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**Wednesday, December 1, 2004**



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

Wednesday, December 1, 2004

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

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

THE LATE PIERRE BERTON, C.C.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, pursuant to rule 22(16), I ask for agreement that up to 10 minutes be allowed now for the purpose of paying tribute to Pierre Berton, whose death occurred yesterday.

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

**Hon. Senators:** Agreed.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it was with great regret that Canadians learned yesterday of the death of Pierre Berton at age 84.

Through his writings, he put a mirror to the face of Canada and showed us our past successes and our future possibilities. Pierre Berton knew so much about us because he had experienced the frontiers of our Far North and the sophistication of our urban centres.

Born in Yukon, he was educated for a time at the University of British Columbia, where he began to learn the art of writing at *The Ubyssy*, the campus student newspaper. Over the course of his career, he authored 50 books; he was a long-time newspaper columnist and broadcaster; and he served as editor of *Macleans* magazine.

Pierre Berton was a member of the Order of Ontario. He became an Officer of the Order of Canada in 1974 and was subsequently promoted to Companion of the Order of Canada in 1986.

Pierre Berton's death signals the passing of a Canadian institution, but anyone familiar with his career knew that he preferred to see himself as an iconoclast. Mr. Berton received many awards — some of them several times — that honour his many accomplishments: Governor General awards, Nelly awards for broadcasting, national newspaper awards, the Stephen Leacock Medal for Humour and the National History Society's first award for distinguished achievement in popularizing Canadian history.

Mr. Berton was a member of the Newsman's Hall of Fame and was awarded 14 honorary degrees, but I believe he retained a modest perspective on his contribution to our country.

Pierre Berton was greatly appreciated by his fellow Canadians because of his deep personal attachment and dedication to Canada. When he was recently voted as one of our great Canadians, he remarked that he did not deserve that recognition, as he saw himself as a mere chronicler of the people who made our country. Pierre Berton characteristically overlooked how he deserved a place amongst the best of Canadians, for he understood us and our special place in the world, as few have. He understood very well the powerful pull of our neighbour to the south and the pull of countries, particularly our founding countries, across the ocean. He saw us examining our relationship with those countries. His writings upheld and strengthened our national identity to an extraordinary extent.

I know very well Pierre Berton's close association with Pierre Trudeau. Both men had an irrepressible optimism about this nation. Pierre Berton became a household name because we saw in him everything we hoped to be — compassionate, funny, insightful, righteous and sometimes rebellious.

Canadians will be forever grateful to Pierre Berton for showing us our accomplishments and our potential. He was one of our greatest cheerleaders.

We thank his wife, Janet, and his many children and grandchildren for sharing him with Canada.

**Hon. Pat Carney:** Honourable senators, I also wish to pay tribute to Canadian author Pierre Berton who died yesterday at the age of 84, and who gave Canadians a great legacy: Our sense of Canada's history.

Born in Whitehorse, Yukon, Pierre produced some 50 books in 50 years, recreating for his readers some of Canada's most exciting events and achievements, from the gold fields of *Klondike*, his history of the Gold Rush, to *The National Dream* and *The Last Spike*, the building of Canada's national railway which opened the Canadian West and united a country.

Although, as Senator Austin said, Pierre Berton won three Governor General awards, was presented with 14 honorary degrees and was named a Companion of the Order of Canada, most Canadians will remember Pierre as our great national storyteller who made Canadian history come alive. He once famously described a Canadian as "someone who can make love in a canoe"; no doubt, he succeeded.

Allan Fotheringham, who was a fellow panellist with Pierre Berton on the CBC television program *Front Page Challenge*, said many academics resented him because Pierre made Canadian history readable.

A journalist, an army officer, a commentator and a broadcaster, Pierre was a pioneer in every field he entered. At UBC, my old alma mater, he graduated in arts while he majored in skipping classes to work on the student paper *The Ubyyssey*. He was the hotshot young reporter of the Vancouver *News Herald* before barnstorming the Toronto publishing world.

He donated his unpretentious family home in Dawson City, Yukon, to writers in residence. He was a great Canadian nationalist and defender of the North.

My favourite story of Berton was how, as a young reporter, he went to Paris to interview that other Yukon Canadian icon, Robert Service, who gave us *The Cremation of Sam McGee* and other Canadian classics. He asked Robert Service, "Don't you miss the Yukon?" Robert Service said, "I never gave it another thought."

He was a founder of the Writers' Trust and other agencies that help writers, whom he unfailingly assisted.

When I met him again in recent years at a Writers' Union event, I was struck by the fact that, though his big body was frail, his intellect was as vigorous as ever.

He will be greatly missed and, on behalf of honourable senators, I extend our thanks and condolences to his wife, Janet, and family.

**Hon. Ione Christensen:** Honourable senators, I, too, wish to speak to the memory of Pierre Berton. Canada has lost a passionate and readable historian.

While Pierre Berton lived most of his life in the southern part of Canada, he had strong roots and a love of the North, in particular, the Yukon.

Our life paths crossed in a number of ways. Pierre's father came north during the Klondike Gold Rush. When the rush was over, he worked for the government as a mining recorder. His mother came to Dawson City as a teacher just after the Gold Rush and she was my mother's kindergarten teacher. When she married Pierre's father, they moved to Whitehorse, where Pierre was born. The family then moved back to Dawson City in the 1920s and they lived across the street from my grandparents. My grandmother and Ms. Berton were close friends.

The Berton family left Dawson City when Pierre was 12 but, during his university years, he came back for the summers to work in the mining camps.

His first work as a journalist was with *The Vancouver Sun*. At 21 years of age, he was the youngest editor of a Canadian daily. It was in Vancouver that he married his wife, Janet, who, at the time, was the editor of the opposition paper, *The Province*.

In 1979, when I resigned as Commissioner of the Yukon, I was invited to be a guest on *Front Page Challenge*. It did not take Pierre long to nail down that story.

• (1340)

In 1985, Parks Canada was celebrating its one-hundredth anniversary and Pierre and his family were invited to do a boat trip from Whitehorse to Dawson. My father, who was then 85 years old, and I were invited to be the river guides for the trip. As a member of the RCMP, my father had used the Yukon River as his patrol highway for many years and that same trip had been made by Pierre's father in 1898.

It was a 10-day trip, and all of Pierre's children and most of their spouses, as well as his wife, Janet, were part of the armada. Pierre took charge of the cooking and cleaning up and arranging the entertainment. We were broken into nine teams, each responsible for an evening presentation. It was all run with military precision, and we all had great fun.

Pierre returned to the Yukon whenever possible. His old home in Dawson, established as a "writer in residence home," has become a coveted retreat for Canadian writers practising their craft.

His book *Klondike*, and the later photo publication *Klondike Quest*, are still the best documentation of the Klondike Gold Rush.

Pierre has left us with a wealth of documented history and has shown us what a proud and colourful country we are. We have lost a great Canadian pioneer and a Yukon sourdough.

[Translation]

## WORLD AIDS DAY

**Hon. Lucie Pépin:** Honourable senators, I rise on this first day of December to draw your attention to World AIDS Day. AIDS is a growing pandemic. Despite all of our efforts, the spread of HIV is faster than our response to it.

Here in this country, AIDS continues to take lives because people have become complacent about HIV. We still are faced with the challenge of raising people's awareness and fighting discrimination against those with the virus.

The number of people living with AIDS throughout the world has increased to close to 40 million, a record high, according to the annual report of UNAIDS and the WHO. This report also draws attention to the increasingly female face of the epidemic. In every region of the world, the number of women with the virus has increased.

There is a direct link between the various forms of violence to women and this growth in HIV infection rates. Many women have been infected as a result of rape, a form of violence used increasingly as a weapon of war. The increase in domestic violence is another factor in the spread of AIDS.

In countries where the virus is prevalent, many women do not have the basic knowledge to protect themselves against HIV. Women's chronic lack of power also makes them vulnerable. In many societies — dominated by men, of course — women and

girls continue to bear the burden of their partners' irresponsible behaviour. In addition, for millions of other women, the sex trade is unfortunately their only source of revenue.

Efforts to help women must be strengthened in sub-Saharan Africa, the most severely affected region. In that part of the world, nearly 60 per cent of adults living with HIV are women, and 76 per cent of those aged 15 to 24 living with the virus are girls. That is staggering. Nearly an entire generation may be wiped out. According to UNICEF, in South Africa and Zimbabwe, where nearly one-quarter of the adult population is infected, AIDS will kill nearly half of the people now 15 years old. These young people are the future of their countries. In some places, AIDS is a real factor in economic decline.

Nine people out of ten across the world are still in need of treatment. Even though the drugs now exist in less expensive generic forms, they are still inaccessible to many millions of people. We must continue to be generous, and — why not — speak out in favour of making them free in certain countries where AIDS has caused life expectancies to drop below 40 years.

We must become more involved. I urge you, honourable senators, to continue to support all those who are working to eliminate this scourge.

[English]

**Hon. Wilbert J. Keon:** Honourable senators, today marks the sixteenth annual World AIDS Day, a day set aside to remember those who have died from this terrible disease and to pledge our support for those who live with it. Over 39 million people around the world are currently infected, including an estimated 56,000 in Canada.

The global infection rate is now the highest it has ever been. Despite all the efforts that have been made to raise AIDS prevention awareness around the world, this year 4.9 million people became infected.

AIDS is a disease still without a cure, although scientists have made great progress in their work to find a vaccine. I am proud to say that Canadian scientists play an important part in this research through the Canadian HIV Vaccine Enterprise. We have invested \$15 million in the first year, but once again our American friends put us to shame, promising an investment of \$1 billion over the next two years.

AIDS robs people everywhere of their health and their future. In sub-Saharan Africa, it has destroyed communities and created a generation of orphans, some 15 million of them.

Increasingly, women are bearing the burden of this disease, not just as caregivers, but also as victims. AIDS infection rates in women increased worldwide in 2004. This growing problem is related in the focus of this year's World AIDS Day, which is "Women, Girls, HIV and AIDS."

Africa, as is so often the case, is especially hard hit. UNAIDS reports that women comprise 57 per cent of all infected people. Seventy-six per cent of people infected with HIV between the ages of 15 and 24 who live in this region of Africa are female. Today, the World Health Organization and UNAIDS have jointly called on all countries to ensure that women receive equal access to both treatment and prevention programs.

Canada has made many commitments over the past year to help the international fight against AIDS, such as pledging increased financial support to the Global Fund to Fight AIDS, Tuberculosis and Malaria and the World Health Organization's 3 by 5 Initiative, which aims to treat 3 million Africans by 2005.

I am sure all honourable senators will join me in urging our government to strongly support this movement.

### CANADA'S CHILDREN

**Hon. Landon Pearson:** Honourable senators, November 20 was National Child Day. I was unable to speak last week, so I rise this afternoon to celebrate Canada's children because in my view children should be celebrated every day of the year.

Most of Canada's children, I am happy to say, are doing well, but alas not all. We still have far too many children on the margins of Canadian society who are abused, neglected, exploited or living in poverty, as we were reminded last week by Campaign 2000's annual report. Fifteen years after the adoption of the United Nations Convention on the Rights of the Child, we still have a long way to go.

That being said, I do believe that thanks to the children's convention and to symbolic events such as National Child Day, we are now more and more aware of how important our children are to us all and how we must fight to protect their rights and ensure their well-being. I am encouraged by the fact there is considerable evidence that communities are rallying.

I spent much of National Child Day with children in Montreal and Ottawa. I ended the day at a multi-generational, multi-faith feast where a table was set with a plate of food for the "unknown child" in Canada or abroad who would be going to bed hungry that night. Ottawans from diverse backgrounds were present at this event to honour not only children but also the individuals of our community, men and women alike, who have demonstrated how much they care about them.

Events such as the Manger Meal, as well as the highly successful National Child Day celebration held here in the Senate on November 19 — thanks to Senators Mercer and Munson — fill me with hope, the kind of hope each one of us feels when we hold a brand new baby in our arms, a new life full of possibilities and a new chance for us all. They convince me more than ever that we have to get the circumstances right for all our children to grow and develop. We have to do more to build a Canada fit for children.

[Translation]

## THE EXECUTION OF MARGARET HASSAN

**Hon. Madeleine Plamondon:** Honourable senators, I would like to share with you today the revulsion many Canadians will be feeling for a very long time and for which there was no demonstration on the Hill. I want to talk about what happened to Margaret Hassan, the Anglo-Iraqi director of the humanitarian organization CARE, who was assassinated in a cowardly manner. While this took place a while back, it still haunts me every night. She was kidnapped and assassinated for no reason. Margaret Hassan did nothing but help others for 30 years of her life. She was not armed. She had denounced no one. She had no enemies. Hers was a gratuitous murder.

Honourable senators, barbarity has plumbed new depths. These are not just enemies in a conflict. They are cowards who use innocent people as shields. I am appalled by this new aspect of world conflicts. My concern is that such acts will be trivialized, for several reasons: first, because innocent people are murdered when traditional armed conflict is not enough, in the eyes of terrorists, to shake world public opinion; second, because decapitation and the assassination of innocent people are becoming so commonplace that an escalation of terror is to be feared.

• (1350)

When will it be the turn of children and old people to be tortured live on TV? What are we waiting for to get involved? Canada is a peaceful country. Our government must initiate processes for sustainable peace.

[English]

I wonder whether the Prime Minister of Canada and the President of the United States found time at their meeting last evening to discuss the killing of innocent people who are not involved in military conflicts.

[Translation]

Honourable senators, the world needs peace that fosters reconciliation, not peace at the price of innocent victims like Margaret Hassan being killed.

## ROUTINE PROCEEDINGS

### LEGAL AND CONSTITUTIONAL AFFAIRS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Lise Bacon:** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit at 4:00 p.m. on Wednesday, December 1, 2004, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

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

**Hon. Serge Joyal:** Honourable senators, I give notice that, on Thursday, December 2, 2004, I shall move:

That the petitions tabled during the Third Session of the Thirty-seventh Parliament calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

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

That the committee report to the Senate no later than April 30, 2005.

[English]

### BANKING, TRADE AND COMMERCE

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Jeremiah S. Grafstein:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit at 4 p.m. today, Wednesday, December 1, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

### BUSINESS OF THE SENATE

**Hon. Eymard G. Corbin:** Could the honourable senator explain why this leave has been sought? This is the second committee to request such a leave. I understand that the leadership may come to some agreement beforehand, but the rest of us do not know the reason.

**The Hon. the Speaker:** We have dealt with the motion and it is completed business. However, I am certain that honourable senators would like to hear an answer to the honourable senator's question. Would Senator Grafstein care to respond to Senator Corbin's question?

**Hon. Jeremiah S. Grafstein:** I welcome the question.

As honourable senators know, we were told by our leadership yesterday that we would have a short sitting then as well as a short sitting today. The Senate has directed the Banking Committee to move expeditiously on a number of studies, including a study on charitable giving. In order to have some appropriate input to the budget, it is important that the committee meet as soon as possible. The time for the committee to hear testimony was planned for four hours, from 4 p.m. until 8 p.m., but that has been curtailed as of today when the committee was informed that it could not do that. Therefore, the witness testimony has been collapsed into two hours. Senators have been told that the Senate will sit until 6 p.m. today. The committee has witnesses standing by from Ottawa and outside the area to attend this meeting. Hence, it is a question of being fair to the witnesses and to the work of the Senate.

**Hon. Marcel Prud'homme:** For years I have strongly objected to this practice, which has nothing to do with the excellent work of the Banking Committee specifically. I am concerned that there might not be enough senators remaining in the chamber to make quorum after 4 p.m. I made my views known yesterday regarding the Foreign Affairs Committee receiving permission to sit today during the Senate sitting. Today, we have two committees asking for the same privilege. Again, my concern is that there might not be 15 senators in the house for quorum if too many committees are given leave to sit at that time. I am concerned about these exceptions. Yesterday the circumstances were exceptional.

The Chairman of the Banking Committee also sits on the Foreign Affairs Committee. I do not know how he will divide his time when the two committees meet concurrently. It is a long-established principle that the house adjourns at 4 p.m. I do not see much business on the *Order Paper and Notice Paper* today, so perhaps the leaders could consider the usual adjournment time for Wednesday. That would put the matter to rest. If the Senate had an unusually heavy agenda, that would be another matter. The Senate should adjourn at the usual time for a Wednesday to avoid another honourable senator asking for leave to sit. I am sure that the Leader of the Government understands the difficulties that proceeding in this matter can present — senators wanting to be in committee and in the house at the same time. Perhaps the honourable leader could tell the house whether it will adjourn at 4 p.m. today.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is always difficult to judge the time required to conduct business in the chamber. However, I have a personal optimism that we may be able to finish our business by 4 p.m. today. If we do not finish, then perhaps we could entertain the motion at that time.

**Senator Grafstein:** On a point of order, honourable senators, was the motion carried?

**The Hon. the Speaker:** I should point out that points of order are not allowed during Routine Proceedings. However, questions as to where we are in our proceedings will be allowed. The honourable senator is asking where we are in our proceedings. I had asked for leave of all senators to allow Senator Corbin to put a question to Senator Grafstein. The question is customarily put before leave is granted. I pointed out that I had put the question, I had asked senators if there was agreement, and I had heard senators agree. The matter was completed. That is our custom; and that is what I did.

• (1400)

Having said that, I sense opprobrium on the part of some senators. When leave is requested, I should be more vigilant to pause to ensure that senators who wish to ask questions or withhold leave have a fair opportunity to do so. I thought I had done so. In future I will pause for a longer period before proceeding.

**Senator Prud'homme:** However, leave is granted.

## IMPLEMENTATION OF “A CANADA FIT FOR CHILDREN”

### PRESENTATION OF PETITIONS

**Hon. Landon Pearson:** Honourable senators, in demonstration of my earlier remarks, I rise to present 801 petitions, which were inspired by National Child Day, submitted by residents from all regions of Canada, including the West, the Territories, Ontario, Quebec and the Atlantic, calling for the implementation of Canada's national plan of action for children entitled, “A Canada Fit For Children.”

## QUESTION PERIOD

### HERITAGE

#### CHILDREN OF MOWACHAHT AND MUCHALAH FIRST NATIONS—REQUEST TO FUND VISIT TO OTTAWA FOR OPENING OF YUQUOT EXHIBIT

**Hon. Pat Carney:** Honourable senators, my question is directed to the Leader of the Government in the Senate. I am seeking clarification of his answer to a question I asked yesterday regarding funding to bring five Aboriginal youths from Gold River to Ottawa for the opening of the Yuquot exhibit at the Canadian Museum of Civilization.

In his reply, the leader said that the band had never applied for funding and that the first application was in the form of a letter from myself, which is correct.

My point of clarification is this: Is the leader suggesting that a request for funding from a Conservative senator is unacceptable? This band is in a Conservative riding represented by a Conservative MP. Need only Liberal MPs and senators apply for public funds under the Liberal minority government?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator Carney's question indicates she has totally misread my answer. I said that there was no application by anyone from the band and, therefore, her letter making representations would be treated as the application.

**Senator Carney:** The whole point is that the band did apply through me. I am asking: Was that acceptable? Are only Liberal MPs' and senators' applications for funds deemed to be proper? The leader's response was that the band had never applied for funding. However, I would point out that the band did apply, through my office.

When we wrote the minister asking her to identify the programs that could be applied for, her letter simply stated that there were none for this type of endeavour. However, the Ministry of Canadian Heritage did have funds: \$50,000 for *Bubbles Galore*, the pornographic movie; \$98,000 for the dumb blond jokes book; and nearly \$200,000 for *Frank the Rabbit*, on how humans and rabbits formulate and justify beliefs.

Could the Leader of the Government ask the minister to identify which programs were used to fund these projects, which were deemed so important to our Canadian heritage?

**Senator Austin:** Honourable senators, I am absolutely mystified at the failure of my communication to Senator Carney. I said that there was no application from the band directly and, therefore, her letter making representations is taken as the application. It has nothing to do with politics, partisanship, the Liberal Party or the Conservative Party. It is a procedure that I thought was fair and generous on the part of the department.

As to the remainder of the honourable senator's question, these points were made by her before. I said that I would hold a watching brief with the Minister of Canadian Heritage. I said that yesterday, and I will continue to do so.

## HEALTH

### COMPENSATION TO HEPATITIS C VICTIMS

**Hon. Wilbert J. Keon:** Honourable senators, my question to the Leader of the Government in the Senate regards compensation for all — I repeat all — hepatitis C victims.

Last week, the Minister of Health announced that the federal government will begin talks to provide financial compensation for hepatitis C victims who were excluded from the original compensation package. These people and their families have waited six long years to receive this recognition from the federal government. An estimated 400 tainted blood victims from this group have already died while waiting for some federal assistance, while many others have become very ill.

Could the Leader of the Government in the Senate assure us that discussions aiming to provide these people with compensation will begin very soon?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as the honourable senator well knows, the Minister of Health, the Honourable Ujjal Dosanjh, announced on November 22 that the Government of Canada would enter into discussions on options for financial compensation to people who were infected with hepatitis C through the blood system before January 1, 1986 and after July 1, 1990.

I answered a question in this chamber a short while ago advising of the complexity that relates to the existing trust fund which is under the administration of the court and whether those funds were funds that would be available or whether new funds would have to be generated. The legal entitlement of the present beneficiaries is also a complex question. However, the government has announced that it will go forward with talks, and I expect those talks will be held shortly.

**Senator Keon:** Could the Leader of the Government in the Senate tell us or at least find out and let us know if the original remuneration package that was offered six years ago will stand or, with all the complexities that have entered into this, is the size of the package being changed?

**Senator Austin:** Honourable senators, since 1998 the Government of Canada has committed approximately \$1.4 billion to compensate and assist those people who were infected with hepatitis C through the blood system between January 1986 and the end of June 1990. I am advised that, of that amount, \$875 million was allocated to a trust fund to fulfil the Government of Canada's financial obligations to those infected under that settlement.

The government has also committed \$525 million for a comprehensive package to support treatment for people infected before January 1, 1986 and after July 1, 1990 and for blood regulation, surveillance, prevention, support and research. The issue, as Senator Keon well understands but which I would like to make clear to honourable senators, is with respect to compensation, not with respect to treatment for this group, which the Government of Canada has supported financially.

## CANADA-UNITED STATES RELATIONS

### BOVINE SPONGIFORM ENCEPHALOPATHY— OPENING OF BORDER TO LIVE CATTLE

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate.

Yesterday, it was reported that the Prime Minister in his meeting with President Bush was unsuccessful in getting the Canada-U.S. border fully or partially opened to live cattle. We are hearing from more and more Canadian ranchers that they are facing and trying to deal with a precarious situation, namely, bankruptcy.

Honourable senators, ranchers operate on a fine margin at the best of times. However, when some 10 to 12 per cent or more, in some cases, of their herds are culled cows that cannot be sold to out-of-country markets and when the beef consumption market in Canada is finite, ranchers cannot liquidate a significant portion of their operation.



• (1410)

As I said, that is forcing some of them into bankruptcy situations. As a matter of fact, Senator Gustafson told me today that one major operation went down to the tune of \$16 million through no fault of its own.

[Translation]

In Quebec, dairy farmers receive 12 cents a pound for their cull, while they were receiving 65 cents a pound in 2003.

[English]

The Quebec producers are apparently being held hostage to one abattoir.

We now know that the President was referring to younger cattle when he clearly indicated yesterday the possibility of reopening the border. What does the government plan to do in view of these recent developments?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, a number of questions are in Senator St. Germain's statement, and I will attempt to answer them succinctly.

As the honourable senator knows, the matter of when the U.S. border will reopen is a question under U.S. legal process. The U.S. Department of Agriculture has finalized a rule that would reopen the border to Canadian cattle. That rule has gone to the Office of Management and Budget for review of its impact on the U.S. economy, a process required by their law. The Office of Management and Budget has up to 90 days to review the rule. When that review is complete, then the rule, with its support, would be implemented within 60 days.

That is the situation, and it was reviewed in discussions between the Prime Minister and President Bush at the November 20 meeting of APEC in Santiago, Chile, as well as yesterday.

With respect to the situation of culled cows in Quebec, the difficulty, as I am sure the honourable senator is aware, is that there is only one packing plant. That packing plant, as a private business, is free to purchase its culled cows anywhere it wishes.

I would point out that, up until this time, the Government of Canada has supported the cattle industry in the province of Quebec with \$366 million under its Business Risk Management Program.

## AGRICULTURE AND AGRI-FOOD

### BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

**Hon. Gerry St. Germain:** Honourable senators, the Minister of Foreign Affairs, Pierre Pettigrew, was on CTV a couple of days before the President arrived and spoke definitively in stating that the President would bring forward a definite timeline as to when this dispute would be resolved. Was this man grandstanding? What was the minister doing?

Given the situation that we are facing now as a result of the President's visit, there is no timeline. There is nothing. These ranchers are still in severe trouble. What will the government do to alleviate the pressure as a result of these culled cows? Putting \$366 million into Quebec is great, but it does not deal with the situation. The producers have been on television continually reciting that it does not resolve their situation. What about the producers out West and in Ontario? They count as well, I am sure. Does the minister have an answer for that?

**Hon. Jack Austin (Leader of the Government):** Certainly, the timeline is the one provided by U.S. law. It cannot be subverted by the President of the United States. This is clear to everyone in the industry. The President of the United States is making it clear that he is urging that the process proceed, that it not be impaired, and he is looking forward to the end of this particular trade irritant between Canada and the United States.

Honourable senators, with respect to the question of whether the cattle industry is suffering, you bet it is. That is well known. The Government of Canada supplied over \$500 million in various programs to the industry, and provinces have supplemented those programs.

I think that Senator St. Germain is aware of the Fed Cattle Set-Aside Program, which concerns auctions in Alberta, Saskatchewan, Manitoba and Ontario. The feeder calf program and the Loan Loss Reserve Program are also available. There are also efforts to expand export markets including the opening of the Hong Kong market to Canadian beef, which was announced a day or two ago.

The Government of Canada is working very closely with cattle producers and the provinces to support this situation, and developments are being monitored by the Minister of Agriculture daily.

**Senator St. Germain:** Honourable senators, this is not my figure, but one of the banks came up with the figure of a \$5-billion loss. There is no way that the federal government has come close to putting \$5 billion into this problem.

A proposal put to the government at the beginning of this year to create a one-time program whereby ranchers and dairy farmers would be offered \$500 a head to reduce their culled cow numbers would make the entire system viable. The government has not adopted this proposal, and it is apparent that the U.S. and foreign markets will not be opening their markets. The minister has clearly stated that the Office of Management and Budget has to go through its procedures.

First, what was the minister talking about when he was on CTV indicating an immediate resolution? Second, would the government consider the proposal put forward by the Conservative Member of Parliament for Battlefords—Lloydminster that \$500 a head be offered to rationalize the culled cow population right across the country?

**Senator Austin:** Honourable senators, with respect to the last question, I will make inquiries of the Minister of Agriculture to see what consideration is being given to that particular proposal.

Given that my honourable friend continually refers to some statement that was made, I want to add that everyone is aware that there is a U.S. process. No one was suggesting that the President of the United States could shorten or in any way tamper with the legal process in the United States.

The economic structure of the cattle industry is extremely complex. I know the honourable senator is aware of the complaints of the cattle producers with respect to the way the packing plant industry has been dealing with them and the support that the Government of Alberta gave to the packing plants rather than to the cattle producers themselves.

There are discussions, but I believe the government has taken all appropriate actions at this time. Many producers placed a bet that the border would be open before now, a business decision that is now leading to a new inventory aged more than 30 months.

What becomes of all this is impossible to predict. In the meantime, I want to assure the honourable senator that the Minister of Agriculture is communicating daily with the industry, the cattle producers, the Canadian Cattlemen's Association and the provinces affected by this serious issue.

• (1420)

**Senator St. Germain:** Honourable senators, I think that the cattle industry is coming on side with the idea of the payment of \$500 a head. I believe Alberta erred in that the money should have gone directly to the cow-calf producers who are, so to speak, at the bottom of the totem pole. I have been there and know what it is all about. As your cattle are going through an auction, you may have only one potential buyer. Logically, the price is set by that one buyer. Milk producers in Quebec are currently facing the same situation. British Columbians also faced that circumstance. I hope the minister will take the representation to the Minister of Agriculture. The money should get to where it belongs, that is, in the hands of the dairy farmers and the cow-calf producers across this country. I think this \$500 a head idea should be entertained. Would the minister please carry this representation forward?

**Senator Austin:** Honourable senators, I will certainly carry that representation to the Minister of Agriculture. In the meantime, I know that part of the issue that is being considered by the Government of Canada is the lack of packing capacity and the control that a group of packers — large in economic capacity but small in number — has over a vital part of the whole supply chain.

## FOREIGN AFFAIRS

### JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— STATUS OF COMMITMENTS

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. Before stating my question, I wish to associate myself with the remarks in the

statement by Senator Keon. On the occasion of World AIDS Day, I would ask the Leader of the Government in the Senate about the Jean Chrétien Pledge to Africa Act. In May 2004, Royal Assent was given to this bill, which aims to make it easier to provide generic drugs to poor and developing countries to fight health crises such as tuberculosis, malaria and the AIDS pandemic afflicting African countries in particular. However, passage of the legislation has not yet resulted in any medication being sent to Africa where there is a desperate need for these drugs.

My question is: Can the federal government tell us how much longer it will be before any generic drugs are in fact shipped to Africa, as anticipated last May by the passage of the bill?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, when the bill was passed, we had great hopes that the program could be put in place quite quickly, but what we are seeing, as Stephen Lewis expressed publicly, is an intra-industry problem which needs to be sorted out.

The government itself cannot manufacture these drugs. The government cannot overrun the legal patent protection that is provided to the pharmaceutical industry. In our sense of the rule of law, we are not prepared to expropriate those property rights. We have facilitated negotiations, and we are discovering that issues we thought were settled between the patent owners and the generic industry are still, to some important extent, outstanding.

On the first part of Senator Oliver's question, I do want to confirm to this house the announcement made today by the Honourable Aileen Carroll, Minister of International Cooperation, that the Canadian International Development Agency will provide close to \$105 million to various initiatives targeting women and young girls infected or affected by HIV/AIDS in developing countries. I would be pleased to provide additional details to honourable senators, should they be interested.

**Senator Oliver:** Honourable senators, groups on all sides of this particular issue, including the pharmaceutical industry and aid organizations such as Doctors Without Borders, have all pointed out the problems in this legislation that have prevented drugs from reaching Africans to this point, and that, perhaps, will prevent that from happening well into the future.

Industry Canada says that the regulations relative to this legislation have yet to be drafted. Once that has been done, it is hoped that they will clarify the issue. Could the Leader of the Government in the Senate tell us when the regulations will be completely drafted, and once drafted, can the minister explain to us the particular way in which it will be easier for the drug makers to export medications to Africa?

**Senator Austin:** Honourable senators, I, too, look forward to the issuance of those regulations. The problems in those regulations are tied up in the issues that I referred to in answer to the honourable senator's first question. I would be absolutely delighted to bring those regulations to this house and outline them the moment they are promulgated.

**Senator Oliver:** Does the leader have any idea how much longer that may be?

**Senator Austin:** I do not, but I will make inquiries.

**The Hon. the Speaker:** Not much time for Question Period remains, and Senator Andreychuk's name is on my list. I say that so that we may hear from Senator Prud'homme.

#### JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— PROBLEMS WITH LEGISLATION

**Hon. A. Raynell Andreychuk:** Honourable senators, I have a supplementary question. If the leader does not have the answer to this now, perhaps it can be given in a written form. What problems occurred in passing and implementing this legislation that were not known at the time it was before the Senate?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, when the bill was before the Senate it was believed that the intra-industry issues had been resolved, but sometimes that which you think is resolved is not resolved. That is where we find ourselves at the moment with respect to the regulations to which Senator Oliver referred.

Honourable senators, I do not want to deprive Senator Prud'homme of the opportunity to ask a question, but may I have leave to answer orally a question that Senator Di Nino asked yesterday? It has a timed consequence to it.

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** I will ask my question tomorrow, honourable senators.

**The Hon. the Speaker:** May I suggest to Senator Austin that we give leave for him to read the written response to Senator Di Nino's question, but after we hear from Senator Prud'homme?

**Senator Prud'homme:** Honourable senators, I would be delighted to bow to the leadership by asking my question tomorrow.

#### FOREIGN AFFAIRS

##### CHINA AND TIBET—REPRESENTATIONS TO COMMUTE DEATH SENTENCE OF TENZIN DELEK RINPOCHE

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank the Honourable Senator Prud'homme, because the matter that was raised by Senator Di Nino has some urgency. Yesterday he asked a question regarding the death sentence which was passed in China in the case of Tenzin Delek. I should now like to provide a response.

Tenzen Delek is a Tibetan monk on death row in the Chinese province of Sichuan whose death penalty reprieve reportedly expires on December 2. Canada has expressed serious doubts about the fairness of his trial and about the circumstance of his arrest.

The case dates back to April 2002, when Lobsang Dhondup and Tenzin Delek Rinpoche, who are both well-respected Tibetan monks, were arrested on charges of instigating a series of state targeted bombing incidents in Sichuan province, where they lived.

The trial, which was held on December 2, 2002, was, in our terms, without due process, behind closed doors, and their lawyers were not allowed to attend. Lobsang Dhondup, as Senator Di Nino said yesterday, was sentenced to an immediate death penalty and Tenzin Delek was sentenced to death with a suspension of two years. On January 26, 2003, Lobsang Dhondup was executed after his trial, and the death sentence of Tenzin Delek was reaffirmed with a two-year reprieve.

• (1430)

Our embassy in Beijing has taken this case to the Deputy Director General in the Ministry of Foreign Affairs. We have expressed, in the strongest terms, our disappointment in those sentences, the lack of transparency of judicial procedure and, additionally, our concern about the speed of the trials, the appeals and the execution.

We also cooperated with Norway and Switzerland in an appeal in November 2004, just three weeks ago, with respect to the sentence of Tenzin Delek Rinpoche.

I would also like to advise the Senate that we have raised this case in Beijing, at the level of the Deputy Minister of Foreign Affairs, Mr. Peter Harder, and again when a Canadian delegation met in Beijing in October 2004 during a Canada-China bilateral committee called the Joint Committee on Human Rights.

We continue to press this particular case, and I think we have been as aggressive as we possibly can with respect to it.

**Senator Di Nino:** Thank you.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of tabling a delayed response to a question raised in the Senate on November 25, 2004, by Senator Andreychuk regarding the threats of Rwandan intervention in Congolese territory.

#### FOREIGN AFFAIRS

##### RWANDA AND SUDAN—AID AND ASSISTANCE

*(Response to question raised by Hon. A. Raynell Andreychuk on November 25, 2004)*

The Government of Canada is concerned by the threats of Rwandan intervention in Congolese territory. The Minister of Foreign Affairs and our diplomatic missions in the field (Kinshasa, Nairobi and Kigali) are closely monitoring the situation as it develops.

We are concerned that a military intervention by Rwanda in the Democratic Republic of the Congo could undermine the significant stabilization and peace-building efforts in Africa's Great Lakes Region.

Last week, on the margins of the Francophonie Summit in Ouagadougou, Prime Minister Martin stressed the significant progress made by the International Conference on the Great Lakes Region. Canada actively participated in the Summit of Heads of State in Dar-es-Salaam (November 19-20), as co-chair of the Group of Friends of the Great Lakes Region.

Canada will continue to encourage Rwanda and the Democratic Republic of the Congo to pursue dialogue and cooperate together to honour their commitments to seek peaceful regional solutions. In particular, we urge them to cooperate within the framework of the Tripartite Agreement and the Joint Verification Mechanism, which were specifically designed to address security concerns along the common borders of these two countries.

## ORDERS OF THE DAY

### FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

#### THIRD READING—DEBATE ADJOURNED

**Hon. Serge Joyal** moved the third reading of Bill S-10, A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

He said: Honourable senators, I may be a bit too anxious to share with you the importance of this bill at this stage in the legislative progress. I wish to speak about the scope of this bill from two points of view. The first relates to the nature of the bill itself: it is intended to harmonize federal law with common law in the nine Canadian provinces with a common law tradition, and with Quebec civil law, the system that is in use in Quebec.

I shall try to present this bill to you without over-simplification. There can, of course, be confusion because of the term "harmonization." This does not mean that one of the two systems is going to disappear, nor that one will be imposed on the other, but rather that the two will be able to cohabit simultaneously within the same federal legislation.

You will recall that, when the Fathers of Confederation came to defining the responsibilities of each of the two levels of government, the Canadian federal government and the governments of the provinces, they clearly recognized in section 92.13 that everything concerning property and civil rights was under provincial jurisdiction.

[English]

The Constitution states that everything that deals with or relates to property and civil rights in the province is under the exclusive provincial jurisdiction — not concurrent, not shared but exclusive jurisdiction.

[Translation]

What has happened over the past 137 years? Canadian federal law has been based on the common law. The laws adopted by this Parliament, by this chamber in particular, have been prepared with exclusive reference to the common law tradition — the tradition of law used in the nine provinces to which I referred earlier. In the province of Quebec, the civil law of the province of Quebec being different, it is a written law, a code consisting of all the provisions and regulations relating to private law in Quebec. In order to apply federal laws in Quebec, people realized that they would have to try to adapt or mould them to the civil code. It is easy to understand that the genius of the common law system cannot be transposed as is into a written system of civil law originating in another legal source. Hence the importance of trying, when we are drafting and adopting legislation — as we will do later with other legislation on the Orders of the Day — to reflect in the legislative language the concept of both legal traditions, so that it is very clear what is involved when the legislation is applied to Quebec, when it refers to property and civil rights in Quebec, or when it is applied to the other provinces.

[English]

This is a very important exercise because it breaks a tradition or a habit of approaching federal legislation on what I call a "silo" basis. In other words, the two systems are totally compartmentalized, totally separate, and they evolve according to their own merits or genius.

What do we do now with the federal legislation? We understand what there is in the common law tradition, the concept of the common law tradition. We try to understand very precisely the concepts of the civil law tradition, in the second silo, and we try to reconcile those concepts on a common ground so that when we use a concept, it is applicable with the same substance, the same merit, in both legal traditions.

In other words, we are creating federal legislation. Federal legislation is not meant to compartmentalize the country; it is to make sure that there is a common basis, that there is common, shared legislation that has exactly the same interpretation in the civil law tradition as in the common law tradition.

This is what I call "federative" legislation. Harmonization is a federative initiative of the federal Department of Justice, and it has spanned the last 10 years.

I would like to commend Senator Bacon for her ability in presiding over the Legal Committee's study of Bill S-10. The committee identified that this initiative has many implications. If we are ready to recognize that there is a civil law tradition and there is a common law tradition in Canada, those two traditions did not appear out of the blue. They came to Canada at a point in

time in our history where there was already another tradition, that being the tradition of the Aboriginal peoples. I want to draw the attention of honourable senators to this tradition because it is totally new in parliamentary debate and there is a lot of misconception about it.

On November 18, 2004, the Supreme Court of Canada gave an important, seminal decision in relation to the status of Aboriginal people, that being the famous case of *Haida Nation v. British Columbia (Minister of Forests)*. This decision applies throughout Canada. Six provinces intervened in the case, among them the Attorney General of Ontario, the Attorney General of Quebec and the Attorneys General of Nova Scotia, Alberta and Saskatchewan. I want to quote paragraph 25 of that decision because it establishes the ground on which this bill has implications.

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered. Many bands reconciled their claims with the sovereignty of the Crown through negotiated treaties...The potential rights embedded in these claims are protected by s. 35 of the Constitution Act, 1982. The honour of the Crown requires that these rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiation. While this process continues, the honour of the Crown may require it to consult and, where indicated, accommodate Aboriginal interests.

• (1440)

What does this mean? It means that before there was a civil law tradition in Canada there was an Aboriginal traditional law and customs tradition or system in Canada. This is so much so that, when the Royal Proclamation was made by King George III, whose portrait hangs in our Senate foyer, King George III said very clearly:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

This paragraph of the Royal Proclamation of February 10, 1763, is as valid today as it was in 1763, and it still governs the rights of the Aboriginal people to their rights.

[Translation]

In French, there is an expression which reflects this perfectly: les Autochtones ont le droit à leurs droits.

[English]

They have a constitutional right to claim their rights, as much as we francophones — and I am a francophone — have a right to claim our rights under the Quebec Civil Code. Why? Because in

1774 the same king presided over the adoption of the Quebec Act that reinstated the Civil Code as the law of Lower Canada at that time. As much as, today, I can claim my rights under the Civil Code, the Aboriginal people can claim their rights under the 1763 proclamation, and that is so for a very specific reason. I would again quote from the decision of the Supreme Court, honourable senators. It states:

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered.

They were never conquered. They never yielded their way of life, their identity, their culture, their language or their form of organization of their society to anyone else. The king recognized that and it is under the protection of section 35 of the Constitution that paragraph 25 operates.

Therefore, when the Minister of Justice appeared before our committee, under the chairmanship of Senator Bacon, we asked of him: We are all in support of harmonizing the civil code and common law, but what about the Aboriginal people? I would refer honourable senators to the testimony of the Minister of Justice in the committee, because it is very important for the future of our work that we understand the position of the Department of Justice in relation to the recognition and the entrenchment of the rights of Aboriginal peoples. The Minister of Justice said this:

...I regard it not only for me as a personal commitment but that of our department to work with Aboriginal people in order to identify and to better appreciate Aboriginal legal traditions and to consider how those Aboriginal legal traditions can be mainstreamed effectively within our legal system, which goes beyond even the issues of harmonization.

He gave three examples in that regard. He referred to the work of the Law Reform Commission of Canada. In 2005, the Law Reform Commission of Canada will hold an important seminar to try to define the boundaries of the research that needs to be done to establish the basis for the recognition of the traditional Aboriginal law, private law, into the mainstream of our legal system. The legal scholar of the Law Reform Commission of Canada for the year is John Burroughs, a distinguished scholar of Aboriginal law.

The second point that the Minister of Justice made is the following:

The department is supporting an innovative experiment in legal education at the Akisiraq Law School in Nunavut. It is the first Aboriginal law school that is intended to provide Inuit students with a legal education that is tailored to northern realities. Inuit traditional law is being incorporated throughout the legal education program using the expertise of elders and local educators from across Nunavut and other northern regions.

We have the testimony of the Dean Perret of the University of Ottawa Law School, who told us that the University of Saskatchewan and the University of Ottawa have devised a special program. I should like to quote him to be accurate. Dean Perret called this program:

[Translation]

A native pre-law program.

[English]

I would like to quote him:

[Translation]

There could be collaboration with lawyers from these areas, with native lawyers that we have helped train, whether that be at the University of Saskatchewan or the University of Ottawa, in native pre-law programs.

[English]

Honourable senators, this is a most important reality. This bill offers us an opportunity to reflect upon this. I would refer you to the observation that your committee made in its report that was tabled last week in this chamber about the next step we should take.

The report of the committee states:

Your committee fully supports the comments of one of Canada's foremost expert in bijuralism who, in his testimony to the committee, said that he encourages everyone to take the view that bijuralism is by no means exclusionary. Rather, he emphasized that it is an open model that he hoped would lead to a plural model, as time goes on.

This is an important element. Senators St. Germain and Austin will remember that when we debated the Nisga'a bill in this room, we recognized the sovereignty of the Nisga'a tribes over their territory. In fact, we recognized their rights to their rights. We have had other bills before us, including the bill of Senator St. Germain last week introducing a system to try to establish a procedure for self-government. If we recognize the principle of self-government of Aboriginal people on their territory, on their land, we have to recognize that we are reinstating them in their right to their private rights.

This is a major development and we should applaud it. It is complex; it is difficult; it will take a long time; but it will reinstate the Aboriginal people in their fundamental dignity as first inhabitants of this land, as much as we have to take the initiative to reinstate them in their own language.

I see Senator Gill here, who is an Innu from Quebec. We all know in Quebec that the Huron, having lived for centuries in the proximity of Quebec City, for example, no longer master their language. There is not a single Huron in Canada now who can speak the original language of the Huron. It has been lost through time. It has disappeared.

[ Senator Joyal ]

As much as we do not want the identity of the Aboriginal people to disappear, the way to organize their civil relationships is as important for their identity as the mastering of their language. What we are doing here in this bill, for the common law and the civil law, is the pathway to that reconciliation and to that recognition of the Aboriginal people's identity.

• (1450)

Honourable senators, I am proud to ask you to support this bill. This is the second bill in a process. We will have the opportunity in years to come to go further in other areas of harmonization, but in the future we must develop ways to strengthen the law tradition of the Aboriginal people as we have the traditions of the civil code and the common law.

**Hon. Charlie Watt:** Would the Honourable Senator Joyal accept a question?

**Senator Joyal:** Yes, I would be happy to answer a question.

**Senator Watt:** Honourable senators, I wish to indicate my strong support for the initiative that was studied by the Standing Senate Committee on Legal and Constitutional Affairs in their review of civil and common law and the attempt to harmonize the two traditions.

Some people might question the concept of harmonization, but I do not think that one can replace the other. I do not think that is the intention of the exercise. I want to ensure that I understand that aspect.

Honourable senators, much can be said about what Senator Joyal just outlined. We need to go further than just looking at the civil and common law.

Aboriginal people in this country have been forgotten in many respects. At times, it is very uncomfortable for us to speak out to describe our thoughts. I will do my best to make myself understood.

When you have been idling in no man's land for many years, you get to the point where you start to doubt your existence. I hope honourable senators understand what I am talking about. Many of our youngsters in this great land fall through the cracks and commit suicide, and we ask ourselves why this is happening. The answer is not that difficult. The problem is that the youngsters today do not see a clear picture. They do not see a future for themselves in the way that the rest of Canadians do. They do not feel they are in the same boat. I hope that this institution can change that. I always try to be optimistic, rather than looking at the situation too darkly.

It is important for us to examine what we can do to rectify what was not done in the past. It will not be easy. Acknowledging, recognizing, accepting and respecting one another can go a long way. From there, we can start to put those concepts into institutional forms. Maybe that is what we need to do.

We have had neither a written Inuit nor Indian law, but we did have a road to follow, one that is heavily influenced on a daily basis. That disturbs the day-to-day life of our people in remote communities. The larger society tends to overrule our way of life by passing laws. I have experienced this for the last 20 years and have tried to be instrumental in bringing about change. I know that I have not always expressed myself in a clear fashion, but I try my best. It has been uncomfortable at times, but, nevertheless, this is where the game is and this is where we address matters that need to be rectified. I try to utilize the instrument that is available to me and will continue to do so. That is why I accepted the offer to become a senator, to get close to the system, to have some influence. In that way, I can represent my people.

Twenty years have passed and I am still driving the implementation of section 35 of the Constitution. There is a way to implement section 35, a small part of which we are doing now in harmonizing the Civil Code and the common law. That is one avenue we can take to improve the lives of the people in the North. Their lives are not getting any better and will not get any better. That is the way it is.

I am not blaming any individual for this oppression. We need to focus on the system. We forget that we are only human beings, and the system sometimes ends up running our lives. This is where we need to focus our attention. Do not misunderstand me. I am not pointing a finger at anyone in this place. I am saying that we must look at the system and see how we can improve it.

The common law has moved quite rapidly into our day-to-day lives. We are beginning to see the same with the civil law.

I am from Quebec. Over the years, we have been able to live together with people who have a pillow. I call the civil law a pillow. Perhaps there are similarities between Inuit and French Canadian society, but we seem to have more of an ability to achieve our destinies together.

I cannot say the same thing when I look at the common law side of the equation. It is a big threat to our survival as a people in the North. I do not exclude the civil law because the civil law can also be very damaging to our people unless there is a serious attempt to sit down to harmonize the two traditions.

My question is this: How can we continue in this way after so many years?

**Senator Joyal:** I will be very brief because we have had the benefit of hearing the comprehensive views of Senator Watt. His question is not unanswerable. It will involve the support of existing law schools and jurists throughout Canada. Manitoba, Saskatchewan and the Maritimes, especially New Brunswick, have been able to achieve common law in both French and English. We owe that to New Brunswick and to Ontario, especially, which have developed the capacity to have common law, which is of British origin, to speak as much in French as in English. It has as much validity in one language as the other.

If we have been able to achieve the unachievable of having the civil code speak in English as much as in French, and the common

law as much in French as in English, I am sure that there is a way to reach or attain the objectives that the honourable senator proposes and that I share so much. There is a part that is lost.

• (1500)

We understand the way that the traditional Aboriginal people work. I think that Senator Austin was the sponsor of Bill C-6, which established a centre for land claims settlement, and Senator Kinsella participated in the debate. That bill provided for the creation of a centre for research where the documents, archives and oral tradition of Aboriginal peoples would be kept to assist in the satisfactory determination of rights under treaties and any subsequent land claims.

Sooner or later, we will have to consider a similar proposal. Of course, we must understand the multiplicity of Aboriginal tradition. It is much easier to do so in Nunavut, which is well circumscribed with a localized population. At the Akitsiraq Law School, it is easier for staff to go to the roots of the Aboriginal tradition and come up with a vocabulary, terminology and all the essential tools to draft or understand legislation. I totally agree that in other instances this would be difficult to achieve, but I do not think it is unfeasible. We have already done things to the traditional French-speaking civil law and English-speaking common law that seemed unnatural, but we have been able to achieve that in respect to those two major languages. I am sure that we will be able, with goodwill and common sense, to do the same with Aboriginal practice.

The members of the Standing Senate Committee on Legal and Constitutional Affairs have shown a deep commitment to this point. I am sure that in any discussion about future bills in this place — and I know that some are forthcoming — we will look into that aspect of the Aboriginal reality. With the conviction that my honourable friend shares and that we all share in this room, we will be able to achieve progress.

[Translation]

**Hon. Aurélien Gill:** Honourable senators, for 30 years or so, the courts — provincial courts, appeal courts, and the Supreme Court — have handed down decisions favourable to First Nations with respect to Aboriginal and other rights. In some cases we have seen that enforcement of these laws appears to cease once the decision has been rendered.

I remember one decision by the Supreme Court. I do not remember the name of the case; I think it was the *Marshall* case, in the Maritimes. After that decision, no one knew what to do; there was a vacuum. In other words, if there is a vacuum after certain decisions, I believe it is because we have not yet learned that we must make policy and create institutions that can manage the forest and the First Nations in general.

Perhaps we need more political involvement and more planning ahead. We now know that the courts are favourable to Aboriginal rights. Do you think that we could take the lead, along with the Department of Indian Affairs and Northern Development and the other departments affected, and help the First Nations to create policies and policy-making institutions for themselves to manage these matters?

**Senator Joyal:** It seems to me that there is no other choice, if we want to be effective in achieving our objectives. Three examples come to mind. Take the Criminal Code, for example. It has recognized three aspects of the Aboriginal reality in a unique way. The Honourable Senator Milne will remember that, on several occasions when she chaired the Standing Committee on Legal and Constitutional Affairs, we discussed these aspects of our laws.

We recognized the concept of restorative justice, which is an Aboriginal concept. As we know, in non-Aboriginal systems, punishment generally takes the form of imprisonment, while in Aboriginal communities, the focus is more on the person who was the victim of the offence receiving services and support from the one who committed the offence. That is what is called restorative justice.

Then comes what is known as the healing process, based on the principle that, when a person is a victim of any act, the entire community is responsible for the newly-created difficult situation and for any harm done to this person. It is therefore a matter of community responsibility toward the victim. We are only just starting to rediscover this concept in our own laws.

Moreover, the code recognized that when a sentence is to be imposed under the criminal system, the fact that the individual is an Aboriginal must be taken into consideration. So, there are specific circumstances that the judge must consider to facilitate the individual's rehabilitation, rather than punishing him by simply incarcerating him. These are elements that we gradually incorporated into the criminal law. In my opinion, these are very good examples of how the Aboriginal reality can be recognized in other areas.

This does not make the justice system less fair; it makes it more credible for Aboriginal justiciables. It seems to me that, considering the 400 years that we have been sharing this continent with Aboriginal peoples, our past includes elements of reference, solutions that were implemented and that can teach us how the laws that we adopt, or the rulings made by the courts, can be applied while taking into consideration the Aboriginal reality.

The problem is that, over the years, we have in many ways acculturated Aboriginal populations, we have deprived them of their own cultural identity, of their own way of doing things. In my view, this does not at all threaten the manner in which other communities in Canada conduct their affairs. Again, it seems to me that these examples can provide solutions for the problems that you describe.

[English]

**The Hon. the Speaker:** Honourable senators, I know that Senator LeBreton is rising to adjourn the debate. However, I have received a request from Senator Sibbeston to speak.

I must point out, honourable senators, that this is a bill where 45 minutes is given to the first and second speakers, the idea of which is that the government and opposition, or vice versa if it is an opposition bill, be given that longer period for their first speech.

If Senator Sibbeston speaks, is it understood, honourable senators, that 45 minutes will be given to the first speaker on the opposition side?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, that is my understanding as well. I thank Your Honour for bringing it to our attention.

**Hon. Senators:** Agreed.

**Hon. Nick G. Sibbeston:** Honourable senators, I should like to speak for a few moments. I had not intended to speak today, but occasionally one arrives in a situation where others are heard and one is inspired. It triggers some thought and then takes some courage to stand up a bit unprepared. However, I want to express these feelings and thoughts today.

The notion of Aboriginal law is a very good thing. It is a novel idea to Canadian society, but those who are Aboriginals and come from Aboriginal societies recognize that it exists.

I had the good fortune to become a lawyer. I studied common law and learned all about the dominant common law in Canada. Eventually I tried to use it in my practice, but also I spent much of my time defending people in the criminal law system.

• (1510)

In the North, it was always a challenge to interpret laws that originate in institutions such as Parliament because those laws are based on common law for non-Native peoples in urban settings. It was always a challenge to provide justice for Aboriginal peoples in remote parts of our country. We have had some notable judges in the North who recognized the situation and, in their own way, tried to provide justice to the people of the North. One such judge comes to mind, Judge Sissons, who lived in the Northwest Territories in the 1950s and 1960s. When people were charged, oftentimes in remote communities, he had the task of travelling to such communities to interpret and apply the law as well as he could. Oftentimes, it was a difficult task because Aboriginal people come from completely different traditions, practices and ways of life. Trying to provide justice and apply some of their laws in some cases was difficult. It is like two different peoples living in two different worlds. However, that was the law and Judge Sissons attempted to apply it. He is famous for his efforts in the North and he became somewhat of a hero because he tried to impart common sense and to deliver justice in a way that was fair to the Aboriginal peoples of the North. There was a famous case of an Aboriginal person who shot a duck in the spring. Imagine living in the North where you have cold, ice and snow for most of the year. Often you live off the land, that is, on caribou and fish. Spring is a delightful time of the year because the days get warmer and, before long, you see ducks flying in from the south. People, of course, just act naturally and shoot these ducks because it is food for them. After eating caribou and fish all winter, you want to eat something else, so ducks look very appealing. Inevitably, a man shot a duck and was charged with shooting ducks out of season.



There was an agreement between the United States, Mexico and Canada called the Migratory Birds Act, which was a treaty to control the times of the year when ducks could be shot. I hardly think that they had in mind the people in the North when the agreement was signed. The man who shot the duck was charged and the case went before the court. Of course, any judge who applied the law would have to find the person guilty. This is a good example of the state of law, and how difficult, impractical and inapplicable it is, in a sense, to mete out justice as provided in a law that did not have Aboriginal peoples in mind.

When I was practicing law, I had the good fortune to work with judges and to defend people. I also had the opportunity to try to bring insight to the courts about situations that would occur in Northern communities. Honourable senators can appreciate that, while many offences may have occurred as a result of the consumption of alcohol, certain offences that would not have been deemed serious in the Aboriginal way of life were, under criminal law, deemed to be very serious and thus warranted years in jail. It was always a challenge to apply the laws of the South to the peoples of the North.

Later in my career, I had an opportunity to work as a justice specialist. The government recognized that the best way to deal with justice in small communities was to have local people involved in the handling of the people who got into trouble. I was involved in setting up justice committees in many small communities whereby a number of elders and other respected people would be part of those committees to deal with incidents. That approach was highly effective.

I recall one incident in which a young person went into the local co-op store and stole a jacket. The normal procedure would have been for a justice of the peace to deal with the case in one or two hours. The person would have pled guilty and would have been sentenced. It is a mindless, cold and formal way of dealing with offences. Invariably the person would have been charged, convicted and sent to jail.

Under the community justice system, the young person would be brought before the justice committee which, in a sense, was gruelling, embarrassing and emotional. Once the person admitted having committed the crime, the members of the justice committee would talk to the offender. They would make comments such as, "You should not have done that. We know that, basically, you are a good person. Do not do it again." In the course of that exchange, a young person would cry and cry. As you can imagine, that young person would be most unlikely to do that again because the appearance before members of the community was so embarrassing. Everyone in town would know what had happened and that there had been response by respected elders and others. That method of justice — the application of local traditions and practices — is much more effective.

The challenge for Canadians is to respect and recognize that amongst Aboriginal people there are traditions and ways of life.

Especially in the smaller communities, Aboriginal people do not have books or a long history of written traditions and practices. Those are passed down by word of mouth and by practice from

generation to generation. When we talk about Aboriginal law, this is what we are talking about — the practices and traditions that Aboriginal people have carried from generation to generation. They are embodied. They are based on common sense and rules for good living on the land, that is, the handling of people, animals and the land. Those are the traditions and practices that apply, and slowly they are being recognized.

A Supreme Court of Canada case in the last few years recognized that Aboriginal practices and traditions can be recognized. It ventures into hearsay evidence because the ideals and principles have been carried on from generation to generation. Nevertheless, it is part of the peoples' knowledge and history. It is comforting to know that the Supreme Court of Canada is able to recognize Aboriginal practices and histories. It is a step in the right direction.

The Senate will be dealing with the Tlicho agreement. It is reassuring to know that the land claims agreement contains a clause stating that the Supreme Court of the Northwest Territories must recognize the tradition and practices of the Tlicho people when making decisions. That is an important step. It is a start. It is a wee little step and wee little recognition of the Aboriginal laws and traditions.

• (1520)

I am inspired and encouraged by Senator Joyal saying that he recognizes that while this harmonization bill really deals with the French language and French laws, some day Aboriginal laws and practices could be recognized similarly in Canada and could, in some applicable cases, be recognized by our courts. This is encouraging.

On motion of Senator LeBreton, for Senator Nolin, debate adjourned.

## TAX CONVENTIONS IMPLEMENTATION BILL, 2004

### THIRD READING—DEBATE ADJOURNED

**Hon. Mac Harb** moved the third reading of Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

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

**Hon. John Lynch-Staunton:** Honourable senators, no, I am not. I was disappointed to see that the committee met last week on this bill in the absence of the only person on this side who spoke to it, namely, myself. I was on an official trip. I had hoped that the courtesy would be extended to me of waiting until my return to attend the committee hearings, particularly as there was one aspect of the bill that I wanted to discuss.

Having said that, I have just received the transcript of the committee hearings and would like the opportunity to read it. Once I have done so, I would like to make any comments that are suitable, which I will do in short order.

**The Hon. the Speaker:** The way for me to proceed is to put Senator Harb's motion, following which I assume Senator Lynch-Staunton will adjourn the debate. Is that in order?

**Hon. Senators:** Agreed.

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

On motion of Senator Lynch-Staunton, debate adjourned.

### STATISTICS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

**Hon. John Lynch-Staunton:** Honourable senators, this must be my day to complain. Before speaking to the bill itself, I want to draw the attention of honourable senators to a number of emails that I received last week — nearly 200 of them at last count — while I was away on official business. They obviously form part of a well-organized campaign in support of the bill, which by itself is perfectly acceptable, but in this case they included a certain form of hysteria based on deliberate misinformation which is not at all to the credit of some of Bill S-18's more ardent supporters.

Let me read a sampling. I am sure that those who signed these e-mails did so in good faith, so with due respect for their being obviously misled, I will not name them.

From Revelstoke, I got the following message:

I discovered you took the adjournment of the debate of Bill S-8 —

— meaning Bill S-18 —

— and I understand that means no progress can be made on the bill until you speak and that you did not intend to speak on the bill until the government promises to hold hearings on a private senator's bill that you have not even introduced yet.

[Translation]

I have another that comes from Quebec.

[ Senator Lynch-Staunton ]

I also learned that you intend to delay your speech until the government promises to hold hearings on a private bill that you intend to introduce in the Senate yourself.

[English]

There is one that does not say where it comes from, but it is a Sympatico email, so it is Canadian, although I also got quite a few from the United States.

Please change your stance on speaking about Bill S-18. The delay which you are proposing is unacceptable to the genealogical community. You are suggesting a wait until after hearings on a bill which has not even been introduced by Senator Stratton.

Here is the most colourful one, I think. This one is from Calgary:

Senator Lorna Milne, working with Minister Emerson, presented Bill S-18 to the Senate where it has become "stuck" due to the political shenanigans of Senator Lynch-Staunton, who is attempting, it seems, to grind his own axe and hold Bill S-18 hostage until a proposed bill by himself has been heard. No one seems to know the theme of the proposed bill.

Well, I certainly do not.

Here are the facts. Senator Comeau spoke to this bill as opposition critic on November 17. The debate was then adjourned with unanimous consent. The following day, I left, as a member of the Prime Minister's official party, for South America and Africa, returning Sunday, November 28. I was ready to speak yesterday, but the Senate adjourned at 3 p.m. because of President Bush's visit. There has been no deliberate delay in speaking on my part. I certainly know nothing about a private senator's bill that I supposedly have not introduced yet, and even less about one that could be related to Bill S-18.

What is to be deplored most about this experience is that untruths were widely disseminated not only to bring discredit on a member of the Senate but, more regrettably, to urge well-intentioned individuals to react with anger and frustration on the basis of falsehoods spread by what I will charitably term as one or more warped minds. I trust that those responsible for such boorish behaviour will at least have the decency to apologize to those they so deliberately deceived.

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

**Senator Lynch-Staunton:** To get back to the bill, the arguments put forward by the mover of Bill S-18 and by Senator Comeau in rebuttal are equally impressive. One cannot deny the need for historians and genealogists to have as complete information as possible in researching their works, and one cannot but be impressed by certain provisions in Bill S-18 in terms of time and access to what is now classified as confidential.

Canadians are constantly assured that such information sought by the government is confidential and is to remain that way. Let me cite in particular what was on the last page of the most recent census long form. The heading was "The law protects what you tell us." It reads:

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

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely. You can ask to see information you gave about yourself on your 2001 Census questionnaire after November 2001.

This debate brings to mind the one in 1964 when the Pearson government introduced a social insurance number, known as SIN, which Canadians were assured would be restricted to Unemployment Insurance, as it was called then, and the Canada and Quebec pension plans.

• (1530)

Despite all the assurances at the time that a SIN would be used exclusively in those areas, its use was eventually extended to tax returns in 1967. In 1976, the Income Tax Act was amended to require anyone cashing in a Canada savings bond to provide a SIN, thereby allowing banks and other financial institutions access to what was to be information limited exclusively to government use.

Today, the use of a SIN is not only widespread amongst many government departments, following many legislative changes but it is also an essential tool in the private sector for a number of purposes such as credit checks and employer file numbers. For all intents and purposes, what was intended for very narrow, confidential use is now as public as one's telephone number. Those who still believe that privacy is something to be guarded jealously can only deplore the evolution of the SIN over the last 40 years. So, once burned, twice shy. Who today can guarantee that the 92- and 112-year rules contained in Bill S-18 will be maintained in perpetuity? Who can guarantee that those who, during future censuses, do not consent to disclosure will have their choice respected in perpetuity? The answer is no one, as future parliaments cannot be bound by their predecessors, no matter how well-intentioned, as was the case with the issuance of the social insurance number.

In conclusion, I hope that this dilemma, respecting the needs of historians and genealogists versus a pledge of privacy, can be resolved during committee hearings when all sides can be given the time to be heard before taking a final decision. I, for one, will try to keep an open mind until then, although I must admit, at this stage, that I find Senator Comeau's argument most persuasive.

**Hon. Lorna Milne:** I would most sincerely apologize to Senator Lynch-Staunton if any incorrect information whatsoever was transmitted in my name. I also want to correct one impression that he may have left with some honourable senators concerning the 112-year rule, which is no longer in the bill.

**Senator Lynch-Staunton:** I accept that correction and the apology. I would hope that, if I forward Senator Milne all of the e-mails containing insulting remarks that I have received in

this connection she will advise all of those who wrote to me of the correction and apologize on her own behalf.

On motion of Senator Stratton, debate adjourned.

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Plamondon, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-19, to amend the Criminal Code (criminal interest rate).—(*Honourable Senator Stratton*)

**Hon. Donald H. Oliver:** Honourable senators, I know the hour is late, and people want to leave by 4 p.m., so I will keep my remarks short.

I am pleased to speak today on second reading of Bill S-19, which was introduced by the Honourable Senator Plamondon. I wish to speak to this particular bill because it was introduced by a special senator. It is the epitome of her lifetime of work as a consumer rights activist.

To put Bill S-19 in context, I need to share with you briefly some of the highlights of Senator Plamondon's life that led to this landmark bill. Senator Plamondon has been a committed consumer advocate for more than 45 years. She has worked mainly in the field of consumer affairs, and especially in the financial services, energy, privacy protection and consumer rights sectors. Her work has been primarily focused on behalf of the underprivileged, women and the elderly. Since 1974, she has headed a consumer aid organization that she founded.

She has been a member of the board of the Financial Services OmbudsNetwork, le Bureau des services financiers du Québec, and l'Association des courtiers et agents immobiliers du Québec, as well as several other committees.

Since 1985, Senator Plamondon published special studies on Internet purchasing, electronic commerce, student debt, home banking, confidentiality of data, and the services associated with financial lenders.

In 2000, she received the Prix de la justice du Québec for her contribution to defending the rights and interests of consumers for over four decades. In 2003, Senator Plamondon was awarded the National Order of Quebec. Therefore, honourable senators can understand why she introduced Bill S-19, a bill that perfectly demonstrates Senator Plamondon's lifetime work as a consumer rights advocate.

The bill proposes to amend Canada's Criminal Code to change the criminal interest rate set out in section 347, and to include in the calculation of that interest rate the charges paid by a person to obtain insurance coverage. The bill has two objectives. The first is to change the criminal rate of interest set out in section 347 from 60 per cent to 35 per cent. The second is to change the definition of interest in subsection 347 (2) of the Criminal Code.

According to section 347, the criminal interest rate means an effective annual rate of interest calculated in accordance with generally accepted actuarial practices and principles that exceeds 60 per cent on the credit advanced under an agreement or arrangement between the lender and the borrower. Currently, the criminal rate, the annual rate of interest on credit advances, is 60 per cent. Senator Plamondon's bill proposes that the rate be lowered so that it does not exceed 35 per cent, in accordance with the target for the overnight rate as determined and published by the Bank of Canada.

In other words, it is proposed that the rate of interest on any credit advanced in the form of money or monetary value in the form of any goods, services or benefits actually advanced or to be advanced under the agreement can be no greater than 35 per cent.

Currently, there is a big difference and a huge discrepancy in the Bank of Canada's interest rate and the criminal rate of interest. The Bank of Canada rate is approximately 2.50 per cent and the criminal rate of interest is 60 per cent.

In 1981, when Parliament originally amended section 347, then called section 305.1, of the Criminal Code to set the criminal rate of interest at 60 per cent, the Bank of Canada interest rate was 21.3 per cent. Today in 2004, the Bank of Canada's rate is 2.5 per cent, but the criminal rate of interest still remains at 60 per cent. Honourable senators, we need regulations suitable to the current financial context.

Senator Plamondon has proposed, in Bill S-19, that we establish a differential between the Bank of Canada's interest rate and the maximum amount of interest that could be charged by lenders. She has suggested that we amend Canada's criminal rate of interest so that a 35 per cent difference, instead of 60 per cent, be established between the Bank of Canada interest rate and the criminal rate.

Unfortunately, many Canadians are unable to borrow money from our major financial institutions, banks and other companies at regular preferred rates. Many Canadians must turn to other financial institutions or lending agencies. These institutions are often referred to as "alternative financial sectors," or AFSs.

Since these businesses take high risks in providing their loans — and since there is some justification, if you are taking a bigger risk, in charging a higher rate — their interest rates will normally be higher than those of traditional banks. Based on her expert analysis in the field, Senator Plamondon believes that a criminal rate of 35 per cent would still provide a reasonable profit for those in the lending industry.

Honourable senators may ask what the criminal interest rate is in other countries. Canada's rate is significantly higher than in most other countries. In California, for instance, the interest rate for personal loans must not exceed 10 per cent; in Florida, the rate is 18 per cent; in Texas, it is 18 to 28 per cent; and in New York, it is 25 per cent. In Europe, Canada sticks out just as well. In France, the rate is 20 per cent; in Italy, it is 19 per cent; and in Germany, it is 17.4 per cent.

[ Senator Oliver ]

In conclusion, honourable senators, I submit that Senator Plamondon, with her Bill S-19, has put forth something that is designed to help consumers across Canada. This is a bill with substantial merit, and it should be sent to committee so that expert witnesses can be called to give evidence to see if there are ways in which the bill can be improved. It can then be reported back to this chamber for third reading.

• (1540)

[Translation]

**The Hon. the Speaker:** Honourable senators, if the Honourable Senator Plamondon speaks now, her speech will end the debate on the motion for second reading of this bill.

[English]

**Hon. Bill Rompkey (Deputy Leader of the Government):** There are other senators who want to speak in this debate and I am wondering if Senator Plamondon would allow them to speak. Unavoidably, some of them are absent, but they do wish to contribute to the debate. I was about to adjourn debate to give them that opportunity.

**Hon. Madeleine Plamondon:** I would accept such a proposal as long as it is not a delaying tactic, because I did not introduce the bill only for information purposes. I want it to pass third reading and to then go to the House of Commons.

**Senator Rompkey:** I can give my assurance that this is not a delaying tactic. Some of the senators who wish to speak, one in particular, is unavoidably absent because of a family incident that requires her attention. She intends to speak to this bill as soon as possible, and for that reason I would like to adjourn the debate.

**The Hon. the Speaker:** I will take this intervention as an exchange on Senator Oliver's time for comments or questions.

I have heard there are other senators who wish to speak. We do provide for that. I appreciate Senator Plamondon's concern, and hopefully it has been answered by Senator Rompkey.

On motion of Senator Rompkey, debate adjourned.

## SPAM CONTROL BILL

### SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Honourable Senator Oliver*)

**Hon. Donald H. Oliver:** Before moving second reading of Bill S-15, I should like to advise honourable senators that on Friday of this week I have been invited to attend and to speak at a major conference of stakeholders in relation to the spam problem. At that time, they will be analyzing this particular bill and discussing methods in which this issue should be dealt with in Canada.

I know that the 15-day time period to speak to this bill is fast approaching. I wanted to speak today to say these few words so that I could have a bit more time to compose my final remarks after the meeting of the task force on Friday.

**The Hon. the Speaker:** Did you wish to put your motion today, Senator Oliver?

**Senator Oliver:** No, I simply wanted to adjourn debate.

**The Hon. the Speaker:** We will let this item stand, then.

Order stands.

## CANADA TRANSPORTATION ACT

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

**Hon. Wilfred P. Moore** moved second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(*Honourable Senator Banks*)

He said: Honourable senators, I rise today to speak to Bill S-6, to amend the Canada Transportation Act in respect of the carriage of grain by rail.

The contention behind Bill S-6 is that at the present time there exists no real competition in the movement of grain by rail on the main lines of our two largest railways. This means that the producers and shippers of grain do not have the advantage of a normalized competitive transportation market relative to the costs they must pay of moving grain from the field to its destination. The Western provinces know that this is so; the Canadian Wheat Board knows that this is so; and, most important, grain farmers and shippers know that this is so.

The point of the present bill, honourable senators, is to correct that market imbalance and to bring the carriage of grain by rail into the 21st century.

The author of Bill S-6, Senator Banks, is working out of Ottawa with the Standing Senate Committee on National Security and Defence this week. He is awaiting the arrival of two pieces of information within the next few days that are cogent to his argument in these respects. I, therefore, move the adjournment of the debate in the name of Senator Banks, with the request that he be permitted, with leave, to have the remainder of this time for the purpose of second reading debate.

**The Hon. the Speaker:** I will put the motion, but before doing so I would indicate that all the honourable senator need do is rise to speak and he will have his full 45 minutes.

Is it agreed, honourable senators, that this be the case?

**Hon. Senators:** Agreed.

On motion of Senator Moore, for Senator Banks, debate adjourned.

[*Translation*]

## COMMITTEE OF SELECTION

### THIRD REPORT OF COMMITTEE ADOPTED

Consideration of the third report of the Committee of Selection (*change of membership on Official Languages Committee*) presented in the Senate on November 30, 2004.—(*Honourable Senator Losier-Cool*)

**Hon. Rose-Marie Losier-Cool** moved the adoption of the report.

Motion agreed to and report adopted.

[*English*]

## THE SENATE

### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Sharon Carstairs:** Honourable senators, I rise today to support the motion of the Honourable Senator Lavigne with respect to senators swearing an oath of allegiance to our country, Canada, in addition to our oath to the Queen.

Why would I want to do this? It is really very simple for me. As a senator, I serve the people of Canada, more particularly the citizens of the province of Manitoba. I take my constitutional responsibilities to uphold the rights of minorities very seriously because it is in this protection that I believe we grapple with the essence of Canada. Too often in Canada and in other democracies we speak of democracy, but equally often, I regret, we believe democracy is majority rule. However, in its true essence, democracy only exists when minority rights are protected.

For three years I lived in the United States, one as a graduate student and two as a teacher. I watched while students each day took their oath of allegiance to their country. They did it with great seriousness. Indeed, I was required to do my practice teaching and full-time teaching in a private school because I would not swear allegiance to the United States. I knew I would never give up my citizenship as a Canadian and that I would return to Canada.

However, I admired their sense of their country and their sense of their history. These were difficult years in the United States. I was there for the Cuban missile crisis, the assassination of President Kennedy and the march to Washington, where I stood and listened to Martin Luther King speak when he said, "I have a dream."

I realized I, too, had a dream. I wanted to return to Canada where I had a country whose values and spirit I deeply admired and respected; a country whose children I would be proud to teach; a country I would be honoured to serve; a country whose national anthem still brings me to tears. Yet, I have never sworn allegiance to this country to which I am so deeply committed. To swear allegiance to Canada would fill me with great pride, and I welcome the opportunity to do it.

On motion of Senator Robichaud, debate adjourned.

The Senate adjourned until Thursday, December 2, 2004, at 1:30 p.m.

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## **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 Noël A. Kinsella

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**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

(December 1, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
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	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
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	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(December 1, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow . . . . .	Saskatchewan . . . . .	North Battleford, Sask.
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.
Peter Alan Stollery . . . . .	Bloor and Yonge . . . . .	Toronto, Ont.
Peter Michael Pitfield, P.C. . . . .	Ottawa-Vanier . . . . .	Ottawa, Ont.
Michael Kirby . . . . .	South Shore . . . . .	Halifax, N.S.
Jerahmiel S. Grafstein . . . . .	Metro Toronto . . . . .	Toronto, Ont.
Anne C. Cools . . . . .	Toronto Centre-York . . . . .	Toronto, Ont.
Charlie Watt . . . . .	Inkerman . . . . .	Kuujuaq, Que.
Daniel Phillip Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary, Alta.
Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge, Alta.
Colin Kenny . . . . .	Rideau . . . . .	Ottawa, Ont.
Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal, Que.
Eymard Georges Corbin . . . . .	Grand-Sault . . . . .	Grand-Sault, N.B.
Norman K. Atkins . . . . .	Markham . . . . .	Toronto, Ont.
Ethel Cochrane . . . . .	Newfoundland and Labrador . . . . .	Port-au-Port, Nfld. & Lab.
Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg, Man.
Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver, B.C.
Gerald J. Comeau . . . . .	Nova Scotia . . . . .	Saulnierville, N.S.
Consiglio Di Nino . . . . .	Ontario . . . . .	Downsview, Ont.
Donald H. Oliver . . . . .	Nova Scotia . . . . .	Halifax, N.S.
Noël A. Kinsella . . . . .	Fredericton-York-Sunbury . . . . .	Fredericton, N.B.
John Buchanan, P.C. . . . .	Nova Scotia . . . . .	Halifax, N.S.
John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville, Que.
James Francis Kelleher, P.C. . . . .	Ontario . . . . .	Sault Ste. Marie, Ont.
J. Trevor Eyton . . . . .	Ontario . . . . .	Caledon, Ont.
Wilbert Joseph Keon . . . . .	Ottawa . . . . .	Ottawa, Ont.
Michael Arthur Meighen . . . . .	St. Marys . . . . .	Toronto, Ont.
J. Michael Forrestall . . . . .	Dartmouth and Eastern Shore . . . . .	Dartmouth, N.S.
Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli, Man.
A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina, Sask.
Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec, Que.
Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert, Man.
Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal, Que.
Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun, Sask.
David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon, Sask.
W. David Angus . . . . .	Alma . . . . .	Montreal, Que.
Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec, Que.
Marjory LeBreton . . . . .	Ontario . . . . .	Manotick, Ont.
Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge, B.C.

Senator	Designation	Post Office Address
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, 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.
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.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
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-Saint-Hilaire, 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

(December 1, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
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	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
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
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	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
Hubleby, 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
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	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
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, 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
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.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuuujuaq, Que.	Lib

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
(December 1, 2004)

**ONTARIO—24**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C. . . . .	Pakenham . . . . .	Ottawa
2 Peter Alan Stollery . . . . .	Bloor and Yonge . . . . .	Toronto
3 Peter Michael Pitfield, P.C. . . . .	Ottawa-Vanier . . . . .	Ottawa
4 Jerahmiel S. Grafstein . . . . .	Metro Toronto . . . . .	Toronto
5 Anne C. Cools . . . . .	Toronto Centre-York . . . . .	Toronto
6 Colin Kenny . . . . .	Rideau . . . . .	Ottawa
7 Norman K. Atkins . . . . .	Markham . . . . .	Toronto
8 Consiglio Di Nino . . . . .	Ontario . . . . .	Downsview
9 James Francis Kelleher, P.C. . . . .	Ontario . . . . .	Sault Ste. Marie
10 John Trevor Eyton . . . . .	Ontario . . . . .	Caledon
11 Wilbert Joseph Keon . . . . .	Ottawa . . . . .	Ottawa
12 Michael Arthur Meighen . . . . .	St. Marys . . . . .	Toronto
13 Marjory LeBreton . . . . .	Ontario . . . . .	Manotick
14 Landon Pearson . . . . .	Ontario . . . . .	Ottawa
15 Lorna Milne . . . . .	Peel County . . . . .	Brampton
16 Marie-P. Poulin . . . . .	Northern Ontario . . . . .	Ottawa
17 Francis William Mahovlich . . . . .	Toronto . . . . .	Toronto
18 Vivienne Poy . . . . .	Toronto . . . . .	Toronto
19 Isobel Finnerty . . . . .	Ontario . . . . .	Burlington
20 David P. Smith, P.C. . . . .	Cobourg . . . . .	Toronto
21 Mac Harb . . . . .	Ontario . . . . .	Ottawa
22 Jim Munson . . . . .	Ottawa/Rideau Canal . . . . .	Ottawa
23 . . . . .		
24 . . . . .		

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe	Saurel	Magog
17 Michel Biron	Milles Isles	Nicolet
18 Raymond Lavigne	Montarville	Verdun
19 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
20 Madeleine Plamondon	The Laurentides	Shawinigan
21		
22		
23		
24		

## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

## NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

## PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		



## SENATORS BY PROVINCE-WESTERN DIVISION

**MANITOBA—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
6 . . . . .		

**BRITISH COLUMBIA—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
2 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
3 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
4 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
5 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
6 . . . . .		

**SASKATCHEWAN—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow . . . . .	Saskatchewan . . . . .	North Battleford
2 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
3 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
4 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
5 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
6 . . . . .		

**ALBERTA—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Tommy Banks . . . . .	Alberta . . . . .	Edmonton
4 . . . . .		
5 . . . . .		
6 . . . . .		

## SENATORS BY PROVINCE AND TERRITORY

### NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody . . . . .	Harbour Main-Bell Island . . . . .	St. John's
2 Ethel Cochrane . . . . .	Newfoundland and Labrador . . . . .	Port-au-Port
3 William H. Rompkey, P.C. . . . .	North West River, Labrador . . . . .	North West River, Labrador
4 Joan Cook . . . . .	Newfoundland and Labrador . . . . .	St. John's
5 George Furey . . . . .	Newfoundland and Labrador . . . . .	St. John's
6 George S. Baker, P.C.. . . . .	Newfoundland and Labrador . . . . .	Gander

### NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston . . . . .	Northwest Territories . . . . .	Fort Simpson

### NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams . . . . .	Nunavut . . . . .	Rankin Inlet

### YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen . . . . .	Yukon Territory. . . . .	Whitehorse

## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 1, 2004)

\*Ex Officio Member

## ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

## Honourable Senators:

Angus,	Christensen,	* Kinsella,	Sibbeston,
* Austin,	Fitzpatrick,	(or Stratton)	St. Germain,
(or Rompkey)	Gustafson,	Léger,	Trenholme Counsell,
Buchanan,	Hubley,	Pearson,	Watt.

*Original Members as nominated by the Committee of Selection*

*Angus, \*Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,  
\*Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt*

## AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

## Honourable Senators:

* Austin,	Gill,	* or Kinsella,	Oliver,
(or Rompkey)	Gustafson,	(or Stratton)	Ringuette,
Callbeck,	Hubley,	Mahovlich,	Sparrow,
Fairbairn,	Kelleher,	Mercer,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,  
\*Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.*

## BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

## Honourable Senators:

Angus,	Chaput,	Hervieux-Payette,	Moore,
* Austin,	Fitzpatrick,	* Kinsella,	Oliver,
(or Rompkey)	Grafstein,	(or Stratton)	Plamondon,
Biron,	Harb,	Meighen,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

*Angus, \*Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,  
\*Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.*

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

**Chair: Honourable Senator Banks**

**Deputy Chair: Honourable Senator Cochrane**

**Honourable Senators:**

Adams,	Banks,	Finnerty,	* Kinsella,
Angus,	Buchanan,	Gustafson,	(or Stratton)
* Austin,	Christensen,	Kenny,	Lavigne,
(or Rompkey)	Cochrane,		Milne,
			Spivak.

*Original Members as nominated by the Committee of Selection*

*Adams, Angus, \*Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, \*Kinsella (or Stratton), Lavigne, Milne, Spivak.*

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## FISHERIES AND OCEANS

**Chair: Honourable Senator Comeau**

**Deputy Chair: Honourable Senator Hubley**

**Honourable Senators:**

Adams,	De Bané,	* Kinsella	Meighen,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,			Watt.

*Original Members as nominated by the Committee of Selection*

*Adams, \*Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, \*Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

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## FOREIGN AFFAIRS

**Chair: Honourable Senator Stollery**

**Deputy Chair: Honourable Senator Di Nino**

**Honourable Senators:**

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, \*Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

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## HUMAN RIGHTS

**Chair: Honourable Senator Andreychuk**

**Deputy Chair: Honourable Senator Pearson**

**Honourable Senators:**

Andreychuk,	Carstairs,	Kinsella,	Losier-Cool,
* Austin,	Ferretti Barth,	(or Stratton)	Oliver,
(or Rompkey)	LaPierre,	LeBreton,	Pearson,
			Poy.

***Original Members as nominated by the Committee of Selection***

*Andreychuk, \*Austin, (or Rompkey), Carstairs, Ferretti Barth, \*Kinsella (or Stratton), LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

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## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

**Chair: Honourable Senator Furey**

**Interim Deputy Chair: Honourable Senator Nolin**

**Honourable Senators:**

* Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

***Original Members as nominated by the Committee of Selection***

*\*Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon, \*Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

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## LEGAL AND CONSTITUTIONAL AFFAIRS

**Chair: Honourable Senator Bacon**

**Deputy Chair: Honourable Senator Eyton**

**Honourable Senators:**

Andreychuk,	Eyton,	Mercer,	Ringuette,
* Austin,	Joyal,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Cools,			

***Original Members as nominated by the Committee of Selection***

*Andreychuk, \*Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, \*Kinsella (or Stratton), Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*

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### LIBRARY OF PARLIAMENT (Joint)

**Joint Chair: Honourable Senator Trenholme Counsell**

**Vice-Chair:**

**Honourable Senators:**

Lapointe, LeBreton,	Poy,	Stratton,	Trenholme Counsell.
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*Original Members agreed to by Motion of the Senate  
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.*

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### NATIONAL FINANCE

**Chair: Honourable Senator Oliver**

**Deputy Chair: Honourable Senator Day**

**Honourable Senators:**

* Austin, (or Rompkey) Carstairs, Comeau,	Cools, Day, Downe, Ferretti Barth,	Harb, * Kinsella, (or Stratton) Murray,	Oliver, Ringuette, Stratton.
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*Original Members as nominated by the Committee of Selection*  
*\*Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,*  
*\*Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

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### NATIONAL SECURITY AND DEFENCE

**Chair: Honourable Senator Kenny**

**Deputy Chair: Honourable Senator Forrestall**

**Honourable Senators:**

Atkins, * Austin, (or Rompkey) Banks,	Cordy, Day, Forrestall,	Kenny, * Kinsella, (or Stratton)	Lynch-Staunton, Meighen, Munson,
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*Original Members as nominated by the Committee of Selection*  
*Atkins, \*Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,*  
*\*Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

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**VETERANS AFFAIRS****(Subcommittee of National Security and Defence)****Chair: Honourable Senator Meighen****Deputy Chair: Honourable Senator Day****Honourable Senators:**

Atkins,	Day,	* Kinsella,	Meighen.
* Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

**OFFICIAL LANGUAGES****Chair: Honourable Senator Corbin****Deputy Chair: Honourable Senator Buchanan****Honourable Senators:**

* Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	St. Germain.
Buchanan,	Corbin,	(or Stratton)	

***Original Members as nominated by the Committee of Selection***

*\*Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, \*Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

**RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT****Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Lynch-Staunton****Honourable Senators:**

Andreychuk,	Di Nino,	* Kinsella,	Maheu,
* Austin,	Fraser,	(or Stratton)	Milne,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,		

***Original Members as nominated by the Committee of Selection***

*Andreychuk, \*Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, \*Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*

**SCRUTINY OF REGULATIONS (Joint)****Joint Chair: Honourable Bryden****Vice-Chair:****Honourable Senators:**

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

***Original Members as agreed to by Motion of the Senate****Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.***SELECTION****Chair: Honourable Senator Losier-Cool****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

***Original Members agreed to by Motion of the Senate***

*\*Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,*  
*\*Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.*

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator Keon****Honourable Senators:**

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

***Original Members as nominated by the Committee of Selection***

*\*Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson,*  
*Keon, \*Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*



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**TRANSPORT AND COMMUNICATIONS****Chair: Honourable Senator Fraser****Deputy Chair: Honourable Senator Tkachuk****Honourable Senators:**

* Austin, (or Rompkey)	Chaput, Di Nino,	* Kinsella, (or Stratton)	Phalen, Tkachuk,
Baker,	Eyton,	Merchant,	Trenholme Counsell.
Carney,	Fraser,	Munson,	

***Original Members as nominated by the Committee of Selection***

*\*Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,  
\*Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.*

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