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THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Thursday, April 1, 2004

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE DOUGLAS ROCHE, O.C.

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10), I have received a request from Senator Austin, the Leader of the Government in the Senate, that time be provided under Senators' Statements for the purpose of paying tribute to the Honourable Senator Douglas Roche, who will be retiring from the Senate on June 14, 2004.

Accordingly, tributes to Senator Roche.

Hon. Jack Austin (Leader of the Government): Honourable senators, to refer to the work of Senator Roche and his focus over these many decades as a career is a misnomer. It could only be accurate if we called his work his vocation. As a journalist, educator, politician and diplomat, Senator Roche has been unrelenting in his constructive work to end humankind's destructive impulses, and has promulgated the message that only through a peaceful world can we safeguard future generations and their quality of life.

Although Senator Roche started his political career in 1972 as a Progressive Conservative member of Parliament, he later moved on to politics of a more elevated order when he worked as Canada's Ambassador for Disarmament to the United Nations and served as Chairman of the United Nations Disarmament Committee during his tenure there. On his appointment to this chamber on September 17, 1998, by the Right Honourable Jean Chrétien, Senator Roche clearly did not accept certain sage guidance, which I am sure was proffered, and instead chose to sit as an independent, for the valid reason that he could freely advocate his values and beliefs without the ties of party concerns.

Senator Roche has worked throughout his life to ensure that we here in Canada and people around the world have a future. He is the author of 17 books, and has dedicated two of these to his grandchildren, Nicholas and Isabelle. In his most recent book, *The Human Right to Peace*, Senator Roche declares:

The immediate goal is for every generation to ensure that there will be a following generation. The advance of civilization thus far tells me that humanity is not fated for oblivion; indeed the new interconnected human community is a source of strength to continue building the culture of peace.

Among the numerous awards and honours bestowed upon Senator Roche for his work on development, nuclear disarmament and fighting global poverty, he has received the Order of Canada and was named a Knight Commander of the Order of St. Gregory the Great by Pope John Paul II.

We often say of the best politicians that they understand the positive values of their society and that they also have an ability to communicate with individual citizens and to take their concerns to heart. Senator Roche certainly has these qualities and is a man who carries our highest respect for who he is and what he believes.

• (1340)

He possesses a faith in the potential of his fellow human beings that is a true inspiration to those of us who watch him work on our behalf. More than that, he believes in the goodness of creation, in the beauty of this world and that it is worth protecting.

All of us owe Senator Douglas Roche a debt of gratitude and a debt that will be repaid, I am sure, in his view, if we are collectively successful in building a culture of peace for future generations.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if one could have sat in the Senate of ancient Rome, one would no doubt have heard the words "*dicamus bona verba*," meaning "let us speak words of good omen." Today, in paying tribute to Senator Doug Roche, I wish to use these very same words to describe his work as he takes his leave of the Senate of Canada.

Our colleague brought to this chamber the experience of a parliamentarian who had been elected on four occasions to the House of Commons. His contributions to domestic and international affairs have been many, particularly in the area of disarmament. Canadians applauded the choice of former Prime Minister Mulroney, who appointed Senator Roche in 1984 as Canada's Ambassador for Disarmament.

Since his appointment to the Senate for Alberta in 1998, Senator Roche has been a thoughtful and assiduous member of this chamber. His experience as a teacher, author, parliamentarian and diplomat has been available to the chamber and committee work. Most recently, his study and guidance on Bill C-6, respecting assisted human reproduction technology, was extremely important. I recall his advice: While passing the bill was troubling to him, not to pass it was more troubling.

Honourable senators will miss his sage counsel because of the age discrimination provision in present legislation affecting membership in this Senate. However, the good news is that, given the appeal of the Charter and *non obstante* provisions to so many in the foothills of the Rockies, we hope to see Senator Roche rejoin us one day as an elected senator.

Whatever the future may hold, I fully expect that in my weekly reading of the *Register* there will be continuing reports of his ongoing work.

In closing, I wish to say to my friend: Continue to be a catalyst of energy, devotion and reform for justice and equality. Maintain the flame of goodwill and the vision of a planetary community in which development and justice are sought together and the world's vast resources set to work for the building of the common good.

In the words of Lady Jackson, Barbara Ward:

If this seems a utopian vision, it must be said that the Christian faith is visionary. It dares to pray "thy kingdom come." It dares to dream of a time when He shall say: "Behold, I make all things new."

Hon. Sharon Carstairs: It is with a great deal of pleasure, honourable senators, that I rise to pay tribute to the Honourable Senator Douglas Roche. I have known Senator Roche by reputation as a member of the other place, as the founding editor of the *Western Catholic Reporter* and, above all, as a fierce defender of the United Nations, most particularly on the issue of disarmament.

Upon his arrival here, I asked him if he and former Senator Lois Wilson would like to meet with me so that I could give them a briefing on Senate rules, procedures and practices. Liberal senators affectionately refer to this as "Senate school." They agreed, and we spent several hours together. Both were eager to learn all of the rules and, most particularly, how they could be made to work for them. It therefore came as no surprise that, within days, Senator Roche was on his feet with a Notice of Inquiry on the issue of disarmament.

However, it was his dedication to the special study of the Social Affairs Committee that culminated in the report, "Quality End-of-Life Care, The Right of Every Canadian," that forged a lasting bond between us. Under the then rules of the Senate, he could not sit as a member, but that did not prevent him from being an active participant of the committee. He attended every session. His insightful knowledge and understanding of the care of a dying person and the impact on the family gained from his personal knowledge was invaluable.

Senator Roche is a man of principle. He understands the importance of compromise, but never at the sacrifice of principle. He has my respect and my admiration. He will be a great loss to this chamber.

Hon. Lowell Murray: Honourable senators, I well recall the genuine satisfaction and excitement of Progressive Conservative organizers in 1972 reporting that they had been successful in persuading Doug Roche to leave behind an influential and non-partisan career as a respected journalist and author to stand as a candidate for our former party under the leadership of Robert Stanfield in the general election of that year. That satisfaction is equalled by my regret today at seeing him leave this place.

Joe Clark named Doug Roche opposition critic for external affairs, Brian Mulroney appointed him Canada's Ambassador for Disarmament and Jean Chrétien appointed him to the Senate, not because those three leaders shared all his principles or agreed with all of his views, but because they believed it highly important that his principles, his views and his voice be heard and understood in the formulation of national policy.

His policy — global security through disarmament and international development — was hard for many of us to accept unreservedly during the Cold War, and it is not much easier in the unstable circumstances of today, even as we acknowledge that his vision of the world's future is the one we want for ourselves and for humanity. Anyone standing for Doug Roche's principles and advocating his policies has a tough row to hoe.

It is not that he has ever lacked opportunities to speak out. Indeed, he never really needed the platform the Senate gave him, and one wonders with what sentiment he leaves the parliamentary arena. How does he measure progress toward the ideal, distant goal to which he has given most of his life — in centimetres, or should I say inches, since he was a member of a caucus that fought the metric system so ferociously?

For thousands of people here and elsewhere who are determined as he is to struggle against all odds for an alternative to confrontation and conflict and for a different world, Doug Roche is a revered and inspirational leader. I chose the words "revered" and "inspirational" because a man of his careful theology would object to being described as iconic.

The record will show that he has been tough and skilful, persistent and courageous in advancing his cause, unyielding when it came to principle, and always respectful of others and their principles, no matter how strongly he may have disagreed with them.

At the beginning of our daily sittings when the Senate Speaker prays that we may serve the cause of peace and justice in our own land and throughout the world, we are permitted to believe that Doug Roche was sent here to help us do just that, and we may hope that others will defend the cause as well as he has done.

Hon. Mobina S. B. Jaffer: Honourable senators, it is an honour and a pleasure to rise to pay tribute to our colleague Senator Roche. As a teacher, a diplomat and a parliamentarian, he has set a shining example for all of us who work toward the goals of peace and human security.

He has served in a staggering number of roles, not only in Parliament as a member and a senator, but also as Canadian Ambassador for Disarmament, Chair of the United Nations Disarmament Committee and then as adviser on disarmament to the Holy See delegation to the United Nations General Assembly. He has also been Chair of the Canadian United Nations Association. Yet, somehow, with all the work he has been doing, he has found the time to write 17 books on the subjects of nuclear disarmament, peace and human security.

• (1350)

Personally, I can tell you that Senator Roche has been a great inspiration to me, and that his support of my work on the United Nations resolution 1325 through the Canadian Committee on Women, Peace and Security has been appreciated and invaluable.

I knew of Senator Roche before I came to this chamber, as both of us have worked with the Oblate Fathers. Senator Roche, Father Laplante and I collaborated, and we wanted to remind all colleagues here of your favourite prayer, from the Prophet Micah — a prayer you live by — the three things to achieve social justice: The Lord asks you to act justly, to love sincerely, and to walk humbly with God.

Senator Roche certainly lives this prayer daily. He has been our conscience, and his sage advice will be greatly missed.

Hon. Yves Morin: Honourable senators, it is both my privilege and my pleasure to rise today to pay tribute to my friend, Douglas Roche. I would say “Senator Roche,” were I not at risk of ignoring all his other titles, which are: former Ambassador for Disarmament; Officer of the Order of Canada; former President of the United Nations Association of Canada; author of 17 books; and Visiting Professor of the University of Alberta. I could go on for some time, exhausting my voice before I would exhaust his accomplishments.

The common element of all that he undertook, including his years in the Senate, is a deep and abiding sense of public service and commitment. Whether the subject is equitable social and economic development, nuclear disarmament, even the reform of this chamber, Senator Roche has proven himself to be thoughtful, sincere, and ever concerned with the well-being of all people in Canada and throughout the world.

I have valued and enjoyed my opportunities over these years to discuss a wide variety of issues with Senator Roche, and I have always found his views to be thought provoking — a catalyst for thinking about issues from many different perspectives.

I wish him the best in his retirement, and I look forward to continuing to have opportunities to discuss these issues with him in the future. He will be missed.

Thank you, Doug.

The Hon. the Speaker: Honourable senators, unfortunately the 15 minutes for tributes have expired. I should like Senator Roche to know that remaining on my list are Senators Hubley, Banks, Prud'homme, Tkachuk, LaPierre and Fairbairn, and we may get to some of these under Senators' Statements, but it is my duty and privilege now to ask him to respond.

Hon. Douglas Roche: Honourable senators, 20 years ago, when I was taking my leave from the House of Commons, I made what I called my final speech in Parliament. This time I really mean it.

I grew up in the Sandy Hill area of Ottawa, only a few blocks from where we are sitting, during the 1930s and 1940s. I never dreamed that one day I would be able to serve Canada as a member of Parliament, an ambassador and then a senator, but that is the kind of country we have — one in which a person of modest means can aspire to work in Canada's parliamentary and diplomatic service.

When still a young man, I went west and found, in Alberta, a new home, one that not only took me in but also sent me back to Ottawa to launch my political career. In Edmonton I found the energy, creativeness and sense of purpose that I was looking for. I am deeply grateful for the opportunity, along with my Alberta colleagues, of whom His Honour is chief, to have represented a great province in the Senate.

I must tell honourable senators, frankly, that in 12 years in the House of Commons and nearly six in the Senate, I have never lost the feeling of honour just to be able to walk onto the floor of these two great institutions.

Now, the clock inexorably moving forward, I depart, but not before expressing my deep appreciation to all my colleagues in the Senate, starting with His Honour, and commending him for, among his many admirable qualities, his excellent eyesight in recognizing figures in this corner of the chamber.

The Senate clerk, Paul Bélisle, and the table officers, officials of the Senate, the interpreters, Hansard reporters and editors, pages, and all the staff, have extended countless courtesies to me.

It is abundantly clear that I would not have survived in the Ottawa political culture without the extraordinary assistance of Pam Miles-Seguin. I hired Pam some 30 years ago when she was fresh out of school, and she has strengthened my professional life ever since. I have lost count of the many administrative and logistical problems she has solved for my family and me.

Honourable senators, if you want someone who can organize your life for you, and who can do half a dozen things all at the same time and keep smiling in the process, run, do not walk, to seek out Pam.

I am also grateful to Bonnie Payne, my assistant in Edmonton, who has been with me for 15 years, and to all my research assistants, including Steve Grunau, Todd Martin and Chris Hynes.

There is no way to adequately thank my wife, Patricia McGoe, and my children, Evita, Douglas Francis, Mary Anne and Patricia. Their love and support have strengthened me immeasurably.

Honourable senators, when I made that final speech in the House of Commons 20 years ago, I talked about disarmament and development as the two indispensable requirements for peace and global security. These themes, along with the guaranteeing of human rights and the protection of the environment, are with us still today.

However, despite the wars of our time, which inflict such terrible suffering on so many, the world is moving forward. The elements of a culture of peace — respect for all life, rejection of violence and a desire for social justice — are coming into much sharper focus.

Of course, much work remains to be done — an agenda that I commend to you. I personally, as long as God gives me the strength, will never rest until nuclear weapons, the ultimate evil of our time, are abolished.

I close with the optimistic words of Isaiah: “Peace, peace to the far and near, says the Lord; and I will heal them.”

Honourable senators, thank you for the opportunity of being with you. I wish you well. Bonne chance. God bless you all — and God bless Canada!

Hon. Senators: Hear, hear!

• (1400)

THE HONOURABLE BRENDA M. ROBERTSON

The Hon. the Speaker: Honourable senators, further to the house order of March 23, 2004, to the effect we would hear tributes for Senator Robertson today, in addition to Senator Roche, and pursuant to rule 22(10) and a letter that I have received from the Leader of the Opposition in the Senate requesting additional time under Senators’ Statements, we now pay tribute to the Honourable Senator Brenda Robertson, who will be retiring on May 23, 2004.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, Brenda Robertson came to the Senate just shy of 20 years ago, bringing here with her a unique public experience, in particular in the field of health, which has been of great value to all of us in this chamber.

In 1967, she became the first woman ever to be elected to the New Brunswick legislature and was subsequently re-elected four times. She held a number of cabinet positions, including Minister of Health, and it was in that role that she initiated the Extra-Mural Program in 1981, the first government-insured home care program to be incorporated under the Canada Health Act. In a brief to the Kirby-LeBreton committee on the state of the health care system in Canada, the purpose of the Extra-Mural Program was described as being “to provide a comprehensive range of coordinated health care services for individuals of all ages for the purpose of promoting, maintaining and/or restoring health within the context of their daily lives.” Her initiative has been used as a model in many other jurisdictions around the world.

Senate reports generally receive a wide and appreciative audience, owing to the commitment and knowledge of its members who are unafraid to study controversial matters, and Brenda has contributed to the kind of expertise that helps make such reports so valuable.

Her years in the Senate were most productive, and just listing her many accomplishments would exhaust my time, so I will limit myself to one that affects us all individually and collectively.

Following the chaos of the GST debate, it was clear that the Senate, to avoid a similar incident, needed better rules to guide this place, rules which, until then, had not been found necessary. Our rules, those under which we presently operate, resulted from efforts by the Standing Committee on Privileges, Standing Rules and Orders, as it was then called, under her chairmanship. Our colleagues now on the government side were not at all pleased by this turn of events at the time and actually boycotted the committee studying the rules, but the fact that they have been resorting frequently to them over the years, particularly the one related to time allocation, shows that certainly there has been quite a change of mind on that side since.

New Brunswickers have never forgotten Brenda. They still turn to her for help and direction in provincial matters, and she never fails them.

She promoted for years Maritime union, and I have no doubt that she will now have more time to devote to this issue.

She has been an incredibly loyal caucus colleague, accepting every responsibility without complaint and always fulfilling her commitments with great success.

Thank you, Brenda. As you turn the page on this chapter of a long and distinguished public career, I want you to know that it has been a joy and a privilege to be associated with you. May New Brunswick and Canada continue to benefit from your talents for many years to come.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I join with you today in paying tribute to a colleague in the Senate, a fellow New Brunswicker, and a sister in politics, the Honourable Brenda Robertson.

[English]

As you already know, and Senator Lynch-Staunton mentioned, Senator Robertson was the first woman elected to the New Brunswick legislature in 1967. She became the first woman member of the New Brunswick cabinet in 1970, and she held five portfolios before she was appointed to the Senate of Canada in 1984. I believe that she is the longest still-serving politician from our beautiful province of New Brunswick.

Many senators have witnessed her dedication to social issues since her arrival in our chamber. Her tireless work on the Standing Senate Committee on Social Affairs, Science and Technology is proof of her long-standing dedication to the plight of the unemployed, the needs of underprivileged children and the challenges of the health care sector.

[Translation]

Senator Robertson's career has been studded with firsts that are dear to my heart, as a woman and as a New Brunswicker. It is because of her formidable work as a pioneer well before her arrival in the Senate, and continuing during her years with us, that I again express my great respect for her.

I even believe it was her example that encouraged me to seek and obtain the presidency of the Association des enseignantes et enseignants francophones du Nouveau-Brunswick in 1983. At that time, Senator Robertson was the provincial minister responsible for reforming social programs. I remember that was when our respective responsibilities brought us into contact. I hope that her memories of that time are as good as mine.

My biggest regret, all these years, is that my colleague has always preferred blue, but taste is dictated by nature and tolerance is a characteristic of the New Brunswick woman, and so I respect her choice.

My other regret is that I was unable to buy the magnificent house that Senator Robertson used to have on the coast in Shediac. Thus, I had to become a citizen of Moncton.

[English]

You win some and you lose some, I guess.

May the next decade be as challenging and stimulating to you as the past, dear senator. I thank you for having been such a beacon, and I shall miss not seeing you around this chamber. Goodbye.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the contributions to public affairs made by our colleague and friend Senator Brenda Robertson have been of such quality and quantity that the limitation of time impedes our ability to do justice to the tribute that ought to be made in her regard at this time. However, I will attempt it. I would want to frame a few thoughts by words such as "admiration," "amity," and "affection" and underscore her legacy of good work for the people of our province of New Brunswick and the people of Canada.

Not only is she the most outstanding Minister of Health that our province has known, but she has been an exceptional member of the Senate of Canada. It is noteworthy and true, as has been mentioned, that she was the first woman elected to the Legislative Assembly of New Brunswick in 1967 and re-elected in four subsequent provincial elections. Her work in the legislature was first-class, and it is the quality of this work that explains her repeated re-election and the esteem and admiration of the people of New Brunswick for her.

Clearly, this senator is a role model — a role model, yes, for women to participate in public affairs, but also a role model for all who wish to excel in service to society.

[Senator Losier-Cool]

Senator Robertson has one of the best political minds in the country, and I have learned so many things from her over the years, including the lesson of how much politics operates in the medical community. I know that Dr. Keon and Dr. Morin can well appreciate how much I would have learned about such medical politics when I was asked by then Minister of Health Brenda Robertson to conduct a public inquiry into the granting of hospital privileges.

Honourable senators, the 1981 first ministers' constitutional meeting was another occasion where our colleague greatly influenced New Brunswick's and Canada's future. Senator Robertson was part of our New Brunswick team that supported the Charter of Rights and Freedoms. Indeed, we were together with the premiers and Prime Minister Trudeau in the small room down the street when the former Prime Minister secured from Premier Lévesque the agreement that dissolved the gang of eight.

• (1410)

Honourable senators, there are three major bodies of water near Senator Robertson's home in New Brunswick. As mentioned by Senator Losier-Cool, there is the Northumberland Strait of the Gulf of St. Lawrence, but there is also the Bay of Fundy and the Petitcodiac River. These three bodies serve as a suitable metaphor to partially describe Brenda Mary, as she is affectionately known by her close friends. The warm summer waters of the strait and its powerful ice floes of winter speak to her fortitude and care in the area of social policy. The high tides of Fundy speak to the high levels of achievement and excellence that she sought for all our people. Her enthusiasm and vigour for acting, not only in some distant future on issues but also in the here and now, is symbolized by that remarkable rush of the tidal bore of the Petitcodiac River in her beloved Moncton.

It was Senator Robertson who walked me into this place in 1990. While she might be walking out by herself, because of the legal requirement, she will remain always for me, and indeed for us, an important guide.

Hon. Senators: Hear, hear!

Hon. Michael Kirby: Honourable senators, I rise to pay tribute to Senator Robertson, in part on behalf of all the members of the Standing Senate Committee on Social Affairs, Science and Technology, because of the enormous contributions she made to our health care study, but not inconsiderably on behalf of myself personally, because of the length of time I have known her and our many discussions about health care and politics over the years.

I first met Senator Robertson at an early meeting of the Council of Maritime Premiers, in 1971, when she was a minister in the New Brunswick government and I was Chief of Staff to the Premier of Nova Scotia. We were just getting the Council of Maritime Premiers started.

Our paths crossed on a number of occasions in the ensuing years, but we again got together when she joined the Standing Senate Committee on Social Affairs, Science and Technology at the beginning of our health care study. When she was Minister of

Health in New Brunswick, Senator Robertson put forward a lot of ideas. As an aside, the first two female provincial ministers of health in the country, Senator Callbeck and Senator Robertson, both serve on the Social Affairs Committee. That is an interesting reflection in terms of the pragmatic solution to many of our problems.

Senator Robertson actually went way beyond the normal call of duty. As honourable senators know, one of the central issues in the health care debate in this country is the issue of waiting lists. While the committee was doing its health care study, Senator Robertson needed a hip replacement. It was useful to have people on the committee who had practical experience in health care. She carefully arranged it so that her scheduled hip replacement operation was delayed three times, so that when the committee put out its report we would be able to say, in all seriousness, that members of our committee clearly had first-hand experience of the difficulty of being on waiting lists for major operations. We appreciate the fact that you went well beyond the call of duty in doing that, Senator Robertson.

It is also true — and Senator Lynch-Staunton mentioned this in his remarks — that one of the ideas that originated with Senator Robertson when she was Minister of Health in New Brunswick was the idea of an extramural hospital. That idea manifested itself again in the Senate committee's report as the foundation of our post-acute home care program, although the motivation was somewhat different. Many of you from the East Coast will understand the enormous creativity those of us in Maritime politics have with conducting a raid on the federal treasury. In the days when the extramural hospital program was developed in New Brunswick, it was not only the right health care policy but also a policy that was developed at a time when the federal government paid 50 per cent of all hospital expenses. Therefore, the simple solution to getting home care paid 50 per cent by the federal government was to define an individual's home to be an extramural hospital.

That was, in fact, one of the wonderful financial benefits for which the federal government never did find a solution. Clearly, it was so creative that I think the federal government decided they had to fund it just because the creativity alone made it worthwhile. The fact of the matter, honourable senators, is that we adopted Senator Robertson's idea in our post-acute home care proposal. Interestingly enough, a year and a half after our report came out, two other provinces are now in the process of adopting that proposal. It is an enormous tribute to Senator Robertson's 25 years in the health care sector — 30 years in total — that an idea that began 25 years ago in New Brunswick ends up, at end of Senator Robertson's career, in a federal report that is now being implemented across the country.

So, Senator Robertson, on behalf of all members of the committee and myself, in particular, I want to thank you very much for your enormous contribution.

Hon. Terry Stratton: Honourable senators, I did not know Senator Robertson when I came into this chamber, except to look at her on the front row and view her as nothing but regal splendour. We were quite intimidated by her mere presence in the beginning.

I then got to know her, fortunately, as she really was and is — that is, as a true hard-working member of the committees with which I have worked as well, in particular the Internal Economy Committee and the Rules Committee. Those two committees are not well-known outside this place; however, the issues before those committees require much discipline from committee members. I discovered her strength of character in serving with her on those committees, as well as her advice and wisdom, which I appreciated and continue to appreciate. The one thing I did learn, both in leadership races and in serving with her on those committees, is that this lady does not change her mind; she sticks to her word.

I wish nothing but the best for you in the future, senator, and the best of health. I know you will think of us once in a while, as you sit down in the evening with a certain glass. I know full well that you will turn this page and move on to something new immediately after leaving here. To that new life, all the best, and thank you for your help.

The Hon. the Speaker: Honourable senators, I regret to advise that the 15 minutes for tributes to Senator Robertson have expired, which means that it is now my duty, and again my privilege, to call on Senator Robertson.

I might say I leave on the list, Senator Robertson, Senators Carstairs, Tkachuk, Murray, Bacon, Cools, St. Germain and Day. We may get to some of them in Senators' Statements, but I will figure out how to do that later.

I will now call on Senator Robertson.

Hon. Senators: Hear, hear!

Hon. Brenda M. Robertson: Honourable senators, thank you very much for that. I should go out and come in again. It might extend the time a bit. That was very pleasant.

Honourable senators, on May 23, as some of you know, I shall become a private citizen. Although I shall miss this magnificent chamber and my friends here, life moves on. Thank you for the very many nice things you have said about me. I am truly grateful for the opportunities that I have had for public service and believe that, as I leave public life, it is important to continue to work for the strengthening of our communities, our provinces and our country.

Before coming to the Senate in 1984, like many Canadians, I took our country a bit for granted — its prosperity, democracy, freedom and security. Now, 20 years later, I have learned that we should take nothing for granted. Our country is extraordinarily complicated and our world is dangerously unstable.

It will be for others in this chamber, and for new senators, to comprehend the complexity of their times and to guard against the forces that endanger the kind of country that all Canadians want to live in.

• (1420)

How quickly time flies. I read in my local paper the other day that I am the longest-serving active politician in New Brunswick. I was not aware of that, but it certainly gives one reason to pause. It has been a great ride — more than 19 years here and, before that, over 17 years serving the people of New Brunswick as a member in our provincial legislature. There is so much more to do; that is the problem.

I am not sure if the intent of the Senate's mandatory retirement age provision was a scientifically based determination that most of us are a spent force by the time we reach 75. Obviously, the drafters of that rule did not anticipate the increase of life expectancy in contemporary society for nowadays, most of us — Doug Roche included — are just getting warmed up at this age. However, as we know, rules are rules in this place and so we must carry on.

Many honourable senators know that I have always been a proponent of Senate reform, including moving to an elected body, but certainly not a mirror image of the other place. Well, maybe it will happen. Certainly the new leader of the Conservative government in waiting has spoken clearly on this subject. Lately, there has been speculation about whether the current Prime Minister may be favourably inclined in this regard. However, to change the Senate without changing the entire system, I believe, would be an exercise in futility. I personally feel that some form of proportional representation should be examined carefully. Certainly the Prime Minister should be elected by the country and not by an individual constituency. I know that many agree that reforms are long overdue.

My friends, Canadians deserve an upper chamber that is more reflective of the country and of our contemporary values. I do believe that we in this place have demonstrated, particularly through excellent committee work, the contribution and the value added to our national parliamentary process the Senate was intended to provide. I hope to live to see the day when all Canadians will look to the Senate for leadership and at the institution with the respect that should be accorded a legislative body chosen by the people, not appointed by a Prime Minister.

Notwithstanding my beliefs and hopes in what the future may hold for the Senate, I must say that it has been an honour and a privilege to serve my country and the people of New Brunswick in this chamber. It has been a responsibility that I have taken always most seriously. It is a part of my life that I will always look back on with pride. I want to pay tribute to my colleagues in this chamber, past and present. Regardless of our abilities or political beliefs, we come here with a common purpose — the service of our country. There can be few nobler callings than public service.

Let me express my appreciation for the people who really make this institution work — cleaning staff who maintain the chamber and the offices of the Senate, bus drivers, protective services, pages, researchers, library staff, clerks and their staff and, of course, the administration of the Senate and our own support

staff. I do not know how I would have gotten by in the last 10 years without Ross McKean. He has kept me all the more organized. Those senators who know me well know I am not very organized. I am usually juggling about six things at one time. Ross has had to put up with that, but he has done it in a great way. I want to thank all of you for making my job and our jobs so much more pleasant because of your courtesy and your unassuming professionalism.

For 37 years, it has been my honour to represent, to serve, to work with the people of New Brunswick. There will be another time very shortly, in May, to speak to this in more detail down home. Suffice it to say I would not be here today had I not earned the trust and the privilege to represent the people of Riverview. I must say, too, that in four of the last five elections, I took their deposit. That was not mentioned.

In 1967, as a rookie MLA, I came to the provincial legislature in Fredericton to sit in opposition. I started in opposition; I leave in opposition. I sat there for three years to discover that there were no female washrooms in the members lobby. The press were more interested in what one wore than what one said. Many believed that men could not serve with a female minister leading a department. It was quite interesting, really; many challenges but great fun in the long haul. Through three and one-half terms serving in government alongside a great leader, my friend Richard Hatfield, and so many superb colleagues, I have been fortunate and grateful to have the chance to work for New Brunswickers. Of course, I shall always be grateful to Brian Mulroney for having had the trust in me to serve my province and my country in this institution.

Finally, I should like to acknowledge the support of my family and some of my friends. My family is up there in the gallery, including two of my children. The third could not make it. I could not have succeeded without them. For all these years in public life, they gave me unwavering support. The trust and advice of my family and friends kept me on the straight and narrow so many times. We have shared lots of laughs and a few tears along the way, but as I said at the start, it has been a great ride. I cannot imagine having taken it without my family and friends.

As we get older, how time flies. You just get up in the morning and you have to go to bed. As someone once said, "Hello, I must be going."

The book is far from finished, honourable senators and friends. I am simply turning another page. I wish you all well in the years ahead.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, before going to Senators' Statements, I would indicate that I intend to call on three senators who had wished to speak on Senator Roche's retirement in the order of Senators Hubley, Prud'homme and Banks, followed by three who were left on the list for Senator Robertson's tributes, namely Senators Carstairs, Tkachuk and Murray.

THE HONOURABLE DOUGLAS ROCHE, O.C.

TRIBUTES ON RETIREMENT

Hon. Elizabeth Hubley: Honourable senators, it gives me great pleasure to rise in tribute to the distinguished gentleman who sits just across the aisle. Senator Roche is greatly admired and respected throughout the world for his work on nuclear disarmament and arms control. In my own relatively brief time here, I have been impressed not only by his knowledge and expertise but also by his great humanity and the unfailing courage he has shown in grappling with the global issues of war and peace.

The international arms community is a shadowy place, honourable senators, where borders and national loyalties often are ignored and where laws are undermined and skirted around. As Western democracies, we have pursued peace and disarmament on the one hand, while at the same time allowing our arms manufacturers and contractors to continue arming the world, particularly the developing countries.

Let me give honourable senators one very real and disillusioning example. A little more than a year ago, as the United States began its international campaign to convince the rest of the world that the evil dictator of Baghdad should be removed and just prior to the return of UN arms inspectors to Iraq, neighbouring Jordan hosted another kind of international event. Arms manufacturers and suppliers from around the world and their prospective customers gathered in Amman to exhibit the latest in weaponry, from guns to land mines, from battlefield tanks to fighter aircraft, from missiles to sophisticated tracking systems. The Special Operations Forces Exhibition, or SOFEX, is held every two years. The British firm Vickers was there exhibiting the Challenger tank, recently offered to Jordan, as was the American weapons giant Lockheed Martin, which manufacturers the Longbow “fire and forget” missile and the Hellfire II antitank missile, as well as the F-16 fighter jet.

Other American firms participating in the arms fair include Raytheon, the world’s largest manufacturer and supplier of the Tomahawk cruise missile, the same kind that had rained down on Afghanistan earlier that year and the same missile that would be used once again when the coalition forces invaded Iraq for a second time.

• (1430)

Many of the potential customers of SOFEX need little introduction. Two of the three rogue states comprising President Bush’s axis of evil were there, Iraq and Iran, as well as Syria, Libya and the Sudan, all of them viewed at the time as sponsors of terrorism by the United States State Department.

Honourable senators, there is something almost unbelievable about this. We are reminded that there is a lot of work to do if we are to realize a world in which peace, non-aggression and civility prevail over violence, arms proliferation and war.

Senator Roche knows better than most the challenges we confront. I should like to thank him for his remarkable contribution to the work of this chamber.

[Translation]

Hon. Marcel Prud’homme: Honourable senators, I will certainly not add to the many eloquent things already mentioned about my colleague and friend Senator Roche.

I have known him as the most passionate member of the External Affairs and National Defence Committee, which I had the pleasure of chairing in the House of Commons for nearly 10 years.

Senator Roche had always believed that the external affairs and national defence committees should be combined. Why? Because those specializing strictly in national defence matters are often unaware of international problems, which are of somewhat greater interest to those responsible for external affairs, and vice versa. The experts at Foreign Affairs and CIDA are often unaware that, unfortunately, there are some horrible people in this world and consequently we need a Department of National Defence. Senator Roche and the other committee members succeeded in raising the awareness of both sides in the External Affairs and National Defence Committee.

I want to thank Senator Roche for the role he played back then in raising the awareness of his colleagues on this committee. His strong convictions never wavered. He will continue — we are certain — to devote himself to those who believed in him.

As I did not get the opportunity to do so earlier, I want to take this opportunity to pay tribute to Senator Robertson and to Senator Beaudoin, who has always been a wonderful friend.

[English]

More than 15 appointments will be possible, and one of my wishes is that the next Prime Minister, whoever he will be, will at long last show the way, because he will have the option of achieving one house that has total equality by appointing women until we reach a complement of 53 or 52. Within less than a year and a half, we can achieve that great goal. I thank you very much.

Hon. Tommy Banks: Honourable senators, I hope you will permit me to address my remarks to Senator Roche. I claim that privilege for two reasons: first, because it is he who first marched me into this place, along with Senator Taylor, another victim of age discrimination; and, second — this is the only sense in which I have the advantage over all honourable senators, I believe — I have had the privilege and honour of knowing Doug Roche since 1970 when he was the editor of the *Western Catholic Reporter*. I think that trumps about everyone.

Not wanting to add to the long list, which is still not fully exhausted of your many accomplishments, Doug, I want to point out that when the leader complimented you by saying that you sit here as an independent so as not to be constrained by party discipline, I know that Senator Murray would gleefully regale us with tales of the fact that you were never constrained by party discipline in matters of principle.

Certainly, since I have been here, you have, in more senses than one, been the conscience of this place in many respects. I have no idea how that will be replaced or how that will be succeeded, but when the next Prime Minister, whoever that might be, succeeds in filling up the Alberta quotient of senators again, he may succeed you, but he will not replace you.

THE HONOURABLE BRENDA M. ROBERTSON

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs: Honourable senators, others have commented on Senator Robertson's remarkable contributions to New Brunswick, both in her service in the legislative assembly and here in the Senate. I will spend the limited time available to me to comment on her quiet and effective championship of disability issues here in the Senate.

As a result of her intervention, this chamber and the Senate as a whole has become more sensitive to the needs of the less able in our community. For example, the Senate has led the parliamentary world in having the first committee report made available in ASL and LSQ sign language for the hearing impaired. The gallery has been adapted to make it more accessible to the handicapped. There is a working committee to identify the special committee needs of Senate employees and to ensure that special equipment needs are met. I am sure that many of you are not aware of these special initiatives. That is typical of Senator Robertson. She goes about her business in a quiet, effective way and, as a result, we will all suffer a loss when she retires.

She has my gratitude, and I wish her Godspeed.

Hon. David Tkachuk: Honourable senators, I wish to pay tribute to Senator Robertson. Brenda, you and I have always wondered, when the government members so graciously clap for us, whether it is for our departure or for the anticipated appointment.

Coincidentally, May 23 is not only the day Senator Robertson retires from the Senate but also, I believe, it was 75 years ago on that day that she arrived in this world. I do not think that Senator Robertson will be retiring from the Senate, because the lady I have known, the senator from New Brunswick, is unlikely to be retiring, given all that she does. She is simply leaving Ottawa.

I did not know Brenda Robertson from New Brunswick, that courageous first female elected member in the New Brunswick legislature and the first female cabinet minister in the New Brunswick legislature. I only knew Senator Brenda in the Senate. That can be rather overwhelming. Those of us who have shared caucus discussions in the Senate know exactly what I am talking about.

We have shared a great deal of politics, a bit of strategy, intrigue and plain old political plotting, and it has all been fun but, in that, you have shown me what a bright political mind you have.

I have the highest respect for Brenda, who has been a wonderful colleague, an honourable senator, and someone whom I consider to be a friend.

Brenda has shown us what resilience she has after overcoming physical challenges from two hip surgeries, suffering the personal loss of her husband and best friend, Wilmont, to rallying and giving us and Canadians all of her heart, until the very moment of retirement.

Brenda was one of the first, if not the first, Atlantic members of caucus to see the importance of a political merger between the two Conservative parties — and she did lots of work to achieve that — and the importance of re-orienting our focus on what really needs to be our target of attack.

Brenda, I know your family will be glad to have you back in New Brunswick, and I hope they know how much we will miss you here. To your family, thank you for sharing such an important, valuable and irreplaceable Canadian with us. To you, Brenda, good luck and God bless.

• (1440)

Hon. Lowell Murray: Honourable senators, we sometimes hear politicians saying, "If only we could get all of the voters in one place, the better to explain to them the benefits of our policy." On one celebrated occasion in the mid-1970s, I thought Brenda had just about accomplished that, when I believe I saw most of the voters of New Brunswick massed outside the legislative building in Fredericton to protest her policies when she was Minister of Social Services there.

We all know politicians and cabinet ministers who cut and run, or run and hide, the minute their policies or programs come under attack. Brenda Robertson was never of that kind. As Minister of Social Services, and later as Minister of Health, she was responsible for controversial policy and program changes, and for difficult decisions. What I always admired about her is that she stood her ground, explained and defended her position and, when she could not persuade her critics, won at least their respect and understanding.

As it has turned out, many of the changes she introduced in both the welfare and health portfolios, changes that were worrisome to people because they were new, have stood the test of time and have served New Brunswickers well.

The same may be said, as Senator Lynch-Staunton indicated, for the comprehensive overhaul of the *Rules of the Senate of Canada* that she brought in as chairman of the Rules Committee. This was not, to put it mildly, an assignment she sought, but as soon as the government obtained a majority in this place we prevailed on her to accept the challenge, which she did with characteristic courage and determination. When she presented the new set of rules, the then leader of the Liberal opposition, Senator MacEachen, compared her and us unfavourably to the totalitarian regime then in power in the Kremlin. As with so many other initiatives of our government, such as free trade, NAFTA, the GST, the Liberals embraced the Robertson rules fully and shamelessly once in office.

How shall we remember Brenda? We will think of her every time the Liberals bring in closure, or deny the adjournment of a debate, or bring us back on a Friday morning. This is another way of saying that we will never forget you, Brenda.

BUSINESS OF THE SENATE

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 22(7), I would request that time be extended under Senators' Statements for the purposes of hearing Senator Moore on a statement.

The Hon. the Speaker: The rules provide that the whip of either party may approach the Speaker and make such a request — and the request is for an additional three minutes.

Please proceed, Senator Moore.

CURLING

NOVA SCOTIA— CONGRATULATIONS TO WINNING TEAMS

Hon. Wilfred P. Moore: Honourable senators, I rise with great pride today to inform this chamber of the recent achievements by Canada's curlers on the national and international levels. It truly has been a month of success, not only for the country but for the province of Nova Scotia, as all these tournaments have involved rinks representing my home province.

On February 29, in Red Deer, Alberta, the defending Canadian champions representing the Mayflower Curling Club of Halifax defeated a younger but very talented Quebec rink 7-4, in a very close match at the Scott Tournament of Hearts. The Canadian champions — skip Colleen Jones, third Kim Kelly, second Mary-Anne Arsenault and lead Nancy Delahunt — have won four straight times and a phenomenal fifth championship in six years, both national records.

These dedicated women have learned how to win. They do not rest on their laurels but continue to push themselves to that championship level of their game. The Jones rink is an inspirational role model for all athletes, female and male alike. The Canadian champions will compete in the World Women's Curling Championship in Gavle, Sweden, from April 17 to 25.

On March 14, at the Nokia Brier in Saskatoon, Saskatchewan, another Nova Scotia rink, again from the Mayflower Curling Club of Halifax, bested the defending Canadian champion, Randy Ferbey of Alberta, in a come-from-behind 10-9 victory. The Nova Scotia rink consisted of skip Kevin Dacey, third Bruce Lohnes, second Rob Harris, lead Andrew Gibson and fifth Matt Harris. These men managed to keep up with the Joneses, and they will represent Canada at the World Men's Curling Championship in Gavle.

Finally, over this past week, the Women's World Junior Curling Championship took place in Trois-Rivières, Quebec. As I mentioned in a past statement, the Canadian champions hail from Chedabucto Curling Club in Boylston, Nova Scotia, and did the country proud. Skipped by Jill Mouzar, third Paige Mattie, second Blisse Comstock and lead Chloe Comstock, their record was 10 wins and one loss throughout the tournament. Their only loss was in the final game to Norway by a score of 9-6. That result earned a silver medal for Canada, something of which our junior women champions can be very proud.

I am most pleased today to offer these three tremendous rinks from Nova Scotia this chamber's appreciation for their excellent efforts, and to wish the Jones and Dacey rinks good luck at the World's next month.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE NATIONAL SECURITY COMMITTEE FOR PARLIAMENTARIANS: A CONSULTATION PAPER TO HELP INFORM THE CREATION OF A COMMITTEE OF PARLIAMENTARIANS TO REVIEW NATIONAL SECURITY

DOCUMENT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a document entitled, "The National Security Committee for Parliamentarians: A Consultation Paper to Help Inform the Creation of a Committee of Parliamentarians to Review National Security."

[Translation]

STUDY ON QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

REPORT OF FISHERIES AND
OCEANS COMMITTEE TABLED

Hon. Gerald J. Comeau: Honourable senators, this being April 1, April Fool's Day, I have the honour to table the fourth report of the Standing Senate Committee on Fisheries and Oceans.

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

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

PUBLIC SAFETY BILL 2002**REPORT OF COMMITTEE**

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 1, 2004

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, has, in obedience to the Order of Reference of Thursday, March 11, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

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

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

[*English*]

STUDY ON MEDIA INDUSTRIES**INTERIM REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED**

Hon. Joan Fraser: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Transport and Communications, entitled "Interim Report on the Canadian News Media."

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

CRIMINAL CODE**BILL TO AMEND—REPORT OF COMMITTEE**

Hon. George J. Furey, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, April 1, 2004

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-14, to amend the Criminal Code and other Acts, has, in obedience to the Order of Reference of Wednesday, February 25, 2004,

examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GEORGE FUREY
Chair

The Hon. the Speaker: When shall this bill be read the third time?

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

• (1450)

ADJOURNMENT

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 20, 2004, at 2:00 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

**CANADA ELECTIONS ACT
INCOME TAX ACT****BILL TO AMEND—FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-3, to amend the Canada Elections Act and the Income Tax Act

Bill read first time.

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

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

CANADA-JAPAN INTERPARLIAMENTARY GROUP**INAUGURAL GENERAL MEETING OF
INTER-PARLIAMENTARIANS FOR SOCIAL SERVICE,
AUGUST 28-31, 2003—REPORT TABLED**

Hon. Marie-P. Poulin: Honourable senators, I have the honour to table the report of the Canada-Japan Interparliamentary Group respecting the inaugural general meeting of Inter-Parliamentarians for Social Service, held in Seoul, South Korea, from August 28 to 31, 2003.

CO-CHAIRS' ANNUAL VISIT TO JAPAN,
MARCH 1-6, 2004—REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, I have the honour to table the report of the Canada-Japan Interparliamentary Group on the Co-Chairs' annual visit to Japan, held in Tokyo from March 1 to 6, 2004.

TWELFTH ANNUAL MEETING OF ASIA-PACIFIC
PARLIAMENTARY FORUM, JANUARY 12-14, 2004—
REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, I have the honour to table the report of the Canada-Japan Interparliamentary Group/Canada-China Legislative Association respecting the Twelfth Annual Meeting of the Asia Pacific Parliamentary Forum held in Beijing from January 12 to 14, 2004

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY BILINGUAL STATUS OF CITY OF OTTAWA

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday, April 20, 2004, I will move:

That the petitions calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

That the committee consider the merits of amending section 16 of the Constitution Act, 1867: and

That the committee report to the Senate no later than October 21, 2004.

[English]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Nick G. Sibbeston: Honourable senators, I come from a part of Canada where there are many official languages, many of them Aboriginal languages. I am very pleased today, pursuant to rule 4(h), to table petitions signed by 35 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's bilingual duality.

The petitioners pray and request that Parliament consider the following:

That the Canadian Constitution provides that French and English 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;

That section 16 of the *Constitution Act, 1867* designates the city of Ottawa as the seat of the 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.

QUESTION PERIOD

FOREIGN AFFAIRS

APPOINTMENT OF MR. BHUPINDER LIDDAR AS
CONSUL GENERAL TO CHANDIGARH, INDIA

Hon. Gerald J. Comeau: Honourable senators, my question is to the Leader of the Government in the Senate. Would the leader provide an update on the status of Bhupinder Liddar's appointment as Canadian Consul General to Chandigarh? Is he going or not?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have nothing further to advise.

Senator Comeau: This is getting to be quite a disturbing characteristic of this government. We have seen similar actions in the past regarding Brian Mulroney. We have seen the situation regarding François Beaudoin. I will not name all the others. Would the Leader of the Government in the Senate agree that it is high time that the reputations of fine Canadians be protected and not soiled by their own government?

Senator Austin: Honourable senators, I absolutely agree that the reputations of Canadians should never be soiled by their government without cause. In this case there is no information to indicate the reason for the delay in effecting the appointment, but certainly no intention, either, of affecting the reputation of Mr. Liddar.

Senator Comeau: The Leader of the Government has just now said it again. There would be no reason to do such things without cause. Do it or get off the pot. What is the cause? Please tell us so that Canadians do not have to worry about this kind of limbo being created for a long period of time. In the case of Brian Mulroney, it was years. He finally had his day in court and won. Is that what Mr. Liddar will have to go through to restore his reputation? There is now a cloud over his head.

• (1500)

Senator Austin: Unfortunately, honourable senators, due process is time consuming. It is, however, absolutely required to achieve a balanced judgment on whatever is being judged. Patience is always urged in these cases, and for a very good reason.

Hon. Gerry St. Germain: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. I believe him when he says that he would not partake in such activities, but we know this has happened. It is an abuse of power. Can the minister tell Canadians what the present government is doing to prevent a recurrence of this episode, which has involved witch hunts and personal attacks?

Senator Comeau: Stevie Cameron!

Senator St. Germain: I do not want to mention names.

I have the deepest respect for Senator Austin as an individual and I know that the minister would not do this personally. However, it has happened. The media has written about it and we all know it has happened. What remedy is the present government taking to prohibit these vicious personal attacks and abuse of power by the PMO and others?

Senator Austin: Honourable senators, I absolutely deny any vicious attack or abuse of power by the government.

If Senator St. Germain is referring to the actions of the Royal Canadian Mounted Police, then he will be aware that those actions are taken on the basis of its own independent judgment, under the authority that it is given by Parliament. The government has no role to play in the decisions of the RCMP with respect to its investigations. If Senator St. Germain sees an abuse of power by the government, I should like him to name a specific circumstance so that we can talk about hard cases rather than this airy-fairy abuse of power, dust-in-the-air statement.

Senator St. Germain: I can tell the minister that there is no airy-fairy Gerry. I will name them: Allan Rock and Stevie Cameron. There are two examples. There is also an example of a vicious attack on a former Prime Minister, a great Canadian and someone who contributed greatly to this country. Regardless of how one cuts it, there was an attack on him. The government sent him \$2 million because of the injustice that was brought on him, yet my honourable friend sits here today and says that these abuses do not happen.

Senator Austin: Honourable senators, it has no value to go down the path of a circumstance in which the former Prime Minister, the Right Honourable Brian Mulroney, has resolved whatever issues affected him with the Government of Canada. He has asked that they be set aside, put on the shelf. I do not know why Senator St. Germain wants to keep raising Mr. Mulroney's name and reminding the Canadian public of events that should have been put away.

Hon. A. Raynell Andreychuk: Honourable senators, I have risen before to ask this question: Is it now the practice and the policy of the government to obtain a complete security clearance before a head of mission is appointed?

Senator Austin: Honourable senators, it is my understanding that it is the practice to seek security information on persons who

are the subject of a possible Order in Council. That has been a long-standing practice.

Senator Andreychuk: The practice is that if there is a recommendation for an appointment, it is always subject to security clearance before the actual Order in Council is made. If that rule was followed in Mr. Liddar's case, is the honourable leader saying that there were assurances from the RCMP that there was a security clearance but that something has happened in the intervening period to warrant investigation, or is he saying that the first check is being done now?

Senator Austin: Honourable senators, I have no information to offer the chamber with respect to the process of security clearance in this particular circumstance. I cannot go to the dance with Senator Andreychuk on her speculation.

Senator Andreychuk: It is not a dance; I am declining the offer.

Senator Austin: I will go to other dances with you, however.

Senator Meighen: Stop waltzing around the question!

Senator Andreychuk: It is neither a tango nor a waltz. It is a straight question. The responsibility lies with the government. The government continues to ask for more legislation to make Canadians safe. However, the way we make Canadians safe is by administering the existing practices and policies.

When a head of mission goes overseas, he or she goes with the authority to bind the state. There must be a full security clearance or that person should not be appointed. Mr. Liddar's appointment was announced, so I presume he was cleared. Therefore, there had to have been a proper RCMP investigation, CSIS investigation and some certification to the government that there was a clearance.

I think the government should answer by saying that it sought a clearance and received a clearance before it made the appointment. I agree that the honourable leader cannot go into the details of RCMP investigations at the moment, but did the government follow the rule to obtain a security clearance before the appointment? That is a government responsibility, not an RCMP or CSIS responsibility.

Senator Austin: As I have said in answer to a question posed as the first supplementary question of Senator Andreychuk, I am absolutely confident that the government will follow a long-standing policy, but I have no information with respect to the circumstances being addressed.

Senator Andreychuk: Could I ask the Leader of the Government to look into this matter and determine whether clearance was obtained? Could we have that answer in a written form in due course?

Senator Austin: Honourable senators, I have grave doubts that I would be able to obtain any information with respect to this issue until it is made public by the Minister of Foreign Affairs.

Senator Andreychuk: I am not asking for security information nor am I asking for existing government assessments. I simply want to know whether the government received a clearance before it made the appointment, or did it make the appointment without the clearance? That is a government responsibility and such information should be available to the public. I am asking if the policies were followed. When we send Canadians abroad, it is extremely important that they have the full trust, confidence and security clearance on behalf of Canadians. It is a government responsibility to assure Canadians of that fact only. If there was no clearance, we need to know; if there was a clearance, we need to know. The content of the clearance is not for us to know.

Senator Austin: Honourable senators, I am certain that in the proper course the information that Senator Andreychuk is requesting will be available, subject to the rights of privacy under Canadian law to which the individual in question is entitled.

Hon. Marcel Prud'homme: Honourable senators, the gentleman in question has publicly announced that he is giving up his privacy rights to not reveal anything.

Honourable senators, the Senate will adjourn today and may or may not return on April 20. The case in question is becoming most embarrassing. If one reads *The Hill Times*, one will see that names are being thrown out by Mr. Cleroux. Names like Stan Darling are being used. I do not know how many senators know Stan Darling, but he is as straight and honest as an arrow. One could never find a better man than Stan Darling in the House of Commons.

There is then Mr. Corbett, for whom Mr. Liddar worked; and then Senator Forrestall. These names are in Mr. Cleroux's article, so I might as well mention them. Names like Joe Clark have been thrown in. These names go back 20 years. My name is included in the article. It would be much more tragic if I were to say exactly what happened. I will not because it is too embarrassing and it is too divisive. I hope the minister is listening carefully. It is too dramatic and too divisive. Senator Macquarrie was a man who happened to hold some opinions or views that were not popular in the old days — with whom I personally have no relationship, except to know that we happened to share the same opinion. He was a great mentor of many members. Senator Macquarrie was no fool; he was a great historian, a great scholar.

• (1510)

Names are being thrown out. The Sikh community in Canada is growing. Canada is changing dramatically. There are hundreds of thousands of new Canadians. They wonder what is going on. What is wrong with this man? Is this a witch hunt? I do not know. Being 40 years in Parliament, I know what I am talking about, sir.

Senator Stratton: Question!

Senator Prud'homme: As you may know, 30 years ago, I met the commissioner of the RCMP. I requested security clearance, and was completely secure at my request.

As we are about to adjourn, would the leader convey our concerns to the proper authorities? I am being very calm in

dealing with this issue because I know how hot, explosive and even dangerous the issue will be if it drags on and on. It is unfair to Mr. Liddar.

Senator Stratton: Question!

Senator Prud'homme: I do not know who is saying that. Who wants me to ask the question?

The Hon. the Speaker: Would you come to your question, Senator Prud'homme?

Senator Prud'homme: I would like the government to know how extremely concerned we are as members who care for Canadians' rights.

Senator Austin: I assure Senator Prud'homme and also Senator Andreychuk that the views expressed by them on this issue will be conveyed to the Minister of Foreign Affairs.

HEALTH

LONG-TERM FUNDING

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate. A speech given by the Prime Minister in Winnipeg last Friday placed all hopes for health care funding on the outcome of the first ministers meeting this summer. Dr. Sunil Patel, President of the Canadian Medical Association, was critical of the Prime Minister's desire to put off this discussion until the summer, saying:

If we continue with the dithering and debate, it could very well be a death knell for the Canadian public health care system.

Does the federal government have any backup or fallback or alternate plan to deal with long-term health care funding if a deal cannot be reached by the provinces in the summer?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Keon's question has two parts. With regard to the first, an integrated attack on Canada's health problems as they have been emerging, and as the honourable senator has in previous questions outlined in this chamber, requires the cooperation of the federal government and the provinces under our Constitution. The federal government's role, as we know, is the power of the chequebook. The provinces are the administrators of these programs. They decide the priorities under current practice. In order to be able to add new items to the agenda, two things will be required — an agreement and cash. That is what the July meeting is all about.

As to the second part of the honourable senator's query, I do not think it would be useful for me to answer his hypothetical question, which is: What will the federal government do if there is no agreement? The Prime Minister is taking every possible step to ensure that the provinces understand that the Government of Canada wants that conference to succeed and is willing to add funds to health care in Canada, provided there is agreement with respect to the objectives and an accountability with respect to the application of those funds on the part of the province.

I should like to add in this rather long answer that the Canadian Health Council is designed, subject to the agreement of the federal government and the provinces, to play a critical peer group role in designing new objectives for Canadian health care.

Senator Keon: I thank the Leader of the Government for his answer. I agree it is unfair to ask him to speculate on what might come about, but I believe everybody agrees that, in the short term, there will have to be more cash from the federal government. Everybody who is sincere about this matter also agrees that cash is not the answer, that this needs a lot more — planning, communication and so forth — to make the system as we know it now financially sustainable.

It would be a serious setback if, in the short term, some cash does not flow to keep things going until we design a master plan. My supplementary question is: Does the minister perceive some cash flowing without having to wait for all this to be settled?

Senator Austin: As Senator Keon knows, this chamber passed Bill C-18, and I am sure the cheques are on the way to the provinces for the \$2-billion, one-time cash infusion. Hopefully, that will be used as a transitional fund for existing operations. All of us hope that the federal government and the provinces will come to a balanced agreement that will ensure the current standards of health care in Canada and, indeed, improve them.

NATIONAL STRATEGY FOR CANCER CONTROL— FUNDING

Hon. Michael A. Meighen: Since April is the Canadian Cancer Society's Daffodil Month, I have a supplementary question of the Leader of the Government in the Senate, pursuant to both a speech made by Senator Carstairs on March 23 and a general question of health care funding raised by Senator Keon.

As I am sure the government leader is well aware, Health Canada has a national strategy for the control of HIV/AIDS, which causes, incidentally, about 600 to 700 deaths per year, and that is funded at over \$42 million per year. It has a national strategy for the control of diabetes, which causes about 31,000 deaths per year, and that is funded at an average of \$23 million per year. However, Health Canada's national strategy for cancer control — a disease that takes close to 60,000 people per year — is funded at only \$600,000. That is the amount Health Canada provides to the Canadian Strategy for Cancer Control, an organization that has developed a blueprint for substantially improving the cancer morbidity and mortality statistics across the country.

My question to the Leader of the Government is this: Will he seek to obtain a commitment from the Government of Canada to provide the Canadian Strategy for Cancer Control with the kind of improved funding that is required to implement its own blueprint?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have received vigorous advocacy from the B.C. cancer control groups and research groups in my own province of B.C. I am aware of the concern that they have with respect to the federal government's present support for overall strategic definition of

the work to be done and the networking of people to attack the problem of cancer in Canada. I consider the honourable senator's representation to be a very important one. I will add his comments to my own which I have taken forward to the Minister of Health.

I recognize that he is wearing a lapel pin indicating his support for cancer research in Canada. This morning I received in my office a bouquet of daffodils from British Columbia.

• (1520)

VETERANS AFFAIRS

COMPENSATION FOR VETERANS EXPOSED TO CHEMICAL TESTING—COST OF LEGAL FEES

Hon. Michael A. Meighen: Honourable senators, my question is again to the Leader of the Government in the Senate. I should like to follow up on a question I asked a month ago and, to which, in spite of all odds, I know I will receive an answer. That question concerned the rather stingy compensation the government has decided to provide veterans who were subject to chemical agent testing by our own government.

It always seems to be the case, honourable senators, with this government that no action is taken on veterans' compensation until the government is pressed to the wall to do so, usually by a lawsuit instituted by the veterans themselves. This case is no different. It was only after a lengthy and expensive class-action suit by the veterans that the government agreed to provide them with this limited compensation.

That means, therefore, that the veterans who themselves spearheaded the lawsuit have accumulated substantial legal fees that they are now responsible to pay.

My question for the leader is this: Will he, now that the government has decided on a compensation package for the veterans, undertake to urge his colleague the Minister of Veterans Affairs to agree over and above the compensation package to pay for the legal fees? As he well knows, had it not been for the legal action, there would have been no compensation package, and it is the veterans themselves who are forced to bear the not-inconsiderable burden of these fees. It seems to me that equity and justice would dictate that the government pay those fees.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will convey that representation to the Minister of Veterans Affairs.

However, I would add that all ministers are obliged to follow the advice of the Minister of Justice as represented by the Department of Justice. I believe that it would be possible for the Minister of Veterans Affairs and myself to have a meeting with the Minister of Justice on this topic.

VIA RAIL

THE BUDGET—
CUTS TO COMPANY'S CAPITAL BUDGET

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate, and it has to do with VIA Rail.

Recent newspaper reports indicate that Prime Minister Paul Martin, former owner of Voyageur Bus Company, was not known to be a friend of VIA Rail, as was shown by route cuts in his early budgets.

Before entering cabinet, Mr. Martin was openly critical of VIA Rail, and *The Globe and Mail* newspaper of March 10, 1989 reported the following:

“VIA Rail is being used to destroy Voyageur,” he charged, adding that the federal subsidies to the Crown corporation represent unfair competition.

Could the Leader of the Government in the Senate advise the Senate as to whether the decision in the most recent budget to cut back VIA Rail's capital budget was that of the Minister of Finance alone, or did the Prime Minister have a hand in that decision?

Hon. Jack Austin (Leader of the Government): Honourable senators, did I understand Senator Oliver to be quoting from a newspaper story from March 10, 1989?

Senator Oliver: Yes.

Senator Austin: That was at a time when the government of the Right Honourable Brian Mulroney was in office. Am I correct? If that were the case, Paul Martin would not have been a member of the government and, indeed, as a backbench MP, would have been entitled to have and manage investment interests.

I am a little puzzled by the question. Perhaps the honourable senator could re-form it.

Senator Oliver: The question, honourable senators, is clear to me. What *The Globe and Mail* reported on March 10 was a quotation of the words used by Mr. Martin, and Mr. Martin, as owner of Voyageur Bus Lines, said that “VIA Rail is being used to destroy Voyager.” He also said that federal subsidies to the Crown corporation, VIA Rail, represent unfair competition. That was the quotation in *The Globe and Mail*.

The question is this: If that was his view then, are the cuts to VIA Rail's capital budget in this most recent budget by his hand?

Senator Austin: The honourable senator is asking for some sort of idle speculation, and I have no intention of providing it.

FOREIGN AFFAIRS

IRAQ—POSSIBLE DEATHS OF CANADIAN CITIZENS

Hon. J. Michael Forrestall: Honourable senators, I have a couple of brief questions for the Leader of the Government in the

Senate. One is to ask if the minister knows whether the EH-101 Cormorants have, as yet, been put back into full service.

My question has to do with Canadians involved in the Iraq war. I preface my remarks by extending my deepest sympathy to the families of not only Canadians who lost their lives in that war but also to the families of all those injured.

On March 2, 2004, the London-based British daily *The Independent* reported that a little-known terrorist group called Jaysh Ansar al-Sunnah claimed in a videotape to have killed Canadian and British intelligence agents near Yusufiyah on January 5.

Can the Leader of the Government tell the chamber whether any Canadian government-employed personnel, either permanent or contract, have been killed in Iraq since the U.S.-led invasion?

Hon. Jack Austin (Leader of the Government): Honourable senators, in order to give an accurate answer, I will make inquiries and provide an answer to Senator Forrestall as soon as possible.

While I am on my feet, as a result of a question which Senator Forrestall asked me yesterday, I would draw his attention to the release today of a document, “The National Security Committee of Parliamentarians,” which is a consultation paper to help inform the creation of a committee of parliamentarians to review national security.

Senator Forrestall: Would the minister send that over, please?

I have a brief supplementary question. I hesitate to ask, but the *Toronto Star* reported the other day that Richard Flynn, 54, of Mississauga, a retired RCMP officer, was killed in a bomb attack on January 5, near Falluja.

Can the Leader of the Government tell us if this former member of the RCMP VIP protection squad was in the employ of any government department or agency at the time he was so sadly lost in that incident?

Senator Austin: Honourable senators, the information I have is that he was retired from government service and was an employee of a private company.

INTERNATIONAL TRADE

UNITED STATES—
BOVINE SPONGIFORM ENCEPHALOPATHY—
OPENING OF BORDER TO BEEF EXPORTS

Hon. Leonard J. Gustafson: Honourable senators, I have one quick question for the Leader of the Government in the Senate. The mad cow disease has been very well handled by the government and especially by the health authorities in working together to try to get the border re-opened. Does the minister have any new information on the possibility of the border re-opening shortly?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not. As the honourable senator is well aware, we are awaiting the termination of the consultation period which was decided upon by the Department of Agriculture in the United States, and my understanding is that date is April 7, which is a week away, to say the obvious. I would hope, as I know the honourable senator does, that shortly after that date we will have some signal from the United States.

NUNAVIK

COST OF LIVING—DISCRIMINATORY TAX SYSTEM— PRESENTATION OF PETITION

Leave having been given to revert to Presentation of Petitions:

Hon. Charlie Watt: Honourable senators, I have the honour to present a petition of 94 households from the northern municipality of Inukjuak, bringing the total to 246 households from the Nunavik region.

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

That the villages of Nunavik are isolated northern communities with no road access to the goods and services paid for by taxpayers and readily available throughout southern Canada;

That the costs of living in Nunavik northern villages varies from a low of 150 per cent to a high of over 200 per cent of the cost of living in southern Canada, the average being 182 per cent of the cost of living in southern Canada;

That the higher cost of living in Nunavik and the filing of income tax returns, which are not available in the Inuit language, is therefore a burden on those individuals;

That the residents of Nunavik who do not file are hereby deprived of significant sums of money in refunds to which they are entitled;

That the above conditions give rise to legitimate grievances and fuel discontent among the residents of Nunavik;

That equality before the law requires more than treating people in the same way, but requires people to be given equal access and opportunities;

Therefore, your petitioners pray that the Senate:

(a) study their grievances set out in this petition, the current systematic discrimination against them in the tax system and all other related matters that may seem fit to it, with a view to recommending measures that could be taken to provide the fair treatment and economic well-being of the residents of Nunavik; and

(b) urge the Government of Canada to respond to those grievances without delay.

• (1530)

ORDERS OF THE DAY

SEX OFFENDER INFORMATION REGISTRATION BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pearson, seconded by the Honourable Senator Poulin, for the third reading of Bill C-16, respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

Hon. Gerry St. Germain: Honourable senators, Senator Cools had asked me a question on Bill C-16, concerning the situation that faces police officers in regards to crimes against children and women.

Very briefly, dealing with crimes of this type is very difficult for a police officer. The individuals who commit these crimes are generally loners, whereas often more than one individual is involved in other types of crimes.

The perpetrator of crimes against children and women could be a next door neighbour, or anyone, for that matter. To put it succinctly, that is what makes it so challenging for police officers, and that is why a registry is that much more important.

Hon. Consiglio Di Nino: Honourable senators, I rise to address Bill C-16 at third reading. Bill C-16 will create a national sex offender registry in Canada, and we on this side support this bill.

Bill C-16 was passed in the other place first as Bill C-23 in the Second Session of the Thirty-seventh Parliament, but it did not really begin as a government initiative. To call it that oversimplifies the events. In truth, this legislation would likely not exist if not for the tireless efforts of Jim and Ann Stephenson, whose son Christopher was killed by a sex offender. Mr. and Ms. Stephenson convinced the Province of Ontario to create a sex offender registry and continued to lobby for a national database. Eventually, all provinces came together and asked the federal government to build this registry.

The sex offender registry will provide a useful tool for law enforcement officials investigating sexual assault, abduction of children, sex-related homicide and other crimes. The registry will also help those who have been convicted of these offences by allowing them to quickly be disqualified from suspicion in sex crimes investigations.

The legislation is tempered. It is not a public registry. The information will be accessible to police, not neighbours. While some have said this is not strong enough, the evidence appears to support this as being the best approach. It increases offender compliance with the database and avoids hanging a scarlet letter around the neck of individuals who have served their sentences.

This legislation has much to commend it. That having been said, Bill C-16 should not pass without us acknowledging that it is far from a perfect bill. Of course, there is the old saying, and I quote, "The perfect is the enemy of the good." That is why we support this legislation, even with its flaws. It is a good start and can be improved upon over time, but we would be remiss if we did not place the criticism of the bill on the record.

When I examine this bill, it seems evident that the government wants to be seen to be creating a sex offender registry, but deep down I suspect that some in government find the idea distasteful. They think of such a registry, I would guess, as a right-wing, hot-button, law-and-order issue, something that they are forced to do for political purposes but that is not something they would normally choose to place on their political agenda. This is evident not only from the fact that the penalties for reporting are so low, but from the hoops the system has to jump through to add any name to the registry.

In committee, one witness, Professor Allan Manson, said that a sex offender registry was a waste of money. He said there was not much "bang for the buck." His views, I think, articulate the real views of some in government and society. The registry, he said, would cost too much money and make us feel like we are doing something when it is really a distraction from other initiatives. His reason for this seemed to be that there were no bulk numbers of sex crimes occurring.

I ask you, honourable senators, what is one life worth? Professor Manson cited a study that focused on a sex offender registry in Massachusetts. He said that researchers had looked at past homicides and concluded that had a sex offender registry been in place only four of 136 homicides would have been aided by the registry. He seemed to take this as an indictment. I saw it as a victory. The registry could have solved four of these heinous crimes, and that statistic does not include abductions and sexual assaults that do not end in homicide.

When we pressed him about other victims, he had no statistics with him, but he pointed out that 79 per cent of sexual assaults against children happen in their homes, by family members. Again, where he saw an indictment I saw 20 per cent of cases where the offender registry could be valuable. Even if it was just a quarter of that number, 5 per cent, it would be well worth the cost.

None of those statistics include sex offenders who stay on the straight and narrow because they know they are being scrutinized. None of those statistics include the improved efficiency with which police will now be able to disqualify past sex offenders so that they can focus on other aspects of the investigation. None of their statistics addressed the situation of a woman, having been sexually assaulted by a stranger, who remembers certain characteristics, like a tattoo or a scar. The database would be very useful in more effectively addressing those and many other situations.

Let us look at a real-life example. The *Ottawa Citizen* reported last Thursday, March 25, 2004, on page D3, that a 33-year-old man convicted of possessing and distributing child pornography and using the Internet to set up a sexual encounter with what he

thought were two 13-year-old girls was released after spending six and a half months in jail. The man is in treatment. The authorities believe he is at a very small risk of re-offending. He may go on to a productive life, crime free.

However, we should nonetheless have knowledge of his whereabouts for the safety of our children. As well, by reporting regularly, he would be reminded of his conviction; it would remain fresh in his mind. With any luck, this would act as a further deterrent to re-offending. This database does not hang a scarlet letter around his neck, but it keeps him on a reasonable leash.

It is a useful tool but, again, it is far from perfect. During second reading, I raised a number of concerns that I hoped we would receive answers to in committee. The minister and government officials responded to some of these questions, but I still have some concerns, and I am not the only one.

Honourable senators, while researching this bill, I asked the Toronto police for their comments. Staff Inspector Bruce Smollett responded to my request with the following comments and criticisms, which I wish to place on the record:

First, while there is provision for retroactive data entry into the new federal databank, it is restricted only to those offenders serving a sentence, or who are incarcerated at that time.

Second, an investigator may only access the federal database when the investigator reasonably suspects a crime of a sexual nature has occurred. This poses two problems. First, the police cannot use the database to quickly rule out the possibility of a sexual abduction. Second, there is no stated authority to access the database in order to verify or audit compliance by offenders.

Third, disclosure of offender information contained within the federal database may only be provided on the authority of the RCMP Commissioner. The RCMP cannot delegate such authority to either provincial or municipal police services. This may become problematic when there is a requirement to disclose such information to a Crown's office.

Fourth, there is no provision for geo-coding. Investigators cannot search the database for offenders who reside within a certain radius of an incident.

Fifth, offenders are only required to report fifteen days after a change in residence. Or similarly, should they go on a lengthy holiday, they are only required to notify of their extended absence fifteen days after the commencement of their holiday — even by telephone. There should instead be a provision for the offender to notify fifteen days prior to an address change or some other planned lengthy exclusion.

Staff Inspector Smollett worried that "the federal database will serve more as a statistic based information system with limited investigative values for police services."

• (1540)

Other concerns have also been raised. First, during deliberation before the committee, Tony Cannavino, President of the Canadian Professional Police Association, who supports the legislation, I should say, pointed out that failure to register on the sex offender database by an offender results in a maximum of a two-year penalty, but that failure to register in the gun registry results in a maximum 10-year penalty. When asked about this in committee, the Minister of Public Safety had no answer for why this was so, saying only that she found the comparison to be “not helpful.” However, it is helpful. It is a fair observation of the government’s priorities.

Second, as mentioned by colleagues in the other place, the process to be placed on the registry is far too cumbersome and invites unequal application. In order to be placed on the registry, a Crown prosecutor must bring an application before a judge. If that application is granted, the offender has access to separate proceedings by which he can apply to be taken off the registry if he feels that the stigma of being in the registry is affecting him in a “grossly disproportionate” way. This brings an inequity into the system since certain judges may grant applications while others will refuse them. Moreover, certain Crown counsel will bring the applications while others will not. Certainly a mandatory database with stronger penalties for non-compliance would be an improvement on this legislation.

Third, as I stated in my speech on second reading, photographs of offenders are not mandatory. They may or may not be included at the discretion of the functionary interviewing the offender. Upon investigation, I have been informed that this is because police services are in the midst of an upgrade to a better database that will be able to incorporate digital photographs. We need to monitor developments to ensure that these improvements are employed fully once they are constructed.

Fourth, a glaring inadequacy is that young offenders are not included in this database. While I understand the need for young offenders to be treated differently, I do not know why they should be exempt from this legislation. It cannot be because of stigma. The government has stressed time and time again that the database is an investigative tool and that this information will only be accessible to investigators. They have also stressed that this is not a form of punishment; rather, it is an “administrative consequence.”

Honourable senators, I am a strong supporter of programs that help troubled and at-risk youth to get back on the right track. I do not support the “lock them up and throw away the key” philosophy, but we all know that sexual offences are often the result of a compulsion. They have a very high rate of recidivism as a result of that compulsion.

A new study published in the *Canadian Journal of Behavioural Studies* and reported in yesterday’s *The Globe and Mail* makes the point strongly. I would like to quote from the story.

Treating sex offenders in custody for their deviant urges has little impact on whether they go on to commit sex crimes — or other offences — after they’re freed, according to a new study.”

The article quotes the study as saying:

It is reasonable to conclude that the overall treatment program did not have any meaningful effect on recidivism rates. We still have much to learn about how best to intervene with sexual offenders.

It seems to me that individuals with such a problem should be monitored, no matter their age.

Finally, in terms of Charter scrutiny, the government’s representatives have stressed that they are confident that the database will pass Charter scrutiny, but some of my colleagues are not so sure. The problem of retroactive additions to the database appears to be a core concern. Included in this concern is the fact that this new federal database will incorporate all of the names in the Ontario sex offender database. This means that, in some cases, offenders who have completed their sentence will be incorporated into the Ontario registry. A different offender who committed the same offence at the same time in Manitoba or Nova Scotia may not be included or will not be included in the database. As pointed out by several of my colleagues on the committee, this creates another inequity in the database.

Let me be clear. I support the retroactive application, but I raise this issue because this problem could have been minimized, if not eliminated, had the government responded to the need for this action quickly. Manitoba created a community notification advisory committee to review cases of convicted sex offenders thought to be at high risk to reoffend eight years ago, in 1995. President Clinton passed Megan’s Law in the United States in 1996. The Ontario registry came into force three years ago, under Christopher’s Law. If the federal government had cooperated with the provinces at that time and created a national database in conjunction with Ontario or created one before they did, the problems could have been avoided. Instead, they needed to be begged to act.

Honourable senators, we on this side support this legislation. It is a good start. It provides a new investigative tool for the police. It will ultimately, I believe, save lives and prevent the victimization of many innocent people. However, we should be vigilant and look for ways in which we may improve it over time.

A review of the registry is scheduled to take place two years after it comes into force. I hope the government will take that review seriously and look for ways to make this good start into an even better tool for law enforcement and society.

Honourable senators, I am not deluding myself. Bill C-16 will not solve by itself the problem of sexual offences. Even if it were a perfect database, it would not be a panacea. Indeed, the fact that we need this kind of legislation speaks to a failure of our society to deal with this issue at a fundamental level. We should not pass this legislation, pat ourselves on the back for having done

something, and never think of this uncomfortable topic again. It must not distract us from developing strategies and allocating resources in support of other programs that would aid us in preventing and combating these horrible crimes.

Bill C-16 is an important tool. I believe it will help law enforcement in the difficult task of investigating these heinous crimes and will reduce repeat offences. I will be voting in favour of the bill, and I will urge all honourable senators to do so as well.

Hon. A. Raynell Andreychuk: Honourable senators, I want to say a few words about this bill, which I support. I commend Senator Pearson for her comments. I think she fairly, adequately and passionately laid out why we need legislation. I will not repeat her comments. She has adequately made the case for the registry, and Senator Di Nino has added further comments today in that vein.

Public expectation has grown in believing that this tool, this registry, will be a benefit to Canadians. It is being tested elsewhere in the world, and therefore it is of some note that Canada wishes to do the same. However, I have stood before and said that we should not be fooled. The registry will have difficulties. This is not the first time that legislation has come forward where there were grave questions about whether it was constitutional and could withstand a Charter challenge. Those pieces of legislation were withdrawn, as they clearly offended Charter principles.

I commend the government on attempting to balance the need of society for protection and the need to ensure that the privacy of offenders be maintained. The government is in fact required to do so by virtue of the fact that offenders serve their sentences. We should punish people for offences, but once they have served the sentences, they should then become citizens like any others. That principle is very important in society. The registry goes beyond that, and so it is an intrusion and puts a longer stigma on people than the classic punishment model used to do. Therefore, I think we must institute a sexual offender registry with some caution.

• (1550)

Honourable senators, there is a tendency to pass legislation and to publicize it in an effort to give a comfort level to people that we are protecting them. Professor Manson, on behalf of the Canadian Bar Association, fears that the registry might even be a detraction; that is, people will believe that they are now protected from sexual offenders and will not take other appropriate steps.

Following the discussions in our committee, Senator Di Nino has already noted that we must be vigilant to ensure that there are other mechanisms and avenues to support those who could be vulnerable in our society. Therefore, this bill is not the be-all and end-all. It is simply one tool, a tool that has difficulties in it.

It is important to put the other side of the argument on the table. That argument was made by the Canadian Bar Association, which represents prosecution and defence counsel.

On page 1530-3 of the evidence given before the Legal and Constitutional Affairs Committee on March 24, 2004, Professor Manson stated:

I think it is important to understand why we think it is bad policy. That gives context to any potential Charter difficulties because, if we assume that at some point there might be some constitutional challenges, the same factors will apply with respect to the section 1 justification.

He went on to say:

We think this scheme, and in fact any sex offender registry scheme, will achieve very little, will cost a lot, and will distract attention from real sources of risk to children and other vulnerable people. It will distract attention from developing potential strategies for ameliorating those risks, which everyone has to agree underlies the concern to develop a scheme like this, the need to protect vulnerable people in the community, especially children.

In answer to another question by the Canadian Bar Association, the minister indicated that she believed it was not a punishment, that Bill C-16, in using a registry, was in fact an effective investigative tool. She said that it is like the DNA Identification Act. However, when Professor Manson came before the committee, I asked him the following question:

What troubled me was in the government's submission. They said that being put on a registry was not a punishment. It was an investigative tool and it was for the benefit of the people on the registry as much as for people who might some day be subject to a sexual predator. Based on the fact that they say the DNA has discounted convicted criminals as often as it has ensnared them, do you believe that the sexual registry is part of the punishment of the crime that you committed or is merely an investigative tool, a condition but not necessarily a punishable one?

In his reply, Mr. Manson stated:

When you are creating burdens that impact on people's liberty interest, it has to be viewed as part of a punishment. It does that by requiring people to physically report but more importantly by subjecting people to potential penalties for failure to comply.

He went on to say:

I think it is wrong to assume that it is an investigative tool. It is very unlikely. It is not like the DNA database.

When probed further about what kind of investigative tool would comply with the Charter, he said, on page 1530-9.

I would refer you to a report done by Justice Archie Campbell of the Ontario Superior Court on the Bernardo prosecution. He did a one-person task force.

Incidentally, he was also the judge involved in the SARS inquiry. Mr. Manson went on to say:

In his lengthy and detailed Bernardo inquiry, about what went wrong with the investigation and why it took so long, et cetera, he talked a lot about a new software program a number of police agencies are using. It is called ViCLASS. It is about tracking violent offenders through characteristics of offence. I understand that most sophisticated police agencies in Canada are now plugged into it. That is a tool. It creates no burdens and penalties. It means when you investigate case X and you bring your prosecution against that offender, you put all of your facts into a database and it is available to all the other police agencies. Whether they are in Vancouver, Saskatoon or Restigouche, they can plug in and say, "We have a similar case. Was this guy in our province?" That is a tool that makes sense. DNA is a tool that makes sense.

He went on to say that "This" — meaning the registry — "just does not make a lot of sense."

Professor Manson has put a large red flag on the fact that he does not believe it will pass and will be considered to be part of punishment. I think we have to watch this legislation to see which school of thought is correct.

Having said that it was bad policy, Professor Manson, on page 1530-3, indicated some serious Charter concerns. One he put forward was that the registry will not trap the people who have committed the homicides. He stated:

In 2001, 39 children in this country were, out of 554 homicides, children under the age of 12. Thirty were killed by their parents, six by friends and relatives and only three by strangers.

His caution was that there is not this need to trap other people, that it is children who are vulnerable in their own settings. His words were that we should work on "dysfunctional home contexts".

He further went on to say:

Secondly, if we look at the nature of this kind of registration scheme and listen to the police argument that it will help the investigation and apprehension of people who have committed crimes of this nature, especially crimes against children and other vulnerable people, you have to remember that there are three preconditions before that could ever happen. The first is that the real perpetrator must have been previously convicted; therefore, people like Paul Bernardo, for example, would not be on your registry. Secondly, assuming that, the perpetrator would have to be someone who was on a registry, complied with the registration, and committed the new offence or attempted to commit it near the registered address. If they moved to the next county it is a different ballgame.

He is cautioning that there will need to be an extraordinary number of resources to ensure everyone has access to the data and that it is cross-referenced across this country — a monumental task with which CPIC, the existing RCMP system, struggles.

The potential Charter violations that he pointed out are listed on page 1530-4. He believed that the first reason there may be a Charter violation is that orders are of a mandatory length, based solely on the maximum length of sentence. They do not engage the section 7 principle of a guarantee of fundamental justice.

Mr. Manson added:

There is no link between blameworthiness, dangerousness and the risk and length of the orders. The orders are all 10 years, 20 years or life. They are mandatory and there is no link between these periods and the actual case and the risk presented by that offender.

The second question regarding a Charter violation is that the bill is complicated by "retrospectivity". There are two aspects of this in the legislation. With respect to mandatory orders, the proposed subsection numbers are 490.013(2) to (5). With respect to "retrospectivity," it pops up twice. Proposed subsection 490.012(3) provides for lifetime orders in the case of people previously convicted, including those convicted before the legislation comes into force. That is the retrospective application. Then there is 490.019 that permits notices to be served on people previously convicted or those in the Ontario registry.

We do not need to get into a debate about referential adoption in the use of the Ontario registry in that regard. Our point is a simple one: Constitutional law in Canada, both the jurisprudence of the Supreme Court of Canada — for example, from cases like *Gamble v. The Queen*, 1988 — people are entitled to be sentenced in accordance with the law that exists at the time of the offence; and 11(h) of the Charter, a sentence cannot be compounded or supplemented after the person has been convicted and punished....

The third concern we have is the exception in 409.012(4), if an offender shows that there is a gross disproportionality between the impact on their privacy interest and the public interest, that they are exempt. In our view, this is an illusory exemption, and those defences are constitutionally prohibited as explained by Chief Justice Dickson in the case of *Morgentaler*.

• (1600)

The Canadian Bar Association is saying that this is untested and uncharted ground. We are identifying something that has been traditionally punishment in a whole bunch of cases. We are trying to put forward this tool and say that it is not a part of the punishment. That will be quickly challenged in the courts.

If we pass this proposed legislation and the court finds it unconstitutional, or a violation of the Charter, will Parliament stand up and be counted, or will we aim at the courts and say, "Look, we did this but the courts threw it out"? We will undermine again what I call the independence of the court and the proper role of the court.

While I have the same fears as the Canadian Bar Association, we have tested and tested this legislation —

The Hon. the Speaker *pro tempore*: I am sorry to interrupt the honourable senator but her time has expired.

Senator Andreychuk: I have but two sentences. I would ask leave, honourable senators.

The Hon. the Speaker *pro tempore*: Is leave granted for Honourable Senator Andreychuk to continue?

Hon. Senators: Agreed.

Senator Andreychuk: We have tested and tried to be responsive to the concerns of the Canadian Bar Association and to the proportionality between the victim and the offender. I believe we should take the risk and see if there is a Charter challenge. However, I think the Department of Justice should be very cautious when it assesses its cases, and when it puts its registry in place. It must monitor so that, two years hence, we can be assured that we have done the right thing and that we are, in fact, using the right tools. If the tools turn out to be punishments, we should be ready to do the kinds of things that are necessary, like reinforce the ViCLASS, and other things that I think are more appropriate as investigative tools.

While I think there are legal cautions that must be sounded, there are some practical reasons to test this tool. On balance, I am in support of this legislation.

Some Hon. Senators: Question!

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

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Pearson, seconded by the Honourable Senator Poulin, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

CUSTOMS TARIFF

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator De Bané, P.C., seconded by the Honourable Senator Finnerty, for the second reading of Bill C-21, to amend the Customs Tariff.

Hon. Michael A. Meighen: Honourable senators, I am pleased to speak at second reading of Bill C-21, to amend the Customs Tariff.

This bill, as we all know, extends the General Preferential Tariff and the Least Developed Country Tariff for 10 years, until June 2014.

We in the Conservative Party of Canada will support this bill but not without some comment. These tariffs, as noted by the sponsor of the bill, have been in place for some time now. The General Preferential Tariff, or GPT, dates back to 1974. It has been renewed twice since then, each time for a period of 10 years. The Least Developed Country Tariff, or LDCT, was first established in 1983. Like the GPT, it also expires on June 30, 2004.

The government's primary rationale for the GPT and the LDCT is the preferential tariff trade treatment for developing countries as a means for fostering growth and the well-being of poorer nations.

That was the rationale in the beginning, and it remains the rationale today, as can be gathered from the words of the sponsor of this bill in the other place. He stated:

...extending the GPT and the LCDT for another 10 years reaffirms the government's commitment to promoting the export capability and economic growth of developing and least developed countries — the main reasons why these programs were initially established.

[Translation]

Honourable senators, these are fine words reflecting fine intentions. How unfortunate that the government's policy on international development does not give it the importance that it deserves. If the government really wanted to promote economic development in these countries why, during the nineties, did it reduce by 29 per cent the budget allocated to help these nations? This reduction is the largest one in all public spending envelopes in Canada. Also, if the government is really committed to the well-being of the world's least developed countries, why is our assistance program not specifically geared to them? Honourable senators, it may come as a surprise to learn that, according to the Organization for Economic Co-operation and Development, the number one beneficiary of Canadian official development assistance is not a country that is among the least developed nations. It is not Haiti, Sierra Leone or Chad as one might think, but Poland, which is among the top nations in 2003, based on the UN human development index. Indeed, Poland ranks twenty-sixth out of 175 countries. This makes it, based on the HDI, a country with a high human development index.

The number two beneficiaries of Canadian assistance are the countries of the former Yugoslavia which, based on the HDI, are all performing well. In fact, only two of the 34 least developed nations based on the UN human development index are among the top 10 beneficiaries of Canadian assistance.

[English]

Honourable senators, these statistics, along with the record cuts to the aid budget by the Liberal government, give me and, I am sure, you pause for reflection, especially when one considers the government's stated reason for Bill C-21 — that is, that the renewal of these tariffs is necessary to promote economic growth of developing and least developed nations.

To steal a phrase from television's Dr. Phil, let me ask the government: "How's that working for you so far? The answer, I suspect, is, "Not at all."

Senator Murray: Is that what you are doing with your afternoons?

Senator Meighen: That will show you that I do watch what goes on around me.

Otherwise, we would not be faced with the need to renew these tariffs for another 10 years. For that reason, I find it somewhat disingenuous of the government to rationalize Bill C-21 as part of its effort to promote development, especially when they fail to provide an overarching international development framework in which such measures can be judged and can succeed.

In fact, if anything, the Liberal government's approach to development has worked at counter-purposes to the measures contained in Bill C-21. It is no wonder they need to be renewed.

I know there is more to the LDCT and the GPT than the role of promoting economic development. Indeed, debate on this bill in the other place focused on the impact that those and various other tariffs and trade agreements have on Canadian industry, notably the textile industry. These are important issues that received a substantial airing as Bill C-21 proceeded through its various stages in the other place. No doubt these issues will dominate discussion when this bill is referred to the appropriate Senate committee.

• (1610)

That is why, honourable senators, I have sought today to apply a mild corrective and draw some attention to the development side of these measures, because it is these tariffs alone, among several others, that seek not only to promote trade but also the economic growth of developing countries.

That is a lofty and worthwhile goal, but one that can never be reached unless such measures are complemented by other sincere efforts to promote development.

Speaking of goals, in 1968, Lester Pearson, who had recently retired as Canada's Prime Minister, chaired a UN commission that set 0.7 per cent of gross national income as the appropriate target level for aid. The target for reaching that level was set in 1975 by the Pearson commission.

[Translation]

Nearly 30 years later, aid is at 0.29 per cent. In the budget tabled last week, the Minister of Finance announced that the envelope for international aid will be increased by \$248 million in 2005-06, as part of the government's commitment to increasing this envelope by 8 per cent annually until 2009. That commitment was made in order to reach the UN Millennium Development Goals, established in December 2000.

In 2009, where will we be in terms of development aid? It will reach a colossal 0.32 per cent of our gross national income. This

[Senator Meighen]

is less than half of the goal that former Prime Minister Lester B. Pearson set for Canada in 1975; an objective approved by the United Nations, the World Bank and the OECD.

[English]

Honourable senators, with Bill C-21, the government is asking us to renew for 10 more years certain tariffs that are intended to benefit countries in the developing world, tariffs that have already been renewed several times and that have been in place for decades. I assume, and the government can correct me if I am wrong, that the reason these measures have a time limit is that we hope, one day, to find they are no longer necessary. We hope to find that the least-developed countries that are in need of such help today will, one day, graduate to other types of tariffs. I would wager, however, given this government's current lacklustre approach to development, that many of us will find ourselves 10 years from now — I will still be here — being asked to renew these measures once again.

Honourable senators, I stated at the outset that we on this side will support this bill because the measures contained in it are necessary. We support it also in full recognition that those measures are by no means sufficient. It is high time that this government provided the development framework within which such measures would have a better chance of bearing fruit.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—NOTICE OF MOTION FOR ALLOTMENT OF TIME FOR DEBATE WITHDRAWN

On Motion No. 1:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated for the consideration of the third reading stage of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence;

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).

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would ask that the motion standing in my name be withdrawn from the Order Paper because, as a result of the eminently reasonable consideration of the opposition, it is now redundant.

Senator Kinsella: Agreed on all counts.

Motion withdrawn.

[Translation]

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING

Hon. Noël A. Kinsella, (Deputy Leader of the Opposition), moved that Bill S-17, to amend the Citizenship Act, be read the second time.

He said: Honourable senators, it is now time for the Parliament of Canada to show leadership in order to correct a terrible mistake that victimized a specific group of people.

[English]

Bill S-17, to amend the Citizenship Act, will do just that. It will remedy the situation where a person has, as a child, lost Canadian citizenship through the operation of law simply because a parent of that person acquired the nationality or citizenship of a country other than Canada and renounced his or her Canadian citizenship.

Canada's first citizenship act was passed in 1947. Prior to World War II, Canada had a patchwork of legislation, which included the Naturalization Act of 1914, the Canadian Nationals Act of 1921, and the Immigration Act of 1910.

Hon. Eymard G. Corbin: Honourable senators, I rise on a point of order.

I believe we have forgotten something. Senator Kinsella moved, seconded by myself, that this bill be read the second time, but the question was not put to the house from the Chair. Perhaps that ought to be done.

The Hon. the Speaker: Thank you, Senator Corbin. I believe that is correct.

It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, that this bill be read a second time.

Senator Kinsella: Thank you, honourable senators.

In 1947, the Citizenship Act was the first Canadian citizenship act adopted by the Parliament of Canada. It was written in that era, over 50 years ago, and seen in today's light, it was discriminatory to women, certain minority groups and children. In Part III, sections 17 and 18 took away the citizenship of

Canadian-born women and children without their consent or, in some cases, even their knowledge. The rights of women and children were superseded by their husbands and/or fathers. As a result, Canadians automatically lost their Canadian citizenship if the husband and/or parent had a different citizenship or the latter changed his and their citizenship.

Those glaring omissions and inequities resulted in Parliament passing a new Citizenship Act in 1977. The 1977 act ensured that all children born in Canada after 1977 would not ever lose their citizenship, but Parliament failed to make the act retroactive. Therefore, those children born between 1947 and 1977 whose parents renounced their own citizenship automatically lost their birthright and, in some cases, were made stateless.

Some children ceased to be Canadian and did not automatically receive the citizenship of another country. They had to wait until the age of majority to apply for citizenship. In a unanimous 1997 decision, the Supreme Court of Canada in the case of *Benner v. Canada (Secretary of State)* found the 1947 act violated the rights of children born abroad to Canadian women. Thus, remedies were put into effect to protect the citizenship rights of these children. As a result, foreign-born children of Canadian women are now allowed to return to Canada as citizens by simply petitioning the government.

However, Canadian-born children of that same Canadian woman cannot automatically ask to resume their Canadian citizenship. They must apply for immigration, qualify under current standards and wait in line for years for their visas, arrive in Canada as landed immigrants and establish themselves for one more year before they can apply for citizenship. This procedure can easily take three or four years.

The government and members from all sides have now recognized this error and wish to right this wrong. Honourable senators, it is appropriate that this chamber, mindful of inequities when they are found in the law, be ready to deal with them, and I would ask for your support.

Hon. Senators: Hear, hear!

Senator Corbin: Honourable senators, I am pleased to rise today to speak in support of Bill S-17, to amend the Citizenship Act.

• (1620)

As Senator Kinsella has just indicated, this bill would correct a problem encountered by a number of individuals who have been called "Canada's lost children." They are people attempting to reclaim their Canadian citizenship — a citizenship that was lost through operation of law and not through conscious choice or through their own actions or decisions. They are people who were born in Canada of Canadian parents. Their Canadian citizenship was lost only because their parents moved out of Canada between 1947 and 1977 and the custodial parent took out citizenship in another country. The individuals affected would currently be at least 57 years of age and as young as 27 years old. In so doing, the children were taken along willy-nilly, losing their Canadian citizenship but maintaining the same citizenship of their parent.

Honourable senators, Canadians born in Canada after 1977 do not and cannot face this problem, because the Citizenship Act has been corrected for them. Unfortunately, the law was not changed for those born prior to 1977. In my view, our current legislation fails to deal appropriately with the right of citizenship for people dispossessed of their citizenship in this manner.

While I am sure that many children who have left Canada in the company of their parents will have no particular desire to return, those who wish to return ought to be able to come to Canada as citizens and not as immigrants. This bill corrects this inequity in the law. We do not know how many so-called lost children there are, but we do know that at least some of them wish to return to the country of their birth, to reclaim their birthright. I wish to stress that they are not and should not be coming to Canada as immigrants, subject to the various restraints and restrictions that the Immigration Act imposes, along with delays. They will be returning to Canada as Canadian citizens.

The issue raised here by Senator Kinsella is not a question of immigration. It is a question of citizenship and the right — the entitlement — of people who are born in this country of Canadian parents to hold and retain citizenship in Canada, the land of their birth.

Honourable senators, this is one of those occasions when one of the laws of Canada, a law that is no longer in force, has been found to have inequitable consequences. The current law has not addressed the problem, and it is our opportunity to remedy the wrong done to Canada's lost children. It is an issue deserving of detailed examination by a committee of this house.

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, that this bill be read a second time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

QUEEN'S THEOLOGICAL COLLEGE

PRIVATE BILL TO AMEND ACT OF INCORPORATION— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-15, to amend the Act of incorporation of Queen's Theological College, acquainting the Senate that they have passed this bill without amendment.

Hon. Senators: Hear, hear!

[Senator Corbin]

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Gill, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Stratton*).

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

Hon. Terry Stratton: I would ask leave to speak to this item later this day.

The Hon. the Speaker: Honourable senators, is leave granted, to return to Bill S-9 later this day?

Hon. Senators: Agreed.

Hon. Anne C. Cools: Is that leave binding?

The Hon. the Speaker: If leave is granted, yes, we would return to it later this day.

Senator Cools: My question is based on what happened yesterday. When I got leave to be able to move the adjournment on Senator Mobina Jaffer's motion, it turned out to be not so binding.

I just wish to check that it is, indeed, binding.

Senator Stratton: I will speak later this day.

The Hon. the Speaker: Honourable senators, I think in both cases the leave was applicable. There were other circumstances, as I recall, namely a vote on adjournment, and I appreciate Senator Cools' position on that.

The other thing to clarify, Senator Stratton, is when later this day would we return to this? Does the honourable senator have a time in mind? Would it be at the end of Commons Public Bills?

Senator Stratton: Before the adjournment is fine.

The Hon. the Speaker: Is it agreed, honourable senators, that we return to Bill S-9 immediately prior to the adjournment motion?

Hon. Senators: Agreed.

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator LaPierre, for the third reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Beaudoin*).

Hon. Gérard-A. Beaudoin: Honourable senators, I intend to speak to the legality of this bill, but my colleague must leave, and I would yield to him.

The Hon. the Speaker: Honourable senators, under the yielding provision, Senator Beaudoin would lose his right to speak, unless leave is given for him to speak later.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Gerry St. Germain: Honourable senators, I rise to speak to third reading of Bill C-250.

Honourable senators, Bill C-250 has been the subject of much debate from across this country. In my region, over the last two months in particular, the voice of Western Canadians has been very strong and clear — that is, they do not want this legislative amendment as presently worded added to our Criminal Code. The very fact that representatives from all major faith groups — Catholic, Islam, Judaism, Hinduism — in Canada have sounded the alarm over the hate crime bill should say something to you.

Honourable senators, most Canadians who practise their faith aggressively oppose Bill C-250. The only other time I can recall Canadians objecting so strenuously to something their Parliament was about to adopt was when the gun registry legislation was being debated. Why the government, and indeed the Senate itself, seems so determined to rush through this legislation and not provide Canadians the opportunity to be heard and their questions seriously considered is beyond belief.

When Bill C-250 was before this place in the last session, I spoke to the bill. I spoke to the concerns of the people in my region, and I spoke against it being hastily passed by Parliament. Honourable senators, I sought to have the committee fully charged with examining each and every concern raised by Canadians. I raised some of these questions at the recent committee hearings. I had asked for a definition of sexual orientation and what this really means. I would ask how the words “sexual orientation” make gays and lesbians an identifiable group and whether the words “sexual orientation” include other groups.

• (1630)

Honourable senators, our democracy was built based on Judeo-Christian values and the principles of law. In Canada, it seems that successive Liberal governments have sought nothing other than to secularize the faiths out of our democracy and laws. The fact that we had to include the amendment clause to protect our faith-practising communities gives real cause for concern. Every citizen across the land is fearful that their constitutional rights are being trampled upon, so much so that their freedom of expression and speech will be confined to being no more than the freedom of thought. What bothers most Canadians is that hate crimes are now being based on vague and undefined language.

Honourable senators, Canadians have been very clear with their concern over the bill, but one succinct account of the bill came to me from Carole Cole of Dundalk, Ontario, where she said the following:

The ground of “sexual orientation” does not satisfy the characteristics of the existing genus of the original identifiable groups. Colour, race and ethnic origin are characteristics which are generally both visible (henceforth the term “identifiable group”) and innate.

All Canadians should be protected equally by the law. This proposed amendment, however, not only creates a special category or privileged class of people, based on controversial forms of sexual behaviour, for which any crimes defined under the sections 318 and 319 will be considered hate crimes committed against a distinct class of people, but also flies in the face of freedom of speech, and freedom of religion as guaranteed under the Charter of Rights and Freedoms.

Although the current provision contains a defence for a bona fide religious speech, both the amendment for a “religious text,” which is arguably vague, and the existing defence are inadequate in that: 1) They do not extend to all offences; 2) the legislative history and the wording of the defence appear to limit its application to hate against religious groups; and 3) the courts have signalled that they would provide a narrow interpretation to the defence.

Furthermore, recent jurisprudence demonstrates that when there is a so-called “collision of dignities” between homosexual rights and religious rights, homosexual rights are the preference of the courts, and these will generally prevail.

Precedent recently established by court jurisprudence, such as the Owen and Harding cases, indicates that religious freedom could very well be jeopardised by this amendment, and it could therefore force the Judaeo-Christian majority of our population to become second class citizens, unable to speak their religious convictions or moral standards in the public square.

The defence would therefore be inadequate, particularly considering the provision’s potential applicability to speech within places of worship and places of religious instruction. Moreover the fact that hate has no statutory definition, but is a rather judicially malleable concept, combined with a relatively low standard of mens rea that is required to constitute the crime, will inevitably muffle otherwise valuable speech out of fear of prosecution, thus violating the individual’s or an institution’s Charter rights.

Canadians believe it is fundamentally inappropriate to pass legislation that can be used to intimidate, accuse or harass citizens intent on defending their rights to advocate moral or religious issues related thereto in the public square. Judaeo-Christian values are at times non-negotiable on moral issues.

Honourable senators, I pray that you move to defeat this potentially very divisive bill. It is not in the national interest of peace and good government, nor is it in the interest of secular, spiritual harmony.

MOTION IN AMENDMENT

Hon. Gerry St. Germain: Honourable senators, I move, seconded by Senator Stratton:

That Bill C-250 be not now read the third time but that it be amended, on page 1, in clause 1, by replacing lines 8 and 9 with the following:

“by colour, race, religion, ethnic origin or sex.”.

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

I know Senator Beaudoin wishes to speak. When Senator Beaudoin yielded, my recollection is that leave was granted for him to speak later, even though he had yielded and our rules provided he would have lost his right to speak. Do I recall correctly, honourable senators?

Hon. Senators: Yes.

Hon. Gérard-A. Beaudoin: I thank my colleagues.

[Translation]

Senator Beaudoin: Honourable senators, Bill C-250 appears to be acceptable in strictly legal and constitutional terms. We will have a free vote; everyone will vote as he or she sees fit. We are living in difficult times. We have discussed the constitutional issue thoroughly in committee. I have carefully read the speech given in the Senate last Friday by my colleague, Senator Joyal, on the subject of Bill C-250.

I come to the conclusion that this bill respects the Constitution. The Supreme Court, I am certain, were it ever asked for an interpretation, would lean in that direction. The current body of precedent is clear, in my opinion.

I know that this is a controversial issue but we have no choice and, since there will be a free vote, of course, everyone can express his or her own opinion. We have examined the constitutional issue in committee with experts the past few days. I want to emphasize that; it is important. In *Vriend*, 1988, the Supreme Court found that the words “sexual orientation”, which are not in the Individual’s Rights Protection Act and which the Alberta legislators said they did not wish to include, should be read into the act. The Supreme Court ordered them added to the act, because of the principle of equality before the law, as stated in section 15 of the 1982 Canadian Charter of Rights and Freedoms.

The Supreme Court added that section 1 of the Charter did not justify the omission of the phrase “sexual orientation” from the Alberta law. There has been much talk in the newspapers about the three decisions on same-sex marriage.

[Senator St. Germain]

A few months ago, the British Columbia Court of Appeal and the Ontario Court of Appeal handed down rulings on same-sex marriages. The Quebec Court of Appeal has just done so as well. These three appeal courts agree. According to all three courts, homosexuals have the right to marry.

There is a reference to the Supreme Court of Canada on the question of same-sex marriage and on the definition of the word “marriage.” It was scheduled for April 16, 2004, but has been delayed until October 2004.

• (1640)

The body of precedent suggests that, if Bill C-250 were before the Supreme Court, that court would conclude that the term “sexual orientation” is acceptable in law and that it can be added to the list of identifiable groups in section 318 of the Criminal Code — I am talking here in terms of constitutional law, not morals or other kinds of law. In my opinion, this might, therefore, refer indirectly to same-sex marriage, as interpreted by the Quebec Court of Appeal, the Court of Appeal for Ontario and the Court of Appeal of British Columbia in the definition of marriage. There is every indication that the Supreme Court would go in that direction.

However, we are waiting, and the matter has been held over until October, at which time both sides will present their case to the Supreme Court. By October, there is a strong possibility that the Prime Minister of Canada will have filled two positions at the Supreme Court, which will become vacant in June following the departures of Justice Louise Arbour and Justice Frank Iacobucci. In any event, the Supreme Court can sit with seven judges.

I am speaking only on the constitutional issue. We are all free to go in whatever direction we like. Some prefer to take a religious approach. There is a very clear provision in Canada. Each religion can interpret this as it likes. Catholics, Protestants, followers of Islam and Judeo-Christians are all entitled to their religion, and this right is entrenched in the Constitution. There is consequently no doubt that the religious leaders each have the authority to follow the tenets of their religion.

In Canada, the courts have indicated that we are free to have no religion. This does not threaten the rights of religious groups. In my opinion, since all religions are equal, section 1 of the Charter could not restrict the application of clause 1, according to the courts that have already handed down rulings.

Let us be clear, with regard to religion, each of us is free to vote according to his or her conscience. But, from a constitutional point of view, I believe, rightly or wrongly, that the Supreme Court will agree with the principle of Bill C-250, because it is consistent with Charter equality rights.

[English]

Hon. David Tkachuk: Honourable senators, I rise to speak to Senator St. Germain’s amendment because, although his amendment improves the consistency of the Criminal Code in meeting the already established protection under the Charter, the Constitution, and the 1976 Human Rights Act, I should like to

add that he did not go far enough. While ethnic origin is important, as Senator St. Germain so rightly pointed out, I believe that national origin is also of great importance and, personally, it would be difficult for me to decide which is of greater importance to me, my Ukrainian ethnicity or my own country of origin, Canada, in terms of any hate propaganda. They both speak to who I am. Hate propaganda directed at either should not be acceptable if we are to amend the Criminal Code on this matter.

MOTION IN SUBAMENDMENT

Hon. David Tkachuk: Honourable senators, I move, seconded by Senator Gustafson:

That the motion in amendment be amended, by adding, before the words “ethnic origin” the words “national or.”

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak in support of Bill C-250 at third reading. I recognize that we have two amendments before us, and I will also address those, and do so from the position I attempted to articulate in support of the bill when I spoke on the principle of the bill at second reading.

We are now at the stage where the substantive detail of the bill and the specific effect of the bill, which have been studied in committee, are now before us. I concur with my colleague, Senator Beaudoin, that, from a legal standpoint, the bill is perfectly legal and constitutional.

However, honourable senators, I should like to make at least four points, which I will place on the record at this time.

First, in my opinion, this bill is about the human rights of every human being. We are all members of the human community, and so hold any and all of those rights referred to as human rights. This is often referred to as the universality of the human rights idea. Overlooking universality is, of course, exactly what those who violate human rights do, whether those violators be repressive governments or others. They are quick to claim many things and protect themselves, but they fail to grasp or respect fully the twin commitment to universality and a form of equality inherent in the very human rights idea.

The first step on the road to systemic human rights violations is invariably to denigrate the person or persons targeted. The sad psychology seems always the same: Undermining the dignity and worth of the hated person or persons. This dislodges both conscience and sensitivity, which normally would prevent innocent people from being brutalized. Crude propaganda is sometimes used to cement such bizarre beliefs about the human dignity of those targeted.

Second, the Senate, being the second chamber of our bicameral Parliament, is part of the legislative branch in our Canadian system of governance. This raises for me the very idea that was inherent in Senator Beaudoin's intervention, namely, that if we

fail as legislators to act in this matter, then we ought not join with those who criticize our judiciary when it stakes out an active position in the matter of equality. I refer here to the principle of *ejusdem generis* in the interpretation of law, what some describe as analogous ground, given the fact that section 15 of the Charter of Rights and Freedoms guarantees that everyone is equal before and under the law and has equal benefit and protection of the law without discrimination and without discrimination on the basis of a number of specified grounds. As well, as Senator Beaudoin has pointed out for us, the Supreme Court, in *Vriend*, has used the *ejusdem generis* principle and said directly that sexual orientation is an analogous ground. Therefore, in *Vriend*, the court read into the Human Rights Act a ground of discrimination that was not placed there by the legislators — sexual orientation.

• (1650)

I believe it will be inevitable that, if called upon to do so, the courts in Canada will read into section 318 of the Criminal Code this analogous ground. Either we act as legislators or we had better not criticize the courts if they do what we do not do.

The Senate of Canada also has a special role to play in our system of enacting legislation in the area of keeping an eye out to ensure that minorities in Canada are protected. Very few groups that are victimized by hatred constitute the majority. It speaks for itself that the matter before us is very much a question of speaking for what some might describe, sadly, as a despised minority.

This is our job, honourable senators, if we have any job at all. Therefore, our analysis, I suggest, of this bill involves very much an assessment of the targeting which impacts on Canadians because of their sexual orientation.

Further, I give my assessment of the need for this addition of sexual orientation to the list of grounds contained in section 318 and applicable to section 319 of the Criminal Code. I call the attention of honourable senators to the annual reports published each year by the federal, provincial and territorial Human Rights Commissions. Those reports clearly demonstrate that discrimination against Canadians, against persons because of their sexual orientation, is not at all an abstraction but, sadly, a very real phenomenon. We have the numbers right there.

I believe the Human Rights Commissions do excellent work in the promotion of social justice in Canada. They should be encouraged in their work in this particular area, irrespective of the enactment of Bill C-250 and irrespective of those sections in question in the Criminal Code.

Why do I say that, honourable senators? I say that because of the limitation contained in this bill in section 318(3), namely:

No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

Much has been made of that provision to try to respond to those who fear its misuse.

Honourable senators, it was precisely because of this type of qualification that Criminal Code action was not taken against anti-Semitic school teacher Malcolm Ross in my province of New Brunswick. Rather, complaints had to be filed under the New Brunswick Human Rights Act, which did not require the approval of the Attorney General. A full court of nine judges in the Supreme Court of Canada unanimously upheld that proceeding.

Obviously, I would prefer not to have this qualification in the legislation, but I am prepared to accept it because I think the bill is fine the way it is.

I have examined the evidence gathered by the Senate committee that studied this bill. I have also carefully examined the mountains of material submitted by individual groups and churches, which all honourable senators have received.

Much of the argumentation is about questions that, in my assessment, do not relate to this bill at all. Some contain points of view allegedly based on religious and moral principles. I certainly accept the right of those who postulate such views to express the same; indeed, I will defend that right of religious conviction and freedom of expression.

However, I have great difficulty in understanding the theological basis of many of these positions. Indeed, I would argue that these positions are not a proper analysis theologically nor philosophically. In all faith communities one finds theologians who cogently argue that one must not discriminate nor demean persons because of their sexual orientation, but rather the commandment of love for all created in the *Imago Dei* must trump hatred.

Honourable senators, this bill proscribing hate propaganda is doing simply that. We are not dealing with anything other than proscription of propaganda and hate and the consequences that would flow from that — consequences that do not speak to nation-building.

Theologically, most faith communities believe that hatred is wrong. For example, in my own faith community in the Roman Catholic Catechism, we will find in article 2303:

Deliberate *hatred* is contrary to charity. Hatred of the neighbour is a sin when one deliberately wishes him evil. Hatred of the neighbour is a grave sin when one deliberately desires him grave harm.

I speak this way as a student of theology myself who has read a fair amount in the area. It is my conclusion that most theologians recognize that every human being, as I said, has inherent dignity given the nature, the source, the origin of our creation.

Finally, the catechism of my church provides also at article 2358 that persons who are homosexual:

...must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided.

Hon. Lowell Murray: I wanted to ask the Deputy Leader of the Opposition whether he had addressed the amendments proposed by his colleagues Senator St. Germain and Senator Tkachuk. Does he have anything to say about those?

Senator Kinsella: Honourable senators, I think my position is perfectly clear. I find the bill as drafted “perfectly constitutional,” to use the words of my colleague Senator Beaudoin. It is satisfactory to me. The bill does not need to be amended. Furthermore, the debate across the country on this issue might very well turn out to have been quite salutary because it has forced us to examine where the line is drawn between religious approaches and religious tenets, freedom of religion, freedom of conscience on the one hand and interference with the rule of law.

• (1700)

In my judgment, that has been one of the healthy outcomes of the debate that we have had up to this point.

Senator Murray: I appreciate that point. On that last point, does the honourable senator agree with me that this bill, having already died twice on the Order Paper, ought now to be brought to a final vote and conclusion very soon?

Senator Kinsella: As this is the second day of debate at third reading stage of this bill, I would hope that we would allow for a fulsome debate and reach a judgment on it.

Hon. Joan Fraser: Honourable senators, I should like, very briefly, to place on the record why I plan to vote against the proposed amendment and subamendment. I believe this clause should include “sex” as one of the prohibited grounds, but I think it should be done separately. I cannot possibly support an amendment that deletes the reference to sexual orientation — that is what this bill is all about. It is about coming to the public, official, formal, solemn defence of an extremely vulnerable minority.

We have supported this bill at second reading and in committee. I personally support it strongly. I want it on the record that when — I hope before too long — this chamber, in a second bill, is asked to include sex as one of the grounds in this same portion of the Criminal Code, I will gladly support that.

Hon. Anne C. Cools: I should like to have some clarification, because I sense that Senator Fraser was speaking to two questions simultaneously. It is my understanding that, at this moment, the question before us is Senator Tkachuk’s subamendment and that we must dispose of that before we can move on to the other one.

Am I correct that Senator St. Germain’s amendment is, in fact, not before us at this time but that the question before us and to which we are currently speaking is Senator Tkachuk’s subamendment?

The Hon. the Speaker: I think that is a question for Senator Fraser.

Senator Fraser: I promised to be brief, so that is the only question that I will take, honourable senators.

It is my understanding, from listening to the debate, that we have been engaging in senatorial fashion in a rather wide-ranging debate on all the questions related to this legislation. It was in that spirit that I rose.

Senator Cools: My question may go to Senator Fraser, or to the sponsor of the bill, or to someone else. It is my understanding that the question currently before the Senate is Senator Tkachuk's subamendment.

Could I get that clarified?

The Hon. the Speaker: Senator Fraser is taking no more questions, and that is obviously the case, Senator Cools.

Some Hon. Senators: Question!

Senator Cools: I should like to speak in this debate, Your Honour, and I should like to make it clear that I wish to speak on Senator Tkachuk's amendment. According to my understanding of the rules, senators are allowed to speak on each question. Therefore, I am reserving my right to speak on the other questions as we move along. I am just trying to be crystal clear as to what I am speaking on.

Senator Tkachuk's amendment goes some ways, although not, to my mind, a long way, to meeting some of my concerns. Honourable senators, since I did not get an opportunity to speak at second reading of this bill a few weeks ago, I shall have to rely on what I said at second reading in the previous session of Parliament.

Honourable senators will remember that, at that time, I raised a concern about the inclusion of the term "sexual orientation" in what is called the genocide section of the Criminal Code. I did so because it was my clear understanding that section 318 of the Criminal Code, as it was designed, addressed immutable characteristics, including race and colour, et cetera.

Mr. Robinson told us that religion is not immutable. However, at the time these sections of the Criminal Code were created, religion was inherently connected and tied to race. In other words, most members of the Jewish race were members of the Hebrew religion, and most Arab people were members of the Muslim faith, so there was an inherent connection.

Senator Tkachuk's amendment goes some way to meeting some of those concerns, but I am still concerned about the phenomenon of including these terms in that section of the Criminal Code. To my mind, everyone should be protected, not only identifiable groups — whatever that may mean. That is another problem I have; I am not sure how to identify "sexual orientation."

I take my lead on some of this from Mr. Svend Robinson. When he appeared before us in committee, he told us very clearly that Bill C-250, in point of fact, was not necessary and that the existing provisions of the Criminal Code were satisfactory for the job of proceeding with prosecutions in the instances where any crimes were committed.

On March 10, 2004, when appearing before the Standing Senate Committee on Legal and Constitutional Affairs, Mr. Robinson said the following:

This bill is largely symbolic; I would be the first person to concede that. There will not be a lot of prosecutions under this legislation. Yet the symbolism is enormously important because it says to gay and lesbian people that our lives and our safety and our security are just as important.

Honourable senators, I do not know anyone in this chamber who does not believe that the lives of all Canadians, all human beings, are especially important. I do not know anyone who believes that the life of any homosexual person is not important.

That was also confirmed at a March 11, 2004, meeting of the Standing Senate Committee on Legal and Constitutional Affairs. At that time, Mr. Jones from the Vancouver police appeared before us. I took the trouble to ask Mr. Jones whether these provisions were needed by the police force. He responded in essentially the same way. He said:

The power of this legislation is in the message it sends to Canadians about those things that we hold most dear — and that is the protection of those disadvantaged or minority groups or marginalized groups.

Honourable senators, the Criminal Code is a mighty instrument. Historically it has been the thought, when creating criminal law, that one does not use it as a social tool, a teaching tool or a public relations tool. The danger with using the Criminal Code is that when you create a power of prosecution, there is always a temptation and possibility that that power will be abused. As William Lyon Mackenzie — the grandfather of King — once said, there is a natural disposition among humans in positions of power to abuse power and to quickly substitute their own interests for the public interest. I put that comment forward.

• (1710)

Honourable senators, in the famous *Keegstra* case, which is one of five prosecutions under these sections, Madam Justice Beverley McLachlin essentially dissented, as did Justice Sopinka. She described freedom of expression in the Charter as the right to let "loose one's ideas on the world." She referred to the "chilling effect" of the exercise of this freedom of expression by law-abiding citizens because of the subjective concept of hate. In her opinion, criminal sanctions do not operate as a deterrent to hate mongers, while they chill the free expression of the ideas of ordinary individuals who, by fear of criminal prosecution and because of inherent vagueness of the provision, will refrain from exercising their freedom of expression.

She went on to say that the Criminal Code section 319 imposes limits on freedom of expression in relation to the search for truth, vigorous and open practical debate, and the value of self-individualization. She also stated that, in her opinion, and mine as well, the hate propaganda provision raises serious questions as to whether it furthers the principles and values of social peace, individual dignity, multiculturalism and equality.

Honourable senators, millions of Canadians in this country are concerned that by criminalizing speech — this is what this bill does — they will be subject to vexatious, menacing and malicious prosecution. For that reason, Bill C-250 is pernicious and unprecedented. It is a direct attack on Canadians who hold strong moral views, religious and non-religious, about human sexuality, the human anatomy, the human body and the design, purpose and function of the human body. They hold strong moral views about sexual practices, such as sodomy, rimming, sado-masochism, swinging and so on.

Honourable senators, not content with equality before the law, Bill C-250 seeks by coercion to establish domination over those who disagree and to subject those who disagree to the oppression and the weight of the Criminal Code.

Bill C-250 will subject many Canadians — make no mistake — to criminal prosecution. In addition to ordinary people, this bill would also expose professionals — such as nurses, doctors and teachers — to prosecution if they make condemnatory statements about dangerous human sexuality practices such as, for example, fisting, rimming, sodomy and sado-masochism.

Honourable senators, my concerns are not ill-founded. For that, I would like to go to the views that were expressed in a case called the *Little Sisters* case. It is very interesting. Little Sisters is a homosexual bookstore in British Columbia. I would like to quote the Supreme Court of Canada 2000 judgment in *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*. I cite Mr. Justice Binnie, who is citing the appellant supported by LEAF. He said the following:

The appellants, supported by the interveners LEAF and EGALÉ, contend that homosexual erotica plays an important role in providing a positive self-image to gays and lesbians...

This is very interesting. Then he continues. He is speaking for other people, by the way. He is repeating other people's factums.

Gays and lesbians are defined by their sexuality and are therefore disproportionately vulnerable to sexual censorship.

I disagree with that. I do not believe that anyone is or should be defined by their sexuality.

He continued:

The intervener LEAF took the position that sado-masochism performs an emancipatory role in gay and lesbian culture and should therefore be judged by a different standard from that applicable to heterosexual culture.

These are the statements from the appellant's factum. Clearly, people who will take a different view from this will find themselves subjected to some sort of prosecutorial mischief. One can be absolutely certain.

[Senator Cools]

Honourable senators, I would like to respond to one or two points that have been raised in this debate. Many people are concerned about questions such as paraphilia, pedophilia being one. I would like to call the attention of honourable senators to the fact that, for example, on May 19, 2003, there was a paper presented by Dr. Charles Moser and Dr. Peggy Kleinplatz. They argued in that paper before the American Psychiatric Association that paraphilias should be withdrawn from the Diagnostic and Statistical Manual, the DSM.

Honourable senators would know what the paraphilias are, but they certainly do include pedophilia. The concern of many that I speak to is that somehow or the other pedophilia will one day be seeking some sort of legal protection.

Honourable senators, I would like to read from a document called the *Journal of Homosexuality*. I am speaking from the journal's volume 20, which was published in 1990. This journal is dedicated exclusively and totally to what is pedophilia and is entitled "Male Intergenerational Intimacy: Historical Social-Psychological and Legal Perspectives." I would like to go to one particular article in it called "Man-Boy Relationships: Different Concepts for a Diversity of Phenomena," written by Dr. Theo Sandfort and two others.

If one were to look at page 11 of this publication, published by the Haworth Press in New York, one would find the following statement:

It is difficult to predict what will happen in the future with respect to man-boy relationships, child sexuality, the position of children in our society. Will pedophilia become a lifestyle for some people, based on their personally designed sexual orientation? Will society allow people to adopt such a lifestyle, or will society persist in seeing them only as child molesters? Can sexual involvement between adults and children be only conceived as child sexual abuse, or will the professionals and the public come to realize that there are various kinds of intimate involvement between adults and children and that distinctions between voluntary involvement and forced involvement can be made...

The Hon. the Speaker: Senator Cools, I regret to advise that your 15 minutes have expired.

Senator Cools: I was just finishing off.

The Hon. the Speaker: Are you asking for leave for additional time?

An Hon. Senator: No.

Senator Cools: I did not have to ask.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

• (1720)

Are honourable senators ready for the question on Senator Tkachuk's motion in subamendment?

Some Hon. Senators: Question!

The Hon. the Speaker: I take it we are ready for the question.

Senator Cools, do you have a point of order?

Senator Cools: I have a point for clarification. In the recent weeks, many votes have been held because His Honour has been responding to some senators calling out "Question!" For example, that happened some weeks ago, and I was denied the opportunity to speak at second reading.

I think a better way to proceed is for His Honour, before he calls the question, to ensure that no other senator wishes to speak.

Senator Robichaud: That is what he does all the time.

The Hon. the Speaker: That is good advice, Senator Cools. I see no senator rising, however, which would be my signal that a senator wished to speak.

Senator Cools: I was on my feet at that time.

The Hon. the Speaker: I would now ask honourable senators if they are ready for the question to ensure that they know that we are to proceed.

Some Hon. Senators: Question!

The Hon. the Speaker: I will put the question. It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Gustafson:

That the motion in amendment be amended by adding before the words "ethnic origin" the words "national or."

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

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion in subamendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in subamendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two senators having risen:

Hon. Terry Stratton: In accordance with rule 67(1), I should like to defer the vote until the next sitting of the Senate at 5:30 p.m.

Senator Murray: Perhaps we can have a decision now to debate the amendment moved by Senator St. Germain, or must that await the vote?

The Hon. the Speaker: Whether or not the amendment passes is an important consideration in the debate.

[Earlier]

Honourable senators, I have an important matter to which I am advised I must give priority.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received.

RIDEAU HALL

April 1, 2004

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 1st day of April, 2004, at 4:48 p.m.

Yours sincerely,

Johanne MacKenzie for Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, April 1, 2004

An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts (*Bill C-16, Chapter 10, 2004*)

An Act to amend the Act of incorporation of Queen's Theological College (Bill S-15)

[English]

COMPETITION ACT

BILL TO AMEND—SECOND READING

Hon. Anne C. Cools moved the second reading of Bill C-249, to amend the Competition Act.—(*Honourable Senator Rompkey, P.C.*)

She said: Honourable senators, I propose to speak for only a few minutes on Bill C-249, the sponsor of which was the Honourable Mr. Danny McTeague in the House of Commons. Bill C-249 has languished in this chamber for quite some time, and I have been prevailed upon to say a few words.

Bill C-249 will amend the Competition Act. Honourable senators will recall it was introduced in the other place some years ago and was there passed by a majority of 175 to 29 votes.

This bill was before us in the previous session of Parliament and was referred to the Standing Senate Committee on Banking, Trade and Commerce, where it was when Parliament prorogued last November.

Honourable senators, the purpose of this bill is to clarify the efficiency defence clauses found in the merger review provisions of the Competition Act. This bill will bring Canada's review of mergers more in harmony and in line with the practice followed in Europe and the United States.

The current Competition Act provides in section 96(1) that a merger should not be disallowed if the Competition Tribunal finds that the merger "...has brought about or is likely to bring about gains in efficiency that will be greater than, and offset, the effects of any prevention or lessening of competition..." This provision recognizes that mergers can lead to great efficiencies, and I support the need to include this in the new review section on mergers.

The provision, however, has been interpreted by the Competition Tribunal to mean that the efficiencies defence could be used to allow a merger that substantially raises prices and reduces choices as well as the quality of products.

It has also been interpreted to allow the creation of a monopoly situation which, in my view, is inconsistent with the purpose of the Competition Act.

Honourable senators, as I said before, this bill went to the Standing Senate Committee on Banking, Trade and Commerce and rested there because of prorogation.

I should like to put on the record something that is a bit of a curiosity. It is very interesting that Parliament prorogued on November 12, but that on November 13, the Chairman of the Standing Senate Committee on Banking, Trade and Commerce, Senator Richard Kroft, wrote to then Minister Allan Rock to lay out his concerns about the bill. I should like to put a few passages on the record from Senator Kroft's letter.

It is dated November 13, the day after prorogation, so the bill was dead.

The letter reads as follows:

Dear Mr. Rock.

As you may be aware, Bill C-249, An Act to Amend the *Competition Act*, was referred to the Standing Senate Committee on Banking, Trade and Commerce on September 17, 2003...

I have only read that one line from that paragraph. It continues as follows:

As a result of other matters before the Senate Banking Committee, we began consideration of this bill on

November 5, 2003 with witnesses from the Competition Bureau, including the Acting Commissioner of Competition, and continued on Thursday, November 6, 2003 with witnesses including the Canadian Bar Association, two individuals from the law firm Blake, Cassels & Graydon LLP in Toronto, and Dr. Peter G.C. Townley.

Senator Kroft's letter continues:

As a result of hearing from these witnesses, the committee is not convinced that it can proceed to report on this bill at this time.

• (1730)

It continues:

The discussion paper prepared by the Commissioner of Competition on June 23, 2003 entitled, "Options for Amending the *Competition Act*: Fostering a Competitive Marketplace" has been drawn to the attention of the committee. We understand that this discussion paper was prepared at the culmination of two years of debate, discussion, and commentary and that the Competition Bureau continues to conduct roundtables and consultations. The Senate Banking Committee has not received any information to indicate why such a consultation process has not been conducted with respect to the amendments proposed in Bill C-249 or why the amendments proposed in this bill have not formed part of the ongoing consultations. It is our opinion at this point, that such consultations may be appropriate prior to our committee continuing further consideration of this bill.

There are various witnesses who have indicated their interest to appear before our committee on this matter and there have been indications by members of the committee with respect to other witnesses that they may wish to hear from, including Mr. McTeague. However, prior to our committee undertaking such further hearings, which may be duplicative should your department determine that public consultations are appropriate with respect to this matter, we would request your response to the matters raised in this letter.

I look forward to hearing from you and am available to discuss these matters should you have any concerns.

Yours truly,
Richard H. Kroft, C.M.
Chairman, Standing Senate Committee
on Banking, Trade and Commerce

Honourable senators, in this letter, Senator Kroft was obviously saying that the committee is not prepared to proceed with the bill because the committee believes that further consultations in respect of certain issues and questions should be continued.

Some days later, the then minister, Mr. Rock, responded to Senator Kroft, in the following words:

Dear Senator Kroft:

Thank you for your letter of November 13, 2003, in which you expressed your concerns regarding the amount of consultation that has taken place with respect to Bill C-249, which was then before the Standing Senate Committee on Banking, Trade and Commerce (Senate Committee).

As you know, Bill C-249 is a private member's bill. As such, Bill C-249 was not subject to public consultation by the government before it was first tabled in the House of Commons in October 2000. It was debated at second reading and was eventually referred to the House of Commons Standing Committee on Industry, Science and Technology on February 25, 2002.

Essentially, from there on, the minister continues to set out what I would describe as some of the background to the movement of the bill. He continues:

On April 23, 2002, the House Committee issued its report on the matter, entitled *A Plan to Modernize Canada's Competition Regime*. Recommendation 28 of the report relates to the treatment of efficiencies and states:

"The Government of Canada should establish an independent task force of experts to study the role that efficiencies should play in all civilly reviewable sections of the Competition Act, and that the report of the task force should be submitted to a parliamentary committee for further study within six months of the tabling of this report."

In light of ongoing litigation in the Superior Propane case and the House Committee's ongoing review of C-249, the government opted to commission a study on the treatment of efficiencies in merger review internationally and submit the findings of this benchmarking exercise to a parliamentary committee. This study, entitled *The Treatment of Efficiencies in Merger Review: An International Comparison*, was submitted to the House of Commons in February 2003.

The House Committee subsequently held hearings on Bill C-249 between March 31 and April 9, 2003, where it received testimony from eight individuals or organizations. The House Committee adopted Bill C-249 and referred it back to the House where it received wide support. As you are aware, Bill C-249 was first read in the Senate in May 2003 and it was referred to the Senate Committee on September 17, 2003.

Efficiencies have been debated extensively over the last decade, especially since the Competition Bureau challenged the merger between Superior Propane and ICG Propane before the Competition Tribunal in 1999. The role of efficiencies in merger review, which lies at the heart of

Bill C-249, has been the subject of many different presentations during conferences on competition law and policy, and different views were elaborated in numerous articles on the subject. I refer to the testimony before the House Committee of Mr. Robert Russell, lawyer for Borden Ladner Gervais —

That is the old Scott & Aylen law firm.

— who stated:

"There is no single topic in competition policy that has had greater debate in our system of law than the efficiencies defence...There's been nothing more widely written on, spoken on, published in Canada and reflected upon in other jurisdictions..."

As well, the lengthy process of Bill C-249 through the House provided commentators with ample time to express their views on the matter. Consequently, I am satisfied that Bill C-249 was the subject of sufficient consultation and I, along with most of the House of Commons, supported it.

Turning to the question of why the amendments proposed in Bill C-249 have not formed part of the consultation process associated with the June 23, 2003 Discussion Paper entitled *Options for Amending the Competition Act: Fostering a Competitive Marketplace*, I must point to significant differences between the nature of the Discussion Paper's proposals and Bill C-249.

In any event, Mr. Rock, then Minister Rock, continued laying out the entire background of these discussion papers and the consultative processes that have been engaged in. He then moves to a conclusion, in which he says:

In light of the above —

This is Mr. Rock's closing paragraph in his letter to Senator Kroft.

— Industry Canada does not intend to initiate specific consultations on Bill C-249 per se, as this Bill has already been passed by the House of Commons. Nevertheless, I hope that the Senate Committee will be given the opportunity to continue its review of this important Bill if it is again referred to the Senate Committee once Parliament resumes and that the Senate Committee will recognize the extensive discussions that have already taken place regarding the treatment of efficiencies. In this context, I trust this information is helpful in the Committee's decision to conduct further hearings on the matter.

Yours very truly,
Allan Rock

Honourable senators, what we have is a situation where, in between the two sessions of Parliament, Senator Kroft wrote a letter to the minister saying that the committee could not continue further study of the bill because the bill needed more study by the minister, and the minister wrote back saying that in his view he had no intentions of studying it any more, and his department and everyone else has given the bill ample study.

I just wanted to place that on the record.

Honourable senators, I work on many, many matters, but the Competition Act is not one of them. However, I do understand very significantly the issues Mr. McTeague at that time was trying to advance in the bill.

I should like to say that I think they are worthy causes and worthy issues. Even though they are not my issues, I consented to do this little task, rather than to let the bill languish and die off, on the ground that I thought that the bill was significant enough to merit proper consideration. I truly do not understand why the bill has languished and has not been taken up for serious study, especially when the bill had the full support of the minister at the time.

I must say, honourable senators, I have been a bit miffed, if not bewildered, that so many Liberal senators have been rushing to try to get Bill C-250 — an NDPer's bill — into debate and voted upon while, simultaneously, one of our own colleague's bills — Dan McTeague's — has been allowed to languish, almost die, without my intervention today at least to move it along.

As honourable senators can see, the Order Paper has been "ticking." The bill itself is at day 14, needing some activation.

• (1740)

Honourable senators, the hour is late. We are not only late in the hour of the day, but we are also late in the hour of the session. Even though the session is a new session, many Liberals, at least, are expecting that we will go into election mode. Liberals have expected that since last November, which is not unusual at all.

Honourable senators, for the record, for the sake of dialogue, for the sake of debate, and for the sake of assisting a House of Commons colleague to move his concern forward, I highly commend this bill to you for your support and recommendation. I regret that it has not moved to date. I sincerely regret that the Senate Banking Committee did not take the opportunity to take this bill unto itself and to give it the study and the consideration that it deserves. As we know, there are many able and capable ladies and gentlemen on the Banking Committee. It is well-known, for example, that the committee has had among its membership some of the most distinguished gentlemen in the country. Some of these names are disappearing into history, like Senator Hayden and Senator Buckwold and others, many of whom I had the privilege to know.

Honourable senators, to make a long story a little bit shorter, this bill is trying to close a lacunae or a gap in the Competition Act by essentially combining the sections in respect of the review of mergers so that the question of efficiencies will be considered in concert with all the other issues that should be considered when mergers are taking place.

This measure also previously enjoyed the support of the Competition Bureau. It is interesting that the minister and the Competition Bureau itself supported this bill. They have some magical rule in the House of Commons where bills can be

reinstated without reintroduction, and they maintain even the same bill number, so it is a questionable constitutional oddity that they have working over there. However, they are doing it, and nobody here will question it. I suppose that if one does not question it, that means it is good and proper and in order.

In any event, I commend the bill to the consideration of colleagues, and I commend it to the study of our Standing Senate Committee on Banking, Trade and Commerce — very able gentlemen and ladies, for all of whom I have deep respect.

Hon. Jack Austin (Leader of the Government): Honourable senators, as we well know, a private member's bill sponsored and originating in the other place comes to us and requires a sponsor here. I am delighted that Senator Cools has acted as the sponsor of this bill, and I know that the member who sponsored in the other place, Mr. McTeague, will be delighted also.

This is not a government matter, obviously. Not speaking for the government but speaking as a member of this chamber, I would welcome the bill being sent to the Standing Senate Committee on Banking, Trade and Commerce.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on behalf of the opposition, I have no difficulty with the general principle of the bill. I would commend our colleagues on the Standing Senate Committee on Banking, Trade and Commerce to do a very careful analysis of the bill. With that, I would support second reading.

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

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Day, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Cools, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (document entitled Senate Administrative Rules) tabled in the Senate on March 31, 2004.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, I have the pleasure of introducing the Senate Administrative Rules, which were prepared under the direction of the Standing Committee on Internal Economy, Budgets and Administration.

The proposed administrative rules have been studied by a working group created by the committee on November 5, 2003, chaired by Senator George Furey, with Senator Stratton and Senator Jaffer as members. The Clerk of the Senate and the Law Clerk and Parliamentary Counsel collaborated closely with the working group. I greatly appreciate the efforts of the senators in the working group, and I thank them for the contribution in further advancing good governance in the Senate.

The main purpose of the project was to gather and codify into a cohesive, comprehensive and publicly accessible record the fundamental principles and rules governing the internal administration of the Senate and its allocation and use of resources.

In 1992, the Standing Committee on Internal Economy, Budgets and Administration considered the possibility of making regulations but decided at that time not to pursue the option. Over the years, there were discussions regarding the necessity and opportunity of adopting regulations or rules for the Senate. Your committee has now been persuaded, by convincing arguments, to adopt administrative rules.

[Translation]

Adopting such a document will improve transparency and the responsibility for better informing all those affected by the administrative rules. It will also help the Senate administration continue to improve its services.

For the general public, it will instil greater confidence in the good governance of our institution.

[English]

This codification will improve certainty and transparency concerning the applicable principles and rules by recommending them. This improved access to those principles for all persons, including senators, staff and the public, will strengthen the Senate's accountability.

[Translation]

Finally, as stated in Appendix A, a few helpful changes resulting from the adoption of the Senate Administrative Rules, including new wording for your committee's mandate, have been made to the *Rules of the Senate*.

[English]

I recommend the adoption of our sixth report.

Hon. Norman K. Atkins: Honourable senators, I congratulate Senator Furey and Senator Bacon for the development of this document. I respect the goals that we are trying to achieve in

coming up with something that is more transparent and reflects what the administration has, in effect, been doing for a period of time. However, I would request that we have more time to study this document. In my own case, I first saw it on Tuesday. I was away last week when it was distributed and, frankly, since Tuesday I have not had an opportunity to look at it. With your concurrence, I would request that we have a little more time to deal with this.

• (1750)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I endorse Senator Atkins' suggestion. In the meantime, could someone prepare explanatory notes and highlight any major changes. It is difficult to find answers to questions in the book itself. For instance, the mandate of the Standing Committee on Internal Economy, Budgets and Administration has been changed and the appendix has been lifted from the rules. The rule requiring the clerk to deposit financial statements has changed. Perhaps all of this has been reproduced in the document but, like Senator Atkins, I have not had an opportunity to look at it as thoroughly as I should.

Senator Bacon: I agree that, if senators feel they require more time to read the document, they should have it. However, I would point out that at the committee stage we had at least five days as well as the two days of this week to read the document and to work on it.

I would ask Senator Furey to respond to the questions.

Hon. George J. Furey: Honourable senators, Senator Lynch-Staunton's point is well-taken, as is the point of our good friend across the way, Senator Atkins.

A number of details have been changed, and those could easily be highlighted so as to make it easier for colleagues to consider those changes and to question them, if need be.

For example, rule 133 has been removed from the *Rules of the Senate* because it seemed to be an administrative rule, so it has been included in the administrative section. That change could be highlighted with an explanatory note attached. If colleagues have questions to follow up on that, I would be more than happy to deal with them. The senator's point is well taken. We will do that before the next sitting.

On motion of Senator Atkins, debate adjourned.

RECOGNITION OF WRONGS DONE TO ACADIAN PEOPLE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the *House of Commons Debates* of February 11, 2004; specifically the concerns caused by Bloc Québécois Stéphane Bergeron's Motion M-382 in which he is seeking:

That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.—(*Honourable Senator Losier-Cool*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my understanding is that Senator Losier-Cool had concluded her comments on this item. I was going to intervene, but I will stand aside if my understanding is incorrect.

Hon. Rose-Marie Losier-Cool: Honourable senators, the motion is in my name, but I will allow the Honourable Senator Kinsella to speak. The motion to which we are referring from the House of Commons debate has been defeated, so I do not intend to speak.

Senator Kinsella: I will take a few moments to place a few comments on the record.

[*Translation*]

Honourable senators, I am taking the opportunity today to comment on the inquiry by my colleague, Senator Comeau, regarding the motion by Bloc MP Stéphane Bergeron, in which he asks the British Crown to recognize the wrongs done to the Acadian people between 1755 and 1763. My seat in the Senate gives me an interesting vantage point from which to follow the debate.

I will limit my observations to Mr. Bergeron's campaign because Senator Comeau's speech addresses the validity of the motion.

[*English*]

I used the word "campaign," honourable senators, because any serious initiative of this type would normally rely on proven campaign techniques. From my experience in many campaigns over the years, the key elements of the campaign should include the objective, attempts to arouse public interest and support, an organized course of action and a timetable.

A campaign should also take into account the field of action where the engagement is played out. Strategies and various tactics are no doubt planned in the privacy of various party caucuses, but historically they have not been played out in public on the floor of the House of Commons. This is a harsh, unforgiving arena, where prisoners are rarely accorded Geneva rules of protection. This is not to propagate negative stereotypical aspersions on members of the other place. Quite the contrary, the members of the House of Commons on all sides of the House perform a democratically vital role in our accountable and responsible system of government.

All institutions have their own particular traditions, value systems and ways of doing things. This is true of universities, organized religions, military and others. Government institutions are no exception. The mission, role, rules and membership

admittance, among other factors, create the unique characteristics of an institution. Even the House of Commons and the Senate work very differently.

Some might assume that a recognition that it was wrong to deport the Acadians is a straightforward initiative and that the party affiliation and the nationalistic persuasions of the mover should be irrelevant. The reality is that the Commons is an adversarial chamber and a partisan atmosphere is a matter of daily life. Federalist members are constantly reminded of the reality of the Bloc Québécois as a separatist party with a stated mission to separate the province of Quebec from Canada. Federalist members serve on the front lines. There can be little doubt that patriotism is a factor. It is therefore logical that federalist suspicions of Bergeron's motives would be aroused. Most Bloc initiatives are passed through this filter of doubt.

There is a saying that where you stand depends on where you sit. This is particularly true in the House of Commons. In fairness, the Bloc Québécois is quite candid in promoting the sentiment that the Canadian federation is detrimental to francophones in general and to Quebec francophones in particular. It is therefore the duty of Bloc members to demonstrate by various means that separation from Canada is the only viable option.

Most would agree that the Bloc Québécois would be justified to mistrust favourable interventions by federalist members with regard to the separatist aspirations. Likewise, it is understandable that federalist members have cause to question Bloc intentions. This motion is no exception. Federalist members may well suspect this motion as a means to provoke inappropriate comments from uninformed members. This was well illustrated in Senator Comeau's comments.

It would not be lost on federalist members that the lack of preparation suggests that the aim was for the Commons to vote against the resolution. The Bloc would then accuse English Canadians of being against Acadians because they are francophones. A successful resolution would make the Bloc the champions of Acadians and the federalist members would be blamed if the resolution failed. Regardless of the outcome, the fact that the Bloc stands to win either way must surely provoke federalist members.

The fact that Mr. Bergeron has successfully contested three federal elections suggests that he is familiar with the elements of the campaign. He is no novice in the political arena. He should therefore be very familiar, as are most successful elected parliamentarians, of the need for meticulous preparation prior to ever tabling a motion if it is hoped to pass. The lack of preparation is therefore revealing.

Honourable senators, it has been suggested that politics is the art of the possible, but achieving the possible requires effort, time and compromise. There are no shortcuts in the passage of parliamentary resolutions. As a seasoned campaigner, Mr. Bergeron would understand the need to prepare a detailed plan of action. Developing such a plan is long, difficult and daunting — more so when in opposition. The plan would cover a

multitude of responses to unforeseen contingencies. He would understand that stakeholder support must come from many quarters and be great in number. He would need to seek, recruit, motivate and maintain a nationwide network of loyal supporters to the cause to bring pressure on many parliamentarians to support the Acadian cause. It would be essential that the plan be inclusive and adaptable to compromise and to arrive at an ultimately successful conclusion.

• (1800)

All this work must be done prior to ever tabling the motion. This large amount of work requires a genuine believer because the sponsor quite often becomes lost in the scramble as support for the objective takes on a life of its own.

Honourable senators, lack of preparation is a recipe for failure in a legislative body, but other factors further compounded this particular initiative. His separatist persuasions might have been mitigated with prior preparation and consultation with other parliamentarians of different persuasions. However, this was not done. Additionally, the story that Bergeron had recently discovered his Acadian roots did little to enhance his credentials. Bloc comments on the motion demonstrated an offending lack of understanding of the Acadian psyche.

[Translation]

— wounds must be healed to enable people to live in the present, work for the future —

The Hon. the Speaker *pro tempore*: Honourable senators, it is now 6 p.m.

Senator Rompkey: Your honour, I believe you would find consent not to see the clock.

The Hon. the Speaker *pro tempore*: Honourable senators, is there agreement not to see the clock?

Hon. Senators: Agreed.

[English]

Senator Kinsella: Honourable senators, parliamentary and media comments from the majority side of the House of Commons suggested that the motion would be defeated.

[Translation]

Minister Stéphane Dion said that:

This motion cannot come from a separatist party. It must come from Acadian society.

[English]

An ardent sponsor advancing the interests of Acadians would make a crucial and credible assessment of the prospects of passage prior to tabling. He would have carefully reflected on the implications and impact of a rejection vote. Does a rejection

not imply that the House of Commons agreed that the British had cause to deport the Acadians? A genuine believer would be reluctant to table a high-stakes motion that had a high likelihood of failure.

There is no evidence to suggest that any preliminary work was done prior to tabling. I know of no Acadian group that was approached on the subject. The National Society of Acadians, NSA, was certainly not consulted. In fact, the NSA was initially and justifiably exasperated when it was not consulted. The NSA asked Bergeron to withdraw the motion so that l'Acadie could study the question. Bergeron refused.

The process was set in motion with the tabling of the resolution. The vote was fast approaching and no work had been done to ensure passage. Acadian groups felt compelled to scramble to mount an emergency campaign to seek support for the motion. This was done on Bergeron's timetable and terms rather than on the NSA's own agenda. It is understandable that Acadians would not want a federal vote on the books that essentially suggested that the British were not wrong in deporting the Acadians.

[Translation]

I will close, honourable senators, by stating that it is relatively easy to move a single-paragraph motion; and sometimes this generates a strong media response that places the movers of the motion in a good light, as it did in this case.

Mr. Bergeron did not lead any campaign. He set a process in motion and let events take their course. He could have discussed these plans with the Acadians on Parliament Hill and I am sure most would have given him wise advice. There are other more prudent ways of gaining recognition of harm done. He could have taken a less risky approach in this process, which must be gradual. He did none of that. It was almost guaranteed that the motion would be defeated, and that defeat is now part of the record of the other place. One can therefore wonder whether adoption of the motion was the real objective.

On motion of Senator Corbin, debate adjourned.

[English]

ADVANCEMENT OF VISIBLE MINORITIES IN PUBLIC SERVICE

INQUIRY—DEBATE ADJOURNED

Hon. Donald H. Oliver rose pursuant to notice of March 30, 2004:

That he will call the attention of the Senate to the barriers facing the advancement of visible minorities in the Public Service of Canada.

He said: Honourable senators, I rise to speak to the increasingly alarming crisis in Canada's public service. This crisis arises from barriers to the advancement of Canadians of colour in the Public Service of Canada.

Because of this systemic racism, the progress of visible minorities in making a substantive and valuable contribution to Canada's public service has come to a virtual standstill. There is no upward mobility and, more important, there is no inclination on the part of the government, the Governor in Council or the Prime Minister to do anything about it. The Speech from the Throne is silent about visible minorities. The recent budget of the Martin government is also mute. What is more, the latest annual report to Parliament on employment equity in the federal public service underscores the deplorable lack of policies and programs to address the advancements of visible minorities in the federal service.

Many years ago, John G. Diefenbaker, in ruminating about Canada's multicultural character, said that Canada was not like a mosaic — "a static thing where each element is separated and divided." He did not believe the "melting-pot" concept was an appropriate analogy either. Rather, he believed that Canada was like "a garden into which have been transplanted the hardiest and brightest of flowers from many lands, each retaining in its own environment the best of qualities for which it was loved and prized in its native land."

It is clear to me that Canada's multicultural garden is a mess — choked with weeds, parched by a lack of water and ruined through sheer neglect. It is time to shed some sunlight on the issues, to dig deep down to the roots of the problem and to seed the development of new programs and policies that will bear fruit for many productive harvests to come.

Today, I shall explain, first, why an inquiry into the barriers facing visible minorities in the Public Service of Canada is urgently needed; second, I shall look at the causes of the problem; and third, I shall present some of my prescriptive solutions.

My message is that systemic racism in the federal public service continues to impede the progress of visible minorities. Yet, the government simply does not recognize or acknowledge that there is a crisis. We must illuminate the issues, clarify the concerns and cast a bright light on the truth — that is, that a racially diverse and inclusive federal public service is a better public service for all Canadians, now and in the future.

To begin, allow me to remind you of the Canadian Multiculturalism Act, passed in 1988. Its first goal was to foster a society that recognizes, respects and reflects a diversity of cultures so that people of all backgrounds feel a sense of belonging and attachment to Canada. Its second goal was to build a society that ensures fair and equitable treatment and that respects the dignity of people of all origins. Its third goal aspired to develop among Canada's diverse people, active citizens with both the opportunity and the capacity to participate in shaping the future of their communities and their country.

In recognizing the crucial role that federal organizations can play in preserving and enhancing Canada's multiculturalism, the act outlines "specific instructions for the federal government." These include, among others:

ensure that Canadians of all origins have an equal opportunity to obtain employment and advancement in those institutions;

promote policies, programs and practices that enhance the ability of individuals and communities of all origins to contribute to the continuing evolution of Canada;

promote policies, programs and practices that enhance the understanding of and respect for the diversity of the members of Canadian society.

Have these instructions been followed? Do visible minorities have equal employment opportunities in the federal public service? Are there programs in place to enable them to fully contribute their talents and abilities to the federal service? Are their issues understood? Is their diversity respected? The answer to these questions, honourable senators, is no, no, no, no, and no.

• (1810)

Under the Employment Equity Act, the federal government must ensure that the members of four designated groups — Aboriginal people, women, the disabled and visible minorities — achieve equitable representation and participation in its workforce. To address the specific requirements of three of these designated groups, there are special federal government departments, secretariats or resource centres. There are comprehensive training and awards programs, and financial, technical and professional assistance to support priority issues.

These initiatives are working and working very well, according to the most recent Employment Equity Report; yet there is nothing of the same magnitude and depth for visible minorities. Even the government's newly created Public Service Management Agency does not include any new initiatives for visible minorities.

Of course, there is the "Embracing Change Action Plan" endorsed in June of 2000 by the government to address the under-representation of visible minorities in the federal public service and to reflect modern Canadian society. "Embracing Change" was designed to "eliminate systemic barriers, to foster a favourable corporate culture and to assume direct responsibility for the achievement of the benchmarks aimed at building a representative and inclusive Federal Public Service."

Is the plan effective? Are there proportionally more visible minorities being hired? Are people of colour advancing to positions of greater responsibility where they can have a positive impact on the diversity culture of the federal public service? Again, the answer to all of these questions is no. Visible minorities remain at the bottom of the heap.

Let us look at the annual report to Parliament on employment equity in the federal public service released last month. It brags about the government's achievements in "becoming a more representative and inclusive national institution." It reports that

the latest figures “show improved representation among all designated groups in the Canadian public service — women, Aboriginal people, persons with disabilities and visible minorities.” It also applauds the fact that “Representation by the first three groups in the public service exceeds their labour-market availability.”

Although the report acknowledges that the government must “step up progress among visible minorities,” it glosses over these pivotal facts: first, that the government’s progress in relation to visible minorities is a disgrace; and, second, that the government is not doing enough to address the problem.

Visible minorities now make up 13.4 per cent of the Canadian population, yet persons in a visible minority group represent only 7.4 per cent of the federal public service workforce — an increase of only 0.6 per cent over last year. What is more, the percentage of new hires from visible minority groups actually declined this year.

These statistics are a far cry from the targets established by “Embracing Change Action Plan.” Those targets, committed to by the Government of Canada were to ensure that, by 2003, one in five of all new hires, or 20 per cent of those hired from outside the public service, would be members of a visible minority. By 2005, one in five, or 20 per cent, of all new appointments in the senior executive groups would be members of a visible minority.

Nevertheless, despite this somewhat sluggish pace of progress, the Employment Equity Division of the PCO simply promises to continue providing “departments with models of success” and to supply the tools and assistance in building departmental capacity to effect change.

Honourable senators, this is simply not good enough. If these models, tools and assistance are not working today, what makes the Martin government believe that they will work tomorrow? Denial will not make the problems go away and it will not ensure that the public service becomes a model and sets an example for employers of all sectors of the economy.

Honourable senators, I believe the root problem here is a form of systemic racism, a problem which Canadians of colour have long endured in the workplace. Let me give you an example. In 1984, the Urban Alliance on Race Relations and the Social Planning Council of Metropolitan Toronto commissioned a research study on racial discrimination in the hiring process. The study concluded that there is a substantial level of racial discrimination against individuals from visible minorities seeking employment.

Honourable senators, systemic racism in the Public Service of Canada has reached an all-time high. Morale among visible minorities is at an all-time low. There is little, if any, hope of advancement or of being treated equally with others. Nothing is being done to address this problem because few people recognize

or understand or accept the ugly reality that systemic racism still exists in this country. There is a widely held misperception that racism, prejudice and bigotry are things of the past. The fact is that racism continues to cloud the judgment of Canadians. It is a problem that has simply not gone away.

For example, Blacks will celebrate the four hundredth anniversary of our presence in Canada next year. During that period, much has happened to us. We have gone from slavery to freedom. We have taken part in two world wars. We have done our part in building this country into what it is today. Despite this, we remain unequal.

I have felt the lash of discrimination. I am painfully aware of what it is like to receive anonymous hate mail, to be treated with contempt, to have business opportunities denied to me because I am Black. I know the pain of watching others bend and eventually break under the pressure of discrimination. I know what it is like to see potential, unfulfilled lives ruined because of racism. I know all this and I would like to see it stopped.

Racism has existed in Canada for as long as Black people have been here. In the 1840s, an Ontario magistrate by the name of Robert Lachlan claimed that the province’s 1,600 Blacks caused more crime than all of their 16,000 fellow White citizens combined.

In 1912, Dr. George Parkin, respected educator and formerly Headmaster of Upper Canada College in Toronto, claimed that one of the advantages of Canada’s rigorous climate was that it “keeps Blacks out.”

During the First World War, Black men were denied the opportunity of serving their country in the regular army. They were instead relegated to a special construction battalion. Here in Ontario, it was not until 1965 that the last segregated school closed its doors. As late as 1968, Black people were denied the right of burial in some Nova Scotia cemeteries.

Today, how many Black executives are there in major banking and insurance institutions in this country? How many Black university presidents are there? How many Black commanders in the Armed Forces? How many Black politicians? How many Black leaders in the federal public service? Why, after all the rhetoric, do Blacks and other visible minorities only make up 7.4 per cent of the federal civil service when we represent 13.4 per cent of the population?

The Charter of Rights and Freedoms states that everyone in this country is equal before the law. It prohibits discrimination on the basis of race, national or ethnic origin, colour or religion. The Canadian Human Rights Act provides that every individual should have an equal opportunity to make the life he or she is able to and wishes to have, again, without fear of discrimination. The Canadian Citizenship Act says that all Canadians are entitled to the same rights, powers and privileges.

Despite all this, visible minorities in this country still face discrimination. Perhaps it is not the in-your-face “you may not eat in this restaurant” type of rejection from 30 or 40 years ago when I was growing up, but it is something far more subtle and more insidious. It is called the glass ceiling, a plateau above which visible minorities are unable to rise, no matter their abilities or competence or achievement. People of colour are never sure when they will bump their heads on this ceiling, but they know it is there. They know that if they aspire too high, they will be pushed aside, held back, squeezed out, denied the opportunity to participate fully and equally with their fellow Canadians.

Honourable senators, there is a war for equality in this country and, make no mistake, it is a war. The first step in winning the fight is to get the unvarnished truth.

Racism exists in Canada, indeed around the world, and remains largely invisible, hugely underestimated and wholly pervasive. There was a fascinating article recently in the *Guardian* publication from London, England. For me, it describes in very compelling terms the fundamental problems concerning racism. Martin Jacques, a White man and a visiting fellow at the London School of Economics, wrote this article about his impressions and experiences with racism. He begins his article with the following:

• (1820)

I always found race difficult to understand. It was never intuitive. And the reason was simple. Like every other White person, I had never experienced it myself; the meaning of colour was something I had to learn. The turning point was falling in love with my wife, an Indian-Malaysian, and her coming to live in England. Then, over time, I came to see my own country in a completely different way, through her eyes, her background. Colour is something White people never have to think about because for them it is never a handicap, never a source of prejudice or discrimination, but rather the opposite, a source of privilege. However liberal and enlightened I tried to be, I still had a White outlook on the world. My wife was the beginning of my education.

According to the ethnic diversity study just released by Statistics Canada, for example, almost one third of Black Canadians said they have experienced discrimination or unfair treatment in the past five years. The report also showed that Canadian-born and foreign-born Blacks aged 25 to 54 years earned about \$6,000 less, on average, than other Canadians in the year 2000. In addition, the jobless rate for Blacks was at least 1.9 percentage points higher than for the rest of the population in the year 2001.

That is deplorable, and the situation is no better in the federal public service.

In short, no matter how much anyone may try to deny or ignore it, racism still rears its ugly head in the federal civil service, in the workplace at large and in society as a whole, and we as senators must act in a positive and decisive way to solve this issue.

The Hon. the Speaker *pro tempore*: Honourable Senator Oliver, your time has expired. Are you asking for leave to continue?

Senator Oliver: Might I have another five or six more minutes, honourable senators?

Hon. Senators: Agreed.

Senator Oliver: It is not simply a nice thing to do or the right thing to do, it is the smart thing to do. Consider these statistics: The number of people from visible minorities in Canada has doubled over the past decade. Immigration now accounts for more than 50 per cent of Canada's population growth. Forty-eight per cent of the students at the University of British Columbia are visible minorities. By 2010, more than half the population of Canada's major urban centres will be first-generation immigrants, and by 2016 about two thirds of the Canadian labour force will be made up of employment equity designated groups.

At the rate the federal government is progressing, it will never catch up.

Meanwhile, thanks to progressive immigration laws, millions of non-White Canadians have come to this country from Asia, Africa, the Middle East and points in between. In the process, they have made Canada one of the most, if not the most, multi-racial societies in the world. Diversity is a fact of life in this country. However, these newcomers must overcome major hurdles. That is not fair to them and it is not good for Canada, either economically or socially.

For example, newcomers to Canada earn about 15 per cent less than the average Canadian. Their professional credentials are often unrecognized. This means qualified physicians, engineers and other professionals often cannot provide their expertise to other Canadians.

A few weeks ago, I read in *The Globe and Mail* that an award-winning rocket scientist from China makes cinnamon buns in a Toronto subway station. We continue to hear stories about immigrant computer scientists flipping burgers or doctors driving taxis. What a waste of talent, knowledge and skills. This waste costs the Canadian economy between \$2 billion and \$3 billion every year.

As I have shown, Canada is becoming an increasingly diverse society, but I think that we have a long way to go before we become a truly inclusive society.

As the Honourable David See-Chai Lam, the former Lieutenant-Governor of British Columbia and a very distinguished philanthropist and Canadian said:

“Tolerant” is a slightly negative word. It's like saying, “You smell, but I can hold my breath.”

[Senator Oliver]

To continue with this metaphor, there is an unpleasant odour emanating from the federal public service. It is the smell of systemic racism. It will not go away with a few squirts of an air freshener. We need to open the windows and bring in the sunshine of truth. We need to open the doors of opportunity for visible minorities.

Allow me, in conclusion, to outline briefly some of the steps I feel the federal government should take now in a decisive, positive and enduring way to eliminate systemic racism in the federal public service.

First, we need visible and powerful leadership on this issue from the top. The Right Honourable Brian Mulroney demonstrated his calibre of leadership when he appointed a Black Chief Justice of the Federal Court of Canada, a Black Lieutenant-Governor in the Province of Ontario and a Black senator in the Senate of Canada. Prime Minister Martin must actively aspire to the same record of inclusion for visible minorities in the highest offices of this country.

Second, we need a visible minority commission in the Privy Council Office, something like the Official Languages Commissioner.

Third, I believe a comprehensive executive exchange program would prove highly effective in both the short and the long term in reducing systemic racism.

Fourth, we must set clear targets for ensuring that leaders of colour are appointed to the executive ranks of Crown corporations where they can have real influence on the diverse culture of federal institutions.

Fifth, we need to educate and sensitize both private sector search firms as well as recruiters within the public service about the problems and issues impeding the advancement of visible minorities.

Sixth, I believe that we must elevate the role of, and place more responsibility for hiring visible minorities, with the human resources heads of federal departments. They need to understand the issues facing visible minorities and do their part to eliminate these barriers.

Seventh, we must do more, not only to attract visible minorities but also to keep them on board. Many organizations, both public and private, suffer from the "revolving door" syndrome. This occurs when a member of a visible minority joins an organization only to find that the organization's environment is uncomfortable, so he or she simply leaves.

I believe we need to gain a better picture of the number of people from ethnic minorities applying for jobs and at what levels also, we need to understand how many are successful, how many are promoted and how many leave through the revolving door.

Oftentimes organizations only collect data about the numbers of visible minorities hired and not the more extensive and quantitative data that will give them the full picture of the problems and issues.

Honourable senators, I am doing a study with the Conference Board of Canada and we will be releasing our report on May 27. That report will set out a guideline of best practices that both the public sector and the private sector can use if they want to become diverse organizations.

The Conference Board also looked for organizations that have diversity sensitive recruitment and selection techniques, programs promoting career development of minorities and fair promotion practices for visible minorities and the like.

In conclusion, honourable senators, a diverse society looks to the future. It is a society that uses all of its potential. It is a place where cooperation is based on talent and where talent and ability are more important than skin colour. That is the Canada that I have worked all my life to achieve; that is the Canada that the federal public service must emulate; that is the Canada that we must build.

Honourable senators, now is the time for government to act.

On motion of Senator Di Nino, debate adjourned.

PROTECTION OF NAHANNI WATERSHED

MOTION URGING GOVERNMENT TO TAKE ACTION— DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of March 25, 2004, moved:

That the Senate call upon the Government of Canada:

(a) to expand the Nahanni National Park Reserve to include the entire South Nahanni Watershed including the Nahanni karstlands;

(b) to stop all industrial activity within the watershed, including:

(i) stopping the proposed Prairie Creek Mine and rehabilitating the mine site,

(ii) ensuring complete restoration of the Cantung mine site,

(iii) immediately instituting an interim land withdrawal of the entire South Nahanni Watershed to prevent new industrial development within the watershed; and

(c) to work with First Nations in the Deh Cho and Sahtu regions of the Northwest Territories to achieve these goals.

He said: Honourable senators, on a regular basis we all receive many letters and petitions. As I am sure all of you do, I do my best to examine them all, and where I can, I try to help.

For a number of years, I have been in contact with a gentleman by the name of Neil Hartling of Whitehorse, an outfitter for many northern Canada experiences, who has written about the unparalleled beauty of Arctic Canada and some of our irreplaceable national treasures. As well, for the past two or three years, I have received information from the Canada Parks and Wilderness Society, outlining their efforts to safeguard the areas of our northern regions that are at risk, including the Nahanni Watershed in the Northwest Territories. Mr. Hartling's appeal this spring about the Nahanni spurred me to act.

• (1830)

I decided to draw attention to this important issue for which I have a real passion by putting this motion on the floor of the Senate. I must confess that in my exuberance I went ahead without informing our colleague from the Northwest Territories, Senator Sibbeston. I did not let him know my intentions before I introduced the motion. He chastised me and I agree with him. I should have consulted him. Notwithstanding this oversight, Senator Sibbeston and I have agreed to work together to move this initiative forward.

The South Nahanni River and surrounding wilderness is one of Canada's and indeed the world's most spectacular and best known natural places. It is located in the remote Mackenzie Mountains of the Northwest Territories, close to the border with the Yukon. The river carves its way through the mountains, drops over Virginia Falls — a waterfall twice as high as Niagara Falls — with its magnificent Mason Rock, and runs through four major canyons, among the deepest in Canada, and almost as deep as the Grand Canyon. The watershed, or drainage basin, including the Nahanni Karstlands, covers approximately 35,000 square kilometres of wilderness, virtually unmarred by roads and the impact of other human infrastructure. It is truly a place of remarkable diversity of life.

Karstlands are fascinating landscapes of limestone in which erosion has produced fissures, sinkholes, underground streams and caverns. The Nahanni Karstlands are of tremendous interest to natural scientists. They include underground caves and water that flows into the Nahanni River from below the ground. Dr. Derek Ford, of McMaster University, has described Karstlands as "truly unique, and as an assemblage of landforms, there is nothing like it anywhere else in the world." They are not technically part of the surface watershed, but they are an integral part of the beauty and importance of the area being considered, which is why I mention them specifically.

It has been eight years since I embarked on a magic carpet ride — although a rough ride — when I canoed the South Nahanni River, a world icon for whitewater enthusiasts. It is hard to express how spectacular the watershed is. It is not too grand to say that it was truly a spiritual experience. Its stark beauty and stunning vistas immediately inspired me with awe, from the calm waters above the falls to the turbulent rapids below.

The first major rapids, referred to from time to time as Hell's Gate or the "figure eight," are a challenge to even the most professional of whitewater canoeists. I remember approaching them with a great deal of apprehension, fear and finally unmatched exhilaration.

Surviving Hell's Gate, mainly thanks to the great canoeist in the stern of my boat, was for me a remarkable achievement. I continued downriver, past valleys, mountain vistas, canyons and magnificent lookouts — particularly the gate — to a wonderful respite at Krause's Hot Springs. The eerie and mystical dance of the northern lights is the memory of a lifetime. It was truly breathtaking.

I can still see the eagles and osprey above and the Dall sheep on the mountainside. I remember the magnificent grizzly on the shore, rising up on its hind legs and giving passionate warning about our foray into its territory. I remember paddling much faster in respectful acknowledgment. I also remember the fear in my heart.

Finally, I remember the residents at the base of the watershed in the Aboriginal village of Nahanni Butte. Each day brought a new experience and magnificent views of land revered by the First Nations people and all who visit it.

Once again, I was provided with a greater appreciation for why First Nations people have so much respect for the land. I hope I have given honourable senators just a glimpse of why I believe this is a most beautiful piece of Canada worthy of protection.

Part of the watershed is already protected in a national park reserve, which, although managed as a national park, the reserve designation indicates that it is pending the resolution of land claims, in this case the self-governance negotiations between Deh Cho First Nations and the Government of Canada.

In addition, as part of the negotiations, 18,800 square kilometres of land in the Deh Cho portion of the watershed were withdrawn from development in the fall of 2003 for a period of five years with the intent to eventually include them in an expanded national park reserve. This is 68 per cent of the watershed and 85 per cent of the Deh Cho portion of the watershed. The Deh Cho have been leading the way toward expanding the park.

In the Sahtu region, the draft land use plan released in January 2003 identifies the Nahanni headwaters, approximately 20 per cent of the watershed, for protection, with an interest in a national park expansion.

Last month, the Dene Band in the local community of Tulita in the Sahtu region passed a motion to move the Nahanni headwaters into the Northwest Territories Protected Area Strategy as a mechanism for providing long-term protection for the headwaters. This is a process that will allow for a national park expansion in the upper watershed.

There is significant progress being made. However, this is not enough to provide long-term security to the wildlife, water quality and wilderness values of the region because even if initiatives in the Sahtu and Deh Cho regions are successful, as things stand, 15 per cent — and an important 15 per cent — of the watershed will remain unprotected.

It is worth noting the circumstances of how this became a protected reserve. In 1970, newly elected Prime Minister Pierre Trudeau, an accomplished canoeist, visited the South Nahanni River and Virginia Falls. On his return to Ottawa, he directed the then Minister Responsible for National Parks, Mr. Jean Chrétien, to establish a national park to protect the Nahanni. There is a story that when Mr. Trudeau saw the map of the proposed park, he asked, "Is that all?" Whether truth or myth, this story reflects the need to protect a larger area if we are to properly protect the wildlife, wilderness values and water quality of the region.

There have been a series of reports prepared by the federal government suggesting how to expand the park to improve its ability to protect wildlife and to better represent the natural region in which it is located.

Mr. Trudeau's fear that the park was too small was correct. The current boundaries of the park protect 4,766 square kilometres, only one-seventh of the watershed. This means that the park waters and ecosystems are vulnerable to the impact of any development that takes place in the other six-sevenths of the watershed.

The original boundaries were based on protecting the river, falls and canyons from development. Little was known about the ecological values of the area at that time. The boundaries of the current park do not reflect the needs of wildlife, nor do they adequately represent the area. There are three areas currently at risk: plant life, wildlife, and the culture and way of life of the Deh Cho and Sahtu First Nations.

The watershed lies within boreal forest regions of Canada and its sulphur hot springs, alpine tundra, mountain ranges and forests of spruce and aspen are home to many species of birds, fish and mammals. A diverse physical landscape provides habitat for a rich diversity of vegetation and wildlife, unusual for an area this far north.

The Nahanni protects such species at risk as woodland caribou and grizzly bears. However, current park boundaries do not protect adequate habitat for these wide-ranging species.

On March 29, *The Edmonton Journal* reported that a group of scientists had discovered that the mountainous wilderness park on the Yukon border is also home to one of the most genetically diverse population of grizzly bears on the continent; yet, the park boundaries are thoroughly inadequate to protect the population.

The research of Dr. John Weaver of the Wildlife Conservation Society demonstrates what Nahanni park officials have long realized — that the existing boundaries are not spread out far enough to protect a carnivore like the grizzly.

The Aboriginal communities in the area, the Deh Cho and the Sahtu, strongly support the protection of the entire watershed. The watershed is part of the traditional home and is a cornerstone of the way of life and culture of these nations.

On March 23, I received a letter from Chief Peter Marcellais of the Nahanni Butte Dene Band of the Deh Cho First Nation strongly supporting my motion.

• (1840)

In part, he writes:

This brief letter is to ... thank you for any action ... which will protect our traditional lands and waterways in the South Nahanni from the dangers of industrial intervention.

There are, unfortunately, looming threats to the Nahanni. While the Canadian government has reserved most of the surrounding land for potential expansion, within the 15 per cent of the watershed that is not yet included in any plans for expansion lie a number of significant dangers to the future of the ecological integrity of the park. Parks Canada has identified mining as "the single greatest threat to the ecological integrity" of the South Nahanni River Watershed. There are two mine sites within the South Nahanni River Watershed. The first, the Cantung Mine, is located on the flat river approximately 100 kilometres upstream from Nahanni National Park Reserve and World Heritage Site. The mine is located in an area of important woodland caribou habitat.

The mine produced tungsten from open pit operations in the 1960s and early 1970s. It was closed until January 2002, when it was reopened. Within weeks of opening, a fuel spill of more than 23,000 litres occurred at the site, highlighting concerns of the impact on the park down the stream. Waste materials have been observed downstream as far as 15 kilometres from the mine, approximately 85 kilometres upstream from the park boundary. The mine is now closed again. The Department of Indian Affairs and Northern Development released a report in March 2003 on the reclamation liability of the Cantung Mine. The report estimates that it would cost approximately \$48 million to undertake complete restoration of the mine site.

The second mine is the proposed Prairie Creek Mine. The mine site is located on the flood plane, a tributary of the South Nahanni River, 32 kilometres upstream from the Nahanni National Park Reserve. It poses serious threats to the ecosystem and wildlife. Concerns about this mine revolve around the existing toxic legacy of the 20-year-old mine site, the potential for contamination if a working mine were to proceed and the impact of proposed road access across the sensitive karstlands that are identified for protection in an expanded national park.

The mine includes complete mining infrastructure but has never operated. There have been environmental assessments on small individual projects and activities at the mine, but there has not been an assessment of the overall impact of this 20-year-old site. Environmental assessments that have been completed have found that the proposed mining activities would likely cause significant adverse environmental impact, unless subjected to stringent conditions. The proposed road to the Prairie Creek Mine site would certainly damage the karstlands.

In 1966, the company signed a development cooperation agreement with the Nahanni Butte Dene Band of the Deh Cho First Nations. The company has frequently referred to this agreement in its communications. However, in October 2003, the Nahanni Butte Dene Band withdrew from the agreement with the company and subsequently issued a press release stating they had terminated the agreement. The band is concerned about the impact of the mine and, as set out in the letter I received from them, the band is supportive of protecting the lands in an expanded Nahanni National Park Reserve.

Those are two existing mining concerns. However, mineral staking continues in those parts of the watershed omitted from the 2003 interim land withdrawals. Within the last month, two prospecting permits were issued in the southwest corner of the watershed. That highlights the urgent need to withdraw the entire watershed to protect it from potential contamination. Further delay will only result in a more difficult and expensive task in protecting the land later on.

Honourable senators, it is time to act on the wishes of the local people in the Deh Cho and Sahtu regions of the Northwest Territories who have formally expressed their desire to protect the entire watershed.

It is time to act on the advice of scientists, conservationists, canoeists like myself and wilderness lovers from all over Canada and the world who have urged the government to protect the watershed, including the Nahanni karstlands, through the thousands of letters they have sent to government officials. I ask you to join me in urging the Government of Canada to act quickly to expand the Nahanni National Park Reserve to protect the entire South Nahanni Watershed, including the karstlands. We owe this legacy to our future generations.

Honourable senators, I look forward to the contributions of Senator Sibbeston and other colleagues to this debate.

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to speak on the motion to give it support and propose an amendment to put it in tune with the political reality of the North.

I was initially upset and even embarrassed that Senator Di Nino from Toronto was the mover of such a motion dealing with a park in the Northwest Territories. I do take my job seriously, as a senator for the Northwest Territories, and I thought what is a senator from the south — from Toronto — doing with an issue that is so central to the North? I could even imagine people up North asking, “Where were you? Were you in Mexico while all this was happening?”

However, since Tuesday, Senator Di Nino and I have met. We are best of friends now, and we are on the same path, as it were, to supporting such a matter. I recognize that I perhaps overreacted, and it was just a tempest in a teapot as far as I am concerned.

I see him as an ally, and I am glad he came to the North and has been to the Nahanni National Park. It is a wonderful part of our country. It is majestic, absolutely beautiful and stunning, and people from all over the world come. I invite all of you in your time to come to the North and see its beauty and majesty.

The Canadian Parks and Wilderness Society, CPAWS, has always promoted parks and wilderness areas in our country. They have been active in the Northwest Territories and have worked

with the Aboriginal people in our area, promoting park matters and the expansion of the Nahanni Park.

When I dealt with them the other day, I asked, “What kind of an organization are you, anyway, to get someone from the South to do your work and lobby? Why did you not approach the senator for the Northwest Territories to deal with the park issue?” Since then, I have come to appreciate them. I had a good meeting with them yesterday.

Honourable senators, the Nahanni National Park is the Deh Cho area, near Fort Simpson, where I was born and live. The park is in an area where my ancestors lived. My grandfather, who was a hunter and trapper, though dead now, still has a cabin in the Nahanni on the Flat River. His cabin is just below Virginia Falls, the beautiful falls that people come to see.

There is a spot on the Nahanni River, which Senator Di Nino may remember, called George’s Riffle. That is named after my grandfather. He apparently was coming down in the spring after spending a winter hunting and trapping and living like a king and he had a spill, so it is named after him.

There is another area called Lafferty’s Riffle; that also is named after one of my relatives. A lake in the area, called Dal Lake, is named after my father, a man who I discovered only recently was my father, Mr. George Dalziel. As you can see, I am historically, culturally and emotionally connected and attached to this part of the North.

One of my uncles, Fred Sibbeston, guided the boat when Prime Minister Trudeau famously came down the Nahanni River. My uncle Trindell was Trudeau’s interpreter when he arrived at Nahanni Butte and met with the people. He sat cross-legged in the grass meeting with the Dene people, telling them that he wanted to create a park out of the area and river that he had just come down.

I made numerous trips into the park, even before it was a park, beginning in the early 1970s. My children — my sons, in particular — continue to go to the Nahanni Park to hunt and enjoy the wilderness.

Honourable senators, I have an amendment that deals with two aspects I feel will enhance the way that the park expansion can be done.

The first deals with a requirement that the federal government respond to and develop policies directed at making northern parks more conducive to Aboriginal employment, cultural involvement and business opportunities. A report on this was completed by a subcommittee of the Aboriginal People’s Committee, in September of 2001. Some of us on the committee went to Inuvik, Whitehorse and Iqaluit and met with people who were dealing with the northern parks, and we produced a very good report that has many recommendations. The gist of the report is that we found, as we met with park officials and aboriginal people knowledgeable about parks, that southern methods and approaches were being used to manage northern parks and these approaches did not always work. The conclusion was that there was need to establish a unique, culturally sensitive way of dealing with northern parks. This report deals with that.

• (1850)

What I am saying is that before a park is expanded, the federal government, Parks Canada, ought to respond to this report, ought to come up with policies that really meet the unique aspects of people in the North. One of the amendments I am proposing is that our report be studied and reported on by the Parks officials before any expansion is completed.

The second matter involves the need for a complete assessment of mineral and energy resources in the proposed park expansion area. The Mineral and Energy Resource Assessment process, called MERA, was established in 1980 as a prerequisite to establish parks in the Northwest Territories and the Yukon. I am proposing that this be done. Studies have been done to cover certain parts of the park in the expansion, but I am led to believe that a complete one was not done. Hence, before the park expansion is done, I believe a complete mineral assessment of the area must be done. The studies that have been done indicate that there are minerals in those lands, but it is important to have a complete assessment of minerals.

The expansion purports to increase seven times the present size of the park to take in all of the watershed area. When park boundaries are established, we know that it is very difficult or almost impossible for them to be changed.

We saw this when the Tukturn Nogait National Park was established in the 1989 era. This park was established along the Arctic coast in the area of Paulatuk. Senator Adams dealt with this. Honourable senators may recall the issue, where after boundaries of the park were established a resource development company exploring the area found that there was good mineralized property in the area and wanted to develop it and establish a mine. There was an attempt, after the boundaries were more or less drawn on the paper, to reduce the size of the park, to exclude the mineralized area.

The people of Paulatuk supported the decrease, arguing that it would create 75 jobs. The Inuvialuit, who were in negotiations with the federal government in that area, the Government of the Northwest Territories, and even the senator for the area, argued very hard to have the park decreased so that exploration and development could occur in that area, but the federal government said that it would not open up the boundary issue, and so the request was denied. We know, honourable senators, that once boundaries are established, it is difficult and almost impossible for them to be changed. Hence, before boundaries are expanded, it is important to make sure that everyone knows what is in the area, as far as mineral and oil and gas reserves.

The creation of park boundaries and expansions is a very serious undertaking. Therefore, before the national park is expanded, we need to know definitively what the lands contain.

There is a land claims process going on in this part of the North, called the Deh Cho process. I am a member of that organization, and will eventually be a beneficiary, so of course I am interested and want to be sure that the issue of the park and its expansion is done properly.

Present and future generations will be bound. Young people are being educated and trained in our schools and colleges in the North for employment opportunities; unfortunately trapping is becoming less and less a way of life. Hunting and trapping are still important, but every year it does seem that as people get old there

are fewer people trapping, so obviously the wage economy is important and will become more important in the future for the people of the North.

Honourable senators, while I very much support the aspirations of the Deh Cho people to expand the park, some industry and development will be necessary in the future for young people to be meaningfully engaged. Just like people in the South, people in the North enjoy driving new Ford trucks, enjoy using computers, enjoy all the amenities of life. Obviously, if the standard of living is to be maintained, they will need to have employment opportunities. Development, if done properly, can be beneficial to people.

While parks are fine, I have always maintained that one cannot make a living just by being situated close to a park in itself. You still need food, game, jobs and business opportunities.

The Deh Cho process that is currently underway in the North has in its plans to eventually set up their own form of government, and there will be need for money, royalties and taxes to operate and provide services. Wealth and prosperity can come from a balanced economy.

For all of these reasons, before we launch off into expanding the Nahanni National Park, we need to seriously consider the two issues that I have raised, that of park management and administration, so that the federal government and Parks Canada can develop and have a unique northern approach to management of parks, and, second, that there be a full resource assessment, so that we know definitively what is in that land. Only with such knowledge should the government and the local people make a rational decision as to all of the area that will be encompassed in the Nahanni Park. Mussi cho, thank you.

Honourable senators, I have an amendment, which will provide that. I believe these amendments are very good, and I expect they will be well received once they are understood and considered.

MOTION IN AMENDMENT

Hon. Nick G. Sibbeston: Honourable senators, I move, seconded by the Honourable Senator Ione Christensen:

That the motion be amended as follows:

(a) in paragraph (a),

(i) by adding the word “possibly” after the word “Reserve”, and

(ii) by adding after the word “karstlands” the following:

“at an appropriate time and consistent with the cultural, social and economic interests of the people of the region, the Northwest Territories and Canada”;

(b) in paragraph (b), by replacing the words “to stop” with the following,

“to protect the environmental integrity of the South Nahanni watershed by reviewing”;

(c) in subparagraph (b)(i), by deleting the word “stopping” and the words “and rehabilitating the mine site”;

(d) in subparagraph (b)(ii), by deleting the words “ensuring complete restoration of”;

(e) in subparagraph (b)(iii),

(i) by deleting the words “immediately instituting an interim land withdrawal of the entire South Nahanni Watershed to prevent”;

(ii) by deleting the word “and” at the end; and

(f) by adding, after paragraph (b),

(i) a new paragraph (c) to read as follows:

“(c) to include as part of the review:

(i) a response to the Senate report, Northern Parks — A New Way that indicates the government’s policy to ensure employment and economic benefits from the creation of northern parks will flow to local aboriginal people, and

(ii) a complete assessment of mineral and energy resources in the area”, and

(ii) by relettering the current paragraph (c) as (d).

On motion of Senator Christensen, debate adjourned.

• (1900)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Donald H. Oliver, pursuant to notice of March 31, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be empowered, in accordance with rule 95(3), to sit between Monday, April 5, 2004 and Thursday, April 8, 2004 inclusive, even though the Senate may be adjourned for a period exceeding one week.

Motion agreed to.

COMMITTEE AUTHORIZED TO TABLE REPORT DURING ADJOURNMENT OF THE SENATE

Hon. Donald H. Oliver: Honourable senators, pursuant to notice of March 31, 2004, I move:

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit an interim report with the Clerk of the Senate between Monday, April 5, 2004 and Friday, April 16, 2004, inclusive, should the Senate not then be sitting, and that the report be deemed to have been tabled in the Chamber.

Hon. Eymard G. Corbin: Honourable senators, I would like to know the purport or importance of the matter wished to be reported on such that it could not wait until we come back. I ask this question seriously.

Senator Oliver: I would be pleased to respond.

The Standing Senate Committee on Agriculture and Forestry has, for several weeks now, been conducting hearings into the BSE crisis in Western Canada. More than 1,200,000 live cattle under 30 months are waiting to go over the border to the United States. It is a massive crisis. We have prepared a report with recommendations, but it has not yet been translated. Once it is translated, we hope to table it. Should the Senate not come back on April 20, we want to ensure that this important report is available to those it affects.

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

Motion agreed to.

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Gill, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I will be brief. I am fulfilling a commitment made to Senator Joyal that I would speak to this bill.

I rise today to speak at second reading of Bill S-9, to honour Louis Riel and the Metis people. I congratulate the sponsor of the bill, Senator Thelma Chalifoux. I believe that she has been able to include in this bill the celebration of the many aspects of the rich heritage of the Metis people of Canada.

This bill deals with the issue of Louis Riel and his contribution to the history of both Canada and Manitoba. It acknowledges that the arrowhead sash is to be recognized as a symbol of the Metis people. It also encourages the various parts of the Government of Canada to honour Louis Riel and to honour the Metis people through an appropriate display of the arrowhead

sash. Finally, it requires the Minister of Canadian Heritage to take appropriate action for the preservation of the memory of Louis Riel and the advancement of the Metis culture and history. In clause 3 of the bill, the historic role of Louis Riel as a Metis patriot and his present role as a Canadian hero are both acknowledged.

It is my contention, honourable senators, that this is unnecessary. I would take us back to Tuesday, March 10, 1992, at which time the Right Honourable Joe Clark, then Minister responsible for Constitutional Affairs, placed a resolution before the House of Commons that was agreed to by members of all political parties in both Houses. The resolution stated as follows:

That this House take note that the Metis people of Rupert's Land and the North Western Territory through democratic structures and procedures took effective steps to maintain order and protect the lives, rights and property of the people of the Red River;

That this House take note that, in 1870, under the leadership of Louis Riel, the Metis of the Red River adopted a List of Rights;

That this House take note that, based on the List of Rights, Louis Riel negotiated the terms for the admission of Rupert's Land and the North Western Territory in the Dominion of Canada;

That this House take note that those terms for the admission form part of the *Manitoba Act*;

That this House take note that, after negotiating Manitoba's entry into Confederation, Louis Riel was elected thrice to the House of Commons;

That this House take note that, in 1885, Louis Riel paid with his life for his leadership in a movement which fought for the maintenance of the rights and freedoms of the Metis people;

That this House take note that the *Constitution Act, 1982* recognizes and affirms the existing aboriginal treaty right of the Metis;

That this House take note that, since the death of Louis Riel, the Metis people have honoured his memory and continued his purpose in their honourable striving for the implementation of those rights;

That this House recognize the unique and historic role of Louis Riel as a founder of Manitoba and his contribution to the development of Confederation; and

That this House support by its action the true attainment, both in principle and practice, of the constitutional rights of the Metis people.

In speaking in support of this resolution, Mr. Clark stated that it was now time to recognize the constructive and important role Louis Riel played in defending the interests of the Metis people and his contribution to the political development of Canada and of the West. He went on to say that the adoption of this resolution demonstrated how Canada has matured as a nation and that in our common history we find strength, not weakness.

It should be noted that the spokesperson for the Liberal Party on that occasion was the member for St. Boniface, the late Senator Ron Duhamel. He supported this resolution but wished to have added to it that Louis Riel be recognized as one of the Fathers of Confederation. However, the important point for us is that he did support this resolution as the method of reconciliation. He stated:

I appreciate this resolution by the government. I feel the government has taken a major step forward.

It is not unusual for the government to seek redress for wrongs committed, at some far distant time, in the development of our country. For example, in September 1988, former Prime Minister Mulroney rose in the House of Commons to extend a formal apology on behalf of the Government of Canada to citizens of Japanese ancestry who, in the Second World War, were wrongfully incarcerated, had property seized and were disenfranchised. He said at the time:

Mr. Speaker, the treatment of Japanese Canadians in wartime was not only unjustified on moral and legal grounds, it went against the grain of the country itself.

More recently, the late Honourable Ron Duhamel, when Minister of Veterans Affairs, dealt in the House of Commons with the issue of 23 Canadian soldiers who were executed in the First World War for desertion and in one case for cowardice. These 23 members of the Canadian Expeditionary Force lie buried in Europe. In announcing that the names of those fallen Canadians would now be entered into the First World War Book of Remembrance along with their colleagues, Minister Duhamel stated:

We can revisit the past but we cannot recreate it. We cannot relive those awful years of a nation at peril in total war, and the culture of the time is subsequently too distant for us to comprehend fully.

I agree with those sentiments and the methodology used to address certain periods in the history of this country.

Honourable senators, I believe the resolution passed in the Senate and the House of Commons in 1992 dealing with Louis Riel and the Metis people is the most appropriate way to deal with all aspects of this matter. I look forward to listening to the interventions of other honourable senators in this chamber.

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

ABORIGINAL PEOPLES**MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF
SECOND SESSION AND REQUEST GOVERNMENT
RESPONSE ADOPTED**

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development,

Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.—(*Honourable Senator Stratton*).

Hon. Nick G. Sibbeston: Honourable senators, this matter has been on the Order Paper for quite some time. Senator Stratton agrees that we ought to deal with it.

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

Motion agreed to and report adopted.

The Senate adjourned until Tuesday, April 20, 2004, at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(April 1, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Pierre S. Pettigrew	Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Indian Affairs and Northern Development
The Hon. Claudette Bradshaw	Minister of Labour and Minister responsible for Homelessness
The Hon. Denis Coderre	President of the Queen's Privy Council for Canada, Federal Interlocutor for Métis and Non-Status Indians, Minister responsible for La Francophonie, and Minister responsible for the Office of Indian Residential Schools Resolution
The Hon. Rey D. Pagtakhan	Minister of Western Economic Diversification
The Hon. John McCallum	Minister of Veterans Affairs
The Hon. Stephen Owen	Minister of Public Works and Government Services
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Stan Kazmierczak Keyes	Minister of National Revenue and Minister of State (Sport)
The Hon. Robert Speller	Minister of Agriculture and Agri-Food
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Minister of Transport
The Hon. David Pratt	Minister of National Defence
The Hon. Jacques Saada	Leader of the Government in the House of Commons and Minister responsible for Democratic Reform
The Hon. Irwin Cotler	Minister of Justice and Attorney General
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Hélène Chalifour Scherrer	Minister of Canadian Heritage
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Social Development
The Hon. Ethel Blondin-Andrew	Minister of State (Children and Youth)
The Hon. Andy Scott	Minister of State (Infrastructure)
The Hon. Gar Knutson	Minister of State (New and Emerging Markets)
The Hon. Denis Paradis	Minister of State (Financial Institutions)
The Hon. Jean Augustine	Minister of State (Multiculturalism and Status of Women)
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Albina Guarnieri	Associate Minister of National Defence and Minister of State (Civil Preparedness)
The Hon. Joseph McGuire	Minister of Atlantic Canada Opportunities Agency
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Aileen Carroll	Minister for International Cooperation

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 1, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Royal, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(April 1, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	C
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Royal, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	C
Robertson, Brenda Mary	Riverview	Shediac, N.B.	C
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind

Rompkey, William H., P.C. Labrador North West River, Labrador, Nfld.)

~~Chair~~ ~~Deputy Chair~~ ~~Honourable Senator~~ ~~Maheu~~ ~~Day~~

Honourable Senators:

Atkins,	Banks,
* Austin,	Day,
(or Rompkey)	Kenny,

OFFICIAL LANGUAGES

~~Chair~~ ~~Deputy Chair~~ ~~Honourable Senator~~ ~~Chaput~~ ~~Keon~~

Honourable Senators:

* Austin,	Chaput,
(or Rompkey)	Comeau,
Beaudoin,	Gauthier,

Original Members agreed to by Motion of the Senate

* Austin
(or

Rompkey), Beaudoin, Chaput, Comeau, Gauthier, Keon, Lapointe,
Léger, *Lynch-Staunton (or Kinsella), Maheu, Munson.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	Fraser,	Losier-Cool,	Ringuette,
* Austin,	Grafstein,	* Lynch-Staunton,	Robertson,
(or Rompkey)	Harb,	(or Kinsella)	Smith,
Di Nino,	Hubley,	Milne,	Stratton.
Downe,	Joyal,	Murray,	

Original Members as nominated by the Committee of Selection

Andreychuk, *Austin (or Rompkey), Di Nino, Downe, Fraser, Grafstein, Harb, Hubley, Joyal,
Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Ringuette, Robertson, Smith, Stratton.

SCRUTINY OF REGULATIONS (Joint)**Joint Chair: Honourable Hervieux-Payette****Vice-Chair:****Honourable Senators:**

Biron,	Hervieux-Payette,	Lavigne,	Nolin.
Harb,	Kelleher,	Moore,	

Original Members as agreed to by Motion of the Senate*Biron, Harb, Hervieux-Payette, Kelleher, Lavigne, Moore, Nolin.***SELECTION****Chair: Honourable Senator Losier-Cool****Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

* Austin,	Fairbairn,	Losier-Cool,	Rompkey,
(or Rompkey)	Kinsella,	* Lynch-Staunton,	Stratton,
Bacon,	LeBreton,	(or Kinsella)	Tkachuk.
Carstairs,			

Original Members agreed to by Motion of the Senate**Austin (or Rompkey), Bacon, Carstairs, Fairbairn, Kinsella, LeBreton, Losier-Cool, *Lynch-Staunton (or Kinsella) Rompkey, Stratton, Tkachuk.***SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

* Austin,	Cordy,	LeBreton,	Robertson,
(or Rompkey)	Fairbairn,	* Lynch-Staunton,	Roche,
Callbeck,	Keon,	(or Kinsella)	Rossiter
Cook,	Kirby,	Morin,	Trenholme-Counsell.

Original Members as nominated by the Committee of Selection**Austin (or Rompkey), Callbeck, Cook, Cordy, Fairbairn, Keon, Kirby, LeBreton, Léger, *Lynch-Staunton (or Kinsella), Morin, Robertson, Roche, Rossiter.*

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Fraser****Deputy Chair: Honourable Senator Gustafson****Honourable Senators:**

Andreychuk,	Day,	LaPierre,	Munson,
* Austin,	Fraser,	* Lynch-Staunton,	Phalen,
(or Rompkey)	Graham,	(or Kinsella)	Stratton,
Corbin,	Gustafson,	Mercer,	Tkachuk.

Original Members as nominated by the Committee of Selection

*Adams, *Austin (or Rompkey), Corbin, Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre, *Lynch-Staunton (or Kinsella), Merchant, Phalen, Spivak.*

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(3rd Session, 37th Parliament)
Thursday, April 1, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act to amend the Canada Elections Act and the Income Tax Act	04/04/01							
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11	04/02/26	Rules, Procedures and the Rights of Parliament	04/03/23	0	04/03/30	04/03/31	7/04
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11	04/02/20	Legal and Constitutional Affairs	04/02/26	0	04/03/10	04/03/11	1/04
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology	04/03/09	0	04/03/11	04/03/29	2/04
C-7	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	04/02/11	04/03/11	Transport and Communications	04/04/01	0			
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11	04/02/18	Social Affairs, Science and Technology	04/03/11	3	04/03/29		
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12	04/02/24	Banking, Trade and Commerce	04/03/11	0	04/03/22	04/03/29	3/04
C-14	An Act to amend the Criminal Code and other Acts	04/02/12	04/02/25	Legal and Constitutional Affairs	04/04/01	0			
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12	04/02/19	Legal and Constitutional Affairs	04/03/25	0	04/04/01	04/04/01	10/04
C-17	An Act to amend certain Acts	04/02/12	04/03/09	Legal and Constitutional Affairs					
C-18	An Act respecting equalization and authorizing the Minister of Finance to make certain payments related to health	04/03/10	04/03/22	National Finance	04/03/23	0	04/03/25	04/03/29	4/04
C-20	An Act to change the names of certain electoral districts	04/02/23	04/03/09	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-21	An Act to amend the Customs Tariff	04/03/24	04/04/01	Banking, Trade and Commerce					
C-22	An Act to amend the Criminal Code (cruelty to animals)	04/03/09							
C-24	An Act to amend the Parliament of Canada Act	04/03/22	04/03/29	Social Affairs, Science and Technology					
C-26	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	04/03/22	04/03/25	—	—	—	04/03/26	04/03/31	5/04
C-27	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005	04/03/22	04/03/25	National Finance	04/03/30	0	04/03/30	04/03/31	8/04

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03	04/02/11	National Finance	04/02/26	10	04/03/11	04/03/31	6/04
C-249	An Act to amend the Competition Act	04/02/03	04/04/01	Banking, Trade and Commerce					
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03	04/02/20	Legal and Constitutional Affairs	04/03/25	0			
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03	04/02/23	Energy, the Environment and Natural Resources	04/03/10	0	04/03/30	04/03/31	9/04
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03	04/03/23	Transport and Communications					
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03		subject-matter 04/03/11 Legal and Constitutional Affairs					
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03	04/02/26	Official Languages	04/03/09	0	04/03/11		
S-5	An Act to protect heritage lighthouses (Sen. Forrestall)	04/02/03	04/02/05	—	—	—	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04	Bill withdrawn pursuant to Speaker's Ruling 04/03/23						
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources	04/03/10	0	04/03/11		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11	04/03/09	Legal and Constitutional Affairs					
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12							
S-13	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)	04/02/19							
S-14	An Act to amend the Agreement on Internal Trade Implementation Act (Sen. Kelleher, P.C.)	04/03/10		subject-matter 04/03/22 Banking, Trade and Commerce					
S-16	An Act to amend the Copyright Act (Sen. Day)	04/03/11	04/03/23	Social Affairs, Science and Technology					
S-17	An Act to amend the Citizenship Act (Sen. Kinsella)	04/03/25	04/04/01	Social Affairs, Science and Technology					

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-15	An Act to amend the Act of incorporation of Queen's Theological College (Sen. Murray, P.C.)	04/03/10	04/03/11	Legal and Constitutional Affairs	04/03/25	0	04/03/25	04/04/01	

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