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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

Tuesday, May 4, 2004

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

Prayers.

SENATORS' STATEMENTS

MENTAL HEALTH WEEK

Hon. Marjory LeBreton: Honourable senators, May 3 to 9 is Mental Health Week. The Canadian Mental Health Association uses this week to promote mental health issues across the country and to honour those who face mental health problems with courage and dignity every day.

The necessity for Mental Health Week is strong, as one in five Canadians will experience a mental health problem in his or her lifetime, whether it is depression, anxiety or a more serious illness such as an eating disorder or schizophrenia.

In recognition of the need for a comprehensive national strategy in this area, the Standing Senate Committee on Social Affairs, Science and Technology has been studying mental health and mental illness in Canada for over a year now and has heard from a wide variety of groups and individuals during this undertaking.

The themes of this year's Mental Health Week are, "Emerging Into Light" and "Making Connections." Ensuring good mental health for all Canadians requires that connections be made between many different groups, such as families, health care professionals, employers and others.

Although mental illnesses are often viewed as personal struggles, they impact on our society as a whole. According to Health Canada, mental illness and mental health problems are some of the most costly conditions in our country as mental disorders resulted in a cost of over \$14 billion in 1998, the last year for which we have solid figures.

The emotional toll of mental illness on families, friends and patients themselves cannot be measured in dollars, but it is no less damaging. On an individual level, reaching out to others and making personal connections is often the first step that people take toward well-being.

The Canadian Mental Health Association has pointed out that when a person finally finds the strength to seek help their first contact with the mental health system is usually a discussion of how long they must wait for assistance. As in other areas of our health care system, Canadians requiring mental health treatment must deal with long waiting lists and physician shortages. More often than not, they must also contend with negative attitudes of segregation and discrimination.

Honourable senators, sadly, the stigma placed on those with mental health problems still exists, despite years of work from groups such as the Canadian Mental Health Association to change public perception.

However, we must continue to dispel misconceptions and to work toward an effective national public awareness strategy. Attitudes have changed dramatically over the years. We can only hope that they will continue to evolve and that new connections will be made.

I congratulate the Canadian Mental Health Association for its dedication and hard work, and I sincerely hope that Mental Health Week is very successful as they strive to make major improvements in the areas of mental health and mental illness.

[Translation]

ARRIVAL OF FRENCH COLONISTS IN NORTH AMERICA

FOUR HUNDREDTH ANNIVERSARY

Hon. Viola Léger: Honourable senators, the celebrations of the four hundredth anniversary of the arrival of the French in North America are now well under way, and picking up speed at every curve. Amerindians, French, Canadians and Acadians mark this occasion with a "Grand Tintamarre," a great outpouring of noise.

On November 8, 2003, France and Acadia opened the ball. Simultaneously in Versailles, France, and Moncton, New Brunswick, there were re-enactments of the proclamation by Henri IV authorizing Pierre Dugua, Sieur de Mons, and cartographer Samuel de Champlain to found a colony in North America. Since this grand opening, the four hundredth anniversary has been celebrated across the country. Already, France has proudly displayed its helicopter carrier, *Jeanne d'Arc*, in Halifax, and the ship *Don de Dieu* set out from Le Havre, France, on April 3, expected to reach Sainte-Croix Island on June 26.

And that same day, June 26, Canada will mark the opening of the summer's festivities. The State of Maine in the United States and St. Andrews in New Brunswick will roll out the red carpet for First Nations, Acadians, French and Americans, who are celebrating this four hundredth anniversary, each in their own way. Acadia, Toronto, Ottawa, Wolfville, Nova Scotia, Newfoundland and Labrador, Alberta, Montreal, Rustico, Vancouver, Bathurst — everyone is on board!

Some of the major events include: in Montreal, the *Symphonie portuaire* by Marc Beaulieu, at the Pointe-à-Callière Museum; in Caraquet, *Les Défricheurs d'eau*; in Nova Scotia, the World Acadian Congress; in Halifax, on August 15, the four hundredth anniversary extravaganza; in Rustico, Prince Edward Island, *Le buste de l'empereur Napoléon III*; in Cocagne, *Saveurs et couleurs de l'Acadie* — a painter and a chef

join forces; in Bathurst, the Conseil économique du Nouveau-Brunswick, CENB Economic Summit; also in Bathurst, an opera, *Traversée*, by Ludmila Knezkova-Hussey, with the Orchestre militaire de Paris; in Saint John, New Brunswick, Paris's Comédie française will present *Le malade imaginaire*; in Bouctouche, the blockbuster show, *l'Odyssée 1604 à 2004*, by Antonine Maillet; in Pointe-à-l'Église, Nova Scotia, *Conférences académiques: Vision 20/20*; on the Îles-de-la-Madeleine, *Un Vent d'Acadie*; on Saint-Pierre and Miquelon, *La France en Amérique*; in Grand-Pré, a mass celebrating reconciliation.

Honourable senators, I wish you all a very happy four hundredth anniversary.

• (1410)

[English]

THE LATE MICHAEL WADSWORTH, Q.C.

Hon. Norman K. Atkins: Honourable senators, I rise today to pay tribute to an outstanding Canadian citizen, Michael Wadsworth.

Michael died last Wednesday, as he lived, surrounded by his family. His life was celebrated at St. Michael's Cathedral in Toronto on Saturday, May 1, 2004.

Born in Ottawa in 1943, Michael's family later moved from the Ottawa Valley to Toronto. As a young Torontonian, he was an outstanding athlete and student. He earned a scholarship to the University of Notre Dame in South Bend, Indiana, to study and play football. He then went on to play for the Toronto Argonauts in the CFL, where he was named the Rookie of the Year, following in the footsteps of his father, who also was an all-star player in the league.

During his illustrious career, he became a broadcaster, a criminal defence lawyer and a corporate executive. He excelled in all of these roles. At the beginning of his law career, Michael articulated under the distinguished lawyer Arthur Maloney, a member of Parliament from 1958 to 1962. It is interesting to note that later in his career one of his dearest friends was the now-deceased Father Sean O'Sullivan, who was also a member of Parliament.

In 1989, he joined Canada's ambassadorial ranks as Ambassador to Ireland and fulfilled that role for five years. He became known as one of the most popular and successful ambassadors Ireland had seen.

Following his contribution to the diplomatic ranks, he rejoined his alma mater as athletic director for Notre Dame and managed to make his presence known. During his tenure as athletic director, he oversaw one of the most successful periods in athletic competition in the school's history and ensured that the university graduated its student athletes at a rate of 99 per cent.

His early academic and football career set the stage for his strong principles and values — indeed, his overall character. Throughout his career, he was a very humble and unassuming man, despite his obvious success.

Michael was a man of unfailing integrity in all facets of his life. He was truly the ultimate family man. He was devoted to his wife, Bernadette, for 38 years and they were everything to each other. He was proud of their three lovely daughters, their husbands and his seven grandchildren. Bernadette and his family were his focus and inspiration in life.

We have lost a great Canadian and friend, honourable senators, but Michael will live on in our hearts and minds. Anyone who knew Michael as a friend or associate was the better for having known him.

My condolences and warmest wishes go to his wife, Bernie, daughters Carolan, Mary and Jane, along with his beloved mother, Catherine, and the rest of his family and relatives.

THE MUSIC OF ERIC MACEWEN

Hon. Catherine S. Callbeck: Honourable senators, all Canadians take pride in their distinctive traditions. Through music, art, literature, dance and other forms of artistic expression, Canadians of all backgrounds share in a rich and lively multicultural experience. The celebration of those cultural traditions is part of the fabric of Canadian society.

Today, I wish to pay tribute to an exceptional individual who has helped to bring the rich and powerful traditions of East Coast music to the forefront. For close to 40 years, Eric MacEwen of Prince Edward Island has introduced the music of Eastern Canada to hundreds of thousands of people throughout Canada and the United States. His weekly radio program is still heard throughout Atlantic Canada, bringing pleasure and pride to his loyal listeners.

Eric MacEwen was a proponent of East Coast music long before it entered the more popular mainstream. He has helped bring many artists throughout the region to the attention of a larger audience. His enthusiasm and energy and his unwavering support are recognized as one of the reasons East Coast music has achieved the status it enjoys today.

Eric MacEwen was one of the early proponents of the East Coast Music Awards. This annual event recognizes the rich and diverse talents of East Coast musicians and has helped bring them to national prominence. In Eric MacEwen, Canada's down east music has a true friend and ally.

Just recently, Eric was diagnosed with cancer. In recognition of his many contributions, many of Atlantic Canada's leading musicians are holding a tribute concert for him at Confederation Centre of the Arts in Charlottetown this Saturday evening. It will be an evening of tribute, of appreciation and of celebration for someone who has done so much to bring alive the music and spirit of the Atlantic region for the enjoyment of people across the country and around the world.

Today, I am pleased to join in paying tribute to Eric, to wish him all the best during this time. I want him to know how much he is loved and respected.

DROUGHT AND CIVIL STRIFE IN SUDAN

Tuesday, May 4, 2004

Hon. Mobina S. B. Jaffer: Honourable senators, the raising of the issue of Darfur by Senator Andreychuk is timely indeed, as the concern of the international community deepens over the terrible events that are happening in western Sudan. The situation in Darfur is truly devastating, and I can confirm, as the Minister of Foreign Affairs' Special Envoy to the Sudan Peace Process, that both Foreign Affairs Canada and CIDA have been working actively to promote substantive international action to address this tragedy.

The UN estimates that over 1 million people have been displaced and more than 100,000 refugees have fled to Chad. To address the immediate humanitarian needs of these people, CIDA has provided, since January 2004, over \$8.6 million to assist war- and drought-affected persons within Sudan, including the Darfur region. CIDA has also provided over \$3 million in assistance to Sudanese refugees in Chad.

Canada has been working vigorously on various diplomatic fronts, including at the United Nations Commission on Human Rights where Canadian diplomats played a key role in the successful effort to establish an independent UN expert for this issue.

The Minister of Foreign Affairs recently issued two press statements calling on the Government of Sudan and the rebels to resolve the crisis peacefully. Canada has also actively encouraged the discussion of Darfur at the UN Security Council. In addition, the Government of Canada has repeatedly called on the Government of Sudan to protect civilians, to facilitate immediate and unhindered access to humanitarian assistance, and to respect human rights and humanitarian law.

This conflict in Darfur is doubly tragic as it is unfolding as the parties to the long-standing civil war in southern Sudan appear to be near an agreement to end that horrific conflict. Canada has been an important political and financial supporter of both the official peace process and the unofficial peace-building efforts. We hope that the ceasefire in Darfur will hold, that all parties will allow unimpeded humanitarian access, and that a resolution of the conflict in the south will point the way toward a just and lasting peace throughout all of Sudan.

I join Minister Graham, my colleagues in the network of international supporters of the Sudan peace process, and concerned people worldwide in urging both parties to the conflict in Darfur to negotiate in good faith to end this tragedy. I travel to the region next week.

ROUTINE PROCEEDINGS

WESTBANK FIRST NATION SELF-GOVERNMENT BILL

REPORT OF COMMITTEE

Hon. Nick G. Sibbeston, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-11, *An Act to give effect to the Westbank First Nation Self-Government Agreement*, has, in obedience to the Order of Reference of Thursday, April 29, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICK G. SIBBESTON
Chair

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

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

• (1420)

[Translation]

CANADA NATIONAL PARKS 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-28, to amend the Canada National Parks Act.

Bill read first time.

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

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

[English]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, notwithstanding the Order of the Senate adopted on February 10, 2004, the date for the final report of the Standing Senate Committee on Foreign Affairs regarding its study of the Canada — United States of America trade relationship and the Canada — Mexico trade relationship be extended from June 30, 2004 to March 31, 2005.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITIONS

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h) of the *Rules of the Senate*, I have the honour to table petitions signed by 56 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic 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 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 — the only one mentioned in the Constitution — be declared officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

found a way to adequately deal with the demand for services. The study found that, among the countries that have wait lists, the length of time Canadians must wait for procedures is ranked in the middle of the group.

My question for the Leader of the Government in the Senate is this: Is he aware of any government initiatives to deal with this issue, particularly with the possibility of a summit this summer?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question of wait lists for important medical procedures is at the centre of the federal government's concerns. This issue was highlighted by the report of the Social Affairs, Science and Technology Committee, the chair of which is Senator Kirby and the deputy chair of which is Senator LeBreton. The Senate can be proud that that report highlighted wait lists as one of the most important health care issues concerning Canadians today.

Canada has a complexity, as Senator Keon knows, unlike that of others in the statistical base. In our federal system, the provinces are responsible, in the main, for carrying the burdens and costs of health care, as well as its administration.

The federal government has acted for many years now in an attempt to identify problems and assist the provinces in creating uniform Canadian standards, which is a major part of the actions of a federal government.

I am hopeful that the first ministers meeting that will be called to deal with health care issues will directly address the question of wait lists. The federal government, as Senator Keon will know, has offered additional funding to the provinces on the basis that they will specifically tackle the wait list issue and do so in a way that is coordinated and transparent.

Senator Keon: Honourable senators, the U.K. has undergone a transformation in recent years on how it deals with wait lists. I appreciate that in his remarks the government leader pointed out the difference. The U.K. has one system, whereas Canada has several, with the provinces and territories.

With respect to the U.K., wait times for some procedures have been reduced from up to two years to only a matter of months. The changes undertaken by the U.K. to achieve this reduction involved a spending increase of 42 per cent over seven years, improved data collection and a major transfer of decision-making powers down to the frontline staff.

Can the Leader of the Government in the Senate tell us whether the Prime Minister will be briefed on what was done in the U.K., and whether this subject can enter the dialogue when the summit takes place?

Senator Austin: In response to Senator Keon, the Department of Health and the Privy Council Office have been working extensively on background materials, including OECD studies and the way in which the service delivery system works in OECD countries. I believe the Prime Minister will not only be very familiar with all of the options but that he will have proposals to submit.

[English]

QUESTION PERIOD

HEALTH

HOSPITAL WAITING PERIODS

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate.

Honourable senators, earlier this month, the Organisation for Economic Co-operation and Development released a study looking into medical wait lists around the world. It found that about half of OECD countries do not share Canada's problem with long wait lists. Many of those countries have health care systems and population demographics similar to ours but have

PRIVATE CARE—COMMENTS BY MINISTER

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

Last Wednesday, the Minister of Health, Pierre Pettigrew, was forced to backtrack on statements that he had made the day before to a House of Commons committee. The minister told the committee that if some provinces wish to experiment with the private delivery option, the federal government would examine their efforts and that, to quote the minister, “if it works, we will all learn something.”

However, after being chastized by the Prime Minister for veering off pre-election strategy, the Minister of Health was forced to issue a retraction.

Could the Leader of the Government in the Senate tell us the government’s position on this issue today? Is it the position held last Wednesday or is it the one that was taken by the minister on Tuesday?

• (1430)

Hon. Jack Austin (Leader of the Government): Honourable senators, the government’s position is as stated by the Minister of Health in his press conference. He explained the background of his circumstance and made it clear that the government’s policy is publicly funded, universally accessible and publicly delivered health care.

Senator LeBreton: Honourable senators, the minister certainly never took his eyes off his prepared notes.

Honourable senators, the comments coming from the federal government on health care last week have been extremely confusing to provincial premiers who sat down with the previous Prime Minister last year and will sit down with the federal government this summer in an effort to make a health care deal.

How can the Liberal government expect to reach a long-term deal with the provinces on health care when it does not even know what its own position is from day to day?

Senator Austin: Honourable senators, the concluding words of Senator LeBreton’s statement are simply not accurate. The Government of Canada intends to maintain and build upon the existing system as outlined in the Canada Health Act. The proposals for the discussions that will take place will not vary. The five principles or criteria contained within the Canada Health Act are public administration, comprehensiveness, universality, portability and accessibility.

Senator LeBreton: Honourable senators, I have a supplementary comment, perhaps just to set the record straight on the five principles of the Canada Health Act. There is no doubt that the Canada Health Act and medicare as we know it were brought in by the Liberal government of Lester Pearson. However, the five principles of the Canada Health Act were established when John Diefenbaker commissioned Mr. Justice Hall to conduct a royal commission on health. Those five principles came in fact from the royal commission report of Mr. Justice Emmett Hall, established by Conservative Prime

Minister John Diefenbaker. I just thought I would set the record straight.

Senator Austin: To set the record straight, honourable senators, the Canada Health Act was passed in the early 1980s by the Trudeau government. I had the pleasure and interest of chairing the cabinet committee that dealt with that particular legislation.

NATIONAL DEFENCE

INCIDENCE OF MENTAL HEALTH LEAVE

Hon. Michael A. Meighen: Honourable senators, it was reported this week in the *Ottawa Sun* that mental health issues now account for the largest proportion of sick leave taken by our troops. Depression and post-traumatic stress disorder are the main culprits, accounting for more absences than knee or back injuries. Why is this so? The report listed several potential reasons, including the force’s high operational tempo, the presence of civilian physicians at military clinics and the shifting of sick leave approval from commanding officers to medical officers.

I think all senators would agree that it is important to move beyond potential causes to identify the actual causes of this situation so that it can be properly addressed. Can the honourable Leader of the Government in the Senate find out if there will be a follow-up report to determine the definitive as opposed to potential reasons for this distressing situation?

Hon. Jack Austin (Leader of the Government): Honourable senators, I did see the report, but, as yet, I have been unable to better inform myself on what appeared in the newspapers. I thank Senator Meighen for outlining a number of the specific issues that concern the forces with respect to mental health.

This does give me the opportunity to advise Senator Meighen and others in the chamber who are interested that the Minister for Veterans Affairs has an announcement to make today, I believe, with respect to a modern-day veterans’ charter that will enshrine benefits for soldiers who served at least three years and were honourably discharged. This program is for soldiers who have been active in the current period and who then leave military service. It is designed to ensure that the Department of Veterans Affairs supports their well-being, including mental health.

QUALITY OF MILITARY HOMES

Hon. Michael A. Meighen: Honourable senators, if the information of the Leader of the Government is correct, that is certainly welcome news. As my leader just whispered to me, it is too bad we do not have an election every year. Then we would see some progress on many of these issues.

Honourable senators, on the same day and in the same newspaper that the report to which I alluded came to light, we also learned about the poor quality of many of our Canadian Forces military homes. Most of them were built before 1961 and have higher than recommended levels of asbestos and lead. The Canadians Forces Housing Agency, which is supposed to deal with these issues, says it simply does not have the money. I am not sure, honourable senators, that the charter will solve that problem.

It is a safe bet, then, that many of our troops suffering from depression and PTSD spend their sick leave in housing where their health is further impaired. Nevertheless, in spite of what I just said, their rent has now been raised, in some cases by as much as \$100 a month. That is a strange way to recognize the valour of our troops.

Will the government agree to freeze the rents of those living in these houses and provide the necessary money so they can be overhauled and brought up to acceptable standards?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will certainly carry those representations to the Minister of National Defence. As Senator Meighen will know, because he is extremely well informed on these matters, the Department of Defence has allocated \$120 million to improve military housing.

FOREIGN AFFAIRS

IVORY COAST—DISAPPEARANCE OF JOURNALIST

Hon. Marcel Prud'homme: Honourable senators, I regret that I did not give notice of this question. I do not expect a comprehensive answer today, but I am duty bound to raise the following question

[Translation]

Honourable senators, my intervention concerns the disappearance of Guy-André Kieffer, a French-Canadian journalist. He vanished on April 16 at Abidjan, Ivory Coast, and nothing has been heard of him since. People are starting to ask me to do something, because he covered Parliament during the 1970s and 1980s.

We know that President Chirac is personally concerned about the disappearance in Abidjan on April 16 of this journalist with dual French and Canadian citizenship who has worked in Parliament. His disappearance has been reported in all the European press. Reporters Without Borders is very much involved in the case, and it appears that Canada is the only country not to have made representations to the President of Ivory Coast. The missing journalist was en route to the president's home to meet with the president's brother-in-law.

It should be pointed out that, not long before, Radio France reporter, Jean Hélène, was killed in an unfortunate incident in Ivory Coast.

My apologies again for not giving advance notice of this question, but I feel obliged to raise the issue, and who knows whether Parliament will or will not be dissolved. We might have got around to this by Christmas otherwise. The leader is looking through his notes. The answer is likely not there, so I would like him to take note of this question and to make inquiries at Foreign Affairs to find out what they have done. That way I will be able to contact the family. These are very hard questions, you will understand, and the family has contacted me directly because Mr. Kieffer used to work here.

[English]

Is there a problem?

An Hon. Senator: You are making a speech. What is the question?

Senator Prud'homme: If you want me to make a speech, I can but a Canadian man has disappeared and I think that it requires some explanation. No one has paid attention to his situation. I think honourable senators could be patient, especially my friends from Winnipeg and from Saskatchewan, who take longer than I do when asking questions. I have put my question simply.

I do not want to be partisan, but some day both honourable senators will get it, because I am much more partisan than they may think. Relax. I have made my point.

In order to calm the honourable senators, the government leader can simply say that he will take my question as notice and provide an answer later in the week.

• (1440)

Hon. Jack Austin (Leader of the Government): Honourable senators, I should like to be able to give Senator Prud'homme a specific answer, but I have no information to provide today. I shall, however, press Foreign Affairs Canada for information and endeavour to reply as quickly as possible.

NATIONAL DEFENCE

FIGHTER ESCORT TO AIR CANADA FLIGHT 109

Hon. J. Michael Forrestall: Honourable senators will recall that, last week, CF18s had to be scrambled to escort a civilian airliner, Air Canada flight 109, a regular flight from Halifax to Vancouver, to its point of landing in Vancouver on the West Coast. The alleged threat against the airliner has now been reportedly dismissed. Can the Leader of the Government confirm the rumour that Air Canada sat on that threat for four days prior to notifying the RCMP?

Hon. Jack Austin (Leader of the Government): Honourable senators, I regret that I have no information that would assist me in answering Senator Forrestall's question.

Senator Forrestall: Honourable senators, that gives some indication of the effectiveness of our processes with respect to terrorism and anti-terrorism. I suppose if the minister cannot answer that first question, he cannot answer the supplementary, which has to do with why the RCMP then sat on the threat for a further six hours before someone hit the panic button, notified DND and scrambled the aircraft.

We are searching for any apparent breakdown in direct, effective and immediate communication. The suggestion left in the newspapers is just a little scary for anyone wanting to make long-distance flights. If it is just oversight, or absolute dismissal of it, that is one thing; if it is not, it is an entirely different thing. The government leader will appreciate that.

Senator Austin: Honourable senators, Senator Forrestall and I both appreciate that, if there are deficiencies in the response system, they will have been exposed by this particular event. I trust that that exposure will at least provide an amelioration of the problems, but I have no information as such.

However, this echoes a debate in the United States today in the 9/11 commission as to why NORAD was unable to scramble aircraft to intercept the third airliner taken by the terrorists and which did not crash on the Pentagon for more than 40 minutes after two aircraft crashed into the World Trade towers. The point is that our systems had not been geared to deal with this type of terrorism, and now we know what we have to do.

Senator Forrestall: Honourable senators, I appreciate and understand the leader's response to the question. I welcome his suggestion that we now understand that there is an enormous amount to do. If some remedy warrants public disclosure, it would be appreciated if the minister could advise the Senate of the nature of that remedy.

Hon. A. Raynell Andreychuk: Honourable senators, if the Leader of the Government in the Senate will be following up on Senator Forrestall's question, perhaps he could explain why, with respect to Bill C-7, there is not some sharing of information by the security authorities with the airline authorities, to ensure that they are fully apprised of pending threats. It seems to me that we should complete the circle — in other words, everyone who has a responsibility for safety should be speaking to one another.

FOREIGN AFFAIRS

BIOMETRIC PASSPORTS

Hon. A. Raynell Andreychuk: My question to the Leader of the Government is in regard to the federal government's new national security policy, which is providing \$10 million towards issuing passports with a chip containing facial recognition technology. Taking into account the many different elements that would go into creating, maintaining and electronically reading these biometric passports, \$10 million seems like a deceptively low amount for the government to plan on spending. The Liberal government's track record in compiling massive gun registry cost overruns should have taxpayers worried about the potential for a similar outcome here.

Public Safety Minister Anne McLellan has already said that, to fund this project, Canadians may be required to pay an additional application fee for the biometric features on their passports. Could the Leader of the Government in the Senate tell us what the federal government estimates will be for the total cost of supplying Canadians with biometric-capable passports and what it is intending to add to the costs of passports?

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall seek the information the honourable senator requests. I know that Senator Andreychuk is highly aware of the reason the Government of Canada has to move in the direction of

biometric identification and passports. For the information of all honourable senators, the United States is now setting the standards for passport security for the world community, and entry into the United States will not be possible for an individual without offering a passport with this particular information.

While I am on my feet, and before Senator Andreychuk asks a supplementary question, I did want to advise, because I have been asked this question in the past by the honourable senator, that at 11:30 this morning Canada was successful in its bid to be elected to the UN Commission on Human Rights.

Some Hon. Senators: Hear, hear!

Senator Austin: Our membership is for three years, commencing at the beginning of 2005. This is an important organization. Canada has been an observer in its work. It has major problems in resolving its objectives, but Canada hopes to make a contribution in the three years to come.

Senator Andreychuk: Honourable senators, I was aware of that. Sudan was elected to the UN Commission on Human Rights, and no doubt we will have one more opportunity to influence Sudan in this case. I will be monitoring this very closely, to see whether in fact we exercise all avenues within the Commission on Human Rights to deal with those who violate human rights, but, more particularly, those who sit and have some direction as to whether they are monitored on the same level.

However, returning to my question, in the past, the United States has advocated the use of two different biometric identifiers in its visitor travel documents. The British government says that its biometric passport currently in trial use will require a secondary biometric feature in the future, either fingerprints or iris scans. If the federal government does go ahead at this time with the facial recognition feature on the Canadian passports, as the honourable senator has said here, to comply with the United States' standards, it could be extremely costly to add the second identifier later.

• (1450)

Has the federal government taken this scenario into consideration when estimating the financial cost of biometric-capable passports?

Senator Austin: Honourable senators, again, I find the question extremely interesting, and I will seek to provide the chamber with an answer.

However, I do want honourable senators to understand that these standards are set because of the existence of the terrorist threat, not only to the United States but also to other members of the world community. Bill C-7, which was referred to by Senator Andreychuk, and the national security policy, which was described last week, were set in motion to provide security to our communities and also to individuals who have to continue with the processes of commerce and globalization to maintain our way of life and standard of living.

THE SENATE

PASSAGE OF BILL ON CRUELTY TO ANIMALS

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate and it concerns the disposition of a government bill.

I note that there has been some haste to ensure that bills are passed before the election is called. However, Bill C-22, which is deals with cruelty to animals, has been in this chamber for almost two years and is currently in committee. Is it the intention of the government to pass the cruelty to animals legislation prior to the call of the election?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government has introduced Bill C-22, and any bill it introduces it normally wants to see passed. The bill is in the Standing Senate Committee on Legal and Constitutional Affairs, and the possibility of amendment is very active.

Senator Stratton: Honourable senators, is that a yes or a no?

[Translation]

TRANSPORT

QUEBEC—ANNOUNCEMENTS ON AGREEMENT TO BUILD HIGHWAY 175

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. About a year ago, Prime Minister Jean Chrétien and Mr. Landry, then the Premier of Quebec, announced an agreement to upgrade highway 175, which goes to Saguenay-Lac-Saint-Jean.

Could the minister explain why the current Prime Minister of Canada is going back to that region to announce work on that same highway and in the exact same terms?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to take that question as notice, but I will take it on the basis that Senator Rivest knows his facts.

[Translation]

Senator Rivest: Perhaps our colleague Senator Gill could explain to the ministers and to the Prime Minister that people from the Saguenay-Lac-Saint-Jean region do not need two press conferences to understand a point. They are intelligent enough to understand it the first time.

[English]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to six oral questions posed in the Senate. The first is to an oral question raised on March 10, 2004, by Senator Keon

regarding new initiatives to alleviate the general state of health in Aboriginal communities. The second response is to another question raised by the Honourable Senator Keon on March 10, 2004, regarding tuberculosis elimination strategy. The third response is to an oral question raised March 30, 2004, by Senator LeBreton regarding the upcoming first ministers meeting. The fourth is a response to an oral question raised April 1, 2004, by Senator Meighen regarding the Canadian strategy for cancer control. The fifth response is to a question by Senator Spivak on March 24, 2004, concerning genetically modified grains, mandatory labelling. Finally, the sixth response is to a question raised by Senator Sparrow on April 21, 2004, regarding federal health care jurisdiction on reserve.

HEALTH

NEW INITIATIVES TO ALLEVIATE GENERAL STATE OF HEALTH OF ABORIGINAL COMMUNITY

(Response to question raised by Hon. Wilbert J. Keon on March 10, 2004)

While the life expectancy rates for Aboriginal people in Canada are lower than the rates for other Canadians, the gap has narrowed considerably over the past two decades. In 1980, the difference was approximately 11 years for both men and women. In 2000, life expectancy for the registered Indian population was estimated at 69 years for males and 77 years for females, reflecting differences of 7 and 5 years from the life expectancy rates for all Canadians.

Similarly, the infant mortality rate for First Nations has been steadily decreasing over the past two decades. The rate was 27.6 deaths per 1000 births in 1979 and in 2000, this rate had dropped to 6.4 deaths per 1000 births, in comparison with 5.5 per 1000 for Canada.

Significant investments have been made to improve the health of Aboriginal Canadians in the past two years. The government has been working with Aboriginal communities on the implementation of the Aboriginal Diabetes Initiative, as part of the overall Canadian Diabetes Strategy, with over 600 communities participating in the development of programs that emphasize the importance of healthy eating, active living and understanding of risk factors.

The 2001 Federal Budget provided funding to expand Early Childhood Development programming, such as Aboriginal Head Start and the prevention of Fetal Alcohol Spectrum Disorder.

Budget 2003 provided \$1.3 B over five years to improve health care services for First Nations and Inuit — including enhancement of nursing services, primary health care, data collection and analysis, and a new immunization strategy for young First Nations children. The Budget also provided resources to improve the quality of drinking water in First Nations communities on reserve.

TUBERCULOSIS ELIMINATION STRATEGY—
REQUEST FOR REVIEW

(Response to question raised by Hon. Wilbert J. Keon on March 10, 2004)

Tuberculosis (TB) is not solely an Aboriginal issue.

TB continues to be a problem in North America for a number of reasons:

- TB is endemic in many countries. Canada has high rates of immigration, and despite pre-immigration screening, the majority of active cases continue to be in the foreign-born Canadian residents and citizens.
- There is still endemic TB in populations such as in First Nations and Inuit.
- HIV and TB have a synergistic relationship (1/3 of the people who die worldwide of AIDS, actually die of TB). HIV decreases a person's immunity and their ability to fight TB infection. Populations prone to HIV, such as intravenous drug users, often live in crowded conditions which facilitate the transmission of TB.
- Often, populations at greatest risk for active TB disease are highly mobile, making treatment and outbreak control challenging.

The TB Elimination Strategy has had ongoing reviews by Health Canada since its inception in 1992. A result of this has been the creation of the Strategic Community Risk Assessment and Planning for TB Elimination (SCRAP-TB) tool.

SCRAP-TB is a tool to enhance community capacity for TB prevention and control. It is currently being piloted in representative communities across the country. A final report on the pilot is due in March 2005.

The First Nations and Inuit Health Branch (FNIHB) of Health Canada has been active in addressing the problem of TB in aboriginal communities. FNIHB funding supports regional TB prevention and control activities, outbreak investigations and response, and research regarding TB in aboriginal populations. FNIHB currently has several TB initiatives including innovative epidemiologic analyses of TB data, and economic modeling and projection of costs for future TB control programmes.

AUDITOR GENERAL'S REPORT—
MEDICAL DEVICES PROGRAM

(Response to question raised by Hon. Marjory LeBreton on March 30, 2004)

The upcoming First Ministers' Meeting will discuss the sustainability of the health care system among other priority issues that First Ministers will define together. Long-term sustainability of the health care system is a shared objective

of both levels of government and involves both financial investments and structural reforms of the health care system. The First Ministers' Meeting is not expected to deal with detailed program issues, such as those related to medical devices.

NATIONAL STRATEGY
FOR CANCER CONTROL—FUNDING

(Response to question raised by Hon. Michael A. Meighen on April 1, 2004)

The government of Canada is well aware of the growing burden of cancer in Canada — a burden that is rising due to an aging and growing population, exacerbated by the increasing complexity and cost of new technologies, therapeutics and treatments.

Health Canada has been working with provincial/territorial government and non-government stakeholders to develop a plan to deal with the current and future burden — the Canadian Strategy for Cancer Control.

In the most recent Budget, the Minister of Finance announced new investments in public health including the creation of a Public Health Agency. This Agency will ensure that Canada has effective surveillance and crisis response systems to better deal with major public health problems due to infectious and chronic diseases, such as cancer. Investments in disease strategies, such as cancer control, will need to be positioned within the context of the Canadian Public Health Agency's mandate which includes the management of chronic disease, in order to effectively implement the blueprint for cancer control.

Federal research funding through the Canadian Institutes of Health Research (CIHR) provided \$84 million in 2003-2004 to fund cancer research projects in universities, cancer research chairs, research institutes and teaching hospitals across Canada.

AGRICULTURE AND AGRI-FOOD

GENETICALLY MODIFIED GRAINS—
MANDATORY LABELLING

(Response to question raised by Hon. Mira Spivak on March 24, 2004)

The Government of Canada has in place a regulatory process that carefully assesses potential environmental, human health or animal health risks before any product of biotechnology is permitted for sale in Canada.

Health Canada is responsible for establishing standards and policies that address the safety of all foods, including those derived from biotechnology. Division 28 of the *Food and Drug Regulations* requires that the Department be notified by the company wishing to sell the product prior to marketing or advertising a novel food. Pre-market

notification permits the Department to conduct a safety assessment of all biotechnology-derived foods to demonstrate that a novel food is safe and nutritious before being allowed for sale.

The Canadian Food Inspection Agency (CFIA) shares responsibility for the regulation of products derived from biotechnology, including plants, animal feed and animal feed ingredients, fertilizers and veterinary biologics. For genetically modified crop plants, the CFIA assesses the potential risk of adverse environmental effects, including the potential impact of the novel plant on biodiversity, authorizes and oversees import permits, confined trials, unconfined release and variety registration.

Roundup Ready wheat was submitted to Health Canada for review in July 2002, as required under Division 28 of the *Food and Drugs Regulations*. The evaluation of Roundup Ready wheat is proceeding as per Health Canada's standard operating procedure for novel foods. Foods from this wheat variety are not permitted for sale in Canada until it can be concluded that there are no safety concerns.

With regards to the issue of labelling, Health Canada and CFIA share the responsibility for federal food labelling policies. Health Canada is responsible for setting food labelling policies with respect to health and safety matters, while the CFIA is responsible for the development of non-health and safety food labelling regulations and policies.

As with all foods, including foods derived from biotechnology, Health Canada requires special labelling to address health and safety issues which might be mitigated through labelling, such as identifying the presence of an allergen. Labelling is also required to identify compositional or nutritional changes. In these situations, labelling is required to alert consumers or susceptible groups in the population at large. The government's position regarding labelling products derived from biotechnology is consistent with its policy regarding the labelling of all foods. This position has not changed.

The federal government recognizes that labelling foods to indicate whether they are derived from biotechnology or not has become an important issue for consumers. To this end, Health Canada worked actively with the Canadian Council of Grocery Distributors and the Canadian General Standards Board to develop a Canadian voluntary standard for labelling of genetically engineered foods, along with consumer groups, food companies, producers, environmental groups, general interest groups and other government departments. Consensus on this standard has recently been reached.

The standard developed through this initiative is currently being considered by the Standard Council of Canada for adoption. Once reviewed, adopted and published as a national standard by the Standards Council of Canada, it will provide guidance to food companies to address the consumers demand for the labelling of genetically engineered foods in Canada. More detail on this initiative is available on the Public Works and Government Services Canada website at:

www.pwgsc.gc.ca/cgsb/032_025/intro-e.html.

The issues surrounding genetically modified foods are complex and include scientific as well as social and ethical aspects. The Canadian Biotechnology Advisory Committee (CBAC) — an advisory committee of experts — was created in 1999 to provide independent advice to Ministers and engage Canadians in a dialogue on the full range of issues related to the development of biotechnology.

In August 2002, as part of its mandate, CBAC released a report entitled: *Improving the Regulation of Genetically Modified Foods and Other Novel Foods in Canada*. This report also addresses issues such as labelling these foods as a means of assisting Canadians to make informed food choices as well as other social and ethical considerations. The government has examined this report and will be releasing a detail response to the recommendations later this Spring.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

RESERVATIONS— BUILDING OF PRIVATE HEALTH CLINICS

(Response to question raised by Hon. Herbert O. Sparrow on April 21, 2004)

- The *Canada Health Act* (CHA) is Canada's federal legislation for publicly funded health care insurance. It establishes criteria and conditions related to insured health services and extended health care services that the provinces and territories must fulfil to receive the full federal cash contribution under the Canada Health Transfer (CHT).
- The criteria are: public administration, comprehensiveness, universality, portability, and accessibility.
- The public administration criterion requires that public health insurance plans be administered and operated on a non-profit basis by a public authority.
- The CHA applies to insured health services provided to all residents covered by a provincial health plan, including First Nations living on or off reserve.
- Health care delivery is primarily a provincial responsibility and facilities providing insured health services are subject to provincial law. Therefore, the development of new diagnostic services, as envisioned in the Muskeg Lake Cree First Nations proposal, must be done in conjunction with the province to ensure consistency with the relevant provincial legislation. In addition, the decision to license or contract insured health services rests with the province.

ORDERS OF THE DAY

PUBLIC SAFETY BILL 2002

THIRD READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Léger, for the third reading of 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.—(*Pursuant to the Order adopted on April 29, 2004, all questions will be put to dispose of third reading of this bill at 5:00 p.m.*)

Hon. Terry Stratton: Honourable senators, I am pleased to join in the third reading debate on Bill C-7, the public safety bill. This bill seeks to enhance security measures and put in place mechanisms to ensure that people are protected against terrorist attacks. We must ensure that there is accountability for those actions taken to protect Canadians.

If Bill C-7 passes, there will be new instruments and processes put in place as a result. We will have a new regulatory instrument called a “security measure,” an increase in the number of departments that can use interim orders to pass regulations without going through the normal regulatory process. This process, according to the Privy Council Office, is “to ensure that use of the government’s regulatory powers results in the greatest net benefit to Canadian society.”

Unfortunately, we have not had the opportunity to benefit from the knowledge and testimony of lawyers and people familiar with the legislative drafting process to discuss broadly the implications of these new legislative instruments.

Honourable senators, the amendments to the Aeronautics Act comprise almost half of the bill and confer new powers on the Minister of Transport and, in some cases, his deputy or delegate, to impose interim orders, security measures or emergency directions.

Security measures are a new phenomenon to the Aeronautics Act. These measures implement anything that would be subject to an aviation regulation if secrecy were required. Therefore, if there is a concern that actions taken under a public regulation would compromise the security of an airplane, airport, passengers or crew members, the Minister of Transport can put in place a secret security measure. Before making the security measure, the bill requires the minister to consult with any person or organization he or she considers appropriate. However, if the security measure is needed immediately, the consultation is not mandatory. Once the minister is assured that the security of the aircraft or airport will not be compromised by publicizing the security measure, it is published in the *Canada Gazette* within 23 days.

However, the minister is not compelled to publicize the security measure if there is a concern about aviation, airport security or

safety of the public. In effect, we could have a situation where an emergency relating to an airport or air traffic occurs and no one can talk about it. The minister can put into effect measures to mitigate this emergency and does not have to consult or tell anyone until 23 days after he or she feels the crisis is over and there is no longer a security risk. There could be situations where Canadians would never know about a security measure being implemented. The security measure may apply in lieu of a regulation or in addition to a regulation, and, if there is a conflict between an aviation security regulation and a secret security measure, the secret security measure prevails. This incredible power can be delegated to the Deputy Minister of Transport, a public servant, who does not have to report to Parliament or to the Canadian public for actions so taken.

Simon Potter, past president of the Canadian Bar Association, told the Standing Senate Committee on Transport and Communications the following:

Just as an example, there are powers in this proposed statute to do things that normally would be done by statute, not only just by regulation, which would never come before the Senate, but by a new animal, called a “ministerial measure,” which does not even have to be approved by cabinet. We find these powers to be extremely broad and that the invasion of privacy is serious enough that we are indeed on the lip of a very slippery slope; we recommend that Canada step back.

• (1500)

The Coalition of Muslim Organizations submitted to the committee a brief and joined with the Canadian Bar Association in calling for appropriate checks and balances in the system “to ensure that extraordinary powers are not exercised outside the scrutiny of Parliament.”

Honourable senators, I would also like to review another area where additional powers are given to a minister. Under the Citizenship and Immigration Act currently, the minister can enter into agreements with the provinces or with a foreign government for the coordination and implementation of immigration policies. Bill C-7 will expand the minister’s powers in this subsection to collect, use and disclose immigration information. As well, another new legislative animal in the form of an “arrangement” has been introduced, and like the security measures discussed earlier, it, too, does not require cabinet approval.

Mr. Daniel Jean, Assistant Deputy Minister of Policy and Program Development at Citizenship and Immigration Canada, gave the following explanation:

An agreement is legally binding, which is the main difference. Because it is legally binding, we must appear before the Governor in Council.

An arrangement is not legally binding. It is a more informal type of arrangement. It is done on the mutual intent of the parties to live up to the terms of reference of the agreement. However, it is not legally binding.

Part 11 of the bill was also an area that created numerous questions for the committee. On page 56 of Bill C-7, the Immigration and Refugee Protection Act is amended to add subsection 150.1 to deal with the making of regulations on the sharing of information. Information could be disclosed for the purposes of national security, the defence of Canada or the conduct of international affairs, including the implementation of an agreement or arrangement made under section 5 of the Citizenship and Immigration Act.

Senator Day raised questions about the phrase “conduct of international affairs.” In committee on March 16, he said:

That phrase “conduct of international affairs” scares all of us. It is a very broad term. Do we get some protection by going back to the other section that we just talked about? Can we read that “conduct of international affairs” as being for the purposes of the two acts we are dealing with and for no other purposes?

Legal counsel from the Department of Citizenship and Immigration could not immediately answer the question and in a written response said:

150.1(b) provides the ability to make disclosures outside the purposes of the Immigration and Refugee Protection Act but only for very limited purposes, namely for the purposes of national security, the defence of Canada and the conduct of international affairs, including the implementation of an agreement entered into under section 5 of the Department of Citizenship and Immigration Act.

The letter goes on to say that:

Border security, immigration enforcement and intelligence and anti-terrorism have by their very nature international components. In order to fulfil its border security mandate, it is critical that the CBSA (the Canadian Border Services Agency) be able to cooperate with its international partners. This co-operation includes the sharing of information.

Therefore, honourable senators, I am no further ahead as to what information would be collected under the term “international affairs.” Mr. Ziyaad Mia of the Muslim Lawyers Association and Coalition of Muslim Organization, noted that passenger information collected under clause 4.82 of the act can be given to the Minister of Citizenship and Immigration, who in turn can collect, use, and disclose information for the conduct of international affairs under Part 11 of the bill. Mr. Mia said, “Start with transportation security, the next thing you know, you are in Syria.”

Honourable senators, yesterday in *The Globe and Mail* we learned that auditors discovered that the RCMP often accepted sensitive information from the Canada Customs and Review Agency by facsimile or mail and placed it in operational files without giving it proper security classification. The article noted that there is a poor understanding of the overall policy governing exchanges of information and that while the review uncovered no

breaches of the Income Tax Act or the Canada Customs Act, there were clear violations of government security for federal agencies. The RCMP is now taking an inventory of memorandums of understanding between organizations “so we know exactly how many agreements there are across the country.”

Honourable senators, despite current problems with exchanges of information, we will expand on the collection and disclosure of information through this bill, not only amongst Canadian government departments but also with foreign governments for reasons as unspecified as “international relations.”

Senator Jaffer asked the Minister of Public Security and Emergency Preparedness about the rush to pass this bill. She said, on March 30:

I want to know why the rush. We will have a review of Bill C-36 this year. We will have the Arar inquiry. I am not talking about the entire act or getting everything about which Minister Valeri spoke. Deputy Prime Minister, why not wait for clause 4.8? Why share information with foreign countries when we have had a challenge.

Senator Jaffer went on to say:

I am talking about having the specific sections that deal with sharing information. What is the point of having the Arar inquiry if we pass the law before the inquiry?

Honourable senators, I am not certain that information collected under section 5 of the Department of Citizenship and Immigration Act will not be disclosed to foreign countries for the purposes other than fighting terrorism and ensuring our national security, because I still do not know what “international affairs” comprises. For that reason, I believe we should remove that phrase from Part 11 of the bill.

Many witnesses have said we should be reviewing all of the terrorism measures prior to putting in place new legislation. Many said that we should have conducted the review of Bill C-36 before this bill was put into effect. We recognize that in this age of terror there may be emergencies that require speed and, sometimes, extraordinary measures. However, if we are to allow extraordinary measures, we must ensure we have in place extraordinary accountability of that extra exercise of power.

Ministers accountable to Parliament and accountable to the Canadian public should be the only ones to have the power to put in place extraordinary security measures or interim orders. This power should not be delegated. Personal information collected for the purposes of screening immigrants and refugees should not be used for an undefined term such as “international affairs.” The government should either remove the term “international affairs” or provide a precise definition.

MOTION IN AMENDMENT

Hon. Terry Stratton: Therefore, honourable senators, I move, seconded by Senator LeBreton:

That Bill C-7 be not now read a third time but that it be amended,

(a) in clause 2, on page 2,

(i) by replacing line 6 with the following:

“under subsection 6.41(1);”, and

(ii) by replacing line 12 with the following:

“under subsection 4.72(1);”;

(b) in clause 3, on page 2, by replacing line 37 with the following:

“to make an order, other than an interim order, or an”;

(c) in clause 5,

(i) on page 6, by deleting lines 18 to 44,

(ii) on page 7, by deleting lines 1 to 6, and

(iii) on pages 7 and 8, by renumbering sections 4.74 to 4.771 as sections 4.73 to 4.77 and any cross-references thereto accordingly;

(d) in clause 11,

(i) on page 20, by deleting lines 40 to 46, and

(ii) on page 21,

(A) by renumbering subsection (1.2) as subsection (1.1) and any cross-references thereto accordingly,

(B) by replacing line 2 with the following:

“Minister must”, and

(C) by replacing line 4 with the following:

“the Minister considers appropriate”; and

(e) in clause 72, on page 56, by replacing lines 10 and 11, with the following:

“Canada or the implementation of an”.

• (1510)

The Hon. the Speaker: Honourable senators, it is moved that Bill C-7 be not now read a third time but that —

Some Hon. Senators: Dispense!

The Hon. the Speaker: Does any senator wish to speak?

Senator Jaffer, do you wish to speak? I am alternating back and forth.

Senator Jaffer: I am not speaking to the amendment. I am speaking to the main motion.

Senator Lynch-Staunton: Wait your turn.

Hon. Marjory LeBreton: Honourable senators, I am joining in the debate on Bill C-7, the Public Safety Bill 2002, to speak primarily about an issue that has been of concern to many, that being the interim orders that are contained in this bill.

Before beginning my remarks, I do want to state that I, like most honourable senators, support efforts to improve the ability of the Canadian government to keep our citizens safe and secure from terrorism.

Raising concerns about the increase in executive power contained in this bill is not complacency or innocence about the reality of terrorism. Our own Standing Senate Committee on National Security and Defence has pointed out the many areas where Canada must increase resources in order to defend itself against terrorism. As such, the recent commitments of further funding for national security are welcomed.

With respect to Bill C-7, honourable senators will know that interim orders are enabled in parts 1, 3, 6, 9, 10, 15, 18, 20, 21 and 22 of Bill C-7. These new powers are contained in the Aeronautics Act, the Canadian Environmental Protection Act, 1999, the Department of Health Act, the Food and Drugs Act, the Hazardous Products Act, the Navigable Waters Protection Act, the Pest Control Products Act, the Quarantine Act, the Radiation Emitting Devices Act and the Canada Shipping Act. Only the Aeronautics Act and the Canadian Environmental Protection Act already contain provisions for interim orders.

Interim orders are, in effect, emergency regulations implemented without the benefit of the regulatory processes that have been recently outlined to honourable senators. It has been pointed out many times by various witnesses before the Standing Senate Committee on Transport and Communications that interim orders can only be made in areas that would normally be subject to a regulation.

Interim orders enable ministers to put into effect immediately regulations to deal with an emergency situation. The orders must be confirmed by the Governor in Council within 14 days after being made, are in effect for one year, are exempt from sections 3, 5 and 11 of the Statutory Instruments Act, must be published in the *Canada Gazette* within 23 days after being made and must be tabled within each House of Parliament within 15 days after it has been made. If the House is not sitting, the order is to be tabled with the clerk.

Honourable senators will recall that section 3(2) of the Statutory Instruments Act allows the Clerk of the Privy Council and the Deputy Minister of Justice to examine proposed regulations to ensure that:

(b) it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made;

(c) it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*;

The question that has been raised at every stage of this bill is why do we need interim orders when we have provisions under the Emergencies Act to deal with public welfare emergencies that could include natural disasters, disease, accidents or pollution, public order emergencies that deal with the existence of serious threats to the security of Canada, international emergencies that would include other countries that are threatened for acts of intimidation or coercion, or, finally, a war emergency?

During our committee's examination of Bill C-7, officials from the Department of Transport spent some time explaining why the Emergencies Act could not be the method used to immediately develop regulations. In fact, they produced a paper for the use of the Senate. They contended that interim orders under Bill C-7 had as much or more parliamentary supervision than regulations made under the Emergencies Act. I contend that is something that could be examined further.

Honourable senators should be reminded that the Emergencies Act provides for the general principle that the government should be authorized to deal with emergencies on a temporary basis, subject to the supervision of Parliament. Parliamentary supervision under the interim orders in this bill lies with the Joint Committee for the Scrutiny of Regulations, which is not required to examine any particular interim order but may do so once the orders are tabled in Parliament. Under Bill C-7, there is no provision to recall Parliament to have this committee sit and examine the interim orders. Under the Emergencies Act, there is a provision for the recall of Parliament.

During committee examination, Mr. John Read of the Department of Transport discussed the 9/11 emergency in relation to the issuance of interim orders. He said:

First off, not to miss the point, when the interim order is made, it immediately stands referred to the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations. By that amendment last March, that committee can recommend it be abolished.

The time frames that we have are based, I guess, on the fact that we recognized during the events of September 11 that the people who are the experts on the emergency are fully immersed in the emergency. I was one of those people; and one of the best things that happened to us was our deputy said we did not have to answer all of these questions we normally get by hand, and that was a good five-day period — we were fully occupied.

If you have seen the poor fellow who is doing the mad cow disease, and some of those other people who are terribly overworked, they do not have time to withdraw to write out

this careful reasoning and so forth. We had to have a period of time before we had to go to the Governor in Council with all the argumentation written down and all the proper formats, et cetera.

Therefore, 14 days was the period chosen. Fifteen days to Parliament was the next period chosen. We could give you the interim order instantly on being made, obviously. However, the concept here is that when we go to Parliament to report the content of the interim order, we would want to explain the rationale and all the rest, which is why 15 calendar days was chosen. Twenty-three was chosen for publication in the *Canada Gazette*, because that is the shortest time that we know we can always get. It is published every 23 days.

With all due respect to Mr. Read, honourable senators, and to his colleagues at Transport Canada who did a superb job turning back planes and landing them during the 9/11 emergency, I am shocked that 14 days to have an interim order approved by cabinet, and 15 days before Parliament gets to see it, was chosen in order to give public servants enough time to format their arguments. If there is an emergency and emergency measures are being put in place, should the rationale for these measures not be fairly obvious?

If we look at the Emergencies Act, an emergency declaration is effective the day it is issued and expires at the end of 90 days for public welfare emergencies, 30 days for public order emergencies, 60 days for international emergencies and 120 days for war emergencies.

A motion for the confirmation of the emergency would have to be tabled in Parliament within seven sitting days of its issuance. If 10 or more members of the Senate or 20 or more members of the House of Commons sign a motion for the revocation of a declaration of emergency, that motion would have to be taken up and debated within six days of being filed.

Each time the government wants to extend the declaration of emergency, they have to lay before each House of Parliament a motion either amending or extending the original order within seven days.

The Emergencies Act says that an order made under its provision must come to Parliament within two sitting days of being made. A joint committee of Parliament must consider the orders within 30 days and a motion adopting, amending or revoking the order must be made.

Honourable senators, Bill C-7 provides ministers and deputy ministers with the ability to make regulations that do not have to be approved by cabinet for 14 days or seen by Parliament for 15 days. I still do not understand the reluctance to use the Emergencies Act, which would provide for parliamentary oversight. Instead we will institute new legislative measures and powers through Bill C-7 to deal with emergencies.

• (1520)

Simon Potter, of the Canadian Bar Association, said at committee — and I quote:

However, the position of the Canadian bar is that these are very dramatic powers and quite a departure from the normal way of doing things. They cover the whole regulatory ambit under those statutes. They are very broad powers. This is a dramatic change that we are considering. We suggest taking a step backward.

I believe the Senate should have heard testimony comparing the Emergencies Act and the interim orders. We should have heard from legal experts outside of the departments directly affected by the provisions of the bill.

Honourable senators, the issue of interim orders is one of power and supervision. We need to involve the cabinet and Parliament in examining these interim orders at a much earlier time. If there is an emergency that requires an interim order, it should at least be examined and approved by cabinet within two days and brought to Parliament within three days. At least that would provide some scrutiny of the vast powers contained in interim orders.

MOTION IN AMENDMENT

Hon. Marjory LeBreton: Therefore, honourable senators, I move, seconded by Senator Stratton:

That Bill C-7 be not now read a third time, but that it be amended:

(a) in clause 11, on page 21,

(i) by adding after line 5 the following:

“(1.1) Subsection 6.41(2) of the Act is replaced by the following:

(2) An interim order has effect from the day on which it is made, as if it were a regulation made under this Part, and ceases to have effect 48 hours after it was made unless it is approved by the Governor in Council within that 48 hour period.”, and

(ii) by replacing line 17 with the following:

“tabled in each House of Parliament within three”;

(b) in clause 27,

(i) on page 30, by replacing line 8 with the following:

“Council within 48 hours after it is made.”, and

(ii) on page 31, by replacing line 8 with the following:

“tabled in each House of Parliament within three”;

(c) in clause 34,

(i) on page 34, by replacing line 13 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) on page 35, by replacing line 11 with the following:

“tabled in each House of Parliament within three”;

(d) in clause 66, on page 50,

(i) by replacing line 4 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) by replacing line 39 with the following:

“tabled in each House of Parliament within three”;

(e) in clause 67,

(i) on page 51, by replacing line 19 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) on page 52, by replacing line 19 with the following:

“tabled in each House of Parliament within three”;

(f) in clause 68,

(i) on page 53, by replacing line 1 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) on page 54, by replacing line 2 with the following:

“tabled in each House of Parliament within three”;

(g) in clause 69,

(i) on page 54, by replacing line 18 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) on page 55, by replacing line 13 with the following:

“tabled in each House of Parliament within three”;

(h) in clause 95,

(i) on page 71, by replacing line 17 with the following:

“(a) 48 hours after it is made, unless it is”, and

(ii) on page 72, by replacing line 16 with the following:

“tabled in each House of Parliament within three”;

(i) in clause 96,

(i) on page 72, by replacing line 32 with the following:

- “(a) 48 hours after it is made, unless it is”, and
- (ii) on page 73, by replacing line 27 with the following:
- “tabled in each House of Parliament within three”;
- (j) in clause 99,
- (i) on page 75, by replacing line 11 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (ii) on page 76, by replacing line 5 with the following:
- “tabled in each House of Parliament within three”;
- (k) in clause 102,
- (i) on page 77, by replacing line 18 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (ii) on page 78, by replacing line 19 with the following:
- “tabled in each House of Parliament within three”;
- (l) in clause 103, on page 79,
- (i) by replacing line 1 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (ii) by replacing line 37 with the following:
- “tabled in each House of Parliament within three”;
- (m) in clause 104,
- (i) on page 80, by replacing line 27 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (ii) on page 81, by replacing line 28 with the following:
- “tabled in each House of Parliament within three”;
- (n) in clause 105,
- (i) on page 82, by replacing line 27 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (ii) on page 83, by replacing line 17 with the following:
- “tabled in each House of Parliament within three”; and
- (o) in clause 111.1,
- (i) on page 101,
- (A) by replacing line 4 with the following:

- “(a) 48 hours after it is made, unless it is”, and
- (B) by replacing line 39 with the following:
- “tabled in each House of Parliament within three”;
- (ii) on page 102, by replacing line 19 with the following:
- “(a) 48 hours after it is made, unless it is”, and
- (iii) on page 103, by replacing line 16 with the following:
- “tabled in each House of Parliament within three”.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, on a point of order, we cannot have two amendments on the floor at the same time. Therefore, we have to dispose of Senator Stratton’s amendment before we consider Senator LeBreton’s amendment. I understand that we could vote on all of them, if standing votes are required, at the same time, as the house order indicates. However, to deal with them on the floor, we have to deal with each one.

Hon. Terry Stratton: Honourable senators, it is my understanding from our discussions last week that we would make our speeches, propose our amendments, and then vote on all amendments and on the bill at 5:30 p.m. Was that not the agreement?

Senator Rompkey: Yes, it was the agreement that all issues would be put at 5:30 p.m. I am in the hands of the house, but I wanted to point out that the proper order would seem to be to have at least one voice vote on each amendment and dispose of it before we deal with the next.

Senator Kinsella: We are stacking these votes.

Senator Rompkey: We agree to have all the amendments disposed of 5:30 p.m., as per the agreement.

Hon. Marcel Prud’homme: Honourable senators, I am glad that Senator Stratton has raised this question. I believe I referred to this subject last week, when I said that it was difficult to comprehend how the house does business. Now, more than ever, I think it is becoming totally illogical.

The rules state that, although there is an agreement, when an amendment is moved any senator may speak against it, after which the house disposes of the amendment. Then, the main motion or the subamendment is considered. The subamendment is then disposed of and a new subamendment may be put forward, but each one must be disposed of individually because it could change the ultimate outcome if one of the subamendments or amendments or new subamendments or new amendments to the bill were to pass. It could change the approach to the final vote.

I would hope that, in the future, although it is not possible for today, those who deal with these matters would take that into strong consideration for the next Parliament. When these agreements are made, it must be considered that the outcome of

an amendment could change the decision of some senators at the end of the day. I hope that this does not restrict a senator from speaking to the item. We are able to speak once on an amendment, but when the amendment is passed, disposed of or rejected, any senator may speak to the main motion once again. If the main motion is again amended or subamended, any senator may speak again, if he or she so wishes. However, with a 5:30 p.m. deadline, we are forced, regardless of what happens, to vote on every amendment and every subamendment, as well as main motion, the result of which can only be total chaos, because we do not know what we will ultimately vote on.

• (1530)

I am in that situation where I would have liked to speak on some of the amendments but have been advised by some that, having spoken already — and I do not even remember on which amendment; it may have been on Senator Nolin's — I cannot do so. I would hope that in the future — and we talk about the Clarity Act — we have some clarity in what we are doing when we make an arrangement.

I am not accusing anyone of anything. I am just a witness to what is happening, pointing out the illogical approach of saying that, regardless of anything, we will vote on everything at the end, without knowing exactly if we would vote the same way if we had disposed of the subamendment, the amendment or the new subamendment.

Hon. Anne C. Cools: Honourable senators, I wish to support what Senator Prud'homme has said. I was most interested in what Senator Rompkey said, because for many years now the government has supported this, for lack of a better word, haphazard way of proceeding. We all know that the proper way of proceeding is for the house to express an opinion on each question, each amendment, as it comes up, in the proper order that it comes along.

With respect especially to our process on closure, where everyone is speaking to everything, every order simultaneously, and then at the end there is a collection of votes, I have always found it extremely improper and hard to follow. In a strange sort of way, it makes a mockery of the process. In other words, people are just speaking, knowing full well that the opinion and the outcome is predetermined. I wish that we could take a look at this some time, because I do not like it.

This was crystal clear, for example, on Bill C-250 two weeks ago when we started to proceed in an ordinary way. Many senators were disarmed and derailed and did not know what was happening, because they were simply unaccustomed and not habituated anymore to proceeding in the appropriate way.

Honourable senators, this chamber has a lot of introspection to do, and this is one of the issues it has to look at.

The second issue I should like to speak to is the constant mention of agreements and private agreements between, I guess I would call it, party leaders. I am always a little disconcerted by

formal reference to these agreements back and forth. I understand that leaders talk, but so much of the business of this place has been displaced by negotiation.

I am always very cautious and vigilant when I hear these agreements being referred to, as they just were, where Senator Stratton asked Senator Rompkey whether such and such was agreed to. Sooner or later, honourable senators must agree that if we talk about these agreements everyone should know what the agreements are; they should be put before the house in some formal way so that we can really know what we are talking about. I do not think it is proper in any system that some people have secrets or knowledge that others do not have. I find it very disconcerting.

There is so much here procedurally that we need to look at. Perhaps, Your Honour, when we do find people alluding to or mentioning these agreements, we should look at it a little askance.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, on the point of order that has been raised, the situation is not that complex. The mechanism of time allocation has two vehicles to achieve its end. In one, the government brings in notice of time allocation, due notice is given, there is a debate and a decision is taken by the house.

The other vehicle for achieving time allocation is when the government side and the official opposition reach an agreement. The rules are very clear, and that is what has happened in this case. An agreement was reached between the government side and the official opposition. There is no secrecy; it is very clear. It was agreed that, at 5:30 p.m. today, the debate will have been deemed to be concluded and all votes necessary to dispose of the matter will be taken.

That implies, and of course the practice has been, that we stack amendments, so that all honourable senators can speak and bring forward the amendments they wish to bring forward. Therefore, at 5:30 p.m., there will be a series of votes. In effect, it is understood — this side understands — that we are stacking amendments as we proceed. It is perfectly clear in the rules, in my opinion.

Senator Rompkey: Honourable senators, I want to address the latter part of Senator Cools' remarks, because the same issue was raised last week, and I spoke on it at that time. The first point I made was that I understood that the job of house leaders was to advance the business of the Senate on behalf of all senators. I cannot speak for the opposition, and I should not be discussing caucus matters on the floor of the Senate, but those who were in caucus this morning know that those matters were discussed in caucus this morning. Therefore, all senators had a chance to know the objective of the day, the order of the day and what we were trying to accomplish through the agreement that we had made. I just wanted to make that point.

This is not a secret meeting behind closed doors of people who are furtively trying to advance their own causes. This is a meeting by duly appointed officials to advance the business of the house. I think Senator Prud'homme will agree that he has been consulted on the course of action that is anticipated.

I wanted to make that point, because it came up last week and I think it should be clearly understood that the business is operated on behalf of all senators on both sides.

Senator Cools: Honourable senators, in respect of Senator Rompkey's remarks about secrecy, when last I checked, caucus was a secret society. Caucus is a secret society; it has no formal existence, no formal proceedings. It is a secret society.

In addition to that, my understanding of the meetings between the Leader of the Government in the Senate and the Leader of the Opposition is that they, too, are quite secret. Hence, the entire process is a secretive process. I am not complaining about that; I am saying that if it is a secret, keep it a secret. However, once an agreement has been alluded to on the floor of the chamber, and aspects of it have been mentioned, then there is a duty to make it public. Either it is secret or it is public. One has to be very clear about that.

In any event, honourable senators, these closure processes are insufficient to do the business of this chamber. Senator Kinsella spoke about the phenomenon of stacking amendments because that is the only way everyone gets to speak. The real reason that the confusion comes, and the stacking of amendments occurs, is because the time allocated is simply too short. I think we must deal with this.

For example, two weeks ago, when the ethics bill passed through this place, I wanted to speak to the main motion. I never was able to get back to speak on the main motion.

Honourable senators, I think we should be crystal clear that six hours or three hours or whatever time is allocated is simply insufficient. Perhaps those closure motions and rules should be re-examined, to at least choose an amount of time that is reasonable and realistic in order that honourable senators can speak in a proper way.

Honourable senators, moments ago, when I was speaking about the question of the agreements, I said that I am deeply concerned that much of the business here is handled by negotiations and not by direct public debate.

Another question I should like to take up with Senator Rompkey is this: I believe he said a few moments ago that these meetings occur to move the business of the Senate along. Well, I am here to tell honourable senators that I have heard Senator Rompkey say time and time again that he is only in charge of government business. Let us be clear: He is not looking after the business of all senators; Senator Rompkey is looking after the interests of the government. I dispute his position, because the Leader of the Government in the Senate, in many jurisdictions, is

called the Senate leader, so that individual is the leader of the whole Senate. Currently, this particular leadership, and their predecessors, distance themselves from responsibility.

• (1540)

Some Hon. Senators: Order!

Senator Cools: I object, Your Honour. There is nothing out of order. Senator Robichaud is doing his usual hacking again. He is a hound dog, this guy. He is a predatory fellow. He uses the term "order" to get the Speaker to his feet to shut me up. It is Senator Robichaud who is out of order. If he has a point of order, he can get on his feet and speak. He hardly speaks here. He just sits there like Godzilla, kind of regulating everyone. What rubbish and absolute nonsense! I have never heard such nonsense. If he has something to say, he should get up and say it. He has nothing to say. His position is totally, morally and intellectually bankrupt.

Some Hon. Senators: Oh, oh!

Senator Cools: He has nothing to say on this subject or on any other.

The Hon. the Speaker: Senator Prud'homme is next on my list.

Senator Prud'homme: I feel a little troubled. I am usually known as a peacekeeper. I am embarrassed to be part of this debate at this time, except to say about these agreements that, yes, a word in English was mentioned to me —

Senator Rompkey: Consulted.

Senator Prud'homme: I wish this word would disappear. For 40 years, I have objected to that word being used, especially when we say, for example, "After consultation, we will appoint a Chief Electoral Officer for Canada and a Privacy Commissioner." Sometimes consultation means information.

I do not want to debate with the fine Senator Rompkey. However, let us say that we were informed more than we were consulted because consultation means much longer discussion. To be informed is a gracious gesture that facilitates the workings of the Senate. If you are informed, there is the chance that you will not object when the time comes to take the ultimate decision. However, we are not privy to such discussions, otherwise I would have objected.

Your Honour, please note what I am about to say. I am sure that, some day, a senator will take his or her full 15 minutes, or whatever the allowed time is, on each and every amendment, and he or she will not be told, "Why do you not speak to all the amendments and subamendments together?" That would be quite cacophonous.

I want to be on record as saying that I was informed earlier this afternoon, like Senator Plamondon, who I am sure would agree that I can speak for her on this subject, of what exactly would take place.

I prefer the word “informed” over the word “consulted.” I think we should really appease the debate a little. In the future, I think consideration should be given to what I just raised in my very calm way.

In speaking to the Commonwealth students last night, I used most of the energy I had for the week. By the way, one of our pages, Dustin Milligan from Prince Edward Island, made a fabulous presentation. Honourable senators can be proud of your page. He stole the show last night from everyone by making a presentation on behalf of the pages and on behalf of the Senate.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I have listened carefully to all the interventions. I am not sure whether the Honourable Senator Robichaud wishes to rise.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I simply want to say that, when I called out “Order!” earlier, I thought the comments of the Honourable Senator Cools were not related to the point of order and I am really reluctant to go any further and become embroiled in the nonsense I have just heard. I will therefore stop here, honourable senators.

[English]

The Hon. the Speaker: Honourable senators, my sense of the wish of this house is that we proceed more or less as described in Senator Kinsella’s description of where we were. He suggested that, in effect, we stack the amendments. Accordingly, with the agreement of the house, I will put the motion in keeping with the procedure that we have followed in the past.

Therefore, it was moved by the Honourable Senator LeBreton, seconded by the Honourable Senator Stratton:

That Bill C-7 be not now read a third time but that it be amended —

Shall I dispense, honourable senators?

Hon. Senators: Dispense.

Senator Kinsella: Honourable senators, I rise to participate in this debate on Bill C-7, which I think has been very poorly handled by the Senate. It is not one of our better pieces of work. The number of issues that have not been canvassed by the Senate are many and are important and fundamental to our Canadian system of democracy, which is unique. It is not the same system of many of our allies and very close friends both on this continent and in other parts of the world.

Notwithstanding the procedural issues that have been the subject of some attention, the substance of this bill, even at this late stage of third reading, needs to be placed on the record and be drawn to the attention of all honourable senators.

[Senator Prud’homme]

In 15 minutes, I will not have the time to canvass many of the issues that have failed to receive the kind of attention they ought to have received. However, let us understand that we will be called upon to adjudicate other bills like Bill C-7 in the months, if not the years, ahead.

The world in which we live today is radically different from the world we knew only five years ago. That is not only because of the tragic events of 9/11; it also speaks to the technological, high-tech, communication and intelligence world that has radically changed in the past half decade.

Honourable senators, let me draw to your attention article 17 of the International Covenant on Civil and Political Rights, an international principle that Canada accepted and embraced as its own a number of years ago. It states:

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence...

Honourable senators, the right to privacy is under attack. It is under a severe attack in the year 2004 and will continue to be assaulted.

When honourable senators push a button on their computer in their office to send an e-mail, only God knows who will be reading it besides the intended person or persons to whom it was sent.

Honourable senators, this bill forces us to once again revisit the fundamental value of the right to privacy. We recall a number of important pieces of work that this Parliament and agencies of this Parliament have undertaken, including the former Law Reform Commission of Canada that examined the issue of the right to privacy. Those studies were done in an era of only a few years ago — I am speaking of only five years ago, but so much has changed in those five years. Pressure has been placed upon our national government, not necessarily domestic pressure, but perhaps, more important, pressure caused by our interconnected world, not only in terms of telecommunication and all its ancillaries, but the interconnectedness that arises as a result of the mobility of people globally.

• (1550)

Since 9/11, we have asked what we can do to prevent other terrorist attacks. Clearly, it is a prudent question that all democratic societies need to ask. Extraordinary tools for government have been put in place — tools, however, we are not yet sure will prevent another terrorist attack, and tools, honourable senators, in my opinion more important, that we are not completely comfortable will not infringe on our civil rights, because, if they do, our freedom will mean very little. Our physical freedom will mean little if our social freedom is in chains.

Honourable senators will recall the concern and discomfort that many Canadians felt with the passage of preventative arrest measures when we were dealing with Bill C-36. There has been, in our discussion of the bill before us, considerable focus on the collection of passenger information. I wanted the bill to be

scrutinized from this civil rights perspective particularly, which is why I argued that the Standing Senate Committee on Legal and Constitutional Affairs might have been the better committee to examine the bill. That is not to say that there were not serious transportation concerns, or indeed serious security and national defence issues.

However, the bill does deal with the collection of passenger information. We know that this information will be collected by the airlines and operators of reservation systems, and that the data will be given to not only Department of Transport employees, but also, honourable senators, to employees of the Ministry of Citizenship and Immigration, employees of the Canada Customs and Revenue Agency, and employees of the Canadian Air Transport Security Authority, to ensure, they claim, security of the flight. The Commissioner of the Royal Canadian Mounted Police and the Director of the Canadian Security Intelligence Service and its designates may also receive the information. Thus, that information is dispersed to a broad spectrum of agencies. We all know what happens when information is sent out to an organization with which one is engaging in a commercial transaction: Lo and behold, within two weeks you get all kinds of entities sending you mail based on the data that you gave to someone from whom you bought a washing machine.

I am not questioning that some of these people, honourable senators, undoubtedly will require this information for transportation security. We need to be prudent. It is concerning, however, that these people can have this information for seven days and that it is not destroyed upon the completion of the trip.

Witnesses told the committee that there is no provision to advise air carriers if there is a potential threat to a flight that emanates from an examination of that data. Air Canada pointed out that, if an individual has been identified as a security threat, the airline should then be given the information and an opportunity to make a decision to cancel the flight. Why take off if there is a security threat? If you were the owner of a multi-million-dollar piece of equipment, that might be the kind of prudential decision you would want to be making.

This bill specifically allows the RCMP and CSIS to check the passenger information against police databases for outstanding warrants. The proposed section 4.82 has probably caused the most anxiety and the most debate on the bill. Subsection 4.82(11) would permit the RCMP or CSIS to disclose passenger information to assist with the execution of a warrant if the passenger is wanted for an offence.

Honourable senators, if these kinds of persons are out there, this legislation will not go by unnoticed. Do not expect these people to be travelling by airplane. They will use another means of transportation.

It was made clear that this clause was not put in place to counter terrorism, the focus of this legislation. Honourable senators will recall in the news release introducing this

legislation that the government said that this bill contained key provisions to increase the Government of Canada's capacity to prevent terrorist attacks. Yet, the Deputy Prime Minister made it clear at committee that passenger information will be shared with law enforcement authorities if it is apparent that there is a warrant for that individual for a "serious crime that involves violence...or threats to the security or safety of an individual." The draft regulations given to the committee show not only a range of offences, many violent, but also, honourable senators, some such as mischief, unauthorized use of a computer, and falsification of books and documents. The commonality of these crimes is that they all carry a sentence of five years; but there is no commonality in terms of threat to life and security.

The concern expressed by many is that this is perhaps the thin edge of the wedge. Canadians obviously do not want violent criminals walking our streets, but the rhetorical question is: Do we want each and every passenger name checked against police lists?

Honourable senators, the Coalition of Muslim Organizations presented compelling arguments in their submission to the committee. I should like to go on record as complimenting that organization for the tremendous contribution it has made and is making to the development of public policy and good legislation in Canada.

The written presentation states:

Consider the consequences of coincidental or false matches between passenger information and CSIS or RCMP terrorist or other databases. Not only would the innocent subject of a false match be unable to pursue judicial or administrative review in order to remedy the mistake, in all likelihood, they would not be aware (until it is too late) that they are subject of an official scrutiny.

[Translation]

Honourable senators, the Privacy Commissioner also expressed concerns regarding the use of databases that include information on passengers for purposes other than those that relate to transportation safety. Ms. Stoddart was concerned about the fact that some offences have absolutely nothing to do with national security or transportation safety. She reminded the committee, on March 18, that:

One of the basic fair information principles is that information collected for one purpose should be used for that purpose only.

Ms. Stoddart said that Bill C-7 violates this principle, since air carriers would collect personal information for transportation purposes, but would then turn that information over to law enforcement agencies for purposes totally unrelated to transportation.

• (1600)

Ms. Stoddart proposed a number of amendments, including some that deal specifically with the issue of databases. She indicated that her concerns could be addressed if the RCMP was limited to matching passenger information against databases specifically related to national security. Otherwise, if the RCMP is allowed to match this data against any information in its control, the commissioner feels that it will inevitably turn up people wanted on warrants for offences totally unrelated to national security or transportation safety.

[English]

Honourable senators, while we are debating the balance between privacy and security, we are not the only ones in the world community who are faced with the modern scourge of international terrorism. Many other countries and organizations face the same dilemma. I would cite the example of the dilemma tackled by the European Parliament. Many will know that the European Commission, in December of 2003, negotiated a temporary agreement with the United States of America to give airline information on passengers travelling to the United States. The agreement would allow the U.S. customs and border protection agency to scan passenger information for criminals and suspected terrorists.

The Hon. the Speaker: Honourable Senator Kinsella, your time has expired.

Senator Kinsella: I would request leave to continue.

Hon. Senators: Agreed.

Senator Kinsella: Thank you.

Honourable senators, I am attempting to draw a comparison between what other democratic countries are facing and what we are facing, and our Government of Canada is proposing Bill C-7 as part of the solution.

The European Community, from whom we can learn a lot, as they can learn from us, in their developed European Data Protection Law, allows authorized access to passenger data only on a case-by-case basis and only based on a particular suspicion. It is very specific. It has not thrown the door wide open. The European law also specifies that information collected for one purpose should not be used for another.

That is a most important principle, honourable senators. If, as legislators, we give this authority to invade the privacy of individuals, we should circumscribe that authority we give to the law enforcement authorities, just as provided in the European law. Many European airlines are of the opinion that the information that they would have given or that they would have to give to the United States would put them in violation of their own data protection law.

[Senator Kinsella]

As recently as March 31, 2004, the European Parliament called upon the European Commission to renegotiate the agreement because of privacy concerns. Thus, on April 21, a mere few days ago, the European Parliament voted 276 to 260 to refer the draft or temporary agreement to the European Court of Justice. That is how seriously our friends and colleagues in Europe are taking this issue. On the one hand, there is the need for this kind of legislation but, on the other, that need must be balanced with the human right of privacy.

Honourable senators, the *New York Times* reported on April 22 that there are differences between the United States and the European Commission as to what information can be gathered in transportation databases. As well, there appears to be confusion as to whether or not the United States could pass data on to governments of other countries.

Chris Patten, the commissioner in charge of European relations, has said that these transfers are a matter of concern. It is not just Canadians who have concerns about scanning passenger databases looking for criminals wanted for offences other than terrorism. The debate on privacy is ongoing in Europe and the United States.

The United States is in the process of replacing its screening process for air travel and hopes to introduce what they call the CAPPS 2, the Computer Assisted Passenger PreScreening Program. All passengers heading into the United States or travelling within the United States will be screened under CAPPS. Passengers will be required to give their name, home address, telephone number and date of birth when they make a reservation. The information will be checked against commercial databases to verify the passenger's identity and governmental terrorist watch lists and to determine if the person is a threat to security. The passenger is then assessed for risk and assigned a risk score and associated colour of yellow, green or red. Green will allow people to undergo minimum screening, yellow will require additional screening, and red could mean you are turned over to the local authorities. To date, no information has been released specifying the criteria that will be used to determine risk. The information will only be stored until the end of the passenger's itinerary, according to Brian Doyle, an official with the United States Transportation Agency.

In February last, the General Accounting Office released a report to Congress saying that a number of issues remained unsolved pertaining to CAPPS 2. These include the basic technical reliability of the system because airlines have been unwilling to voluntarily share passenger data to test the system. As well, an appeals system to deal with travellers wrongly accused has only begun to be developed and important details remain unresolved.

According to media reports, the GAO also found that the Transportation Security Administration, which is the American agency in charge of CAPPS 2, has not adequately addressed seven of eight concerns raised by the members of Congress, including preventing abuses, protecting privacy, creating an appeals process, assuring the accuracy of passenger data, testing the system, preventing unauthorized access by hackers and setting out clear policies for the system.

Why am I saying all of this, honourable senators? It is because it seems to me it is not overly wise for us in Canada to rush ahead to implement legislation that could have serious ramifications on our privacy rights as Canadians. As such, I believe we should remove the clause that allows law enforcement officials to search databases for outstanding warrants because these warrants do not relate to transportation security or terrorism.

Further, we should amend the bill to put in place Ms. Stoddart's suggestion that airlines be required to tell passengers that their travel information is being passed on to government officials. I am sure that all honourable senators have heard this message when they have phoned certain organizations: "This phone call may be monitored." The private sector is required to inform the Canadian public if other people may be listening in and if other uses are being made of the information that is being given. It seems to be a kind of practice that Canadians are prepared to accept. It would be fairly benign, as far as the effectiveness the legislation is concerned, to require the airlines to tell the passengers that the information being given may be passed on to government agencies. That was the suggestion of Ms. Stoddart. She also pointed out that clause 98 in Bill C-7 amends the Personal Information Protection and Electronic Documents Act, PIPEDA, to allow organizations to collect personal information without consent for the purposes of disclosing this information to government law enforcement and national security agencies.

This amendment in Bill C-7 should be deleted. As Ms. Stoddart stated in committee:

While we understand the intent of the proposed amendment to PIPEDA, we are not convinced it is necessary. Certainly, the broad wording causes us serious concerns. It applies to any organization subject to PIPEDA, not just air carriers. Second, it does not limit the amount of information that can be collected without consent. Finally, it does not place any limits on the sources of information.

• (1610)

With that background, honourable senators, I have the audacity, the temerity, to propose an amendment.

Some Hon. Senators: Oh, oh!

Senator Cools: Surprise!

Senator Kinsella: I propose the amendment not with great conviction, although I have often cautioned myself that it is better to speak as a historian than as a prophet. I do not have great conviction in my heart that all members will embrace this bill. However, what it will do, I think to the benefit of all members on both sides of the chamber, is place on the record an important principle. If I achieve that result, at least, that would be a contribution.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Therefore, honourable senators, I move, seconded by the Honourable Senator Stratton:

That Bill C-7 be not now read a third time but that it be amended

(a) in clause 5,

(i) on page 10, by adding after line 6, the following:

"(1.1) An air carrier or operator of an aviation reservation system that obtains information from a person for the purpose of making a reservation or issuing a ticket for a flight shall, at the time of obtaining the information, advise the person that the information, together with other related travel information of a personal nature that may be under the control of the carrier or operator, may be provided or disclosed to the other persons or agencies, including governmental or law enforcement officials or agencies, for purposes of transportation security."

(ii) on page 11, by deleting lines 34 to 44,

(iii) on page 12, by deleting lines 1 to 5,

(iv) on page 14, by deleting lines 27 to 32, and

(v) on pages 14 to 16, by renumbering subsections 4.82(12) to (20) as subsections 4.82(11) to (19) and any cross-references thereto accordingly;

(b) in clause 98, on page 74, by deleting lines 16 to 31 and the headings immediately preceding line 16;

(c) by renumbering PARTS 18 to 24 as PARTS 17 to 23 and any cross-references thereto accordingly; and

(d) by renumbering clauses 99 to 112 as clauses 98 to 111 and any cross-references thereto accordingly.

The Hon. the Speaker: It is moved that Bill C-7 not be read the third time but —

Senator Kinsella: Dispense!

Hon. Mobina S. B. Jaffer: Honourable senators, I wish to speak on the main motion.

Honourable senators, on September 11, 2001, the most barbaric act in modern history was committed on our continent. Our global landscape forever changed. In Canada, September 11 was also the day that changed the worlds of people who look like me.

In the last year, I have travelled across the country with Mohammed, a Canadian government employee whose name I have changed here. At the Ottawa airport, as we were going through security, Mohammed was stopped and completely searched and subjected to a litany of questions by security officials. He looked at me. I told him it was a random security act.

At Toronto International Airport, he and I were both stopped and completely searched by officials. We both meekly smiled and said it was yet another random act.

At Vancouver airport, Mohammed was yet again stopped and completely checked by airport security officials. They went through his belongings, examining everything with the greatest scrutiny. I just looked at him, as I could no longer explain.

Throughout our journey, either he or both of us were always checked. At every airport, Mohammed was stopped and searched. I just timidly looked on, feeling impotent. What could I do?

Today there are many Mohammeds in our country who face the same challenge. September 11 truly changed our world.

Honourable senators, I rise today to speak at third reading of Bill C-7, the Public Safety Act. As many of you know, I have expressed grave concerns about this bill and about the anti-terrorism strategy in general. I have often spoken about the need for balance — a fine balance of civil liberties and security and how one must not forsake one for the other.

Our government must protect the security of our citizens, but it has an equal duty to protect the civil liberties of its people — all its people. The duty of our government to protect the security of citizens while simultaneously respecting the pluralistic and multicultural country in which we live is what defines Canada. It is at the very core of the promise of peace, order and good governance.

In fighting the war on terror, we must fight with laws and policies that allow security and freedom to coexist.

The events of September 11 provoked immediate responses. Our country faced unprecedented security threats and we needed to protect our country. We responded by swiftly implementing Bill C-36, the Anti-terrorism Act.

Three years have passed since the implementation of Bill C-36. We have had time to reflect and ask ourselves if we struck a balance. Three years later, we now realize that in aggressively pursuing the security agenda of our country we have alienated our communities. The trust that our communities place in the authorities has been eroded.

The effects of these laws and the failure to strike a balance have been felt heavily by certain minority communities. As I have travelled across the country, hearing about the experiences that people have endured has left a chilling impact on me. Individuals and entire communities feel targeted and persecuted simply because of how they look or because of their religion or because of their last name. This is not based on any real evidence of them being a threat to our country. They are being judged purely by appearances and stereotypes rather than by their actions.

Honourable senators, terrorism remains a real threat. Our country and the global community cannot remain blind to the possibility of further attacks. The attack against the commuter trains in Madrid serves as a stark reminder. It is our government's paramount duty to protect its citizens and to develop legislation and policies that will keep our country safe from terrorism. I do not dispute that. Our government needs the powers to respond to terrorism swiftly. I do not dispute that. Terrorists must be aggressively pursued, prosecuted and punished. I do not dispute that.

The challenge for our government is to ensure that, as we implement policies in the name of security, we do not destroy what we cherish most — our fundamental rights.

Every community to whom I have spoken across the country is committed to fighting the war on terror. They, too, find the acts of September 11 truly barbaric. However, as committed as they are to fighting this war against terrorism, they have developed a profound mistrust of authority since September 11 because of our failure to appropriately balance civil liberties and security. Rather than mobilizing all members of our society to fight terrorism, we have created an "us and them" society.

Ethnocultural communities have not been fully integrated and engaged. They are not represented among those who are the first responders to acts of terrorism. We must not forget that all Canadians, regardless of their ethnicity, race or religion, are equally vulnerable to the threat of terrorism. Muslims died in the Madrid train bombs. Muslims died in the September 11 attack. However, in the fight against terrorism, some communities have had to bear a real burden, not only fearing the threat of terror as all Canadians do but also fearing being targeted by the authorities meant to protect them. Therefore, we must find a way to make their voices heard. Until we engage all segments of our society, our world is no safer today than it was yesterday.

• (1620)

When I spoke at second reading of Bill C-7, one of my major areas of concern was the clause of the bill that deals with the sharing of information, that provides that airline passenger information would be handled by the RCMP and CSIS and, in some situations, might even be handed over to foreign governments. This is of serious concern to all Canadians, but especially those belonging to ethnic minorities.

We have been assured by the Minister of Public Safety and Emergency Preparedness that before any information on a Canadian citizen or a landed immigrant can be shared by the RCMP with foreign authorities under proposed section 4.82 of the Aeronautics Act, a ministerial directive will set out the privacy safeguards and other requirements for collection, use and disclosure that must be taken into account. These will be outlined in arrangements between the RCMP and foreign authorities. The government has also committed to an arm's length review mechanism for the RCMP in the national security policy. I believe that oversight of the powers in this proposed legislation will be one of the most important roles for this committee.

Additional funding has also been given to the Security Intelligence Review Committee, SIRC, to help it monitor the expanded national security roles of CSIS. CSIS itself has a statutory process for entering into agreements with foreign governments, a process that includes a requirement for ministerial approval of information-sharing arrangements.

Clauses 5 and 11 of Bill C-7 set out the process by which the Minister of Citizenship and Immigration will be able to enter into information-sharing agreements and less formal information-sharing arrangements with foreign governments under the Immigration and Refugee Protection Act. The exact procedure for this sort of information sharing will be set out in regulations, and these regulations will contain specific measures to protect privacy and civil liberties.

Honourable senators, Parliament will also review these regulations before they are put in force. We will have the chance to ensure that these regulations are respectful of Canadian rights.

On April 27, Canada's first-ever national security policy — "Securing an Open Society: Canada's National Security Policy" — was unveiled. The national security policy articulates core national security interests in a manner that is to be fully reflective of key Canadian values of democracy, human rights, respect for the rule of law and pluralism. An integral part of the policy is to engage ethnocultural and religious communities on issues related to national security. It is one of the three advisory bodies created under the policy that will offer input into how the policy is implemented. The other two groups will be a national security advisory committee made up of security experts external to government and a high level federal-provincial-territorial forum on emergencies.

Honourable senators, I have been assured by our government that it is committed to not only engaging in genuine dialogue with members from ethnocultural communities from across our country, but also is equally committed to ensuring that communities are an integral player in the implementation and development of these policies. This dialogue and engagement with ethnocultural communities is not simply a short-term objective; rather, it is to serve as a permanent mechanism whereby the government and the communities alike can continually evaluate the evolving nature of Canada's security needs.

As well, the government has committed to set the terms of reference of the cross-cultural round tables within the next 30 days. To me, this demonstrates a real commitment on behalf of the government to translate this policy into real action. Once the terms of reference have been set, there will be calls for nominations outlining the criteria for members of the round table. I have been given a commitment that the first meeting will take place this fall.

Honourable senators, I am very encouraged by these initiatives, and I believe that we are sincerely starting to make progress — progress such that Mohammed will start feeling that he and I are

both very much part of this country. I have great assurances that the need to engage ethnocultural communities will be a cornerstone of this policy. The challenge will be to ensure that these initiatives will genuinely invest in the understanding of the community.

Honourable senators, we can only achieve the Canada we envision tomorrow if we invest in the people today.

Honourable senators, we must remain vigilant and ensure that the assurances that we have been given do not fall by the wayside. The work that we have begun has been long and hard, and it is far from over. We will have a key role to play over the coming months in the establishment of the cross-cultural round tables. We also have a responsibility to ensure that the procedures put in place for the sharing of information strike the appropriate balance between security and civil liberties.

We must not forget that the review of the Anti-terrorism Act will soon be coming up. This represents a chance for us to examine the entire anti-terrorism strategy and assess how it has worked, how it can be improved and whether we went too far. Did we strike the appropriate balance between security and civil liberties?

When Senator Nolin moved the amendment for review provisions in Bill C-7, he raised a number of key questions that need to be part of the review. I agree with him that we need to keep examining Canada's anti-terrorism strategy, but I believe that we will have this opportunity as part of the review of the Anti-terrorism Act. That act does not exist in a vacuum. In order to completely examine it and the practical effects it has, we will have to look at Bill C-36, Bill C-44 and Bill C-7 simultaneously.

Honourable senators, today, we have a real opportunity to capitalize on the progress that has been made as reflected in the national security policy. Therein lies an unprecedented opportunity for change and for us to create the Canada we have always dreamed of.

Let us rise to this challenge and fight this war on terrorism the best way we know how and in a manner that truly reflects the fabric of our community. Terrorists should be prosecuted as the criminals they are, with due process and legal transparency. Everyone else must be treated as equal citizens of this great country of ours.

The debate that has unfolded in this chamber has convinced me that members of this place are truly concerned about the welfare of Canada's ethnocultural minorities and are committed to ensuring that their rights are respected as we proceed with the important task of ensuring security. Senator Murray's passionate plea for greater oversight and input into these policies, in which he took up and expanded on some of the points that I had attempted to make in my own speech at second reading, is a prime example of this commitment, and I thank him for his words.

Honourable senators, thank you again for the genuine support you have shown for the concerns I expressed at second reading of this bill. I know that communities across Canada will be able to count on all of us to remain committed to helping them achieve the balance we all desire.

Hon. A. Raynell Andreychuk: Honourable senators, I have a few short remarks. However, I wonder if I could ask Senator Jaffer whether these commitments were given to her in some written form that I could share with the constituencies that have contacted me. I have nothing in writing before me.

Senator Jaffer: Senator Andreychuk raises valid concerns. I will attempt to get those in writing.

The Hon. the Speaker: Senator Jaffer is out of time. Do you wish additional time, Senator Jaffer?

Senator Jaffer: I would ask leave to continue.

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

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I recall Senator Jaffer expressing, during second reading, her anxieties and the personal experiences she and her family have had. Now she tells us that she has received assurances that lead her to believe that such excesses will not be repeated. However, I am troubled by the fact that those assurances, she tells us, are verbal. Verbal assurances are not a commitment.

Would the honourable senator tell us who made those assurances? If she has them in writing, would she share them with others who may not be subjected to the same harassment that members of her community and others might be but who also want to feel that all Canadians are treated the same? If we had that kind of commitment in writing on behalf of the Government of Canada, we would all feel a sense of relief.

• (1630)

Senator Jaffer: I thank Senator Lynch-Staunton for raising that question. He referred to the second reading speech in which I expressed my concerns. When Bill C-36 was passed, Senator Fairbairn expressed in this chamber that an advisory committee of ethnocultural people was to be established and that it was not. I had great concerns in this regard.

Once you are made a fool, the person who makes you a fool is a fool; the second time, you are the fool. I understand what the honourable senator has said, but this time, this subject is within our national policy. One of the keystones is the cross-cultural round table, so I have great faith that this time it will be established.

Hon. Anne C. Cools: Honourable senators, I was listening with care to Senator Jaffer when she spoke to the question, but her concern was mostly about Mohammed, I believe. Her concern

was that at every contact with security, this individual was searched. I know that these experiences happen, and they are very upsetting and humiliating.

I wonder if Senator Jaffer could give us some insight into two matters. First, what is the cure for that? I see this happen all the time. People look a certain way. I now hear expressions such as, "He or she looks Middle Eastern," or "He or she looks Arabic." I have even heard recently, "He or she looks Muslim." Senator Jaffer has done a lot of work in this area. How can we cure that? She knows exactly what she is talking about.

Second, with the advent of the new security service and the expansion in the number of security people at the airport, I observed that a great number of visible minority people are themselves security personnel. In her research, has Senator Jaffer obtained an idea of the number or percentage of security personnel who are visible minorities?

Third, were the security people who searched her friend or associate visible minorities themselves?

Senator Jaffer: Honourable senators, Senator Cools asked me how we get over the challenges we have been facing since September 11 and others that Senator Oliver has spoken of so eloquently in the chamber. The way to do that is to have dialogue. I place much of my trust in the cross-cultural round table because I believe that when people understand the challenges that other Canadians face, there will be education.

I have been involved in the training of judges and members of the RCMP, and I believe that each time we have conducted the training, they leave with a better understanding of the different communities that live within their midst. Dialogue is important.

I also believe that if we in Canada cannot achieve that dialogue, no other country will because we are a very inclusive society. I have absolute trust that until the first responders reflect the society in which we live, cross-cultural round tables will be a way to hear from the various communities. People who are affected by these laws must have a say in the policy.

As for the security officials, they were mixed. It could be both. On one occasion I asked security officials why they stop travellers of a certain ethnicity, and I was told that they were asked to look out for people who look like Mohammed.

That is my challenge, honourable senators, and that is why I feel we have our work cut out for us to ensure that there is training. Just as the RCMP trains its members to identify criminal acts, we must do the same kind of training so they look beyond the fact that the person is brown. A brown person is not a terrorist. There has to be something in addition to being brown that makes security officials feel that these people are terrorists.

Senator Andreychuk: Honourable senators, I will rise again on a few points with respect to the amendments that have been proposed today. When Mr. John Read, Director General, Transport of Dangerous Goods, Transport Canada, testified, he indicated the following:

[Senator Jaffer]

With respect to safety, when everyone wants things to work correctly, you can maintain a high level of safety by random inspections and by audits. With respect to security, when at least one person wants something to fail spectacularly, you have to inspect everything to avoid that failure.

Honourable senators, on the face of it, that seems to be a reasoned response to a terrorist attack. However, when one realizes how broad in scope the term “security” is in Bill C-7, it goes beyond that which is contemplated to be terrorist acts and into all issues of security, whether they be caused by nature on a day-to-day basis, or incidental consequences, or horrific acts.

To presume that in the interests of security we could avoid failure in all cases by simply inspecting everyone and everything is not the policy direction I would advocate. It certainly contemplates a continuing surveillance of all citizens at all times, even when they are out of the country. It has already been noted that certain segments of our society will be targeted more than others.

As the Canadian Bar Association pointed out when Mr. Potter testified, allowing the police to maintain and hold records for seven days, to sift through them and to share this information with others does not correlate with violence on the flights. After all, as he said, the flights would be over.

As he pointed out, in the wake of the horrific events in Madrid, it is worth noting why Bill C-7 applies only to flights in Canada. To be consistent, if that kind of statute is needed, should it not apply as well to trains, including commuter trains, buses, limousines, rental cars and hotels? As Mr. Potter stated:

Perhaps we would be safer if the police had all that information, too. Forced compilation of airline passenger lists is no different, in principle, from forcing the compilation of lists of hotel guests or commuter train passengers, or from stopping buses on the highway just to see who is on board and what names crop up.

Implementing such measures, of course, would quickly transform Canada into a police state. We do indeed believe, senator, that we are on the lip of a slippery slope, and our position is that before taking that step forward down it, Canada should take a step backward and assess what has already happened and what is necessary in the future.

Further, if Part 11 of the bill, which would amend the Immigration and Refugee Protection Act and its regulations, gives power to the government to disclose information for the purpose of “national security” and the “defence of Canada,” one would be supportive. However, the government has inserted the phrase “the conduct of international affairs” and no definition is given. Anyone who has worked in foreign policy will say that the term means exactly what the drafters intended it to mean —

nothing more, nothing less. Therefore, while at first blush it looks like information about immigration and refugees would be shared internationally, which in itself is rather intrusive, one can see much information being shared abroad that would in the end not be held just for purposes of immigration and refugees, but for a whole host of other issues in other countries.

• (1640)

In fact, other countries could request information about Canadians in their travel under the guise of immigration and refugees and there would be nothing to prohibit that interpretation. Therefore, until such time as the government comes forward with assurances of how these protocols would work, with whom the information would be shared and with what countries, there is no assurance for anyone working abroad, travelling abroad or immigrating to Canada. There is no assurance that their records would not be used for a whole host of other reasons, including those to do with commercial competitiveness or old political scores.

When one realizes that the amendments would allow for the disclosure of information for the purposes of national security and the defence of Canada, what more could there be with respect to terrorism beyond these phrases? Why have this vague notion of international affairs?

In fact, assurances given by the Canadian government are just that, assurances for the Canadian government. They are not binding on other countries that will have access to this information and which our government will be allowed to disclose, even though much of the bill refers to activity in Canada.

Citizens should wonder whether the policy disclosed last week by Minister McLellan is the correct policy, as it assembles a massive bureaucracy, and this is added to wide-sweeping legislation such as Bill C-7. It will only serve to have all public servants veering in every direction, thereby reducing the concentration on identifying appropriate intelligence-gathering capabilities and strategies to target terrorists. If one wishes to see the fallacy of this policy, one need only read Susan Riley's column in the *Ottawa Citizen* of April 28, 2004, which was headlined, “Beating Terrorism and Disasters with Bureaucracy.” Tongue in cheek, she wrote:

Terrorists are certainly going to think twice in the face of this intimidating display of bureaucratic and political might. One of these days, the government will get around to remedying some of the trifling oversights revealed in Auditor General Sheila Fraser's recent report — the gaping holes in those pesky terrorist watch lists, airport cargo handlers with criminal records, security agency computers that don't talk to other agency computers and so on. CSIS and the RCMP may eventually get around to hiring more Arabic-speaking agents, too, which might help the intelligence-gathering effort.

She goes on to quote the government report where it stated, “The world is a dangerous place.” However, as Susan Riley points out:

The limitation is this: In a country with a vast, open border and a tradition of welcoming newcomers, there is only so much protection we can afford or tolerate. Our best defence against terrorism is enhanced intelligence, (including agents with intimate knowledge of other cultures) and enlightened foreign policy.

If the government is so bent on moving in this political direction, it should at least work within acceptable government functioning, and I believe the amendments proposed today speak to this. A myriad of legislation, a myriad of consultation, and time to assess all this is what we really need. Our safety and security should be assured not through consultations, but through the rule of law. We should be isolating terrorists and not isolating our country and our citizens. Ministerial undertakings and consultations are no guarantee that we will have the kind of protection that we want against terrorists; nor will we have the kinds of protections that the law can give us. Surely democracy is the way to go, not undertakings by our leaders.

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

Some Hon. Senators: Question!

The Hon. the Speaker: I will put the question. We have a series of amendments. I am not sure I have the third amendment.

Senator Kinsella: Honourable senators, I believe it is the house order that all those votes are to be put off until 5:30 p.m., so we can move to the next item of Government Business.

The Hon. the Speaker: That is true, but the house order also requires me to put the question. I must put them in reverse order, so I will read the last amendment.

I will proceed with the question by asking for the wishes of honourable senators with respect to the amendment moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that Bill C-7 be not now read the third time but that it be amended —

Some Hon. Senators: Dispense.

The Hon. the Speaker: All those honourable senators in favour of the motion in amendment will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators opposed to the motion in amendment will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: We will proceed to take the votes at 5:30 p.m., and the bells will ring at 5 p.m. As has been mentioned, we will proceed with business now, until 5 p.m.

Debate suspended.

PATENT ACT FOOD AND DRUGS 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-9, to amend the Patent Act and the Food and Drugs Act.

Bill read first time.

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

AMENDMENTS AND CORRECTIONS BILL, 2003

THIRD READING—DEBATE SUSPENDED

Hon. Serge Joyal moved third reading of Bill C-17, to amend certain Acts.

He said: Honourable senators, as one would say in French, “les sujets se suivent mais ne se ressemblent pas.” After the very serious debate that we have had on Bill C-7 this afternoon, I feel a bit out of sync by moving Bill C-17, which is a miscellaneous bill that deals with matters that are more of a housekeeping or maintenance nature than serious principles related to the Charter, human rights and security that we have heard about this afternoon.

I am a stand-in for the Honourable Senator Bryden, who was the sponsor of this bill at second reading, but I have had the privilege, with my colleagues on the Standing Senate Committee on Legal and Constitutional Affairs, to study this bill and hear the witnesses, and I now feel at ease to promote its third reading this afternoon in our chamber.

[Translation]

One of the provisions in the bill is intended simply to adjust the French translation of a section in the Canada Customs and Revenue Agency Act by substituting “commissaire délégué” for “commissaire adjoint.” This is merely a matter of semantics to ensure that both versions are compatible.

• (1650)

[English]

For example, in the Customs Act and in the Financial Administration Act, there is a better definition of “officer-director” versus “director.” Essentially, there is a semantic clarification in those acts. Another amendment deals with the Importation of Intoxicating Liquors Act, to ensure that the annex or schedule of the Customs Act is reflected clearly in the implementation of the Importation of Intoxicating Liquors Act. There is also the amendment to the National Round Table on the

Environment and the Economy Act that deals with the concept of “executive director” versus “president.” That, again, is another semantic clarification.

Hence, there is a set of provisions in the bill that is merely, as I said in my opening remarks, more in the nature of housekeeping and maintenance rather than of uplifting principles.

A large segment of the bill deals with the status of the Lieutenant-Governor in relation to those who find themselves disabled during their terms of office and their resultant capacity to continue to contribute to their pensions while they are disabled. Once they have reached pensionable age, or the pension terms of office, which is usually a five-year term plus a one-year extension, they would be in a position to draw their pension and, of course, it would afford spouses the same kind of protection when the circumstances warrant.

That segment of the bill is quite long. Witnesses from Treasury Board and the Privy Council testified at length in committee. Senator Andreychuk, in particular, participated in those discussions because the objective to implement those changes dealt with many acts, such as the Superannuation Act, the Salaries Act and the Supplementary Retirement Benefits Act, to give effect to those changes.

Another aspect of the bill that is of particular interest to me — and I am happy to have this opportunity to discuss it this afternoon and share my concerns with you — is an amendment to the Parliament of Canada Act. The objective of the amendment is to extend retroactivity to chairs and deputy chairs of special committees to draw the supplementary salaries that this Parliament has voted and made effective for January 2001.

I must inform the house that Honourable Senator Nolin, who is a member of the Standing Senate Committee on Legal and Constitutional Affairs Committee, withdrew from the meetings during our study of those sections to avoid any apparent conflict of interest or perceived doubt about his interest, because this provision would apply to him. Honourable senators will recall that Senator Nolin was a very able chairman of the Special Senate Committee on Illegal Drugs in respect of proposed legislation on marijuana. This portion of the bill will cover the chair and deputy chairs of special committees of the Senate retroactively to January 2001.

Honourable senators, I must express my concern about the payment of chairs and deputy chairs of committees. I have voiced my opposition to this in this chamber before. I am opposed to Parliament paying chairs and deputy chairs of committees a salary in addition to the salary paid from the public purse. I express my concern because I think that might impinge upon the independence of honourable senators. It is my contention that all members of a standing committee or a special committee work as hard as any other member and so we should recognize the work of individual senators on the same basis.

This is not the proper forum to settle debate or to open a broader debate on this. However, I deemed it appropriate to the principles that I hold to express my concerns.

Bill C-17 contains provisions to make legal corrections to the increase of consular fees that were posted for consultation in 1997, implemented in publication in the *Canada Gazette* but never adopted by Order-in-Council. It was realized in January 2003 that the Governor-in-Council adopted that schedule of consular fees. However, it needs to be corrected legally, to ensure that no doubt exists in respect of the treasury cash for each year in the amount of about \$1 million for consular fees. The fees have nothing to do with the expenses incurred by our consular representatives abroad when they deal with Canadians who find themselves afoul of the law in foreign countries. Rather, the fees are essentially for the administrative work, including certifying documents, administering oaths and other such administrative work.

Honourable senators, Bill C-17 does not raise any issues related to the Charter, to human rights or to important principles; it is essentially a housekeeping bill. The work of the Standing Senate Committee on Legal and Constitutional Affairs included examination of each clause. Therefore, the committee feels comfortable in asking for your concurrence of Bill C-17 at third reading today.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I ask you to bear with me as I object again to the title of this bill, which is simply “An Act to amend certain Acts.” It was presented to us as an innocuous cleaning up and for minor corrections. It turns out, from what Senator Joyal has told us, that it contains important changes to the Lieutenant Governors Superannuation Act and others that are not inconsiderable. I want to object to the government, on the pretence of “tidying up,” presenting significant changes to six to 10 acts in one bill. That is not the way to proceed, although it may be more efficient and expeditious. It is wrong to expect the Senate to sort through so many acts in one bill to understand the rationale behind all the changes.

The same occurred with Bill C-7, which we just debated, which contains amendments to some 22 acts. The argument there is that we must move fast because of a certain climate we have been in for over two years, but that is no excuse. We should receive bills that are specific in their intent, limited to one subject matter, and not in the form of this one — a mistitled bouillabaisse. I am certain most honourable senators still do not know all that it contains.

With that said, honourable senators, I will certainly not object to third reading.

Some Hon. Senators: Question!

Hon. Anne C. Cools: Honourable senators, I wish to ask a question of Senator Joyal, who may have some insight. I, too, objected to the phenomenon of paying chairs and deputy chairs of committees. Senator Joyal and I had adopted similar positions on this. In the study of this bill, was Senator Joyal able to glean any insights as to why this additional amendment has been brought

forward and why the first initiative was ever brought about? It has never been clear to me why chairs and deputy chairs should be paid. It creates a degree of difference between the indemnities of members. In addition, it is a kind of oddity because chairs of committees have the support of research staff and of the committee clerk. They receive support and a salary, making the situation remarkably unequal and unfair.

Was Senator Joyal able to determine why these initiatives are coming before the house? I have not heard of any movement among members of Parliament calling for chairs and deputy chairs to be remunerated in a special and additional way.

Debate suspended.

The Hon. the Speaker: Honourable senators, it being five o'clock, pursuant to the order adopted by the Senate on Thursday, April 29, 2004, it is my duty to advise that the bells are to ring for 30 minutes, commencing now, for a vote to be taken at 5:30 p.m. to dispose of all matters with respect to Bill C-7.

Call in the senators.

• (1730)

PUBLIC SAFETY BILL 2002

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Léger, for the third reading of 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.—(*Pursuant to the Order adopted on April 29, 2004, all questions will be put to dispose of third reading of this Bill at 5:00 p.m.*)

The Hon. the Speaker: Honourable senators, the question is on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that Bill C-7 be not now read a third time, but that it be amended,

(a) in clause 5 —

An Hon. Senator: Dispense.

The Hon. the Speaker: Shall I dispense?

Hon. Senators: Agreed.

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Atkins
Forrestall
Johnson

Murray
Nolin
Oliver
Plamondon
Prud'homme

Kelleher
Kinsella
LeBreton
Lynch-Staunton

Spivak
St. Germain
Stratton
Tkachuk—18

NAYS THE HONOURABLE SENATORS

Austin
Bacon
Banks
Biron
Callbeck
Carstairs
Chaput
Christensen
Cook
Cools
Corbin
Cordy
Day
Downe
Finnerty
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Grafstein
Graham
Harb
Jaffer
Kirby

Kroft
LaPierre
Lawson
Léger
Losier-Cool
Maheu
Massicotte
Mercer
Merchant
Milne
Moore
Morin
Munson
Pearson
Phalen
Poulin
Ringuette
Robichaud
Rompkey
Sibbeston
Smith
Stollery
Trenholme Counsell
Watt—49

ABSTENTIONS THE HONOURABLE SENATORS

Hervieux-Payette
Lapointe

Lavigne—3

The Hon. The Speaker: The question is now on the motion in amendment of the Honourable Senator LeBreton, seconded by the Honourable Senator Stratton, that Bill C-7 be not now read a third time, but that it be amended,

(a) in clause 11, on page 21 —

An Hon. Senator: Dispense.

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Atkins
Forrestall
Johnson
Kelleher
Kinsella
LeBreton
Lynch-Staunton

Murray
Nolin
Oliver
Plamondon
Prud'homme
Spivak
St. Germain
Stratton
Tkachuk—18

NAYS
THE HONOURABLE SENATORS

Austin	Kroft
Bacon	LaPierre
Banks	Lawson
Biron	Léger
Callbeck	Losier-Cool
Carstairs	Maheu
Chaput	Massicotte
Christensen	Mercer
Cook	Merchant
Cools	Milne
Corbin	Moore
Cordy	Morin
Day	Munson
Downe	Pearson
Finnerty	Phalen
Fitzpatrick	Poulin
Fraser	Ringuette
Furey	Robichaud
Gauthier	Rompkey
Gill	Sibbeston
Grafstein	Smith
Graham	Stollery
Harb	Trenholme Counsell
Jaffer	Watt—49
Kirby	

ABSTENTIONS
THE HONOURABLE SENATORS

Hervieux-Payette	Lavigne—3
Lapointe	

• (1740)

The Hon. the Speaker: Honourable senators, the question is now on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton:

That Bill C-7 be not now read a third time but that it be amended,

(a) in clause 2, on page 2 —

Shall I dispense?

Hon. Senators: Agreed.

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Murray
Angus	Nolin
Atkins	Oliver
Forrestall	Plamondon
Johnson	Prud'homme
Kelleher	Spivak

Kinsella
LeBreton
Lynch-Staunton

St. Germain
Stratton
Tkachuk—18

NAYS
THE HONOURABLE SENATORS

Austin	Kroft
Bacon	LaPierre
Banks	Lawson
Biron	Léger
Callbeck	Losier-Cool
Carstairs	Maheu
Chaput	Massicotte
Christensen	Mercer
Cook	Merchant
Corbin	Milne
Cordy	Moore
Day	Morin
Downe	Munson
Finnerty	Pearson
Fitzpatrick	Phalen
Fraser	Poulin
Furey	Ringuette
Gauthier	Robichaud
Gill	Rompkey
Grafstein	Sibbeston
Graham	Smith
Harb	Stollery
Jaffer	Trenholme Counsell
Kirby	Watt—48

ABSTENTIONS
THE HONOURABLE SENATORS

Cools	Lapointe
Hervieux-Payette	Lavigne—4

The Hon. the Speaker: We are now on the main motion, honourable senators.

All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “yeas” have it.

Some Hon. Senators: On division!

The Hon. the Speaker: I see one honourable senator rising but we need two for a division.

Accordingly, the bill passes, on division.

Motion agreed to and bill read third time and passed, on division.

AMENDMENTS AND CORRECTIONS BILL, 2003

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, seconded by the Honourable Senator Carstairs, for the third reading of Bill C-17, to amend certain Acts.

The Hon. the Speaker: Honourable senators, Senator Joyal is not in the chamber. We are on Bill C-17.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, Senator Joyal had moved the motion; it had been debated. I understand that debate had finished and I think His Honour could call the question now.

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

Hon. Senators: Question!

The Hon. the Speaker: I will put the question.

It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Carstairs, that this bill be read the third time now.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Senator Lynch-Staunton: On division.

Senator Cools: On division.

Motion agreed to and bill read third time and passed, on division.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Yves Morin moved third reading of Bill C-24, to amend the Parliament of Canada Act.

He said: Honourable senators, I would like to respond this afternoon to issues that have been raised in response to Bill C-24, both in committee and in the media.

[The Hon. the Speaker]

First, and perhaps most important, this is a compassionate bill. While our public health care system ensures that no one goes without health care when they need it, our system does not uniformly include coverage for prescription drugs. The situation differs from province to province. That was one of the main issues raised by our committee following its study of the Canadian health care delivery system.

Most working Canadians have private insurance plans that provide drug coverage for them and their families while they work and immediately after they retire. Other Canadians, in the Atlantic provinces, for instance, must bear the cost of the life-saving drugs they need themselves. Increasingly, many of these drugs are priced out of the range of average Canadians. In one specific case, for instance, the cost of a disease-modifying drug is more than \$25,000 a year.

Members of Parliament who retire before the age of 55 — and let us remember that this is not a position known for its job security — are among those who must bear such costs themselves. Since the rules for parliamentary pensions were changed in 1995, members of Parliament are no longer eligible for pensions immediately upon retirement, but must wait until they reach the age of 55.

• (1750)

That means there is a period during which they can neither pay premiums nor have drug plan coverage. That can be a serious situation for those without a provincial pharmacare plan or without independent means.

Minister Jacques Saada stated before the committee that there was a serious flaw in the system and that the way to address it is the proposed bill. In fact, Madam Ginette Bougie from the Privy Council Office told us that there is no other way to amend the Parliament of Canada Act in a timely manner. Since the passage of Bill C-28 in June 2001, there is no longer a commission that reviews parliamentarians' salaries and other benefits after each election.

[Translation]

Some comments also addressed the process by which this bill went through the House of Commons. Indeed, it was unanimously adopted without any real debate and without being referred to a committee.

I realize that this is quite unusual, but there are precedents for this type of bill, which has to do with compensation for members of Parliament; Bill C-28, for example, to which I alluded earlier.

In conclusion, I want to add that since I have been in the Senate, I have always been impressed by the motivation and dedication of members of the House of Commons. They have long workdays and often work on the weekends travelling throughout their ridings, often long distances. When they leave their positions as MPs, their futures are often uncertain. It is essential that we be able to continue to attract high-calibre people, who are willing to serve their country in such a demanding position.

That is why, honourable senators, I am pleased to do everything in my power to improve their working conditions, and that is why I am happy to sponsor this excellent bill.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator answer a couple of questions for clarification?

Senator Morin: Certainly.

Senator Kinsella: Honourable senators, we all know that, when the Standing Senate Committee on Social Affairs, Science and Technology reported this bill, it did so without amendments. However, it did have observations. In those observations, the committee has raised for us a number of questions. It is those questions on which I should like to have some feedback from Senator Morin.

First, I will quote from the observations in the committee's report:

...the Committee does have concerns about the process followed; in particular, the use of legislation that amends legislation of general application and impacts a broad policy area, with little debate or public input, when other means may have been available to address an individual situation.

My question to Senator Morin is, first, in his opinion, was there sufficient examination and debate on this bill in both Houses of Parliament? Second, what are the other means that might have been available to address the case of an individual member of the House of Commons to which I believe this report is referring?

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

The process is, in itself, a bit unusual. As I stated earlier, the bill was introduced in Parliament and voted on the same afternoon without being referred to committee. That being said, it was discussed among the three parties and it was unanimously passed.

As I said also, there are a number of precedents for the quick passage of bills of this type in both Houses without discussion and without referral.

Senator Lynch-Staunton: The less known the better.

Senator Morin: I should like to refer, for example, to Bill C-28, which had its first reading in the Senate on June 11, 2001; second reading on June 12, 2001; and third reading on June 13, 2001, without much debate or referral to committee. There are, of course, other precedents for that.

That being said, it would have been preferable to have had a referral to committee and debate in the other place. There were comments in the press on that issue.

The Senate held several hearings on the bill in our committee. We could have studied the bill at great length.

As to the possibility of using other means, Madam Ginette Bougie from the Privy Council Office is responsible for the insurance plans for both civil service employees and parliamentarians. She stated that there is no other way to amend the Parliament of Canada Act in a timely manner.

There used to be a commission that sat after each election and reviewed parliamentarians' salaries and benefits and, after its study, made recommendations. As you know, since Bill C-28, in June 2001, that commission no longer exists. It is not possible for either the Treasury Board or the Privy Council Office to unilaterally change the terms of the benefits of parliamentarians. Parliamentarians themselves must make changes through legislation.

In the private sector, as was stated repeatedly, this issue would have been settled easily as only one case required this legislation. I might say that it is a flaw that might also apply to other parliamentarians. Of course, it was triggered by one case, but it will, from now on, apply to all parliamentarians.

Senator Kinsella: In the observations of our committee, notwithstanding what the official from the Privy Council Office said, our committee is telling us a better approach may have been to amend the Members of Parliament Retirement Allowances Act, to permit former parliamentarians to take a reduced pension prior to age 55 and receive plan coverage, making the system and choices more comparable to those available to former civil servants.

Perhaps Senator Morin would explain why he thinks that course of action was not taken. I compliment all members of the standing committee who examined this bill. The general media in Canada noticed and said, "Bravo," to the Senate for taking a more careful look at this bill.

Another observation caught my attention in the committee's observations regarding the long-term ramifications of the bill. The committee is telling us that they are not sure of the long-term ramifications. Witnesses suggested it could be a precedent that would affect future public servants in collective bargaining. The extension of these benefits to parliamentarians could result in nearly half a million federal employees requesting similar pre-pension health and dental benefits. That seemed to be a serious concern for our colleagues on the committee. Perhaps Senator Morin might reflect on that.

Senator Morin: This bill does not apply to the civil service. A civil servant who applies for benefits must be in retirement of the civil service. I think there was a misconception by the Canadian Taxpayers Federation. If a parliamentarian leaves the civil service at age 50, he will not be retired. Therefore, he cannot receive benefits. For a civil servant to receive these benefits, the civil servant must be officially retired and receiving a pension. If a civil servant leaves the civil service at 50, he can no longer apply for retirement benefits if he takes on another job.

• (1800)

The process is completely different between the civil servant and the parliamentarian. What is unusual about parliamentarians, and this does not apply to any other working Canadian, for that matter, is that there is a window between the cessation of work and retirement. During this window, the parliamentarian cannot pay premiums for the benefits, and this can be extremely serious. Another example is that a parliamentarian may be unable to work and be totally handicapped and profit from disability insurance while he is sitting in Parliament. If he does not run in the next election, he is no longer entitled to disability insurance and may be in a very difficult situation.

The Hon. the Speaker: I am sorry to interrupt, Senator Morin, but it is six o'clock.

Is it your wish, honourable senators, not to see the clock?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, once we have disposed of the debate one way or the other on this particular item, I will be asking that we stand all other items on the Order Paper in their place until the next sitting of the Senate.

Hon. John Lynch-Staunton (Leader of the Opposition): I will be adjourning the debate, but before that, I want to —

The Hon. the Speaker: I am sorry, Senator Lynch-Staunton, but it is getting past six o'clock. I do not know that we cannot see the clock conditionally.

Senator Rompkey: Can we agree not to see the clock for 15 minutes?

The Hon. the Speaker: Perhaps we can. Is it agreed that we not see the clock for 15 minutes?

Senator Rompkey: There is agreement not to see the clock for 15 minutes.

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

Hon. Senators: Agreed.

Senator Lynch-Staunton: I want to comment on what Senator Morin said, because he underlines the problem that this bill will cause. The government's argument has been that parliamentarians will get the same advantages that civil servants do. That is true in terms of age, but a civil servant must be receiving a pension before being entitled to be eligible for the benefits program, whereas under this bill a parliamentarian need not be receiving a pension.

We were told by the Public Service Alliance of Canada that if the government wants to put parliamentarians on the same basis as civil servants, then civil servants should be on the same basis as parliamentarians. We may well see this bill leading to a hardening of negotiations. It goes beyond one person. It is setting a level of benefits that is available only to parliamentarians based on one case. That is the wrong way to go.

Senator Morin was quite right when he said that we have done this before. I can remember two cases, the one he mentioned and one before that, and I did not feel comfortable at the time. I intervened on this one because I think we should stop and think carefully about what we are doing here. Without taking away from the feelings that we have regarding the one person whose difficulties initiated this legislation, it will cause, I am afraid, a problem that was not intended.

I think we should reflect for a few more days, before hastening to approve this, leaving aside the one case that prompted it, because elements in this bill may come back to haunt us, particularly in negotiations with the union, which is following the course of this legislation very carefully. That is not to say that they are not entitled to the same benefits as parliamentarians. As a matter of fact, I do not know why parliamentarians should be entitled to better benefits than anyone else.

The problem is that when there are isolated cases, unlike in private industry where the carrier of the insurance and the employer can find something in the agreement which can accommodate the exception, in the case of Parliament, we are locked into the legislation. Therefore, there cannot be the same flexibility. The flexibility found in private enterprise is not found here. There must be a way to write into the law an element of flexibility so that these cases can be avoided in the future.

On motion of Senator Lynch-Staunton, debate adjourned.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I assume there is agreement to stand all other items on the Order Paper until the next sitting of the Senate.

The Hon. the Speaker: Is it agreed, honourable senators, that all remaining matters on the Order Paper and Notice Paper stand in their place until the next sitting and that we proceed to the adjournment motion?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, May 5, 2004, at 1:30 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

(May 4, 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

(May 4, 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

(May 4, 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
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~~ ~~Rivest~~

Honourable Senators:

* Austin,	Gauthier,
(or Rompkey)	Keon,
Chaput,	Lapointe,
Comeau,	

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,	Morin,
(or Rompkey)	Fairbairn,	Léger,	Robertson,
Callbeck,	Keon,	* Lynch-Staunton,	Roche,
Cook,	Kirby,	(or Kinsella)	Rossiter.

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:**

Adams,	Eyton,	Johnson,	Merchant,
* Austin,	Fraser,	LaPierre,	Phalen,
(or Rompkey)	Graham,	* Lynch-Staunton,	Spivak.
Corbin,	Gustafson,	(or Kinsella)	
Day,			

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.*

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