee is currently involved with and, as I said, if the Senate decides that we should do something different, then we would follow the orders of the Senate because we are servants of the Senate. However, at this point, as the chairman, my responsibility is to the members of my committee.

I might add that any senator may attend meetings of a committee. There is no rule that says any senator cannot attend meetings of a committee. That is where matters stand. We are working hard to bring an end to the exchange rate hearings, which are in the headlines of every newspaper in the country, if that means anything, and that is what we are involved with right now.

Hon. Laurier L. LaPierre: Honourable senators, I have a question of Senator Stollery. When he says that every senator may attend the meetings of his committee, does that mean that Senator Prud'homme is not barred from those meetings?

Senator Stollery: Honourable senators, I am not even on the Committee of Selection. However, for years the rule has been that any member of the Senate can attend a committee meeting, and that of course includes Senator Prud'homme, who is a very senior member of Parliament and of the Senate.

Senator Prud'homme: Honourable senators, I will correct a misunderstanding. I did not say I am not attending. I do attend the meetings of the Foreign Affairs Committee. I said I was deprived of being a member of the Foreign Affairs Committee, and for 10 years I have felt that that was unfair. I was clearly told to ask to be a member of any other committee, that I would not get on the Foreign Affairs committee and that I knew why. When Senator Corbin debates his motion, I will tell you why.

However, Senator LaPierre, of course any member of the Senate may attend any meeting of any committee, and I do that. I attend meetings frequently because I am interested in many issues, but I am talking about being a member of a committee. Attending a meeting of a committee is a different issue.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): My question is for the distinguished chair of the Foreign Affairs Committee. In your committee, is it not true that while Senator Prud'homme, or any other senator who has not been chosen by the selection committee and approved by the Senate to be a member of the committee, may attend, only those who are members can move a motion and vote?

Senator Stollery: Honourable senators, that is absolutely correct. However, I would like to add to Senator Kinsella's important observation that, like most foreign affairs committees in the world, we do not study a great deal of legislation because the nature of foreign affairs does not lend itself to that. Therefore, the number of actual votes that take place are relatively limited because we try, as much as possible, to have a general consensus when dealing with the various issues. Though what the honourable senator has said is true, it must be added that the situation does not arise all that often.

Senator Kinsella: Is it not true that the Foreign Affairs Committee did study the legislation dealing with NAFTA? Given that the Chrétien-Martin government said that they would get rid of NAFTA, is the honourable senator expecting legislation at any time soon before his committee to repeal that legislation?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, this question is totally beyond the scope of what a committee chair can answer. It deals with something that is a matter of public policy and, therefore, cannot be answered by a committee chair.

[*English*]

NATIONAL SECURITY AND DEFENCE

NEW BRUNSWICK—ALLEGATIONS OF CAMPBELLTON AS ENTRY POINT BY ILLEGAL ALIENS

Hon. John G. Bryden: Honourable senators, this is now an opportunity to ask questions of chairs of committees, and I have been attempting for some time to get an opportunity to ask questions of the chairs of some committees. They are seldom here during Question Period.

Senator Stollery: I am here.

Senator Bryden: I mean none of the interesting ones — no, I do not mean that. Even yesterday, I knew that the chair of the Defence Committee would not be here.

Hon. Gerald J. Comeau: I rise on a point of order.

Hon. B. Alasdair Graham: No point of order during Question Period.

Senator Comeau: The absence of senators from the chamber is not supposed to be mentioned.

Senator Bryden: I am not referring to the absence of senators from the chamber; I am talking about chairs. I am talking about people holding office. I am not talking about who is who. I was standing yesterday because I thought I saw the deputy chair of the Defence Committee. He was here, but unfortunately time ran out before I got to raise my question. He was here today. The reason my question is important is that if either the chair or the deputy chair were here, I would have asked what evidence there is to support the claim made by the National Security and Defence Committee that illegal aliens are coming into North America via the Port of Campbellton, New Brunswick. This item was reported in all of the Atlantic Canadian papers.

• (1410)

The people of Campbellton are up in arms and have no idea on what basis this allegation was made. I would like to know the evidence on which these allegations were made. It is not unusual for this committee to go around making histrionic allegations, but these allegations should have some basis in evidence. That is the question I would have asked if the chair or the deputy chair were here.

[*Translation*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MEETING WITH REPRESENTATIVES OF CANADIAN PUBLIC AFFAIRS CHANNEL

Hon. Jean-Robert Gauthier: Honourable senators, I have a question for the chair of the Committee on Internal Economy, Budgets and Administration, who incidentally is doing a fine job.

Some Hon. Senators: Hear, Hear!

Senator Gauthier: Today, the committee was to meet with representatives of CPAC concerning the broadcasting of our committee proceedings, among other things. This meeting was cancelled. Could the chair tell us when the next meeting with CPAC representatives is scheduled for?

Hon. Lise Bacon: Honourable senators, the meeting was postponed, not cancelled. We will meet as soon as we can find a date that is acceptable for both parties: committee members and CPAC representatives.

[*English*]

THE SENATE

QUESTIONS TO COMMITTEE CHAIRS DURING QUESTION PERIOD

Hon. Peter A. Stollery: Honourable senators, I have a question for the acting government leader in the Senate. When did Question Period become a period where committee chairmen were asked questions? This is new procedure for me and I would like to know more about it.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the rules provide that senators may ask questions of committee chairs, provided these questions concern the committee's work.

[*English*]

ORDERS OF THE DAY

SPECIFIC CLAIMS RESOLUTION BILL

THIRD READING—MOTION IN AMENDMENT—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Joyal, P.C., for the third reading of Bill C-6, 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, as amended,
>
> And on the motion in amendment of the Honourable Senator Gill, seconded by the Honourable Senator Watt, that Bill C-6 be not now read the third time, but that it be read a third time this day six months hence.

Hon. Nick G. Sibbeston: Honourable senators, I wish to say a few words on Bill C-6. Some senators have expressed concerns about the passage of Bill C-6 as though it will be a detrimental bill to the Aboriginal people of our country, something that will make their lives worse instead of better. Remarks have been couched in terms that suggest the bill is the worst thing that could possibly happen to Aboriginal people and that it is a real set back for them. I wish to correct that view. Bill C-6 will improve Aboriginal people's lives in the country. I wish to explain why I feel this way.

I have not come to this decision lightly. I am sensitive to the actions of the other Aboriginal senators who are trying to delay this proposed legislation and who are probably hoping that the matter will be delayed to a time when there will be a new leader and a new government in place that might be able to improve it. However, I am of the view that the bill should proceed. The provisions in the bill that will establish a commission and a tribunal are positive steps and should be pursued.

If honourable senators were to review the proceedings of our committee and read through the presentations made, they would see that my interventions and questions were quite pronounced. I probed government officials and the Minister of Indian Affairs and his staff. I asked very pointed questions and raised many issues of concern about the bill.

I am also sensitive to the stance of the AFN, their representatives and the Aboriginal peoples who came before our committee to make their views known on Bill C-6. I am sensitive to their aspirations. As a result of the work done in committee, we were able to improve the bill in certain measures.

We have heard much of the history of the development of this bill and I do not intend to repeat it. However, we should recall that this matter all started with a joint task force. When the task force concluded its work after two years, there was an expectation that the government would simply adopt the task force recommendations; however, it did not. Even the government admits that it differs significantly in at least two areas: the appointment process and the financial cap of the tribunal process. The AFN identified other areas.

Some committee members, including myself, questioned why the bill differed from the joint task force report. We asked why the bill did not reflect exactly what the task force recommended given all the work that had been done. The minister and his staff responded.

Four issues stood out as most significant when we were dealing with the bill: first, the independence of the commission and tribunal; second, the appointment process and consultation generally; third, the delay in the decision-making process because there was real concern that there be a means whereby decisions could ultimately be made and that the minister not delay decision making; and, fourth, the financial cap of the tribunal.

The committee made amendments to the bill in three of these areas and made observations in two of the others. I wish to address two of these issues.

I turn first to the subject of the appointments and the financial cap. The joint task force recommended that the minister and the AFN make appointments and re-appointments to the commission and the tribunal jointly. Bill C-6 proposed an Order in Council appointment on the minister's recommendation alone. Joint appointments to these types of positions are almost unprecedented. That has to do with the democratic system of government in Canada and that the government has responsibility. Cabinets are formed and they make the decisions for the government. That is the reason the bill appeared in the form it did, where the minister and cabinet have the ultimate authority and decision-making power in terms of who is appointed to tribunals and commissions.

• (1420)

There are a few examples, but almost always of the sort where a board and a minister jointly recommend who the board's chair will be. It has been done, but not generally for these types of bodies and, certainly, not for tribunals. Moreover, if the government and the AFN could not agree on appointments, there was no mechanism to break the deadlock.

However, the committee did see that completely shutting out First Nations in this process would not be fair. Therefore, several amendments were made. The minister is now required to seek nominations from claimants on appointments and must seek representation from all the First Nations in our country on the review of the centre that will occur three to five years hence.

The minister is committed to making this whole process of dealing with specific claims work. I am aware that he is personally committed to see the commission and tribunal established and for them to be as effective as possible.

The issue of the financial cap has generated much debate. It has been implied that any large claim will now be excluded from settlement. I want to say this as clearly as possible: There is no cap or limitation on the size of a claim that can be brought to the commission. There is no cap or limit on the size of a settlement that can be negotiated. In the past few years, settlements have been reached for claims of $1 million, $5 million, $20 million and even $100 million. When the budget of the department has been exceeded, the minister has sought and has obtained supplementary funding to cover these settlements. To date, the government in its dealings with specific claims of unfulfilled treaties and such has spent in the area of $1.4 billion and has dealt with 225 claims; hence, I have no doubt that the process will be improved, will be faster and will be more effective.

We have attempted to ascertain how many claims there are in the country. Estimates are that Canada will eventually have to deal with Aboriginal claims worth $4 billion to $5 billion. Approximately 600 claims must go forward through this process or, if not through this process, through the court process.

The government is faced with the responsibility of dealing with this issue. A formula in the bill outlines, in a general sense, the amount of money that will be made available on behalf of the government to settle these claims. All governments have a responsibility in terms of the amount of money that they spend. I have been the head of a government, and I am aware of the responsibilities of governments and cabinets. They simply cannot have a situation where they could be faced with claims that amount to billions of dollars and perhaps not have the money to deal with them. Therefore, the provisions in the bill, as far as I can see, are drafted so that the federal government can have a measure of control over the money that will be made available for claims. The notion that there is a limitless amount of money that the government can put forward for claims is not realistic. The provisions in the bill are the government's attempt to have some control over the money that cabinet will have available for settling these claims.

Committee members were concerned about the $7 million cap, and it was raised to $10 million. I have no doubt that in future years, when this bill is reviewed, there will be a further increase in the cap.

The tribunal is meant to be the process of last resort. It is used under two circumstances. If the minister rejects the claim as invalid, a claimant can seek a ruling on the validity. If the tribunal agreed it is valid, the claim would be negotiated.

The tribunal can also be used if negotiations fail and no agreement on compensation can be reached. Therefore, the tribunal is there as a last resort. Aboriginal people can go to it. Unfortunately, if they go to it, they must waive their rights to amounts over $10 million, but that is a start, and I have no doubt that through the years this cap will be raised to higher amounts.

The government argued that it had to be cautious and had to carry out its duty to be fiscally responsible. Therefore, it wanted a limit on how big a settlement could be imposed by the tribunal and how many settlements the tribunal could impose each year. This is not unreasonable, as I said. I think government has to have some fiscal control over this area.

The committee was concerned about the requirement to waive claims above the cap to obtain a ruling on validity, which is an issue we raised with the government. With respect to the tribunal not being able to make decisions on merit as well as claims, the government sees the situation as putting a system in place. No one is perfectly sure how it all will work, and it wants to see how the system works before it makes more improvements. I have no doubt that, in time, more improvements and amendments will be made.

Honourable senators, this bill is not perfect. It certainly does not give Aboriginal people everything they want, but in my view, it is a step forward. Through my many years in government, I have pushed for changes in government, and it always seems we never get wholesale changes. Change comes incrementally, step-by-step, through hard work and persistence. That is the way government works, and I hope that the specific claims centre can be one of those.

I am hoping honourable senators will see Bill C-6 as an important step in dealing with unresolved claims in our country, and that it can be seen as a first step. I will be here five, 10 and 15 years from now and I will have a chance to review this matter. It is not a matter that will simply become law and be forgotten. There is a provision in the bill for the minister to consult with First Nations in three to five years, so I look forward to the minister reporting to us in a number of years, at which time I will question him about what improvements and progress have been made. We all can take the responsibility of ensuring that this bill and the system that it will put in place will have a good start and, eventually, a good life and that it will deal with the aspirations and claims of Aboriginal peoples.

Honourable senators, I stand here today encouraging you to pass this bill. It is not perfect, but I encourage you to see it as a first positive step in the struggle of Aboriginal people in our country to have justice.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, would the honourable senator answer a question of clarification?

Senator Sibbeston: Yes.

• (1430)

Senator Kinsella: Honourable senators, we just heard from Senator Sibbeston and he speaks of this bill as not a perfect bill. Would he share with us in what ways, in his view, this bill is not a perfect bill?

Senator Sibbeston: Honourable senators, it is not a perfect bill in the sense that the Aboriginal people of our country do not have the same role and the same influence in terms of appointing members to the commission and the tribunal. Of course, in a perfect world, both the federal government and the Aboriginal people would have equal say. Does our government, our democratic system and our system of cabinet government, where cabinets are ultimately responsible for the government, permit that?

In terms of a tribunal —

Some Hon. Senators: Order!

The Hon. the Speaker *pro tempore*: I am sorry to interrupt the Honourable Senator Sibbeston, but his time has expired. Are you asking for leave to continue?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like leave to be granted to Senator Sibbeston to complete his answer to a question by Senator Kinsella.

[*English*]

Senator Sibbeston: Another point I wish to draw to your attention is with respect to the tribunal itself. The tribunal is in place as a last resort; that is, when negotiations break down, Aboriginal people can go to the tribunal for a decision on the merits of a case. Presently, if Aboriginal groups go to the tribunal, they must waive their rights to anything above $10 million. It would be nice if they did not have that restriction. I get the impression that, in time, this will happen; that in time, that cap will be raised, and perhaps some day the tribunal will not have a cap and can make a decision completely on the merits of a case. That is another area.

A further area of concern is the financial limits. At the moment, the federal government has put in place, or is in the process of placing, about $250 million a year toward settling specific claims. Would it not be nice if it were $1 billion or $2 billion to resolve all the claims quickly? However, it does not work that way in the sense that there are limits. It takes time to consider all the claims. There are only so many claims with which the government can deal in a year because of the time it takes to review and to research claims. Yes, it would be nice if there were a limitless amount of money available, but such is not the case.

Hon. Marcel Prud'homme: Honourable senators, I wish to ask the Deputy Leader of the Government what criteria he is using on which to base his decisions regarding those who are allowed to continue speaking? Sometimes it is only when someone is finished questioning; at other times, permission is given to extend the time, and there are then two more questions, or one question and a half. The deputy leader just gave permission for the honourable senator to finish this answer and that was it.

What are the criteria? If we give permission to extend the time for questions, it is because there is a lot of interest. Strangely enough, my question is the same question as Senator Kinsella's. I do not know what is happening; I was about to ask the same question. We are here to make every bill as perfect as possible.

First, I do not know the criteria. I would like to know that for the future, before I give permission for people to extend their time. If it is to be only a question or a question and a half, I wish to know so that I am aware of the rules.

Senator Kinsella: It is a point of order. You decide.

Senator Prud'homme: It was only a point of order.

Hon. Charlie Watt: Honourable senators, there is definitely an interest here. Many of us would like to ask questions concerning the point raised by the Honourable Senator Sibbeston. Therefore, I would like to have this debate continue a bit longer so as to understand what exactly we are talking about here.

Senator Kinsella: What is the ruling on the point of order?

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

Hon. Senators: Agreed.

Senator Watt: Honourable senators, I do not agree with the outline given by Senator Sibbeston. If I recall, when this bill was still in committee and it came time to vote to bring this matter to the Senate, the honourable senator abstained. I want him to make it absolutely clear where he stands on this matter. In a sense, we are dealing with matters that will have an effect and a tremendous impact on our people.

Since the honourable senator considered this bill — and he seems to be moving in the right direction — it will have some positive elements, if not today then maybe tomorrow. However, tomorrow will come. The people who are dealing with this bill at the political level, especially those who are elected, are here today but they will not be here tomorrow. Senator Sibbeston highlighted the fact that he will be here for the next 15 years. I think I have the same term left.

Senator Prud'homme: You have 16 years!

Senator Watt: It might be longer than yours.

It is important to ensure that the instruments that we provide to the general public of Canada, the Aboriginal people, have a meaning in the sense that they can be used for good purposes.

The honourable senator says that the tribunal is the last resort. What happens if the minister decides not to answer the request and the tribunal is eternally handicapped? Let us say that during their deliberations they find out that their claim is worth a lot more than $10 million — for example, in the neighbourhood of $53 million or $100 million or $200 million? That is a very real possibility, because they must go through a number of years of research and things of that nature, depending upon their research

capabilities. They then bring the information to the commission, whereupon they find out that their claim is actually worth not $10 million but over $100 million. The minister says absolutely nothing; that is his privilege. However, all of those years will have been spent on this process and, at the end of the day, the applicants find out that they have no choice but to go to court. That is what will happen, unless there is a serious amendment to that particular area of the legislation.

How does the honourable senator feel about that? It is almost, in a sense, make-believe. People can go through that process but, at the end of the day, they can find out that there is nothing. That is what is wrong with this instrument here; it is incomplete. Too much power is being held by one person.

Senator Gill pointed out clearly yesterday that this matter must be rectified, clarified and dealt with once and for all. That is where the conflict of interest arises. Does one man, a minister who is politically elected — and who became a minister when he was appointed by the Prime Minister — a one-man show, have the right to run the life of the people? No. This is not right. This is 2003. I can understand that, perhaps, in the beginning, when there was a movement in the country and they had no choice.

Senator Chalifoux: What is the question?

Senator Watt: I already put the question on the floor, Senator Chalifoux: How does the honourable senator feel about so much uncertainty that lies at the feet of the Aboriginal people? I do not think we should accept that.

Senator Sibbeston: Honourable senators, we must look at our system of government that is in place, our democratic system and the executive system of government that we have in our country, where the Prime Minister with his ministers and his cabinet make decisions on behalf of government. That is our system of government that is in place. Governments are generally jealous of their ability to make appointments. The system is necessary so that decisions rest ultimately with a government. If we have a situation where other groups, other people, can also have a hand in making appointments, then the system will not work. It will break down. What if there is no decision with respect to appointments? Does the matter just end up in the air, undecided? Someone ultimately has to make the decision. That is the system of government we have in place.

• (1440)

Senator Watt raised the issue of conflict of interest, which was referred to yesterday by the Honourable Senator Gill. In our system of government, appointments are made to the judiciary and to the tribunals. In my brief experience, I sat on a human rights tribunal, a semi-judicial board that dealt with human rights issues. I was appointed. The moment you have a matter before you, you focus on it and try to make a fair decision to the best of your ability. It is my understanding that Senator Gill sat on a body similar to what we have here, one dealing with specific claims. I would ask him whether, when he was appointed, he felt that he was bound to toe the federal government line. I do not think that is the case. You basically make a decision on the issues at hand. You are not very conscious of what the government thinks. You try to make a fair decision as best you can.

There is no other system. No other approach is possible in our system of governance, where the government appoints people to tribunals and boards. We have to live with that system and trust that the appointees are not in a conflict-of-interest situation. We must trust that they can make judgments based on their very best ability without regard for who appointed them.

Honourable senators, I have some faith in the system. Perhaps I am naive. Perhaps it is because I am from the North, where we have had a good experience with government and where Aboriginal people have become very involved in government, from a time when everything was controlled by Ottawa through the commissioners. Eventually, through political struggle, we took over. I have experience in government and have some faith in our democratic system and in the system of appointments because it is the only system we have.

I have no fear and no doubt that the minister exhibits goodwill and means well. I trust that his appointments to the commission and tribunal will be fair. Obviously, he will appoint the best people in our country. These appointees will make the best decisions they can based on the facts before them.

Senator Watt alluded to my abstention in committee. Politics is the art of the possible in the sense that you achieve what you can. When I abstained the other day with regard to the vote on whether Bill C-6 should go back to committee as is, it crossed my mind whether it would make any difference if we delayed this bill for six months until there was a new government and a new leader in place. I did consider it. For a moment, the thought went through my mind that perhaps there will be changes; perhaps with a new government there can be a better bill, an improved bill. However, after considering everything, I came to the decision that it is best for this bill to go forward as it is.

Let the system carry through. Let the government have a chance to set up a commission and a tribunal. We will have a chance in three to five years to conduct a review and report on how things are proceeding. That will be, in my view, the critical time to judge whether Bill C-6 has really come to life, as we all hope that it will.

I decided, therefore, that I would support the bill and give the government a chance, rather than delay the bill. If we delay the bill, who knows whether it will ever again see the light of day.

Hon. Pierre Claude Nolin: Honourable senators, even though Senator Sibbeston has not mentioned it, do I understand correctly that he does not support the motion in amendment by Senator Gill?

Senator Sibbeston: No, I do not.

Senator Nolin: One of the reasons Senator Gill is proposing such an amendment is the famous letter of Grand Chief Fontaine. Was Senator Sibbeston aware of that letter being sent to the chairperson of the committee?

Senator Sibbeston: Honourable senators, I became aware of the letter yesterday, just as others did. However, I am still persuaded. Organizations take positions. We are in the political business, where we hear the views of different people and different organizations trying to influence our decisions. I certainly considered the letter, and I considered that despite the position of the AFN, it is ultimately in the best interests of Aboriginal people to pass the bill at this stage.

Senator Nolin: Honourable senators, in making such a statement, has Senator Sibbeston taken the time to at least read the letter? Has the honourable senator read the entire letter, or has he just assumed the intention of those who wrote that letter?

[*Translation*]

Senator Robichaud: We cannot assign motives to an honourable senator, yet that is exactly what Senator Nolin is trying to do.

[*English*]

Senator Nolin: I will repeat my question, just to make it clear.

Hon. John Lynch-Staunton (Leader of the Opposition): All he wants to know is, did you read the letter?

Senator Nolin: Did the honourable senator read the letter before he made the statement in his previous answer? Has Senator Sibbeston read that letter?

Senator Lynch-Staunton: He only heard about it yesterday. Do not confuse him with the facts.

Senator Sibbeston: Honourable senators, I have not read the letter. However, I have listened to days and weeks of testimony by AFN representatives. I have not read the letter that was tabled yesterday in the house. I see it as a statement of general position by the new Grand Chief of the AFN.

Senator Lynch-Staunton: How do you know if you have not read it?

Senator Sibbeston: That is what I take it as. It is the general stance of the head of the AFN. I do not think that position differs much from the days and weeks of testimony that we have heard. I am more influenced by hearing people than by a letter.

Senator Nolin: Honourable senators, does Senator Sibbeston not think it would be respectful to the leader or the representative of an important organization, who took the time to write to the chairperson of the committee, to at least read the letter before making comments on the intent of it, and to wait until the next sitting of the Senate to make a comment or even to repeat the comment that he just made? That would at least show respect for a group of respected Canadians and what they represent, and to a man elected by them.

Hon. Jack Austin: I wonder if Senator Sibbeston would let me ask him a question before he answers that question.

• (1450)

Senator Kinsella: Paul Martin is not Prime Minister yet.

Senator Sibbeston: It is nice to be getting so much attention.

Senator Nolin: You are making comments on something you have not read.

Senator Sibbeston: I very much respect Phil Fontaine, the Grand Chief of the AFN. Generally speaking, I respect the organization that represents the First Nations of our country.

Senator Kinsella: Generally, when it is convenient.

Senator Sibbeston: All I am saying is, please do not make a big thing of this. I am aware that the letter was tabled yesterday, and I am aware that there is a letter that contains the views or position of Mr. Fontaine. However, that is not all there is. We have heard days and weeks of testimony, and that influenced my decision more than one simple letter. As soon as I am finished here, I will read it.

Senator Kinsella: After he votes!

Senator Nolin: I have a final question for the honourable senator: Sir, before you read the letter, out of respect for our colleague who decided to introduce an amendment to the motion because of that letter, at least read the letter and wait until tomorrow or the next sitting day to speak.

Senator Sibbeston: Honourable senators, this is very much like the motion that was made to ultimately have the bill sent back to the committee.

Senator Kinsella: It is a totally different issue.

Senator Nolin: Read the letter.

Senator Sibbeston: I found that motion disrespectful of the chairperson and the committee members who worked for weeks and weeks on Bill C-6. Do you know what? The *Powley* case had no effect on that bill.

Senator Nolin: Read the letter.

Senator Sibbeston: I do not have too much regard for amendments made by people such as those on the opposition benches.

Senator Austin: Honourable senators, I would like to ask Senator Sibbeston a question. I spoke yesterday in the Senate. I made clear in my speech the testimony given to our committee by Mr. Schwartz, senior counsel for the Assembly of First Nations. He read the Fontaine letter into the record, and he was examined on the record. Members of the committee who are in the Senate today, I am sure, will remember that event.

The questions of Senator Nolin, I believe, are based on a false premise. The committee fully considered Phil Fontaine's letter, and it was fully presented by very able counsel, Mr. Schwartz, whom I quoted extensively yesterday.

I believe that Senator Sibbeston was not present for that part of the committee's hearings; is that correct?

[*Translation*]

Senator Nolin: My question followed Senator Sibbeston's answer.

[*English*]

Senator Sibbeston: Honourable senators, it is true that I was absent last week when the committee held meetings at which a representative of the AFN was present, and at which time it seems that they filed a copy of Mr. Fontaine's letter. I must admit that I was not present at that time, and so I was not cognizant of that letter until yesterday.

Senator Corbin: On a point of order, Senator Sibbeston said that it was disrespectful to the chair of the committee to send the bill back to the committee. That was a decision not of an individual but of the Senate. Is the honourable senator imputing disrespect to the Senate?

Senator Sibbeston: Honourable senators, I am saying that I do not believe it happens very often that, after a committee works for weeks and months and files a report, the Senate adopts a motion to have the bill involved sent back to the committee. I think that is most unusual.

Senator Kinsella: On the contrary!

Senator Sibbeston: In the brief time that I have been here, I have not seen it happen. I know that for the time that this bill was being considered, I thought, "Wow, we worked so hard on this committee. We sat so long and worked so hard. Why is it that the matter is being sent back to the committee?" I believe that the only new element was the Supreme Court decision, and so that was the basis for having the committee deal again with Bill C-6. I know my initial reaction was, yes, one of discouragement. "Does the Senate feel we did not do our work thoroughly? What is the reason for sending back to a committee work that they had done already?"

Senator Lynch-Staunton: Because the bill is not perfect.

Senator Nolin: It needs more study.

Senator Lynch-Staunton: You yourself said that the bill is not perfect. Let us improve it.

Senator Kinsella: Have you read the bill?

[*Translation*]

Hon. Aurélien Gill: Honourable senators, in my past life I have already heard it said that it is very difficulty for minorities to make themselves heard. It is usually said that the whispers of the minority are drowned out by the shouts of the majority. I think that is what is going on here in the upper chamber.

I see the paternalism of the past being repeated here. When Senator Austin comes to the defence of Senator Sibbeston, that is paternalism. I have a question, and I hope it will be answered by Senator Sibbeston. The honourable senator is right when he says that we have spent a lot of time on Bill C-6. Can you tell me the difference between the regulations of the old Indian Claims Commission and what is in the bill the government is trying to have passed? I want to know whether your group has had experiences under the old Indian Claims Commission. Have you experienced the effects of claims?

[*English*]

Senator Sibbeston: The honourable senator asks about the difference. My understanding is that, up until now, the whole matter of specific claims had been dealt with under the provisions of the federal Inquiries Act. The federal government at one point decided to set up an inquiry to deal with specific claims. That, in my view, is minor. Any time a government does such things as setting up inquiries, they can likewise take them away.

My view of our country, Canada, having to deal with specific claims of Aboriginal people is that it is more profound, more meaningful and more definite, bigger, if you will, to deal with a matter such as this through legislation, as we see here. Rather than the government holding a little inquiry, which can be taken away at any time at the whim of the government, it now has come forward with a bill. That bill has passed through the House of Commons and is now before us in the Senate. Parliament is now dealing with a body that will be set up to deal with specific claims. To me, that is much more profound and meaningful. It is a much bigger step, if you like, than the inquiries we have had up till now. To me, it is a very big, positive step forward.

Also, there are provisions for independence. Under the Inquiries Act there is sole dependence on the minister and the goodwill of the government for appointments to an inquiry. Under this provision, at least the process is legislated in terms of the membership of the commission and the tribunal. The process is much more open.

• (1500)

What we have before us today, in my view, is a step forward in dealing with all the unresolved claims of the Aboriginal people in our country. It is a step forward. Let us move forward with it.

[*Translation*]

Senator Gill: The honourable senators are speaking of an appointment process, but will that process be independent, the Minister of Indian Affairs not being involved?

[*English*]

Senator Sibbeston: I believe it will not be any less independent than the Supreme Court of Canada. The government makes appointments to the Supreme Court of Canada. Do we ever question the Supreme Court of Canada's independence? It is the same thing. When a minister makes appointments, we must place some faith in the minister picking and choosing the best people for the roles that they will play on these commissions and tribunals. There must be some trust in the system that is in place. If there is not, then the whole system in our country is a failure and should be questioned.

The provisions in this bill are no different. Someone in the government has to make the decision. We amended Bill C-6 so that the minister now must consult with the claimants and in three to five years must consult with all the First Nations in the country. We did not have that provision before we began the amendment process. That took a lot of work to get done. It was not like we just rubberstamped a bill that came from the other place. We worked hard and we did respond to the First Nations that came before us. We did the best we could with the powers that we were given.

I am a bit saddened by the fact that First Nations, Aboriginal people, must look to the Senate as a place where they can get justice. They should be getting it in the normal course of their dealings with the federal government. Why is it that First Nations and Aboriginal people look to the Senate only? Justice should be done in the course of day-to-day government dealings with Aboriginal peoples. That point needs to be recognized. While we in the Senate do the best we can, we have limits, and everywhere possible we will just do the best we can in the circumstances.

[*Translation*]

Senator Gill: Honourable senators, I have confidence in the government. The people elect the members of Parliament in whom they have confidence. The people have confidence in the ministers appointed by the Prime Minister. According to a poll of First Nations people, their leaders have also been democratically elected. So, how does democracy function? Does it function only on behalf of one part of Canadian society and ignore the rest? Why does the honourable senator willingly put so much confidence in the Minister of Indian Affairs, who has absolutely no mandate from the Aboriginal population? How can you have confidence in the Minister of Indian Affairs and not have confidence in our national chief, who was elected by the chiefs, who in turn were elected by the local people?

[*English*]

Senator Sibbeston: I certainly have respect for the leaders of our Aboriginal people. In the Senate, we are in the realm of the federal government, in the realm of Parliament. In our system of government, ministers have responsibility for different matters. In the case of Aboriginal people, the Minister of Indian Affairs and Northern Development is responsible, so that is our system of government.

The Northwest Territories, the area that I come from, has a long history of struggling for responsible government. Aboriginal people have struggled, but we have done reasonably well. Nunavut was created in 1999 and the aspirations of the Inuit were accomplished. I was involved in that ultimately happening.

Our experience in the Northwest Territories with the federal government was such that we hated the federal government, just like other people do, but we worked incrementally, to the point where eventually we ousted the federally appointed commissioner. We ousted the federal government, but through hard work and persistence.

There are land claims in the Northwest Territories. I am fortunate and I do recognize that Aboriginal people in other parts of the country have a tougher life because there are many non-native people with a longer history. In the North, the federal government has done better and has settled land claims with most of the Aboriginal people. The Aboriginal people in the North are flourishing. They are involved in government and in all aspects of society. Aboriginal people are involved as partners in the diamond mines in the North. Aboriginal people will own one third of the Mackenzie Valley pipeline that will go through our region some day.

While I have a certain amount of distrust of governments, my experience has been that through cooperation, through hard work and making incremental progress, positive things can ultimately be achieved. I do not have this great distrust and dislike for the federal government that some do. The minister, Mr. Nault, in this case, has good relations with the North. During the first year I was a senator, the Minister of Indian Affairs and Northern Development came to the North four times, which was never done before. I have seen the minister doing his work in the North, in his dealings with Aboriginal people, and he is very positive. He has made many concessions and has done very well in his dealings with and his treatment of Aboriginal people in the North.

Can I assume that the minister's attitude and his nature is the same toward Aboriginal people in the rest of the country? My only hope is that it is. I trust that once we pass this bill he will work fervently to set up the commission and the tribunal. I also trust that these bodies will do their work and produce results. I have that faith.

Senator Lynch-Staunton: Senator Sibbeston did not answer the fundamental question of Senator Gill. I will ask the question in a different way by quoting from the letter Senator Sibbeston has not read, which is the letter Grand Chief Fontaine sent to the chair and members of the Aboriginal Peoples Committee dated October 2. My rewording of the question is by quoting from the letter, which states.

> Few organizations operate as democratically as the AFN. A National Chief needs a mandate from a full 60 per cent of Chiefs who represent the overwhelming majority of First Nations. No organization is better suited to consult with and speak for claimants and potential claimants. Its position on Bill C-6 is supported by regional and individual First Nations across Canada. There is no split between the "grass roots" and the leadership.

All I want to know from Senator Sibbeston is does he agree with these statements?

Senator Sibbeston: Honourable senators, just like anything, it is not a letter from God; it is not the Bible. I believe certain things in it, but I recognize that just like in politics, people in different areas of the country have different views; so, when someone makes a statement, it does not necessarily apply throughout the whole country.

It was not God who wrote that letter. While I believe generally the statements that are made, I recognize that Aboriginal people are spread throughout the country from coast to coast to coast, so you are never able to get one unanimous, united view on certain things. While I respect the view of Mr. Fontaine, I know there are pockets of support in the country for Bill C-6.

• (1510)

Senator Lynch-Staunton: Mr. Fontaine signed "Phil Fontaine, National Chief," not "God," just to make that clear.

My question is: What role does the honourable senator see the Assembly of First Nations playing as representative of Aboriginals? To me, the honourable senator is dismissing the Assembly of First Nations, and I find that very difficult to accept.

Senator Sibbeston: Honourable senators, I believe we could be in a new era where the Chief of the Assembly of First Nations will have good cooperative relations with the federal government so that we do not find ourselves again in the situation where the Senate is looked to, to make changes. It is to be hoped that, in their day-to-day work, they can wheel and deal and meet with the federal government and cabinet ministers, and good decisions will be made so that these matters do not end up on our plate.

I am optimistic that we are into a new era where the Assembly of First Nations will have good relations with the federal government and that a great deal will be accomplished.

Hon. Consiglio Di Nino: Honourable senators, in the spirit of clarifying the question raised by Senator Sibbeston, I will ask him a question that is intended to put on the record the response that his question raised.

Is the honourable senator aware that, in their wisdom, the Fathers of Confederation created the Senate with some specific mandates, one of which was to promote and protect the interests of regional and minority interests? If he is so aware, why is he asking what the Senate's role is in this issue?

Senator Sibbeston: Honourable senators, I totally believe in the mandate of the Senate, as the honourable senator indicated. I recognize our role as representing the regions, minorities and so forth. All I was saying is that it would make our task easier if major issues between the Aboriginal peoples and the federal government were dealt with in the normal course of their dealings. I get the sense that here in the south, relations between the federal government and the Aboriginal people are not very good. I sense that; that is all I am saying.

My hope is that, in the next few years, relations will improve and decisions will be made. I saw a bill go through last winter dealing with the Yukon where the First Nations were involved in drafting the bill. The bill came before the house and to our committee. The Aboriginal people from the Yukon were at the table, saying that they were involved in the legislation and heartily endorsed its provisions. We were so happy that we were able to confirm and approve the provisions of that bill.

Bill C-6 is so unlike some of the other bills we have seen. Honourable senators will recall Bill C-7, and there are other bills that are coming forward where there seems to be such a diametrically opposed position between the AFN, First Nations and the federal government.

I am only saying that it is to be hoped that we are in a new era where the AFN and Aboriginal groups can have good relations with the government, and that they can work cooperatively together on legislation so that when bills come before us there will be hardly a thing to change, hardly a thing to do and we can heartily support such bills. That is all I am saying.

Senator Di Nino: Honourable senators, that is not a good enough answer. It did not answer the question. If we have nothing to do, if we have hardly anything to do, then the taxpayers of this country should shut us down and send us home.

At the end of the day, does the honourable senator not agree that, in a perfect world, all of those wonderful things might happen, but when they do not, there must be a place where people and communities can go to get a fair shake in life? That is what this body is all about. This is why they are here. This is why they should be encouraged to be here, and not questioned as to why they should come to this place.

Senator Sibbeston: Honourable senators, I heartily agree with the stance of the honourable senator and what he has stated. I agree that this is a place where minorities, Aboriginal peoples and other regions can have their views represented.

On any matter such as this, some people will support the bill and others will oppose. In this case, certainly for the region that I represent, the Northwest Territories, my region would support this bill. To a certain extent, this bill is not even applicable because we are into a modern era of treaties and land claims. All of the historical grievances and so forth have been set aside with these new land claims agreements.

In some respects, for my region of the country, the Northwest Territories, Bill C-6 is not tremendously applicable. We only have one reserve. I am aware of one or two little claims that perhaps do not even amount to $1 million. However, I am conscious of the situation throughout the rest of the country where there are billions of dollars in outstanding claims that need to be resolved within the next few years.

I see Bill C-6 as a mechanism whereby we can make a serious start in dealing with some of these long-outstanding claims. I agree that the Senate of Canada is the place to deal with these matters.

Who is to say that the honourable senator is more right than I in terms of representing regions or people? I have stated my position. Senator Chalifoux and I have stated our positions. We support the bill. The fact that others do not exactly agree does not mean that they are more right than we are. On balance, honourable senators will have to make their own decision as to what is right and fair.

Senator Kinsella: Honourable senators, the specific motion to which Senator Sibbeston has spoken is the motion in amendment of Senator Gill. That motion is that the bill be not now read the third time, but that it be read the third time six months hence.

Hon. Laurier L. LaPierre: Honourable senators, on a point of order, that is not exactly what the amendment says. The motion in amendment of the Honourable Senator Gill, seconded by the Honourable Senator Watt, says:

> ... that Bill C-6 be not now read the third time, but that it be read the third time this day six months hence.

This day is Thursday, October 9, 2003. That third reading will not occur six months hence. Is my understanding correct?

Some Hon. Senators: No, no.

Senator LaPierre: Is it not a fact that that is what the Order Paper says? It does not say, "this day six months from now."

Hon. Anne C. Cools: Honourable senators, I would like to thank Senator Sibbeston.

Hon. Gerald J. Comeau: Honourable senators, someone had the floor when the point of order was raised.

Senator Cools: Are we on a point of order? What are we on? What is the question before us?

Senator Prud'homme: Honourable senators, Senator LaPierre raised a point of order on the basis of the English text. However, I would ask honourable senators to read the French text that is absolutely exact.

[*Translation*]

> Que le projet de loi soit lu une troisième fois dans six mois de ce jour.

You are right and you are wrong. You are right because the bill would be read in six months, counting from yesterday, but it is not something that had to be done yesterday. It is postponed for six months from this day. That is the usual expression when we are postponing a bill.

• (1520)

Senator LaPierre: Do we take the French version or the English version? Could the honourable senator be quiet? The English version is one thing; the French version is another. Which one should we take?

[*English*]

Senator Cools: I would like to say that there is no point of order. I think it is not a valid point of order. It may have provided a moment of levity and a bit of humour, which is always useful.

Senator LaPierre: She has no right to insult me.

An Hon. Senator: You are not being insulted.

Senator Cools: Should I start again? I was saying that there is no point of order and there certainly is no valid point of order because the motion that is before us, to which Senator Sibbeston was speaking, is crystal clear. In point of fact, the intervention and opportunity has provided a relief for senators because I think humour in debate is always useful and levity is always welcome.

What was passing before us, I thought, was an extremely serious exchange. I do not know about some honourable senators, but I have been deeply touched by what Senator Sibbeston said. I am not sure I agree with it, but I was touched by it. Senator Sibbeston, I would dare add, is a man who holds much respect here and in his own part of the world. I say that with all seriousness.

I would hasten to add that Grand Chief Phil Fontaine equally commands a high degree of respect, and, to my mind, his words should be heard, considered and heeded by this chamber.

In actual fact, honourable senators, there is no confusion whatsoever in the intent or the meaning of the motion because motions, after all, are moved on a particular day, but they can only take effect on the day that they are actually adopted and passed. Therefore, the term "this day" will be referring to the day that the motion is actually adopted. Therefore, for example, if the motion were adopted today, this day six months would begin counting today. In other words, if the motion were not adopted for another five months, then the six months would move along, and the counting of the six months would begin from that day because "this day" usually refers to the day that the order takes effect. I would have thought that was pretty clear. I thought that we were taking the intervention as a way of refreshing ourselves mentally.

I want to ask honourable senators — and I do not know if I can now — about the letter to which everyone has been referring. Yesterday, Senator Gill asked for leave to table the letter from Grand Chief Fontaine. I had assumed at the time that he was asking leave as well to have it appended to yesterday's *Debates of the Senate*.

[*Translation*]

The Hon. the Speaker *pro tempore*: Senator Cools altered the debate by replying to the first question from Senator LaPierre. Then Senator Cools raised a point of order, which is not valid at the moment.

[*English*]

Senator Cools: I do not think I have changed the debate at all. I have been speaking to the point of order and, in that way, have been very consistent, Your Honour.

I was saying that the issue of this letter came up time and again. It is relevant to the adoption of this motion because it has been a pivotal plank in Senator Gill's previous statements.

In addition, on the point of order and the motion, I was trying to discover why the letter was not appended to the Hansard of yesterday's proceedings. On looking at Hansard and the *Journals of the Senate*, I have discovered that the letter will be recorded not in the debates, but in the sessional papers because it seems that Senator Gill was not explicit enough in the request. As a matter of fact, he actually made no request at all. It was Her Honour who rose and made such a request.

Since that letter comprised such an important part of today's exchange, could it be appended to today's proceedings.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators, that the document be appended to today's *Debates of the Senate*?

Hon. Senators: Agreed.

(*For text of document, see today's* Debates of the Senate, *p. 2100*.)

Hon. Willie Adams: I move the adjournment of the debate.

The Hon. the Speaker *pro tempore*: I will ask the honourable senator kindly that the next time he stands up to please use the microphone because we do not hear a word here.

It is moved by the Honourable Senator Adams —

Senator Kinsella: No, we have a point of order that must be dealt with.

[*Translation*]

Senator Robichaud: Honourable senators, several of you are under the impression that a point of order raised by Senator LaPierre is under discussion. The Senate should decide whether or not there is a point of order. We could then resume debate and move to the adjournment motion by Senator Adams.

Senator LaPierre: Honourable senators, I bow to the will of the people. I therefore withdraw my point of order.

[*English*]

I can raise it six months hence. In the meantime, I think we may proceed with this very fascinating debate, as long as we do not hear too much from Senator Cools.

Some Hon. Senators: Oh, oh! Withdraw.

Senator Cools: Honourable senators, I rise on a point of order. I have always been under the impression that it is out of order in this place to make sharp or unpleasant statements about senators. I have the floor.

Senator LaPierre: I withdraw everything that I said.

Senator Cools: There is nothing much to add to that.

Senator Kinsella: I think we are still on Senator Sibbeston's time. I had risen to ask the honourable senator a question on the motion that is before us, which is the motion of Senator Gill that the bill not be read the third time now but that it be read six months hence. It is to that question that I assumed Senator Sibbeston was speaking.

My question for clarification to Senator Sibbeston is simply this: What harm does he see being done in a real way if this bill is not given third reading now but, rather, third reading six months hence?

• (1530)

Senator Sibbeston: Honourable senators, I think Senator Kinsella knows the answer. The answer is that there is no harm, but at the same time there is no gain. There is no gain, likewise, in the sense that the senator knows that in the present political atmosphere that prevails, in the event that there is prorogation it would absolutely kill this bill and we would have to start over and do again all of the work that we have done to date. To me, that is neither a prudent nor a wise use of our resources. I have made a decision that it would be best to pass the bill during the life of this session of Parliament.

Senator Kinsella: Does the honourable senator not agree that there is a practice in this place of long standing that no work is lost? Indeed, when the House is considering a bill and a committee has deliberated upon a bill, all the papers and testimony that have been tabled with that committee can be brought forward to the committee, even in a new Parliament? Why does the honourable senator think that the work that has been done, which is important work, would be lost?

Senator Sibbeston: I admit that perhaps all of the committee hearings, and so on, would not have to be done again, which is what the honourable senator is saying, namely, that that is preserved and we would go on from there.

Politics being what they are — and Senator Kinsella knows how politics works — who knows who the Minister of Indian and Northern Affairs will be in the future? Who knows what will be the views of the Prime Minister and the government, and whether or not they will be amenable to supporting and being supportive of bills such as this? At this time, when we know that the government supports this bill and is prepared to take action on it, I think we should take advantage of that and jump ahead and pass this bill.

Senator Kinsella: Is the honourable senator suggesting to the house that, in the unlikely event that Mr. Martin becomes the Prime Minister, under Mr. Martin's government the bill would be better or would be worse? That is, would it be better under Prime Minister Chrétien or better under a prime minister Martin?

Senator Sibbeston: That is such a political question. I have no doubt that the government will be better. Once we have passed this bill during this session, then we can work in the life of the next government to make this bill even better. That is my view.

Senator Kinsella: Honourable senators, are honourable senators correct in assuming that the position of the honourable senator is that no particular damage would be done by adopting the motion that is before us from Senator Gill, namely, that the bill be not now read a third time but be read a third time six months hence?

Second, while the honourable senator advised us that he did not read the letter from Chief Fontaine, which is dated October 2, can he advise the house as to whether or not he has read Bill C-6 and all pages of the bill?

Senator Sibbeston: Honourable senators, I can tell the honourable senator that I have read the bill a number of times. I have read it before going to bed. I have read it when I have risen. I have read it quite a number of times and I am totally familiar with the bill and the amendments; I was intimately involved with the amendments.

As to whether I can cite chapter and verse at the moment, I cannot say that I can. However, I know the general details of the bill reasonably well.

Senator Kinsella: Could you tell us how many pages are in the bill?

Senator Austin: That is disrespectful.

On motion of Senator Adams, debate adjourned.

[*Translation*]

NOTICE OF MOTION FOR TIME ALLOCATION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I inform you that it has not been possible to reach an agreement concerning the time to be allocated for the consideration of this bill.

Therefore, pursuant to rule 39, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration for third reading of Bill C-6, An Act to establish the Canadian Centre for the Independent Resolution of First Nations Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts;

That, when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[*English*]

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, having risen and having the floor, I move that the Senate do now adjourn.

[*Translation*]

The Hon. the Speaker *pro tempore*: The Honourable Senator Kinsella, seconded by the Honourable Senator Lynch-Staunton, moved the adjournment of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those honourable senators who are opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

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

Honourable senators, I declare the motion lost.

PUBLIC SERVICE MODERNIZATION BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Harb, for the third 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,

And on the motion in amendment of the Honourable Senator Beaudoin, seconded by the Honourable Senator Comeau, that the Bill be not now read a third time but that it be amended in clause 12, on page 126, by replacing lines 8 to 12 with the following:

"30. (1) Appointments by the Commission to or from within the public service shall be free from political influence and shall be made on the basis of merit by competition or by such other process of personnel selection designed to establish the relative merit of candidates as the Commission considers is in the best interests of the public service.

(1.1) Despite subsection (1), an appointment may be made on the basis of individual merit in the circumstances prescribed by the regulations of the Commission.

(2) An appointment is made on the basis of individual".

And on the subamendment of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin, that the motion in amendment be amended

(*a*) by replacing the words "on page 126, by replacing lines 8 to 12" with the following:

"(*a*) on page 126, by replacing lines 8 to 11";

(*b*) by adding after the words "free from political influence" the following:

"and bureaucratic patronage"; and

(*c*) by replacing the words "of the Commission. (2) An appointment is made on the basis of individual" with the following:

"of the Commission."; and

(*b*) on page 127, by adding after line 9 the following:

''(3) The qualifications referred to in paragraph 30(2)(*a*) and subparagraph 30(2)(*b*)(i), and any qualification standards referred to in subsection (1), that are established for an appointment in respect of a particular position or class of positions shall apply to future appointments in respect of that position or class of positions, unless any change established by the deputy head or employer to the qualifications or qualification standards, as the case may be, is approved by the Public Service Commission.".

Hon. Jean-Robert Gauthier: Honourable senators, I rise today to speak on the sub-amendment by the Honourable Senator Di Nino, my colleague and friend. Senator Beaudoin, who is a lawyer, a constitutional expert and a good friend, moved the amendment. Senator Di Nino's sub-amendment is not, in my opinion, in order, for the following reasons.

The main amendment by Senator Beaudoin refers to the principle of merit in almost identical terms as current legislation. With his amendment, Senator Beaudoin is reintroducing in the new legislation all the jurisprudence that has bogged down and increasingly bureaucratized the current staffing system, which has long been criticized. Senator Beaudoin is a good lawyer; he thinks in legal terms and he wanted to use jurisprudence because, up to now, the courts have been the ones to interpret the principle of merit, as this was not included in the legislation, and nor was there a definition in the legislation. On numerous occasions, this issue has been brought before the courts.

Under the current legislation, the Public Service Commission can make appointments based on selection by competition to establish relative merit — this is section 10 — as well as appointments based on selection according to individual merit, meaning the candidate must be measured by standards of competence, under section 10(2).

• (1540)

Bill C-25 does not change this authority. The Public Service Commission can continue to make appointments through competition or, under the new legislation, through an advertised appointment process. The terminology is different, but the meaning is the same. The commission can continue to make appointments based on individual merit, through the non-advertised appointment process, under section 33 of the act.

Bill C-25 does not refer specifically to processes based on individual merit, but it allows such processes to be used to staff a position. The Public Service Commission will continue to determine when and how individual merit will be used. This is not new.

What is new is that the bill replaces the courts' rigid interpretation of the merit principle with a new approach that allows the commission to take more factors such as employment equity into account. This was not part of the current legislation and was used by exception. The courts' current interpretation of merit does not allow this type of factor to come into play. The best candidate must always be chosen and the courts imposed rigid and prescriptive rules on how to determine who the best candidate is.

Bill C-25 goes much further to protect us from abuse in the use of individual merit. It specifies that a manager's abuse of authority in the appointment process is grounds for a complaint to the Public Service Staffing Tribunal. This is new.

There is a whole array of mechanisms to protect us from other abuses in this area. For instance, there is the Public Service Commission's authority and its ability to delegate that authority. The commission usually delegated its authority to the deputy minister, who in turn delegated authority to a manager. The commission had to regularly monitor and audit the way things were proceeding with what few staff and resources it had. It did not always do this in a continuous or sustained manner.

For instance, the commission had the authority to investigate. It could conduct audits. There are many other new elements.

During his speech yesterday, the Honourable Senator Di Nino cited Ms. Sheila Fraser's report on the Radwanski case. The report was cited almost in its entirety to support his argument. Page 2069 reads:

> We need to ensure that qualifications cannot be changed without the agreement of the Public Service Commission. Surely we ought to have learned something from the Privacy Commissioner's fiasco.

What is the connection with the merit principle? None. Position classification is the responsibility of the employer, not the Public Service Commission.

Quoting the Auditor General of Canada, in connection with Bill C-25:

> It is my interpretation of Bill C-25 that the role of the Public Service Commission is clarified...

As we are doing.

> ...and becomes much more of a surveillance role, one that is more demanding than at present. I think this is likely to do a great deal to help in such situations.

Let us talk about the amendment proposed by Senator Di Nino. He referred to bureaucratic favoritism, which is important, I will admit. It is, however, covered in the bill.

One of the grounds for complaints to the staffing tribunal is bureaucratic favouritism. This is an abuse of power, which can be challenged.

Deputy heads currently have the power to establish the required qualifications for a position, and this is continued. The terms have been changed. In the past, they spoke of "selection standards," and then it was stated that the position required the person to possess certain qualifications. Now the term is qualifications, not selection standards. Now deputy heads have the power to establish the qualifications for a position, this being included in Bill C-25 under subsection 30(2). Obviously, the qualifications required for staffing a position vary according to the development of new knowledge, the strengths and weaknesses of the incumbents, the changing needs of a good administration. People have to keep up to date, so position qualifications are certainly subject to change. If the position is for a lawyer, an engineer, a position with specific requirements, people have to meet these requirements. The employer will make the decisions, not the Public Service Commission. This is, in my opinion, a step in the right direction.

If the Public Service Commission were responsible, as Senator Di Nino suggests, for monitoring all changes and the qualification process, it would never end. The commission would be responsible for monitoring every standard, and that might not speed up the process. Bill C-25 proposes exactly the opposite. Its purpose is to let managers manage and administer their departments.

It is essential, in the spirit of Bill C-25, to accelerate the process. There must also be serious monitoring of implementation and of the performance of each public servant and manager, with respect to the hiring process. These aims are clearly part of Bill C-25.

Bill C-25 contains solid measures to protect against bureaucratic favouritism. Our committee held nine meetings and heard 42 witnesses. The subject came up several times, and I heard no criticism of this. Incidentally, I do not know why this issue is being raised at third reading.

Clause 17 of the bill requires the Public Service Commission to conduct audits. Its authority has been enhanced and powers given. The commission must ensure that appointments are made on the basis of merit. It must ensure that there are ongoing audits. The commission will have the human and financial resources necessary to do this.

I do not understand why anyone would suggest that the commission should set the qualification standards. That is not part of the spirit of the bill. The power has been transferred to the employer, which is the Treasury Board, and then delegated to the manager.

• (1550)

Therefore, the Treasury Board is responsible and, through delegation, so are those charged with the administration of the public service.

Senator Beaudoin, in his main amendment, wants to add bureaucratic favouritism. He talked in particular about relative merit versus individual merit. There is not much difference between the two. One is a system; the other is a function.

Re-establishing subsection 32 in its current form in Bill C-22 and re-establishing the previous legislation is inconsistent with the spirit of this legislation. It is even inconsistent with Senator Beaudoin's amendment. Agreeing to Senator Di Nino's amendment would be a step backward and would go against the spirit or the scope of Senator Beaudoin's amendment.

Honourable senators, I want to reserve the right to speak at third reading. Senator Di Nino's amendment, made in good faith, would greatly undermine this legislation. In my opinion, these two amendments would constitute a setback in terms of the intent of Bill C-25. We should adopt Bill C-25, but not the amendments before the house.

[*English*]

Hon. Consiglio Di Nino: Honourable senators, there should be little doubt in the minds of honourable senators that I have great respect for Senator Gauthier. My intervention was based on the horror story that the Auditor General discovered and imparted to this house. As Senator Gauthier properly said, most of my speech was comprised of quotes from her report because that was where I found my inspiration. The amendment was intended to be useful.

The Hon. Serge Joyal (The Hon the Acting Speaker): Senator Di Nino, the time allocated to Senator Gauthier for his intervention has elapsed. Is the honourable senator requesting leave to continue?

Senator Di Nino: I would ask leave to continue for a moment.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Senator Gauthier, would you accept a question from Senator Di Nino?

Senator Gauthier: Yes.

Senator Di Nino: Thank you, honourable senators. The amendment was intended in good faith to try to improve the bill such that it would result in the prevention of such activities in the future. I respect the good points that Senator Gauthier made in his statements.

My question for the honourable senator is this: Do you believe that Bill C-25, in its present form, has sufficient provisions to ensure that the kinds of abuses that have occurred — possibly criminal — would be eliminated?

Senator Gauthier: I believe that Bill C-25 has sufficient provisions to do that, and I will tell you why. It begins with a big ''if'' in respect of the people responsible for the implementation of Bill C-25 from the Public Service Commission side, and the surveillance of the merit principle.

[*Translation*]

If the public service audit process is truly meaningful, I believe it will work. However, the Treasury Board is responsible for its proper administration and management. If the system is in place, with proper monitoring and serious audits, this will work. The problem in Mr. Radwanski's case is that he was not audited, not by the Auditor General, not by Treasury Board and not by the Public Service Commission. The two reports were presented after the fact. There was a realization that staffing procedures were not normal. There were overclassifications. People played with the system thinking that no one was watching. With good monitoring and good implementation, Bill C-25 will work.

[*English*]

Senator Di Nino: Obviously, I did not succeed in achieving my objective, at least in the eyes of Senator Gauthier. That is the big "if." People who do not respect the rules indulge in activities of abuse and of criminality. They commit acts that lead to criminal activity.

Would the honourable senator have a better amendment to recommend? He appears to be quite conversant with this issue. Would the honourable senator have a better amendment that I could support so that the objective of the amendment I moved yesterday could be accomplished?

Senator Gauthier: I must admit that it is not my intention to amend this bill at this time. I have had a long history over the years in the affairs of the public service. I was there when Mr. D'Avignon submitted his report on the merit principle in the 1970s. I was there when Mr. Finkelman submitted his reports on public service administration. I was present and active at that time. During my career spanning 20 years in the House of Commons, I was the party critic for eight years on matters of the public service. I was aware of the problems. It is my understanding that the honourable senator is talking about criminal activity, and that cannot be correct. I am not saying that there was any, but you are telling me that such allegations may have been made. Madam Robillard, President of Treasury Board, and I do not believe that there were any criminal activities.

Senator Di Nino: — or abuses.

Senator Gauthier: That is so for the time being.

The Hon. the Acting Speaker: Are honourable senators ready for the question on the sub-amendment?

On motion of Senator Comeau, debate adjourned.

[*Translation*]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Graham, P.C., for the second reading of Bill C-34, An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the honourable senators who wish to speak are invited to do so, with the usual sequence of the opposition going second, with a speaking time of 45 minutes.

Order stands.

• (1600)

SOCIAL AFFAIRS, SCIENCES AND TECHNOLOGY

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

On the Order:

> That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 2 p.m., Tuesday, October 7, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, this motion is no longer relevant, since we are past the date in question. I move, with honourable senators' consent, that this motion be withdrawn from the Order Paper.

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

Hon. Senators: Agreed.

Motion withdrawn.

ADJOURNMENT

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

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

> That when the Senate adjourns today, it do stand adjourned until Monday, October 20, 2003, at 2 p.m.

Hon. Marcel Prud'homme: Honourable senators, some senators already have commitments on Monday, October 20 and the Friday of the following week. The purpose of my question is to make it easier for us to organize our schedules. We are talking about sitting on Monday, October 20 rather than Tuesday, October 21, and I agree with that. Do you intend to do the same for the three weeks thereafter?

Senator Robichaud: Honourable senators, I understand the question very well. The honourable senator wants to know whether it is possible that the Senate might sit on Mondays and Fridays. I would say yes, but if we feel this is necessary, we will try to inform the honourable senators as soon as possible through the Senate.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, October 20, 2003, at 2 p.m.

APPENDIX

OFFICE OF THE NATIONAL CHIEF

Assembly of First Nations

BUREAU DU CHEF NATIONAL

Assemblée des Premières Nations

October 2, 2003

Senator Thelma Chalifoux
Chairperson
Senate Standing Committee on Aboriginal Peoples
Parliament Buildings Wellington Street
Ottawa, Ontario
K1A 0A4

Dear Senator Chalifoux and Members of the Senate Committee on Aboriginal Peoples:

The AFN has been invited to comment on how the *Powley* decision might affect Bill C-6. However, a few preliminary remarks are in order. Before commenting on *Powley*, it is necessary to make clear the context concerning larger issues surrounding Bill C-6.

For several years, the AFN and federal officials participated in a Joint Task Force ("JTF") to consider the requirements of an effective specific claims body. In an unprecedented spirit of partnership, the JTF produced a model of a sound and effective system. The exercise should have stood as a landmark in cooperative policy development.

Instead, the federal government rejected the model suggested by the JTF and terminated consultations. It produced a Bill that continues, rather than resolves, the problems of the past, including delay and conflict of interest on the part of the federal government.

The AFN has repeatedly called for a return to direct Canada-AFN discussions aimed at producing a genuinely just and effective Bill. So far, this has not happened.

It is not too late. Despite all that has happened, a federal government that wishes to return to constructive, mutually-respectful and results-oriented dialogue will find a willing partner in the AFN.

Serious legal and constitutional issues have been identified with Bill C-6. The Bill is not only unsound in policy terms, but incompatible with principles of natural justice, including the need for an adjudicative body to be genuinely independent. A fiduciary must not only avoid conflicts of interest, but address breaches of its obligations to First Nations with reasonable speed and without arbitrarily excluding whole categories of First Nations claimants - such as those who were unilaterally promised reserves they have never received. With respect, these issues were not adequately recognized or addressed by the Senate Committee on Aboriginal Peoples. On some issues, very basic misunderstandings seem to remain. Basic fairness requires no less.

Over a year ago, the AFN openly tabled a detailed legal analysis of the Bill. The concerns expressed stand. They are supported by case law that is no less important than *Powley*. It would be unfortunate if First Nations find that going to the courts is the only path through which to find a forum that will respond constructively to these concerns. The Senate Committee on Legal and Constitutional Affairs ought to be given a full opportunity to now study the issues raised, and consider how they can be addressed constructively. If Justice has any technical responses, they ought to be documented and released for public scrutiny and comment.

The Senate amendments proposed so far are inadequate. The AFN has never been given an opportunity to comment on them before a Senate committee.

One amendment "allows" individual claimants to send in suggestions about the appointment of Commissioners, but the Minister retains the power to appoint.

No statutory role is given to the AFN, a national body that has the delegated authority from First Nations to coordinate suggestions and partner with the federal government in ensuring that only qualified and impartial persons are appointed.

The amendment that would increase the cap on individual claims by $3 million (to $10 million) is too small a step in the right direction. Most claims – on the basis of any independent and credible projections - would be denied access to the tribunal.

Another amendment addresses an extremely limited aspect of the conflict of interest issue. Federal control over appointments and reappointments remains. So does the privileged access of federal public servants (but not members of First Nations institutions) to positions on the new bodies.

Another amendment allows a claimant before the Commission to go to the Tribunal to apply for a subpoena. This route is an inadequate substitute for the right that is being stripped from claimants; to obtain a public inquiry from the Commission on a claim with a public report to follow. The minority will be able to proceed to the Tribunal; claims above the cap will have no effective means of pressuring a federal government that is unreasonably stalling or denying a claim.

The federal government still has a chance to meet with the AFN, restore the spirit of partnership, and work together to produce a specific claims Bill that will benefit all Canadians. Moving rapidly to resolve specific claims will promote economic and social development among First Nations and their surrounding communities. It will remove a longstanding obstacle to reconciliation, and help to shift the focus of the First Nations-federal relationships from redressing the past to building the future together. If the federal government instead pushes ahead unilaterally to impose a fundamentally unjust Bill, First Nations will have no choice but to consider and pursue with vigor their legal and political remedies.

The AFN has been asked with very short notice to comment on the *Powley* decision.

Let there be no doubt about some basic principles:

First, the AFN supports reasonable and just responses to the just claims of all aboriginal peoples, including the Inuit and Metis.

Second, the AFN recognizes pluralism among First Nations and among the peoples named in s. 35 of the *Constitution Act, 1982*. Equality does not require, or even permit in some cases, an identical treatment of different groups. Their distinctive histories, rights, interests and political choices must be taken into account in appropriate ways.

Turning now to particulars, it is important to recognize that *Powley* is not the only relevant decision handed down by the Supreme Court of Canada that is relevant. In the *Blais* case, the Supreme Court of Canada ruled that Metis are not "Indians" for the purposes of the *Constitution Act, 1930*. It appears that the reasons of the Court would surely also apply to the issue of whether Metis are Indians for the purpose of s. 91(24), *Constitution Act, 1867*. The Court has acknowledged, in other words, that First Nations and Metis have, for at least some important purposes, different constitutional histories and positions. In the *Lovelace* case, the Supreme Court of Canada had recognized that the distinctive legal and social position of First Nations means that a government can design programs in partnership with First nations that extend to them only, and do not necessarily include the Metis. This is not in any way to deny that Metis are entitled aboriginal people; or that governments have (e.g., the *Manitoba Act*, the Alberta legislation on Metis settlements) crafted distinctive programs to address Metis rights.

In addressing specific claims, it is reasonable and appropriate for the federal government and the AFN to develop, in particular, and operate in collaboration, a system that addresses First Nations claims. For over a century, the *Indian Act* has operated to vest a larger and larger measure of control over Indian lands and assets in First Nations. It is from this statute that many specific claims arise. The Indian Act, as the Supreme Court of Canada observes in *Blais*, drew a clear distinction between Indians and Metis.

The AFN recognizes that Metis organizations have brought claims based on their own distinctive constitutional histories and rights. It would welcome the just and prompt resolution of those issues by provincial governments. Perhaps there may even be a role for the federal government to play.

However, given the long history of justice denied to First Nations in the context of specific claims, First Nations cannot be expected to wait while yet a new process of consultation unfolds. After earlier efforts over decades failed to produce consensus, bilateral discussions between the AFN and the federal officials produced the JTF model, and it is long overdue that a just system based on that model be implemented.

One of the most problematic aspects of Bill C-6 is its attempt to eliminate the AFN from its role – fully recognized in, and by, the Joint Task Force – of coordinating and effectively representing First Nations opinion on appointments and in the three-year review of the new system. Few organizations operate as democratically as the AFN. A National Chief needs a mandate from a full 60% of Chiefs who represent the overwhelming majority of First Nations. No organization is better suited to consult with and speak for claimants and potential claimants. Its position on Bill C-6 is supported by regional and individual First Nations across Canada. There is no split between the "grass roots" and the leadership. First Nations across Canada will not accept any attempt by the federal government to exclude the AFN from full participation in the creation or operation of a truly just and effective system by using the rationale that Canada is home to other Aboriginal peoples besides First Nations. The federal government should be prepared to engage in separate policy processes with each of the AFN and, when and where appropriate, the proper representatives of the Metis.

The federal government continues to under fund the resolution of specific claims. The backlog grows. Debts that involve the honour of the Crown and lawful obligations remain unpaid. Communities continue to suffer. There must be an increased federal commitment to honouring its obligations. The AFN does not accept any potential federal model in which the claims of Metis are added to the claimants on the same or even shrinking allocation. Metis claims, not yet defined sufficient to rely on, should be addressed in their own right, on their merits, and federal and provincial governments must provide whatever additional funding is

required out of their own resources – rather than further denying and depriving First Nations.

It might be noted, incidentally, that *Powley* dealt with a site-specific claim. The Metis claim in that particular case would not fall within the mandate of the specific claims body under either the JTF model or Bill C-6. At federal insistence, neither model permits claims based on aboriginal rights or title to be brought forward. It might also be observed that the federal government has insisted on narrowing the scope of "specific claims" in other ways (e.g., excluding claims less than 15 years old) in order to permit a better focus. There are no doubt challenging, complex and distinctive issues involving the Metis that could be, and should be, the appropriate subject of another dialogue and another system.

In the meantime, the AFN hopes and expects that the federal government will finally pick up where the JTF left off, and restore reason and dialogue to the creation of a just effective, independent and accessible process for resolving specific claims.

Sincerely,

Phil Fontaine
National Chief

Office of the National Chief
Bureau du chef national

Assembly of First Nations
Assemblée des Premières Nations

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, October 9, 2003

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	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	1st	2nd	Committee	Report	Amend	3rd	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	03/06/12 03/10/07	5 –	referred back to Committee 03/09/25		
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	03/06/11	9/03

No.	Title	1st	2nd	Committee	Report	Amend	3rd	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 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 Message from Commons-agree with two amendments, disagree with two, and amend one 03/06/09 Referred to committee 03/06/11 Reported 03/06/12 Report adopted (insist on one, replace one, amend one) 03/06/19 Message from Commons-disagree with Senate's amendments 03/09/30		
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 3rd 02/12/04 2 at 3rd 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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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 Message from Commons-agree with amendment 03/06/09	03/06/11	10/03
C-17	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	03/10/08							
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-24	An Act to amend the Canada Elections Act and the Income Tax Act (political financing)	03/06/11	03/06/16	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	19/03
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	03/06/13	National Finance	03/09/18	0			
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	03/06/12	0	03/06/19	03/06/19	15/03
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
C-31	An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act	03/06/03	03/06/11	National Security and Defence	03/06/16	0	03/06/17	03/06/19	12/03
C-34	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	03/10/02							
C-35	An Act to amend the National Defence Act (remuneration of military judges)	03/06/13	03/09/18	Legal and Constitutional Affairs					
C-39	An Act to amend the Members of Parliament Retiring Allowances Act and the Parliament of Canada Act	03/06/03	03/06/11	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	16/03
C-41	An Act to amend certain Acts	03/10/07							
C-42	An Act respecting the protection of the Antarctic Environment	03/06/13	03/09/17	Energy, the Environment and Natural Resources	03/09/18	0	03/10/07		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-44	An Act to compensate military members injured during service	03/06/13	03/06/13	National Security and Defence	03/06/16	0	03/06/18	03/06/19	14/03
C-47	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	03/06/13	03/06/17	–	–	–	03/06/18	03/06/19	13/03

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-205	An Act to amend the Statutory Instruments Act (disallowance procedure for regulations)	03/06/16	03/06/19	–	–	–	03/06/19	03/06/19	18/03
C-212	An Act respecting user fees	03/09/30							
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	03/09/17	Banking, Trade and Commerce					
C-250	An Act to amend the Criminal Code (hate propaganda)	03/09/18							
C-300	An Act to change the names of certain electoral districts	02/11/19	03/06/03	Legal and Constitutional Affairs					
C-411	An Act to establish Merchant Navy Veterans Day	03/06/12	03/06/17	National Security and Defence	03/06/18	0	03/06/19	03/06/19	17/03

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02	03/06/10	Social Affairs, Science and Technology					
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	03/06/19	11/03
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	03/06/19	0	03/09/24		
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					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources	03/09/18	0			
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					
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11	03/06/17	Official Languages					
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	03/06/19	National Finance					
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	03/10/07	Banking, Trade and Commerce (withdrawn) 03/10/08 Social Affairs, Science and Technology					
S-22	An Act respecting America Day (Sen. Grafstein)	03/09/16							
S-23	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	03/09/17							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-19	An Act respecting Scouts Canada (Sen. Di Nino)	03/05/14	03/06/09	Legal and Constitutional Affairs					
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	03/06/09	Banking, Trade and Commerce					

CONTENTS

Thursday, October 9, 2003

PAGE

SENATORS' STATEMENTS

ROUTINE PROCEEDINGS

QUESTION PERIOD

ORDERS OF THE DAY

Available from Communication Canada – Canadian Government Publishing Ottawa, Ontario K1A 0S9