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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, December 9, 2004

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

Prayers.

SENATORS' STATEMENTS

JOHN HUMPHREY FREEDOM AWARD

CONGRATULATIONS TO 2004 RECIPIENT
GODELIÈVE MUKASARASI

Hon. Joseph A. Day: Honourable senators, I rise today to remind you that tomorrow, December 10, is International Human Rights Day. To mark this important occasion, I want to bring to your attention the acts of a woman whose works have struck a chord the world over — Rwandan activist Godeliève Mukasarasi, this year's recipient of the John Humphrey Freedom Award presented by Rights and Democracy.

Honourable senators will recall John Humphrey was the author of the first draft of the Universal Declaration of Human Rights. He was a native son of my hometown of Hampton, New Brunswick, and it is fitting that a human rights award should be named in his honour.

As a prelude to receiving her award, Ms. Mukasarasi visited the John Peters Humphrey Foundation in Hampton last week, an organization with which I am pleased to have an association.

Each year the John Humphrey Freedom Award is presented to an organization or an individual for exceptional achievement in the promotion of human rights and democratic development.

[*Translation*]

This year's recipient, Godeliève Mukasarasi, will receive the award this evening in a special ceremony at the Museum of Civilization.

[*English*]

Canadians heard a great deal about the acts of genocide that occurred in Rwanda a decade ago. Eight hundred thousand people were murdered in a 24-hour period as the United Nations force led by Canadian General Roméo Dallaire, which was poorly equipped and lacked proper direction from the United Nations, was unable to intercede.

After 10 years, one might expect some degree of closure to that devastating event. However, there are other victims in Rwanda who have been forgotten victims of the genocide. They were the women of Rwanda, for whom the terror lives on. Their story is only recently being told, thanks to the efforts of Ms. Mukasarasi.

During the genocide, Rwandan women were purposely being infected with HIV/AIDS. This planned annihilation was committed by soldiers infected with the HIV virus with the intent of infecting their rape victims.

In the minds of those responsible for the genocide, these actions were tremendously effective for a number of reasons. A woman who was raped and infected with the HIV virus became a potential source of transmission to any future sexual partners. She would then give birth to children whose chances of survival were next to nil, and she would eventually die herself.

In addition to being infected with HIV/AIDS, many of these women have other health problems associated with the traumatic experience of rape — rape which often occurred in public on the main streets and in hospitals and in churches. Nothing was done to protect the citizens or to stop those acts from occurring.

Honourable senators —

The Hon. the Speaker: I regret to advise that the honourable senator's time has expired.

INTERNATIONAL HUMAN RIGHTS DAY

Hon. A. Raynell Andreychuk: I, too, would add my words of congratulations to this year's winner of the John Humphrey Freedom Award. It was well deserved.

As has been stated, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which has become a universal standard for defending and promoting human rights. As we began to understand our rights, it became patently clear that those who need the protection of the universal declaration were the least able to utilize these rights.

First, the United Nations conducts its affairs in six official languages. Many people in small villages using dialects without benefit of education or international understanding simply were not aware of their rights. In many cases, repressive regimes have taken steps clearly contrary to citizens. Therefore, the issue of education on the universal declaration and the need to adhere to human rights standards internationally became the imperative.

Consequently, International Human Rights Day, 2004, is dedicated to human rights education. World leaders will meet in the United Nations General Assembly to mark the end of the United Nations Decade for Human Rights Education, 1995 to 2004, and there they will discuss possible future initiatives for the enhancement of human rights education worldwide.

It is expected that a world program for human rights education will be implemented, with the first phase of the program to run from 2005 to 2007, being devoted to human rights education in the primary and secondary school systems.

As Prime Minister Martin has indicated, he has put on the agenda the duty to protect citizens as a prime responsibility of governments. It is imperative that the best opportunity to avail citizens of their rights is to inform them, to educate them, and to allow them to act in concert with the international community to gain these rights.

I urge Canada to support this endeavour in primary and secondary schools.

THE SENATE

PREPARED SPEECHES BY DEPARTMENTAL OFFICIALS—SPEECH ON SECOND READING OF BILL C-4

Hon. Gerard A. Phalen: Honourable senators, I rise today to tell you that I am very disappointed and upset to see in this morning's papers all across Canada that I have been called a plagiarizer. The dictionary describes plagiarism as "passing off the thoughts of another person as one's own."

I delivered to this chamber a speech that I believed at the time had been prepared for my use in this chamber. My colleagues on the other side pointed out yesterday that they were not questioning the senators but instead the process, yet it is clear now that it is the senators' integrity that is in question.

• (1340)

When I was asked to sponsor this legislation, I undertook to learn about the need for this convention and protocol and the processes that had brought forward this legislation. I not only read the binders of information but met with department officials and staff and was briefed on the bill and, I underline, the prepared speech.

As most senators will know, when senators are asked to sponsor bills in this chamber, we are provided with briefing information, and, to the best of my knowledge, almost always a prepared speech. Although you may be sure that I will bring my feelings of disappointment to the attention of the departmental staff and the minister, I would like to point out that when I read this prepared speech, I found the need for this legislation very well explained.

This legislation had been years in the making and was greatly supported by all sides of the air transport industry. In the end, I continue to support this legislation and hope that my colleagues on the other side will deal with its very important substance as we continue second and third reading debate.

ENDANGERED SPECIES

Hon. Donald H. Oliver: Honourable senators, a respected group of scientists, the Committee on the Status of Endangered Wildlife in Canada, recently added 114 new species of wildlife to its endangered list. There are now 455 species of plants and animals in Canada that share this dubious distinction. We need to act now to ensure that our endangered wildlife does not disappear forever.

In spite of the fact that 83 per cent of Canadians support the protection of wildlife and their habitats, no federal legislation exists to protect endangered species. Out of the 12 provinces, only Ontario, Quebec, New Brunswick and Manitoba have legislation, but the effectiveness of any legislation, of course, depends on its enforcement.

With this in mind, I was alarmed to hear on CBC Radio last weekend that Nova Scotia's striped bass population was also added to the endangered species list. Any avid fisherman will know that striped bass are as native to Nova Scotia as Atlantic

salmon or speckled trout, but currently there is no organized group of conservation-minded anglers in Nova Scotia to protect our striped bass and ensure that future generations can experience this fantastic game fish.

The striped bass is not the only species on Nova Scotia's endangered list. The Blanding's turtle is also endangered, that is, everywhere but the area around Pleasant River in Queens County, Nova Scotia, where a large group of these endangered turtles have decided to make their habitat. According to Ducks Unlimited, the Pleasant River area in Nova Scotia presents an ideal breeding ground for these rare turtles, who favour plant-filled marshes, ponds and creeks.

The Blanding's turtle is unique. Its shell tends to be spotted or streaked with greyish yellow and has a high, domed shape that resembles an army helmet. The plastron, or bottom part of the shell, is yellow with symmetrically arranged black patches. Their head and neck are yellow on the underside.

Besides the North Queens area, the only population of Blanding's turtles known to exist in Canada is found in and around Nova Scotia's Kejimikukik National Park area. There, the population is believed to be around 100 to 180 turtles. Since 1973, the Province of Nova Scotia has considered this species at risk. That is because human destruction of nest sites, coupled with Nova Scotia's unpredictable climate, has prevented eggs from properly developing.

Indeed, habitat destruction is cited as the greatest contributor to the extinction of wildlife species in Canada. It is a factor in 80 per cent of all extinctions. Without the proper environment to live in, with a source of food, water and shelter, life cannot exist.

In conclusion, honourable senators, let us take every step that we can to ensure the preservation of not only the Blanding's turtle but also all endangered species across Canada. Let us work together with environmental groups to make ecological conservation a priority. Let us ensure that future generations of Canadians enjoy all the species of plants and animals that our country has to offer.

FOREIGN AFFAIRS

SUDAN—UPDATE BY SPECIAL ENVOY

Hon. Mobina S. B. Jaffer: Honourable senators, this year I have visited Sudan three times, including the remote areas where the Sudanese are living. I also travelled across Canada to brief Canadians and the Canadian Sudanese.

In May, we worked hard with other countries impressing upon the government of Sudan and the southern rebels that it was important that the framework agreement for peace between the Government of Sudan and the southern rebels be signed. I am pleased to tell honourable senators that I was present in Kenya at the signing of this framework agreement.

In June, I visited internally displaced camps in Nyala and El Jemina in Darfur. What I saw has changed my life forever. Now, I look for sleep. I also met with tribal and religious leaders of Darfur. Canada will be working with these leaders to find ways to achieve peaceful solutions to the challenges in Darfur.

In September, with Minister Carroll, I visited Sudan and the region, and at that time I was invited to do further work with the Sudanese. I have been able to do all this work with the great support of my leader in the Senate, Senator Jack Austin. Thank you, Senator Austin, for your support.

The African Union is playing a very important role in peacekeeping and I am pleased to inform honourable senators that, in September, after discussions with Chairman Konare of the African Union in Addis, we are now working in partnership with the African Union to deploy troops in Darfur. We are also providing resources for helicopters. Last month, these helicopters were also involved in rescuing 41 workers in Darfur.

In November, Prime Minister Paul Martin, Senator Lynch-Staunton, Senator Comeau, Senator Chaput and I visited Khartoum. The Prime Minister was able to negotiate humanitarian access to the whole of Sudan. This was a great breakthrough. From Khartoum I travelled to the very remote areas of southern Sudan, where I stayed in tents and met with Mr. Garang, chairman of the southern rebels.

With God's grace, hopefully a peace agreement will be signed at the end of this year.

Honourable senators, you will shortly receive a detailed report from me on the situation in the Sudan and our country's work in the region.

There have been some questions of my compensation for my work in Sudan. I receive the same compensation as all honourable senators, and my expenses are paid, as they are for all senators when travelling on behalf of our country.

However, honourable senators, there is one extra compensation that I do receive. I get to represent our great country in my continent of birth. Thirty years ago, I arrived in Canada as a refugee with my life in tatters. Canadians, and especially Canadians like the Honourable Thomas Dohm, my law partner of 26 years, and Senator Fitzpatrick helped my family and I to rebuild our lives. Today, as a Canadian, I proudly represent all of us. I am truly blessed to have this opportunity to say I am Canadian.

THE LATE DAVID VIENNEAU

Hon. Jim Munson: Honourable senators, I rise today to pay tribute to a former colleague of mine, a member of the National Press Gallery and a wonderful friend, David Vienneau.

How I will miss this man! How Canadians will miss this man! How his family will miss him! He has been a weighty presence in Canadian media for more than two decades, first working as a reporter and then later as a bureau chief. He was a reporter of great integrity who looked for the facts and let the story build from there. He covered stories others would have avoided, and, as a result, Canada took action against war criminals.

He earned the respect of his peers and of no less than four of Canada's prime ministers, and, of course, he won many awards.

He moved with great agility between different media and was one of the first to handle a newsroom of both print and broadcast journalists. He was the bridge that brought these two factions together, and he helped them work effectively.

He was a complete professional who loved his job, but, most of all, loved his family. It is shocking to lose someone so young and so quickly. His friends and colleagues all feel robbed. We need him still and are not ready to go without his warmth, his honesty and his humour.

• (1350)

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM ACT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 57(1)(d), I give notice that, two days hence, I will move:

That a Special Committee of the Senate be appointed to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (S.C. 2001, c.41);

That, notwithstanding rule 85(1)(b), the special committee comprise nine members, namely the Honourable Senators Andreychuk, Day, Fairbairn, Fraser, Harb, Jaffer, Joyal, Kinsella and Lynch-Staunton and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings *in camera* for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That the committee submit its final report no later than December 18, 2005, and that the committee retain all powers necessary to publicize its findings until December 31, 2005; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that any report so deposited be deemed to have been tabled in the Chamber.

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-22, to amend the Canada Elections Act (mandatory voting).

Bill read first time.

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

On motion of Senator Harb, bill placed on the Orders of the Day for second reading Thursday next.

GENERAL SYNOD OF
THE ANGLICAN CHURCH OF CANADAPRIVATE BILL TO AMEND ACT OF INCORPORATION—
PRESENTATION OF PETITION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a petition from the General Synod of the Anglican Church of Canada, of the city of Toronto in the province of Ontario, praying for the passage of an act to amend the act of incorporation of the General Synod of the Anglican Church of Canada.

QUESTION PERIOD

NATIONAL DEFENCE

LOCATION OF NEW HEADQUARTERS—
SALE OF SURPLUS EQUIPMENT

Hon. J. Michael Forrestall: Honourable senators, I have a question for the very soon to be dean of our august assembly. In *The Ottawa Sun* today there is an article that says that on July 14, 2004, the deputy minister of DPW, Mr. David Marshall, wrote to the Deputy Minister of National Defence to indicate a positive potential for the purchase of the JDS complex as a site for National Defence Headquarters and that earlier this fall the Deputy Minister of National Defence said he had to see the Ethics Commissioner over a possible move of the headquarters to the old RCMP proving grounds.

I have asked about this issue in the past. Yesterday I asked about the proposed purchase of the lands near the casino in Gatineau for the same purpose. Today I ask the Leader of the Government in the Senate: Is the Department of National Defence still considering a move of its National Defence Headquarters and, if so, when are they planning to move it and to which location might it go?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am unable to provide Senator Forrestall with an answer because it has not been provided to me. I have made the inquiries and I will provide the answer as quickly as I can.

I believe Senator Forrestall asked me about surplus military sales, and I could give him a short answer now. He asked for a short verbal answer, so I will give it.

Senator Forrestall: Please.

Senator Austin: The Department of National Defence believes it is fiscally prudent to dispose of military vehicles and equipment surplus to our needs that have reached the end of their shelf life. Canada, however, very closely controls the sale of such military hardware and does not sell to nations that pose a threat to this country or to our allies, to those involved in any form of hostilities, those under UN sanctions or those with a persistent record of human rights violations.

Senator Forrestall: I appreciate the response. I was not the one who directly put that question to the minister, but I appreciate the response.

I asked the Leader of the Government a question about National Defence Headquarters. Can the honourable leader tell us if the government is currently in negotiations for any site of the three I mentioned or any other site, and, if so, with whom and at what stage are the negotiations? He will appreciate the concern about this matter, as it has been dragging on for some time. The people of Barrhaven are in an upbeat mood, with no indication of whether it is a justified exuberance. One hates to mislead by conjecture and second guessing. It follows that people should know as much as possible so they do not get their hopes too high without strong reason.

Senator Austin: I certainly have made that representation to the Department of National Defence. I hope to have an answer for the honourable senator quite soon.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY
MINISTER—MINISTERIAL PERMIT PROCESS

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. The first of many allegations of misconduct recently levelled against the Minister of Citizenship and Immigration involved her issuing a ministerial permit approving temporary residency to an exotic dancer who volunteered on her election campaign. Other people in our immigration system who have been denied residency have subsequently questioned why that case was approved while theirs was not. I would like to specifically mention the case Senator Moore raised on Tuesday of an immigrant family in Halifax who were forced to sail into the North Atlantic last week because the department did not see fit to allow them to stay until spring when sailing conditions would be safer.

Could the Leader of the Government in the Senate tell us the criteria for issuing a ministerial permit and how, in the government's opinion, it was applied correctly in the case of the minister's campaign worker?

• (1400)

Hon. Jack Austin (Leader of the Government): Honourable senators, I can only provide a partial answer to the question. With respect to the family in Halifax about whom Senator Moore inquired, I am advised that in no way did any government official suggest that they should, or require them to, sail away from Halifax. As I said in answer to Senator Moore's question, this family is not eligible to apply for immigration status while in Canada. They were asked, as are all such people, to leave Canada. They could leave Canada by many ways, other than by their own sailing vessel, and I am advised their sailing vessel could certainly remain in Halifax.

With respect to the question relating to the Minister of Citizenship and Immigration and the basis upon which those permits are provided, I will obtain a succinct answer for Senator Stratton.

Senator Stratton: Honourable senators, having those folks sail away in their sailboat is, needless to say, inhumane, particularly when you consider that they had to sail into the North Atlantic. Why did they have to do that? Why were they not advised of their choices? That would be an interesting question to follow up on.

Honourable senators, at least one member of the other place has claimed that he was warned by two members of Minister Sgro's staff not to question her use of a ministerial permit in the case of a campaign worker if that member wanted to continue to receive ministerial permits for people in his Winnipeg riding.

Could the Leader of the Government in the Senate tell us what safeguards are in place to ensure that the Minister of Citizenship and Immigration or her staff cannot use the threat of withholding a ministerial permit for political gain or other unethical reasons?

Senator Austin: Honourable senators, it remains to be seen whether the allegation to which Senator Stratton refers is founded. I understand that the Conservative Party in the other place has made a formal complaint to the Ethics Commissioner with respect to the matter Senator Stratton has raised. I suppose that the best way in which to proceed would be to allow the Ethics Commissioner to make his inquiries and report to the House in due course.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— AVAILABILITY OF POLLING RESULTS ON LISTENING TO CANADIANS SERIES

Hon. Donald H. Oliver: Honourable senators, a few weeks ago, we learned that the Government of Canada paid \$127,000 for an opinion poll that, among other things, attempted to measure public reaction to the sponsorship scandal. That February 2004 poll was part of the Listening to Canadians series. Prior to May 2003, the government posted the Listening to Canadians polls on the Internet, albeit usually about three months later, but they were posted. This February 2004 poll was not posted on the

Internet and Canadians only found out about it when Southam News obtained a copy. The government also did not post the September and December 2003 Listening to Canadians polls on the Internet.

Could the Leader of the Government in the Senate advise why this government is less transparent than the Chrétien government, as evidenced by the fact that it has not made the results of these polls easily accessible?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not accept the comparison of transparencies between the two governments, but I will make inquiries and endeavour to provide Senator Oliver with an answer.

Senator Oliver: Honourable senators, while the minister is making those inquiries could he also find out how much that particular poll cost?

I should like to read to honourable senators information from the poll. It asks the question: When you think of the Government of Canada, who do you think of first? Among several possible answers were: the federal government departments; Prime Minister Jean Chrétien; Prime Minister Paul Martin; the Liberal Party; and taxes.

Would the Leader of the Government advise this chamber why such a poll would ask whether Canadians think of their government in terms of Jean Chrétien, Paul Martin or the Liberal Party, when an analysis of the balance of the poll was based on gender, location, education, income, visible minority status, immigration status and age?

Senator Austin: Honourable senators, I will certainly add that question to my inquiry. I should like to say, however, that many of my friends think of taxes first.

CITIZENSHIP AND IMMIGRATION

EXTENSION OF VISA OF BONDARENKO FAMILY

Hon. Wilfred P. Moore: Honourable senators, my question is directed to the Leader of the Government in the Senate and is with respect to the Bondarenko family and their attempt to remain in Canada until the spring when they will be willing to and intend to leave Canada and make an application to immigrate to Canada from outside the country.

On Tuesday of this week, I asked the Leader of the Government to request the Minister of Citizenship and Immigration to grant permission for this family to remain in Canada until the spring of 2005, during which time their ship could be properly repaired, allowing them to set sail in the North Atlantic when conditions are much more hospitable.

Does the Leader of the Government have a response to that question from the Minister of Citizenship and Immigration?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have a direct response to the question Senator Moore asked of me. I have answered as fully as I can in this Question Period.

I will say, however, that it is not a usual process — in fact, it is probably even unprecedented — for people who are not eligible to be in Canada to be able to negotiate a stay in Canada because they have a sailboat in a port in Canada.

Senator Moore: Honourable senators, this sailboat is their only asset. I am told that they have been told to get rid of it, to get the money they can for it, and fly to wherever they can go. That is not very Canadian of us.

I have read that Deputy Prime Minister Anne McLellan, who is responsible for the Canada Border Services Agency, said yesterday that the Department of Citizenship and Immigration and her agency are dealing with the family in an appropriate fashion.

Can the Leader tell me what is that appropriate fashion?

Senator Austin: Honourable senators, I have no further information for Senator Moore.

Senator Moore: Honourable senators, the bureaucrats in the Department of Citizenship and Immigration issued a deportation order saying that these people had to be out of Canada by December 14. Time is marching on. This is December 9. I would like to know that some positive effort is being made to ensure that this family receives permission to enable them to stay temporarily in Canada until, as I suggested, Tuesday, May 23, 2005, which is the long weekend when most people in Nova Scotia launch their boats because they think it is a hospitable and proper time to be sailing.

However, I am not talking to the bureaucrats. My petition is to the ministers on behalf of this family. I would like to know that these people are being dealt with in the appropriately Canadian fashion of compassion and civility. This family wants to immigrate to Canada. For the past month, the news has been full of items on immigration. Mr. Bondarenko has a Ph.D. in engineering; his wife is an English teacher in Russia and they have two young boys. If I have ever heard of an ideal immigrant family, this is it.

I want to know that we are going to do something about this before December 14. I do not want to hear on December 13 that we still do not know, that the matter is still being considered. That is not good enough.

I ask the leader to again use his office to urge the appropriate ministers to do the right thing and permit this family to stay.

• (1410)

Senator Austin: Honourable senators, I have carried Senator Moore's previous representations to the minister, and I will carry today's representation to the minister.

Obviously, I have no role in law. I have no decision-making role in this particular case. I recognize that I may tread on dangerous ground here, but immigration laws in this country indicate procedures that must be followed. Whether there is a case here for compassion, as it relates to the normal practice of compassion, I have no idea, but I will certainly carry the representation forward.

Senator Moore: Honourable senators, I would emphasize that these people are not hoping to be able to jump the queue. They know what they have to do; they are prepared to do it; and they are intent on doing it.

In law, the leader may not have the power, but I know he has powers of persuasion. Coming from a maritime province, as he does, he would be sensitive to these issues.

Hon. David Tkachuk: Honourable senators, we all know what is happening in the other place concerning the minister's behaviour regarding what is being referring to as "strippergate." Is that perhaps impeding her ability to resolve this problem?

Senator Austin: Honourable senators, I cannot take this question seriously.

Senator Tkachuk: It is a serious question.

Senator Austin: I cannot take that seriously.

FISHERIES AND OCEANS

DELAY IN WILD SALMON POLICY

Hon. Gerald J. Comeau: Honourable senators, just last week, former federal fisheries minister John Fraser warned that there is still no national plan to conserve wild salmon and no plan to prevent a repeat of the disastrous 2004 season when 1.9 million sockeye salmon mysteriously disappeared in the Fraser River. This warning comes despite the fact that DFO promised, in 1998, to develop a wild salmon policy.

Could the Leader of the Government in the Senate please account for the government's six-year delay on this crucial important policy issue, and could he use his powers of persuasion to finally get this document in place so we can start protecting the salmon?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am grateful to Senator Comeau for raising the question, which is one of great importance in my province of British Columbia. I do not, however, want to leave the impression, in starting to answer the question, that my powers of persuasion could solve the problems that have been presented to me today, particularly the wild salmon issue on the Pacific Coast.

As Senator Comeau knows, the Minister of Fisheries has appointed the former Chief Justice of the B.C. Supreme Court, Bryan Williams, to chair an investigatory group composed of fishers, including commercial fishers, sports fishers and Aboriginal fishers. That group has been given the specific task of dealing with the question of what became of the wild salmon run in the Fraser River system last fall. It is not a judicial or quasi-judicial organization; it is, essentially, a task force and a forum for dialogue.

The problem of resolving conflicts amongst users of fish is an endemic one on both coasts, and the government has been following a policy of building consensus amongst those whose livelihood is based on the fishery. Consensus, as Senator Comeau knows, is extremely difficult to find amongst those who use the fishery.

I should like to add for the information of senators, because Senator Comeau is very much aware of it, as are members of the Standing Senate Committee on Fisheries and Oceans, that recently a report was tabled known as the Pierce-McRae report, which has suggested a cultural transfer from fish as a common resource for us all to a more proprietary state of access under a quota system, and that particular report is now very much the subject of dialogue and advocacy on the Pacific Coast.

Senator Comeau: Honourable senators, our committee is, indeed, well aware of the Pierce-McRae report, and it was the intention of the committee to carefully consider this most important and highly public policy report. We may have to reconsider our position in light of our budget constraints. In the next couple of days we will know our budget capabilities, and act accordingly.

EFFECT OF BUDGET CUTBACKS

Hon. Gerald J. Comeau: Honourable senators, Mr. Fraser, who chairs the Pacific Fisheries Resource Council, has commented that cuts to the Department of Fisheries and Oceans of \$30 million from its \$250 million annual budget are creating a situation within the department where nobody feels they can do anything and where proposals are “shut down” before they are even discussed. Fraser also stated that his council is increasingly concerned that Ottawa is now failing to meet its obligations to conserve and manage the fisheries resource.

My supplementary question is this: What measures are being considered to address this urgent budget issue raised by Mr. Fraser? Would the government consider drawing on the huge surpluses that have been announced over the past number of weeks to finally restore funding to fisheries over the last number of years and provide Mr. Regan with the kind of money that he needs to get the tools, the personnel and the science in place so that we can, finally, as a government and as Parliament, start responding to the most crucial questions being faced by fisheries all over the country?

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall give two short responses to the supplementary question. The first is that we are in the pre-budget consultation process, and the Minister of Finance is carrying out exercises both with external communities and with the departments in a review of priorities for the government. My second answer is that Senator Comeau's representation is remarkably similar to my own.

THE SENATE

PREPARED SPEECHES BY DEPARTMENTAL OFFICIALS

Hon. David Tkachuk: Honourable senators, today the *Ottawa Citizen* reported on the point of order that was raised in this place the other day. The Leader of the Government in the Senate and Senator Carstairs were quoted in that article. The quotations were from the *Debates of the Senate* of that day.

The article indicates that Senator Austin blamed the matter on departmental officials acting on behalf of ministers in support of legislation in the Senate and was quoted as telling the chamber

that they should smarten up. The former Leader of the Government, Senator Carstairs, told the Senate that the speeches were the result of laziness on the part of departmental officials who find it easier to send over a speech with modifications rather than write a second one, saying this is an issue of bad practice.

My question is for the Leader of the Government in the Senate. Is he aware of who wrote the speeches and, if they were written by bureaucrats, what action has the leader taken in cabinet regarding this matter?

• (1420)

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not report on matters that take place in cabinet, but I would assure honourable senators that strenuous representations have been made by me to the two ministers whose officials put Senator Phalen and Senator Gill in such an awkward position.

JUSTICE

EXTRADITION TO UNITED STATES OF VITO RIZZUTO—ASSURANCE REGARDING CAPITAL PUNISHMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and flows from a report in today's *Le Soleil* on a decision of Justice Minister Irwin Cotler to order the extradition to the United States of Vito Rizzuto, a presumed Mafia operative in Montreal.

Did his colleague, the Minister of Justice, get any assurance from the American authorities, particularly those in the state of New York? I understand that the Americans want to examine Mr. Rizzuto regarding accusations of gangsterism and murder. The honourable leader in this place knows that Canadian laws are in place respecting the extradition of persons to jurisdictions where the death penalty could be sought for murder. Would the minister advise this house whether the Minister of Justice has been given any assurances that the death penalty will not be sought, should proceedings be brought in any jurisdiction of the United States respecting these allegations of murder?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my understanding that assurance was sought and obtained.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers. The first is a response to a question raised in the Senate on November 4, 2004, by Senator Tkachuk, regarding access of foreign carriers; the second is a response to a question raised in the Senate on December 7, 2004, by Senator Andreychuk, regarding the process of selecting monitors for the election in Ukraine.

TRANSPORT

AIRLINE INDUSTRY—ACCESS OF FOREIGN CARRIERS

(Response to question raised by Hon. David Tkachuk on November 4, 2004)

On November 4, 2004, the Honourable Minister of Transport had an opportunity to brief the House of Commons Standing Committee on Transport concerning various matters of impending business. He has asked the committee to conduct a detailed review of the liberalization issue. Further consultations by the committee will be undertaken with Canadian stakeholders to identify the opportunities and risks of a more liberal air service regime.

FOREIGN AFFAIRS

UKRAINE—SELECTION PROCESS
OF ELECTION MONITORS

(Response to question raised by Hon. A. Raynell Andreychuk on December 7, 2004)

The deadline for applications is Thursday, December 9, 2004 at 5:00 p.m.

CANADEM, a non-profit agency dedicated to advancing international peace and security through the recruitment, screening, promotion and rapid mobilization of Canadian expertise, will make the final decisions as to who the monitors will be.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to deal with a ruling that was requested.

On Tuesday, December 7, when the Senate reached Orders of the Day, Senator Tkachuk raised a point of order. The senator claimed that the sponsor's speech on the motion for the second reading of Bill C-4 violated rule 46 in that, as he claimed, its content repeated in large measure a speech given by the parliamentary secretary at second reading of the bill in the other place. During the course of his remarks, Senator Tkachuk noted that much the same thing had happened as well with respect to the second reading speech on Bill C-7. As a remedy, the senator proposed that the offending speech on Bill C-4 be declared out of order and struck from the *Debates of the Senate*.

[Translation]

Senator Austin, the Leader of the Government, responded to the alleged infraction of rule 46. The senator acknowledged the importance of the rule and he agreed that it was not good practice to duplicate in substance a speech given by a minister in the other place. Nonetheless, in his view, Senator Austin did not believe that what had occurred was against the rules of this place.

[English]

Other senators also participated in the discussion of the point of order. Senator Kinsella, the Leader of the Opposition, took the position that the fault in this instance rested mainly with officials who did not adequately understand the distinctions that exist in a bicameral Parliament. Senator Cools then intervened to deplore the use of repeating speeches prepared by others. She argued that this practice was not worthy of senators. For his part, Senator Stratton questioned whether citing the speech of a parliamentary secretary, rather than a minister, fell within the meaning of rule 46. Denying that there was a point of order, Senator Carstairs joined in criticizing departmental officials who recycled speeches written for a minister or a parliamentary secretary when preparing material for the Senate sponsor of a government bill. Nonetheless, as the senator explained, since government legislation is clearly an expression of policy, the use of a speech made by a minister or parliamentary secretary in the other place, while not good practice, is permitted under rule 46. Following some additional exchanges, the Speaker *pro tempore* agreed to take the matter under advisement and reserved a decision.

I have had time to consult with the Speaker *pro tempore*, to read the *Debates of the Senate* on the point of order, and to review rule 46 and the relevant parliamentary authorities. I am now prepared to give my decision.

Rule 46 states:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

According to the *Companion of the Rules of the Senate* published in 1994, this rule dates back at least to 1975 and similar rules exist, or have existed, in the other place and at Westminster for a very long time. The *Companion of the Rules of the Senate*, on pages 138 and 139, also refers to rulings of Senate Speakers dating back to 1954 and 1956 that prohibited any attempt to allude to the debates and proceedings of the other place.

The purpose of this rule is simple. As is explained in the twenty-second edition of the British parliamentary text, *Erskine May*, this constraint on the content of speeches is intended to avoid "anything which might bring the two Houses into conflict and to prevent a debate in the House of Lords becoming a continuation of a debate in the House of Commons." I should note, however, that the twenty-third edition of *Erskine May*, published this year, indicates that this rule has been abolished both with respect to references to Commons speeches in the Lords and to Lords speeches in the Commons. Given this change, it appears that the threat of open conflict between the Commons and the Lords is now recognized to be more apparent than real. Be that as it may, rule 46 is still part of our practices and, as the Speaker, I am obliged to interpret its applicability when confronted with a point of order raised with respect to it.

[Translation]

As I read it, rule 46 allows that the content of speeches made in the other place during the current session can be cited in the Senate. These references, however, should be in summary form unless "it be a speech of a minister of the Crown in relation to government policy". Rule 46, therefore, actually permits the direct use of a speech made by a minister on government policy. With respect to this important exemption in rule 46, I accept the view that a government bill is an expression of its policy. Moreover, I do not think it is reasonable to read this rule in such a way that it would limit the right to cite a ministerial speech that was delivered by a parliamentary secretary for a minister. One reason parliamentary secretaries were created was, in fact, to allow them to act on behalf of ministers. Acting in that capacity, there can be little doubt that a speech made by a parliamentary secretary for a minister is an expression of government policy. This is the critical element that provides the exemption permitted by the rule.

[English]

• (1430)

Honourable senators, in order that all senators may hear, I ask for order, please.

Now, where does this leave us with respect to the allegation that the speech made by the Senate sponsor of Bill C-4 was based largely on the second reading speech of the minister in the other place? In answering this question I mean to apply it as well to the case of the speech made by the Senate sponsor of Bill C-7, since Senator Tkachuk included this second bill within the scope of his point of order on Bill C-4. Given my understanding of the rule, there is not sufficient justification to substantiate the complaint of the point of order. Indeed, as I have already stated, rule 46 expressly allows for the citation of a ministerial speech related to government policy. It may be that the text used in the Senate duplicates much that had been said in the other place, and there was much said here deprecating this practice of recycling, but it is not forbidden by rule 46.

[Translation]

Let me add, parenthetically, that I agree with honourable senators who maintain that this chamber operates best when its members engage in debate that does not rely entirely on a prepared text. That is why there is a practice that discourages reading speeches, though this, too, is rarely enforced.

[English]

As to the point of order, I read nothing in the exchanges to suggest that either of the Senate sponsors acknowledged that they were citing a ministerial speech previously used in the other place. To my mind, this raises two possible alternate explanations. One, they were not informed that their speeches prepared with the assistance of government officials used material of earlier speeches. Alternatively, either or both Senate sponsors gave speeches that they accepted as an expression of their views on their respective bills. Either possibility would make an acknowledgement that their remarks cited the text of a

ministerial speech unlikely. Even if there had been an acknowledgment, for the reasons I have already explained, it would not constitute a breach of rule 46 to justify the point of order.

Honourable senators, I wish to make one final comment before we resume debate. The remedy that Senator Tkachuk proposed had the point of order been sustained was that I, as Speaker, strike the offending text from the *Debates of the Senate*, that I effectively expunge it from the record.

Honourable senators, if conversations could take place outside of the chamber, as they normally do, I would appreciate it.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: In point of fact, rule 46 does not give the Speaker such an authority. There is nothing explicit in the rule to allow this. Had there been a violation of rule 46 and had I been aware of it, or had the Speaker *pro tempore* been aware of it as it was occurring, my authority would have been limited to counselling the senator to refrain from citing the House of Commons speech. As to an after-the-fact point of order, my authority would be limited to deprecating the violation. Rule 46 does not provide for the suppression of an offending speech. Such a measure could only be made by the Senate itself on motion.

Accordingly, it is my ruling that no point of order has been made on the basis of a breach of rule 46 and second reading debate on Bill C-4 and Bill C-7 can continue.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in our gallery of guests of Senator Sibbeston: Grand Chief Joe Rabesca; Elders Alexie Arrowmaker, Harry Simpson, Joe Migwi, Jimmy B. Rabesca; and Chiefs Charlie Nitsiza, Archie Wetrade, Clifford Daniels and Joseph Judas.

Welcome to the Senate.

CANADA EDUCATION SAVINGS BILL

REPORT OF COMMITTEE

Leave having been given to revert to Reports from Standing or Special Committees:

Hon. Jeremiah S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 9, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-5, An Act to provide financial assistance for post-secondary education savings, has, in obedience to the Order of Reference of

[The Hon. the Speaker]

Wednesday, December 8, 2004, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

APPENDIX

Bill C-5, An Act to provide financial assistance for post-secondary education savings

Observations of the Standing Senate Committee on Banking, Trade and Commerce

Your Committee notes that the Bill does not address concerns about financial and other supports for post-secondary education, and urges the appropriate Senate Committee to study, and recommend solutions, to these concerns.

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

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

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would like to call the following bills in the following order today: Bill C-14, Bill C-4, Bill C-7 and Bill S-18.

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Nick G. Sibbeston moved second reading of Bill C-14, to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts.

He said: Honourable senators, many of the leaders of the Tlicho people who are here today are from the Northwest Territories and speak the traditional Dene language. To make them feel comfortable and know that they are welcome here in the Senate, I would like to say in my own Dene language a few words of greeting. In that way, they will know that their voice can be heard in the Senate of Canada.

[Senator Sibbeston spoke in his native language.]

Honourable senators, I am pleased and honoured to speak today as the sponsor of Bill C-14, the Tlicho land claims and self-government bill. This bill would put into effect the Tlicho

agreement, which has been negotiated between the Tlicho people, the Government of Canada and the Government of the Northwest Territories.

The Tlicho people ratified this agreement with 84 per cent approval among the 93 per cent of eligible voters who came out to vote. All parties were present.

I was honoured to be present in August of 2003 when the then Prime Minister of our country, Jean Chrétien, the then Premier of the Northwest Territories, Stephen Kakfwi, and all of the Tlicho leaders were present to sign the final agreement that we are dealing with here today. The Government of the Northwest Territories passed legislation approving the agreement. Current N.W.T. Premier Joe Handley said that we “are committed to Aboriginal people having greater self-determination, increasing their independence and returning the rightful control of land to its original owners.” When passed, this bill will serve as federal ratification of the agreement.

• (1440)

The Tlicho people live in the Northwest Territories. They are about 3,500 in number. They live in the area of Great Slave Lake. Their land and area go up to Great Bear Lake, east and north to Contwoyto Lake, east to the Nunavut border, and then west toward the Mackenzie River. Their traditional land comprises a large area.

The Tlicho language and culture is very strong. They use the land for hunting and trapping. Several people told me that they came back from their trappings and were asked to come down to Ottawa to be part of the delegation. These are people who hunt, trap and use the land. I will explain later that while they are a traditional group, they are also very modern.

The Tlicho have traditionally had very good leadership and have always stressed traditional and strong educational values. A number of years ago, approximately 10 of their students were in the South attending technical and university schools. Over the last few years, they have increased that number to 130. One of their own people acts as their lawyer, Ms. Bertha Rabesca Zoe. They have made tremendous steps in education in the last few years. They have a saying that education is to educate their people so they can be as strong as two people. That is their vision as far as education is concerned.

The Tlicho are also a modern people. They have made the jump from subsistence to an industrial community. There are two diamond mines in the traditional Tlicho area.

When a project comes along that may look overwhelming and difficult, as Aboriginal people it is so easy to resist it. However, the Tlicho decided to engage these developments and have become very involved. They are at the point now where many of their people are employed. They have businesses and partnerships in all aspects of the mine: airlines, catering, security and trucking.

If one were to go to the diamond mines, one would see evidence of the Tlicho people in terms of the people working there and the businesses they have set up. It is impressive in terms of what they have been able to achieve in the last few years.

The Tlicho are proud of being fair in their dealings with other people. Historically their leader, Edzo, was very involved with the chief of the Chippewa to deal and make peace with respect to the lands in which the two tribes live.

When the Europeans first entered into the area and lands of the Tlicho, the Tlicho were very helpful. They had good relations with the Europeans. When Sir John Franklin came into that area, it was the Tlicho people who helped him. They had difficult times. Some of John Franklin's men starved, but it was the Tlicho people who helped them to get back to civilization. When Samuel Hearne was there earlier, there is evidence of the Tlicho people helping him. When missionaries and government people came along, the Tlicho were there and were always helpful and cooperative.

In 1921, the Tlicho signed Treaty 11, which is the treaty that encompasses a large number of the Northwest Territories. Chief Monfwi pointed out to the federal representatives at the time what were the Tlicho lands. Those same lands are the lands that the Tlicho people will have ownership and control over.

The Tlicho will own 39,000 square kilometres of land. There is a larger area over which they will also have control with respect to water and the lands through boards.

The path of the Tlicho has been a long one. In the 1970s, there was a famous case in the Northwest Territories called the *Paulette* case. The Supreme Court, in dealing with the validity of the treaty that was made with the people in 1921, brought into question the validity of the agreement on the basis that the Dene thought they were entering into a peace and friendship type of treaty, whereas if we look at the terms of the treaty today, it uses words like "cede, release and surrender forever of all of their rights."

After visiting all of the communities and hearing the elders, some of whom were present at the time of the treaty in 1921, Judge Morrow came to the conclusion that there was not a meeting of the minds needed for making a contract and a treaty. Consequently, the federal government, in wanting to deal fairly with the Aboriginal people of the North, decided to enter into a policy of negotiating comprehensive claims with all Aboriginals — the Dene, the Metis and the Inuit. This is the process that has been adopted in the North and that has made it possible to have land claim agreements with many of the Aboriginal people in the North. While the process is not finished, it has begun. I can tell honourable senators that it has been very successful.

This comprehensive land claims policy was adopted by the federal government in 1973. In 1976, the Indian Brotherhood, which at the time was representative of all the Indian and Dene people in the North, joined with the Metis and began the process to negotiate with the federal government.

An agreement was reached in 1988 but was eventually rejected in 1990. There has been no comprehensive claim since then. With the breakdown of that negotiation, a regional form of negotiations began. This is the process that has been followed to date.

In 1984, the Inuvialuit people living in the Beaufort Sea settled their land claims. In 1992, the Gwich'in near the delta settled their negotiations. The Sahtu of Great Bear Lake finished their negotiations in 1994. The Inuit of the Eastern Arctic and the High Arctic settled their claim with the creation of Nunavut in 1999.

It is a significant achievement that Aboriginal people have the jurisdiction and the powers to run their own territories and governments.

This Tlicho claim is a result of at least 10 years of negotiations and hard work on their behalf. In 1995, the federal government adopted its policy on the inherent right to self-government. Up to this point, the federal government had only had a policy of negotiating land claims dealing with lands and resources. In 1995, they expanded the mandate to include negotiation of the inherent right to self-government.

This is the process that the Tlicho have followed. This claim we have before us deals with lands, resources and self-government — the ability to run their own lives.

• (1450)

The Tlicho agreement provides that they will own a single block of land totalling 39,000 square kilometres, including subsurface resources surrounding the four communities. While this may seem offhand as a large parcel of land, in the scheme of things — that is, the land mass that exists in Northern Canada — it is not overly big. It is not extraordinary in the sense that it encompasses a lot of the land in the North. The land in the North is so huge that 39,000 square kilometres looks very small on a map. However, it is the land that the Tlicho and their chief, back in 1921, pointed out to the federal government representatives as being Tlicho land. It is an achievement to have that recognized today.

The Tlicho will receive \$152 million. While that sounds like a lot, it is not very much. I am sure it will facilitate the setting up of certain institutions and their involvement in resource development. Unfortunately, part of the \$152 million will have to be paid back to the federal government because some of that money will have been spent in the process of negotiating their claim. They will also receive a share of royalties from resource development.

The Tlicho will have the ability and power to establish their own government, which will have jurisdiction over social and cultural issues, as well as such basic matters as health and education, and issues dealing with culture and language.

Bill C-14 removes the Tlicho people from the Indian Act. Is this not something? Many Aboriginal people in the country look forward to that day. This has been achieved by the Tlicho. However, all federal laws of general application such as the Criminal Code and other general laws that apply to the peace, order and good government of our country will apply. Territorial laws of a general nature will also apply to the Tlicho government. Territorial laws that implement Canada's international obligations will also take precedence. In other cases, especially in matters particularly affecting the Tlicho people, Tlicho laws

will prevail. Most important, like other Canadians, the Tlicho will continue to be subject to the Charter of Rights and Freedoms.

The Tlicho constitution will define the roles and responsibilities of the Tlicho government. It will protect the democratic rights and freedoms of all those living on Tlicho lands, including non-Tlicho residents. It is based on the principles of political and financial accountability and ensures that all Tlicho laws are open to legal challenge. Each community will also have its own community government established by territorial legislation. Each government will be run by a chief and a council of four to 12 members, half of whom must be Tlicho citizens. Non-Tlicho residents in the community will also be eligible to vote and to run for office.

Honourable senators, I believe there is a concern for the plight of Aboriginal people. There is consciousness of and concern for their welfare and well-being. I believe that non-Aboriginal Canadians want Aboriginal peoples to have the same standard of life — the healthiness, the education, the jobs, and the economic opportunities — that they enjoy.

I am sure Canadians ask: How can we achieve this? How can this be done? In the Northwest Territories, through the land claims process and through the progress that we have made in the last decades in establishing democratic government in the North, Aboriginal people are accomplishing an improved standard of living. They are engaged in all aspects of northern society. This is made possible through the land claims process, where Aboriginal land claims are settled and the people have entitlement to lands and money and can set up their own government so that they have the ability to govern themselves.

Honourable senators, as you know, our committee has started its study on the involvement of Aboriginal peoples in economic development activities in Canada, with particular emphasis on the aspects and the elements that lead to Aboriginal success in business. From the evidence of the few witnesses we have heard thus far, it has come to light that jurisdiction and good governments with the ability to make decisions are some of the key elements that are necessary for Aboriginal success. What does this tell us? It tells us that, if Aboriginal people are to succeed in our society, they must have jurisdiction. They must have governance. These are the tools that we will be giving to the Tlicho people.

Honourable senators, the known benefits of self-government are numerous. Self-government produces open, transparent and accountable government. It will give pride, hope and control to the Aboriginal people — the elements they need for their successful future. Self-government attracts investors and business partners and fosters economic growth. This has been the experience to date. It encourages self-reliance and leads to improved housing, employment and quality of life. It builds capacity and ensures a sustainable and stable economy. It enables Aboriginal communities to participate fully in the national economy.

Honourable senators, once approved by the Senate, Bill C-14 will send a clear signal to the Tlicho and to all Aboriginal peoples in this country that we as a country are serious about working with them to support their vision of a better future for both their

families and their communities, and that we are committed, as a society, to establishing a new relationship based on mutual respect.

Honourable senators, this claim involves large tracts of land. It involves the establishment of a government. Borders are involved. I am amazed, impressed and encouraged that all of these revolutionary changes can happen in our country, and that they can all happen without a lot of turmoil and without a single arrow being shot, without a single harpoon being thrown, without a single shot being fired. It is amazing that we have a country such as this, where these things can happen.

I was present when we held a reception for the Tlicho yesterday. Grand Chief Rabesca told me that the four Tlicho communities in the North have been carefully and conscientiously following the proceedings. Televisions had been set up in all the community halls. Once they saw the bill in the House of Commons pass third reading the other day, there began a big parade of vehicles. Every vehicle in the community joined in the parade which went through the town and circled the community. They then held prayers and thanked their creator, God, and thanked you, as Canadians. They were thankful that this could happen. They also held a feed the fire ceremony and had drum dances late into the night.

• (1500)

The Tlicho have celebrated at least one step in the passage of this bill. I know that in due course — maybe next week, if we all cooperate, or perhaps in February — when the Senate, after careful consideration, decides to pass Bill C-14, the Tlicho will be very happy and there will be another round of celebration.

Honourable senators, I commend Bill C-14 to you and look for your support.

On motion of Senator Stratton, for Senator St. Germain, debate adjourned.

THE LATE HONOURABLE PHILIPPE DEANE GIGANTÈS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, I bear sad news. I regret to inform you of the death of one of our former colleagues, the Honourable Phillipe Gigantès. Please rise and observe a minute of silence.

Honourable senators then stood in silent tribute.

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Hubley, for the second reading of Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

Hon. David Tkachuk: Honourable senators, I am tempted to rise and simply ask the Senate to adopt the speech of the responder of my party in the other place, but I will not do that.

Senator Murray: You can do better than that.

Senator Tkachuk: I will address Bill C-4, which has an interesting short title — International Interests in Mobile Equipment (aircraft equipment) Act. It amends four major acts of Parliament, which include the Bank Act, the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Winding-up and Restructuring Act, and begins Canada's ratification process of an international convention and protocol.

Whenever I am told that a bill is technical in nature and that it received unanimous support in the other place, I have learned that I need an extra bit of time to prepare myself — nothing is ever as it seems — to ensure that this legislation is in the best interests of Canadians as consumers, stakeholders, investors, creditors and taxpayers.

I believe that this bill, once ratified by both the federal government and each of the provinces, will benefit Canadian businesses in the aircraft industry, which benefit from lower rates for credit. Companies like Pratt & Whitney, Bombardier, WestJet, Air Canada and businesses that work with them will see a lowering of the cost of credit.

In addition, the ratification of the convention and protocol will give greater security to those investors who become creditors in that same field, whether they are investing in Canadian businesses or in other countries that are part of the convention and protocol. A lending agency such as Export Development Canada comes to mind. It could benefit from a lessening of the security risk. However, there are others as well. Once Canada ratifies the convention, foreign investors in Canadian businesses will likely see greater opportunities for investment in the Canadian aircraft business.

The current international convention and protocol has only been ratified by five countries, but one of these countries is the United States, which is very encouraging and speaks to the soundness of the international plan. Although Canada signed the convention and protocol in March 2004, before we can ratify, federal implementation legislation must be passed, which is the purpose of Bill C-4. In addition, because securities law is an area of provincial and territorial jurisdiction, the provinces need to pass implementation legislation of certain terms of the agreements.

I have been told it is not necessary for all provinces to adopt implementing legislation before Canada can ratify, and to date only Ontario and Nova Scotia have done so. In fact, the number of provinces and territories required will be determined by cabinet.

I will ask the Minister of Transport, when he appears before a Senate committee on this bill, why this decision should be left to cabinet. For the sake of transparency, I believe it should be outlined in the legislation or in regulations; however, this can be accomplished procedurally.

One of my main concerns is with respect to Quebec and when it will put this convention and protocol on its legislative agenda, since Quebec has thousands of businesses in the aircraft industry and has the lion's share of Canada's aircraft industry with Bombardier, Air Canada and Pratt & Whitney. In addition, Alberta is home to WestJet, another Canadian success story. I hope that this government will wait at least until implementation legislation is passed in Quebec and Alberta, since these provinces are large stakeholders with thousands of employees and investment dollars as part of their provincial economies.

I see the goals of the convention and protocol, in simple terms, as being twofold. The first, which is a major part of the convention and protocol, deals with how creditors and assets are protected in the case of bankruptcy. Part of the objective of Bill C-4 is to bring Canada in line with the mandate of the convention and protocol and at the same time with the U.S. aviation sector and how the U.S. offers bankruptcy protection. Because aircraft are mobile — planes or helicopters can be in different countries at a time when bankruptcy protection is established — there is quite a financial risk to the major creditors if the assets are in another country, such as Uganda, for example, when a company goes bankrupt.

Bill C-4 will introduce a maximum 60-day stay period in the event of a default. In other words, the countries that agree to this and pass the implementation legislation will agree to a 60-day wait period in the country where that particular aircraft is situated when the bankruptcy takes place.

The reality has been that assets have often been frozen for much longer periods of time, months beyond the 60-day freeze, the knowledge of which had the ability to put a chill on potential investment opportunities. As honourable senators can tell, an aircraft would be a dangerous asset to have on a line of credit when it is flying all over the world, not knowing where it could be stranded when a bankruptcy takes place.

The second goal of the convention and protocol is to establish an international registry. This registry is like a land registry where title is registered. The difference is that it will be available to anyone who is part of the convention to research any rights of security interests — like a lien or a mortgage — on "mobile equipment," which is the legal description in the bill for airplane bodies. I asked about that because I did not know if it was like telephones, for example. What is this bill — mobile equipment? I discovered it is the term used for airplane bodies, airplane engines and helicopters.

One question I will be asking when the bill is sent to committee for study, is if a country has not ratified the convention, because most have not, will it still be able to access information from the registry, which was not clear in the bill; and, if so, are there any other ways to encourage countries to sign on, beyond the potential for lower credit costs for their national interests?

At this time, the registry has not yet been set up. An international tendering process took place and a company from Ireland won that process. The company, which is called Aviareto, will establish an Internet-based registry to provide access to individuals or companies directly.

There is a working group on this project, of which Canada is an important part. I met with individuals who are involved from Transport Canada and the Department of Justice, and I believe that Canadians will be well served by their continuing efforts.

I have been assured that the consultation process in Canada has been extensive, and I have found that our industry stakeholders — the airlines and manufacturers, to name just two — are quite pleased with the legislation, especially since their recommendations for amendment were adopted. Therefore, I would like to outline the amendments made in the other place at report stage on November 15.

• (1510)

There were three amendments in total. One amendment corrected a typing error, another further clarified the definition of “creditor,” and the third amendment further clarified the obligations related to defaults in the case of bankruptcy.

Regarding the term “creditor,” and with the recent experience of Air Canada and bankruptcy protection, ensuring that the definition of “creditor” is crystal clear would help in any legal undertaking, likely saving both time and money. To further explicating the definition of “creditor,” wherever the word “creditor” is found in the bill, lessors of aircraft objects and conditional sellers of aircraft objects who hold security in aircraft objects against debtors have been added.

There is no question in my mind that that clarifies “creditor.”

Regarding the third amendment, which has to do with the intent of “defaults,” with respect to defaults on obligations by the debtor, the description of defaults was further clarified to explain defaults as those other than what constituted the situation that triggered bankruptcy protection. One example would be contracts that detail that a certain amount of liquidity should be maintained, but, obviously, in the case of bankruptcy protection, defaulting on the prescribed level of liquidity should not constitute default.

The goals of the amendments to the BIA, the Bankruptcy Insolvency Act, the CCAA, the Companies’ Creditors Arrangement Act and the WRA, the Winding-up and Restructuring Act, are to establish consistent rules for the actions of debtors and creditors in the case of insolvency. After having studied the BIA as part of our work in the Standing Senate Committee on Banking, Trade and Commerce, I can attest not only to the complexity of the law in this regard — that is where I will miss Senator Kroft, who would have been a great person to ask when we were discussing part of this — but also to the very human and individual circumstances that arise in the case of insolvencies. The goal must always be to find a fair way to share the burden in an unfortunate situation.

There is some urgency in Canada to ratify in terms of business opportunities. I understand, for example, the Ex-Im Bank — that is, the Export-Import Bank of the United States — has offered to reduce its exposure fee by up to one third to all companies that purchase large United States aircraft. That represents a substantial amount of money, considering the size of the cash they are dealing with. This reduction would be of significant interest to WestJet and other Canadian companies interested in

purchasing, for example, a Boeing jet. The reduction of more than 30 per cent could mean a savings in the order of \$350,000 per jet, and maybe more.

In conclusion, honourable senators, I look forward to hearing from the Minister of Transport on this bill when he makes his appearance before the committee to which honourable senators decide to refer this matter. Bill C-4 is important for Canadian businesses, consumers, creditors and investors, especially to an industry that competes in the global economy. It is about security and international harmonization of enterprise, which, I believe, will be only of great benefit to our industries and citizens.

Hon. Senators: Question!

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Phalen, bill referred to the Standing Senate Committee on Transport and Communications.

[Translation]

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gill, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-7, An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, we have had very good discussions on this bill at second reading stage, with a number of senators contributing. Now I, too, would like to speak to Bill C-7.

Honourable senators, I cannot stress enough the importance of national parks to Canada’s identity and history. You will recall that at the end of the 1980s, Parks Canada was part of the Department of the Environment. It was not until the early 1990s, with the creation of the Department of Canadian Heritage by the Secretary of State, that Parks Canada was transferred from the Department of the Environment to the Department of Canadian Heritage.

National parks are refuges that play an important role in the preservation of our superb landscapes. They provide us and our children with a direct link to nature. That is why it is important that we, as parliamentarians, do everything in our power to protect and improve Canada's national parks.

At first glance, Bill C-7 might seem to be strictly a housekeeping measure, a simple adjustment in the machinery of government. However, it would be good to look at these provisions more closely and examine the state of our parks and the quality of their administration by the federal government over the past few years. It is incumbent upon the government to ensure that our parks are well maintained and accessible to the public, while limiting their environmental impact.

It is entirely possible to support the transfer of Parks Canada to the Department of the Environment as a transitional measure, until a department designated by cabinet can assume responsibility for it. However, before we proceed with the adoption of Bill C-7, the potential consequences of this transfer deserve our special attention.

The Department of Canadian Heritage, which is currently responsible for Parks Canada, has the mission of working "towards a more cohesive and creative Canada," and has set the following strategic objectives: Canadian content, cultural participation and engagement, active citizenship and civic participation.

The Department of the Environment, which would assume interim responsibility for Parks Canada, has the following mission:

— to make sustainable development a reality in Canada by helping Canadians live and prosper in an environment that needs to be respected, protected and conserved.

So, in transferring these responsibilities to Environment Canada, park administration would be based in large part on sustainable development and on environmental protection and conservation. This is no doubt a commendable objective that would greatly benefit our national parks.

• (1520)

We must hope that the various levels of governments will support this legislative amendment with a substantial program to ensure the sustainability of parks in Canada, which are surely one of our greatest assets.

But the simple transfer of responsibilities from one department to another will not resolve all the problems that might occur with regard to park administration. It is imperative that we, as parliamentarians, strike a balance between environmental protection and public access.

It is essential, for the reasons we all know, for us to be able to prevent erosion in our parks, without, however, denying access to Canadians who want to take advantage of all our parks have to offer. This matter calls for the adoption of a public interest policy.

After all, there is nothing new in the legislative amendments contained in Bill C-7. It is more a matter of reflecting an initiative that has already been implemented by the government. When the Prime Minister was sworn in last year, the change had already taken place, through an Order-in-Council. Bill C-7 is just bringing the legislation in line with the practice. In July, a further Order-in-Council came into effect relating to the responsibilities for built heritage. It was required in order to clarify the earlier Order-in-Council and to transfer the built heritage function from Canadian Heritage to Environment Canada.

Battlefields, however, will remain the responsibility of the Department of Canadian Heritage.

Honourable senators, we are debating today one of the many housekeeping bills introduced by the government to give legislative effect to the government reorganization that was announced in 2003.

With this move of Parks Canada to the Department of the Environment, the government seems to be committed to leverage the importance of environmental protection in our parks. I hope that it will follow up with a program to give full, concrete expression to this commitment.

Incidentally, not much progress appears to have been made in the creation of new national parks and marine conservation areas announced by the government in October 2002. This is another good idea for which there has been no follow up. Two years have gone by since the announcement was made, and we are noticing an obvious lack of political will on the part of the government when it comes to acting on its fine promises.

Unfortunately, this is but one among many areas where the government is lagging behind in environmental matters. Unresolved issues are numerous, as are unmet objectives and unfavourable reports showing how this government takes Canada's environment and national parks for granted.

At the end of October, Environment and Sustainable Development Commissioner Johanne G  linas tabled her report for 2004. At the beginning of the report, under "The Commissioner's Perspective", the commissioner wrote:

The use of strategic environmental assessment is far from adequate to meet its promise in guiding policy and program development.

Honourable senators, while this indicates that the government as a whole is not doing a good job, it is particularly worrisome with respect to Parks Canada, where environmental protection needs to come first. Senior officials in the departments and the various agencies need to show some exemplary initiative and leadership in carrying out strategic environmental assessments. I beg the government to take the concerns expressed by the commissioner very seriously and to follow up on them without further delay.

[English]

Senator Rompkey: Question!

Hon. Willie Adams: Will the honourable senator accept a question?

Senator Kinsella: Yes.

Senator Adams: I have difficulty with moving Parks Canada from Canadian Heritage to the Department of the Environment, which is controlled by the Government of Canada. There is an environmental group or organization which has been lobbying the government for many years. What will happen if Parks Canada is transferred to the Department of the Environment? To me, if anyone, those would be the people interested in animal rights. Also, the department would be controlling any future parks in Canada while at the same time dealing with the related environmental issues such as water in the parks, as well as the seas. It is difficult for me. My community may some day be turned into a park. How does the honourable senator feel about that?

Senator Kinsella: I thank the honourable senator for his question. I must respond by saying that I join with him in the concerns that are implied in his question. Whether or not Parks Canada finds itself in Heritage Canada or in Environment Canada, our parks system must become more people friendly. The parks are there not as an asset in any fiscal sense, but as part of our national heritage and to enable Canadians from all corners of the country to come closer to nature. This is what drew me to look at the mission statement of the Department of the Environment to see whether the current mission statement would be able to incorporate the vision that I would have for Parks Canada. I came to the conclusion that the emphasis on sustainability and environmental development, which is part and parcel of the Department of the Environment's mission, is clearly a principle that should drive the management of our national parks system. I would insist that the officials in Parks Canada do everything in their power to make our parks systems more people friendly. I would start with a complete re-examination of the fee structure. In fact, I would abolish fees. The parks should not be in the business of making money. They are part of our patrimony. Senator Adams is not talking about a municipal park; he is talking about hundreds of thousands of hectares, huge tracts of our land base, where the people are close to the land.

Our parks system must be people friendly, particularly for those communities whose whole culture is land related.

• (1530)

Senator Adams: Before the parks existed in the Arctic, there were reserve areas to which the people had access for hunting and fishing. If we pass Bill C-7, will we no longer have access to these lands.

Senator Kinsella: I am sensitive to the concern of Senator Adams. I am not a representative of the government that is promoting this bill, but in principle I find nothing offensive in moving Parks Canada back to where it used to be, which was in

the Department of the Environment. I would find it offensive, however, if there is no government follow-up on sustainable environmental development and no government follow-up on making our parks people friendly, particularly for the First Nations peoples who rely on the land and the fruits of it, including the animals they hunt for food.

There must be consistency and an integration of those concerns. Environment Canada can learn many lessons from the First Nations people, who are more hands-on about real environmental sustainability than perhaps theoreticians from the universities.

[Translation]

Hon. Aurélien Gill: Honourable senators, I would like to build on Senator Adams' question by asking whether Senator Kinsella sees any inconsistency or contradiction between hunting and fishing in a park and sustainable development, particularly if the hunting and fishing are done in the traditional way. I can tell you that, in my area, Aboriginal people can go into the parks to trap fur-bearing animals or hunt caribou or moose.

Senator Kinsella: There is no contradiction if the program is well managed. On the contrary, a good program for sustainable development and environmental protection uses the land's resources judiciously. Those who reap the land's resources in a traditional and creative manner are the first ones to protect the environment.

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

Some Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Gill, bill referred to the Standing Senate Committee on Energy, Environment and Natural Resources.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the Criminal Code (protection of children).—(*Honourable Senator Stratton*)

Hon. Sharon Carstairs: Honourable senators, I have had a discussion with Senator Stratton, in whose name this bill stands. He has yielded to me but wishes it to remain standing in his name, so with his permission I will put a few words on the record.

I am pleased to rise today to speak in support of Bill S-21, to amend the Criminal Code (protection of children). My support for this legislation should come as no surprise to anyone in this chamber, because I introduced a similar bill some years ago.

Why am I opposed to corporal punishment of children? It is simple. I do not believe it works, except in the short-term, and the harm it does to a child's self-esteem and the increase in aggressiveness caused by such behaviour clearly outweigh any momentary cessation of the behaviour, particularly when alternative disciplinary actions can change behaviour with only positive outcomes in long-term behaviour.

Time-outs, for example, are very effective, because they are clear examples of cause and effect. The child misbehaves; the child is given a time-out; the child stops the behaviour and thinks before he or she acts in the same way again. However, he or she has not learned that hitting, slapping and shaking is the way an adult behaves when they are unhappy with someone's behaviour. If, as adults, we cannot act in a non-violent way, how do we expect our children to learn to act in non-violent ways?

Yes, honourable senators, corporal punishment is a violent act. What else could it possibly be called? An adult, who may be in excess of five feet or six feet tall, hits a child, who may be two feet, three feet or four feet tall. What is that other than an act of violence?

• (1540)

Honourable senators, Senator Hervieux-Payette has explained to you the results of a Statistics Canada study which shows that there is a clear correlation between aggressiveness in children and violent acts perpetrated against them. My own personal experience with school bullies often showed a clear link between a child whose personal dignity had never been respected and their lack of respect for the dignity of others.

Children are not born violent. Some unfortunate children with serious mental disabilities will sometimes act in violent ways, and quite often this violence is directed against themselves. These children need appropriate treatment programs, and no one would suggest that treating them violently would help them moderate their behaviour. Why then would we think it would work with other children?

Perhaps what I like best about the senator's bill is the year time lag in its implementation. The purpose of this year is to educate parents on better and other methods to discipline children.

The repeal of section 43 is not about a lack of discipline. All people, children and adults alike, need discipline, but the best discipline of all is self-discipline. It is self-discipline that gets us up in the morning and that directs our activities. Children are no different, and they need to learn self-discipline. This self-discipline comes from the guidance, support and love of parents, teachers,

extended family and, yes, the community. Self-discipline comes from learning to differentiate between acceptable and unacceptable behaviour, but it does not come through hitting children.

Honourable senators, it is now 2004. We have accepted that beating wives is not acceptable. We have accepted that beating prisoners is not acceptable. We have accepted that mental defectives should not be beaten. We have accepted that apprentices should not be beaten. Why do we still accept that the most vulnerable among us, children, should be subjected to corporal punishment? It is wrong. It is time to move forward. It is time to repeal section 43 of the Criminal Code of Canada.

The Hon. the Speaker: I would clarify that the understanding, as usual, is that the 45-minute time frame will apply to the second speaker, in this case, when there is a speaker on the opposition side.

On motion of Senator Stratton, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Terry Stratton (Deputy Leader of the Opposition) moved second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Stratton*)

He said: Honourable senators, it gives me great pleasure today to lead off debate at second reading of Bill S-20. The long title of this bill is "An Act to provide for increased transparency and objectivity in the selection of suitable candidates to be named to certain high public positions or, as it is styled in the short title, "The Federal Nominations Act."

[*Translation*]

This is, I believe, the fourth time I have had the pleasure of introducing this bill and I must admit that each time we have made changes to make it more relevant and effective. It seems that, with each attempt, the government is getting closer to the position recommended in this legislation.

[*English*]

In fact, as recently as the throne speech delivered just a few months ago, while not quoting directly from one of the predecessors of this bill, but certainly capturing its intent, the Governor General mouthed the words given to her by the Prime Minister and stated:

The Government will introduce initiatives...will build on the work of Parliamentary committees; involve parliamentarians in the review of key appointments.

Note the Prime Minister — I mean, the Governor General — said "parliamentarians," in other words, a task the Senate could and should undertake. I would reinforce that phrase by repeating: the Prime Minister said that parliamentarians should undertake that task, and that we could do it very well.

This bill, Bill S-20, provides what I believe to be a unique, non-partisan method to secure parliamentary involvement through the use of the Senate Committee of the Whole to scrutinize the nominations to key posts in our country.

Mandatory review would take place for the appointment of senators, the Chief Justice of Canada, the Lieutenant-Governors of each province, the commissioner of a territory, judges of the Supreme Court of Canada, and optimal would be hearings in relation to nominations for judges of the Federal Court of Canada as well as Superior Court judges.

While I have outlined the process for review in previous speeches concerning predecessors of this bill, for those who have not heard it before or for those who may have dozed off during my stellar rhetoric, I thought it useful and timely to quickly review it for you.

Honourable senators, this bill outlines a process to identify and assess candidates and to provide for parliamentary review of these appointments through an appearance before a Senate Committee of the Whole. I have specified the Senate Committee of the Whole as the proper vehicle for this procedure because, as a chamber, we are less political than the House of Commons. We represent the regions of Canada, and we have proven to be effective in the past when dealing with federal officials who have appeared before us.

Many have expressed the concern that a review of appointments, particularly appointments to the Supreme Court, would develop into the American process of confirmation hearings. Indeed, Professor Edward Ratushny, professor of law at the University of Ottawa, arguing before the Standing Committee on Justice and Human Rights, said:

Confirmation hearings in the United States have come to resemble election campaigns dominated by special interest groups. The central objective is to determine the kind of person the candidate is and the kind of judge he or she is likely to be. The problem is not that parliamentarians are incapable of understanding the judicial role and conducting restrained, intelligent, and relevant questioning of candidates. I'm sure all of you are able to do that. The problem is that there will be very little political interest in doing so. On the contrary, public expectations, interest group pressures, and political instincts will cause many to engage in political campaigns, often through the vehicle of judge bashing.

With all respect to Professor Ratushny, I would argue the fact that the Senate, as an appointed chamber, has an advantage in reviewing appointments to high positions because we do not face the same political pressures from interest groups as does the elected chamber.

Honourable senators, this bill would establish a committee of the Queen's Privy Council for Canada to develop public criteria and procedure for the selection of individuals for positions listed in the schedules such as the Chief Justice of Canada, the Lieutenant-Governor of a province, the commissioner of a territory, a judge of the Supreme Court of Canada, and senators. The committee would also seek out and assess

candidates for those positions and then make recommendations to the cabinet. A minister who intends to recommend someone for an appointment for one of these positions would choose from among the candidates recommended as eligible.

The bill also provides for parliamentary review of appointments within a specified time period. The Senate Committee of the Whole will invite persons listed in Schedule 1 to discuss the nominee's eligibility and qualifications for the position and his or her views on the responsibility of the position. If the Senate does not invite the nominee to attend Committee of the Whole within three sittings of the Senate, the appointment may be made without parliamentary approval.

If there is urgency to the appointment, clause 12 provides that the appointment can be made and the hearing scheduled after the appointment is made. Following the hearing, either House of Parliament may adopt a resolution approving the nomination.

The Senate Committee of the Whole hearings will be televised, giving the public the ability to see the person being nominated for high office and hear his or her views. The process is public, transparent and gives Parliament a role to play in the nomination process.

• (1550)

Senators may note that clause 9 of this bill deals specifically with the selection, review and appointments of senators. Honourable senators will note that the clause starts by stating:

A Minister of the Crown who proposes to recommend an individual to be summoned to the Senate...

This, of course, refers to the Prime Minister. Since October 26, 1935, in the time of Mackenzie King as Prime Minister, by minute of the Privy Council, only the Prime Minister may recommend the appointment of senators to the Governor General. However, just in case this prerogative may pass to some other cabinet minister in the future, we believe it is more appropriate to simply list "Minister of the Crown." Under clause 9, it is the Prime Minister who puts a list of names, assessed by the nominations committee, in front of the provincial premier. The provincial premier has a certain period of time within which to select from the list. Should the premier not act within the prescribed period of time, then the Prime Minister may recommend someone from the nominee list to the Governor General for appointment.

We have also made adjustments in this version of the bill to accommodate inclusion of those who have been elected to be senators-in-waiting.

Critics of this bill have argued that it unduly interferes with the Crown's prerogative and that Royal Consent must be given before the bill is dealt with further. The Speaker has made it clear in many rulings that Royal Consent may happen at any time before the bill becomes law.

As I said when I began this afternoon, this is a bill that addresses an issue that seems to be near the top of this government's agenda. The Prime Minister has made two noticeable speeches in the last year. We all remember the

“mad-as-hell” speech when he promised to get to the bottom of the sponsorship scandal, a scandal that happened on his watch as Finance Minister. However, as he claims, he was out of the loop. This speech was long on the rhetoric, and we will see whether the promise of getting to the bottom of the scandal will ever be fulfilled.

The other memorable speech was the one on democratic reform made a year ago in October. This has been characterized as, “Who do you know in the PMO speech?” — a speech wherein the Prime Minister promised to give committees real power over appointments and bring an end to cronyism in Ottawa. In that speech he said:

When it comes to senior government appointments, we must establish a process that ensures broad and open consideration of proposed candidates...A healthy opportunity should be afforded for the qualifications of candidates to be reviewed by the appropriate standing committee before final confirmation.

He went on to include the appointment of Supreme Court judges in this group. He has also repeated this statement since becoming Prime Minister. For example, in an interview in *The Globe and Mail* on February 28 of this year, he said, “Democracy says there should be parliamentary review of appointments.”

Honourable senators, Bill S-20 provides such a mechanism, a mechanism to provide an open selection process, setting of criteria, and parliamentary review.

[Translation]

I want this bill to receive in-depth consideration in committee, either after second reading or after a referral to committee.

[English]

Senators should support this bill if, for no other reason, it would help the Prime Minister keep his promise on parliamentary reform.

On motion of Senator Rompkey, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, providing for the Crown’s recognition of self-governing First Nations of Canada.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, it is my intention to ask that this item stand again, but I wanted to mention that several senators on our side wish to speak on the bill. Senator Gill wants to speak on this particular item, as does Senator Joyal. However, Senator Gill feels that he needs more time for reflection, because this is an important bill and he has some important, substantive comments to make on it.

[Senator Stratton]

Therefore, I would again ask that the order stand. It is likely that Senator Gill may not speak to the bill until after the break.

Order stands.

PERSONAL WATERCRAFT BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-12, concerning personal watercraft in navigable waters.—(*Honourable Senator Hervieux-Payette, P.C.*)

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, before I request that this order stand I would point out that this is now the fourteenth day that the order has been standing in the name of Senator Hervieux-Payette. There is a reasonable expectation that we will sit on Monday evening, and that would be the fifteenth day. That is simply an observation.

Order stands.

SPAM CONTROL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill S-15, to prevent unsolicited messages on the Internet.

He said: Honourable senators, in view of the hour, I will speak to this matter next week.

On motion of Senator Oliver, debate adjourned.

[Translation]

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 Robichaud, P.C.*)

Hon. Fernand Robichaud: Honourable senators, I am pleased to speak today in support of the motion by the Honourable Senator Lavigne, which seeks to amend the *Rules of the Senate* by asking senators to take an oath of allegiance to Canada in addition to the oath to the Crown.

This is a subject that, at first blush, is both interesting and intriguing. It is interesting because I believe that Senator Lavigne's arguments are relevant. The real purpose is to enhance each senator's commitment to Canada and, second, to update our oath of office.

It is intriguing because we continue to wonder why it has not already been done since the merits of this suggestion are clear. As for the arguments given, I think that Senator Lavigne is correct in saying that the Americans are very proficient at expressing their love for their country and their respect for their flag.

In this regard, Senator Carstairs spoke eloquently about her experience in the United States and her admiration for their patriotism and sense of pride and affection toward their country.

That said, I think it is quite appropriate for us to question whether we should not update certain formulas so that they reflect a greater sense of pride and belonging to our country. That is the real issue.

According to Senator Lavigne, his experience in the field shows that several symbols that could instil pride in being Canadian have simply faded away over the years, making way for the emergence of new symbols and a new sense of belonging.

It is therefore appropriate to create opportunities to publicly express our pride and sense of belonging to Canada. Often people from abroad remind us to be proud to be Canadian and tell us how lucky we are to live in this free and prosperous country.

Allow me to describe my experience in the days following the fateful day of September 11, 2001.

• (1600)

Like many other travellers, my wife and I were stranded in Amsterdam. The Dutch were extremely kind and welcoming when they realized we were Canadian. They were quick to express their gratitude and affection for our country and for all those who sacrificed their life and youth to liberate Holland during the German occupation. Their warm welcome was particularly touching and it stemmed not from the fact that I am a senator, but from the fact that we are Canadian.

Honourable senators, we must ask ourselves why we should not take advantage of opportunities we are given to publicly express our allegiance and our affection to our country. As you know, the election of a member to the other place or the appointment of a senator to this place marks their formal entry into a constitutional monarchy system of government.

You will agree that it is quite understandable that senators and members would wish to express their respect and loyalty to the Crown and their attachment to Canada. To that end, our Constitution provides that members of Parliament take an oath of

allegiance to the Queen even before they officially begin their duties. For some people, this oath of allegiance to the Queen is enough, while others think it important to be able to clearly express their pride and loyalty towards Canada.

The proposed addition would amend the *Rules of the Senate*. This chamber has the power to do this. The goal of this amendment is to demonstrate more explicitly each new senator's attachment and loyalty to Canada. Clarifying our loyalty to Canada is necessary because the idea of an oath of allegiance to the Crown may have different connotations for people from different cultures.

For instance, I know that, as an Acadian, the idea of swearing an oath to the Crown always reminds me of the famous oath of allegiance my ancestors refused to swear, leading to the deportation, or Great Upheaval. That means that, on a day-to-day level, we must make a bit of an effort to understand the fundamental reason for this oath of office. We must think about it and reason it out.

This oath of allegiance may take on an entirely different meaning. Perhaps it is simply a reaffirmation of loyalty and attachment to the sovereign, or perhaps it recognizes the Crown as the head of the national family, who, at his or her coronation, also swore an oath of allegiance to the people. The oath of allegiance to the Crown completes the reciprocal relationship between the sovereign and his or her subjects. When I took my oath of allegiance to the Queen, it was because she was the sovereign of Canada. Like it or not, there are cultural differences that can colour the meaning of such an oath of allegiance.

Honourable senators, I would like to point out that the wording of oaths of allegiance has changed over the centuries. In his book entitled *L'Acadie des origines (1603-1771)*, Léopold Lanctôt reports that in 1695 some forty heads of family from Port Royal swore an oath of allegiance to King William of England in these terms: "We swear and sincerely promise that we will be faithful and give true allegiance to His Majesty King William of England, Scotland, France and Ireland." I must point out that, at that time, the King of England claimed to be the legitimate sovereign of France.

In his book *A Land of Discord Always: Acadia from its Beginning to the Expulsion of its People, 1604-1755*, historian Charles D. Mahaffie Jr. tells us that the Acadians of the Annapolis Valley made and signed the following oath in 1729: "I hereby promise and sincerely swear on my faith as a Christian that I will be wholly faithful and totally obedient to His Majesty, King George II, whom I recognize as the sovereign of Nova Scotia and Acadia."

The oath of allegiance given in the Constitution Act of 1867 reads as follows: "I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria," with a note indicating that the name of the reigning sovereign is to be substituted as required.

This indicates, honourable senators, that words and formulas for oaths vary, and that they change over time. They are not necessarily graven in stone. I would go so far as to say that there is nothing out of the ordinary about a request to change them, but that is not what is involved here.

Senator Lavigne's proposal is not in any way about changing the oath. In my opinion, moreover, no one would want to reopen the Constitution in order to change the wording of the oath. It is my sincere belief that changing the *Rules of the Senate* as suggested would allow each and every one of us to be respected.

The oath of allegiance as prescribed in the Constitution enables us to recognize Canada as a constitutional monarchy. The possibility of swearing an oath of loyalty and attachment to Canada is an opportunity to express our loyalty and attachment to Canada. I must say that the proposed amendment to the rules is proof of the Senate's efforts at inclusion. Each of us can feel respected in making our oath of allegiance. That is a sign of unity in diversity.

I want to add, honourable senators, that had it been allowed under the rules during my swearing in, I would have readily taken this oath of loyalty to Canada. I am very pleased to support this motion to amend the *Rules of the Senate* so that we can explicitly express our attachment and loyalty to our country, Canada.

[English]

The Hon. the Speaker: I see two senators rising.

Hon. Eymard G. Corbin: Honourable senators, I think the sponsor of the bill was rising to close the debate, but I am rising to adjourn the debate.

The Hon. the Speaker: Are honourable senators wishing to ask questions before I put Senator Corbin's motion?

Hon. Noël A. Kinsella (Leader of the Opposition): While preparing for his interesting intervention today, did the honourable senator examine section 31(2) of the Constitution Act that speaks to the oath of allegiance taken by senators and how the place of a senator becomes vacant if an oath of allegiance is made to another authority? There are a number of items in that section.

• (1610)

Has the honourable senator examined the relationship of the taking of the oath of allegiance and the requirements in the Constitution Act that speak to oaths of allegiance?

[Translation]

Senator Robichaud: In answer to the question by Senator Kinsella, honourable senators, I must say that I have not done so to any great extent, but I would be pleased if he would tell us more.

[English]

Hon. Joan Fraser: Honourable senators, I wish to thank Senator Robichaud for his speech; it was instructive and moving. However, I have a nagging mind. What would happen if we adopted this rule and one day a senator was appointed who met all the other qualifications and who took the constitutional oath and for whatever reason refused to take this oath? What would we do then?

[Translation]

Senator Robichaud: This issue could be studied when the motion goes to committee. I do not think we could simply make this

change to the *Rules of the Senate* without studying all the ramifications. I remain confident, however, that we can find a way to accommodate senators, if such a situation were to arise. I find it hard to understand why anyone would refuse to swear an oath to our country, Canada, or at least, as I said, for some people, to swear an oath to the sovereign who is recognized as the sovereign of Canada. The fact of swearing an oath to the country would make it possible to display our attachment, our loyalty and our determination to serve the people of this country well.

[English]

Senator Kinsella: Honourable senators, Senator Robichaud seems to be arguing — and please correct me if I misunderstood — that the oath of allegiance would be to two authorities: to Her Majesty, on one hand, and to the people of Canada, on the other. My reading of the Constitution is that there is one authority. If there are two authorities, would the honourable senator go further and consider that what we need to do is to get those two authorities together? In other words, we are really at the stage that, in order to make the system work, we must bring together the people of Canada and the Crown. Therefore, would he support the proposition that we should redefine the Crown or the executive power in section 9 of the Constitution and say that the executive government and authority of and over Canada is hereby declared and continues to be vested not in the Queen, but in the Crown, and to have an amendment to redefine the Crown as being the symbol of the people of Canada as opposed to being the Queen?

[Translation]

Senator Robichaud: Honourable senators, when motions of this kind are proposed, the longer we think about them and talk about them, the more ways we can find to make adjustments. We are a constitutional monarchy and the Queen is recognized as our head of state, but her powers are nonetheless limited by our Constitution. To me, recognizing the Queen and recognizing the country is the same thing. The Queen cannot be the sovereign of Canada if Canada does not consist of all its territory and all the people who live in that territory. For me, the question does not arise. Perhaps we will be able to reflect further on this at a later date. I see this proposal as a simple one and a way to show our pride in being Canadian.

[English]

The Hon. the Speaker: Honourable senators, I regret to advise that Senator Robichaud's speaking time on this item has expired. Any further comment or question would require him to request leave.

[Translation]

Senator Robichaud: I seek leave to allow time for a senator to ask a question, Your Honour, but I do not wish to hold anyone up.

Hon. Senators: Agreed.

[Senator Robichaud]

[English]

Senator Kinsella: Honourable senators, Senator Robichaud is on to a very interesting hypothesis that could lead to a healthy debate. If I understood him correctly, he has just told us that, for him, the Crown and the people of Canada really mean one thing. There may be many people who agree with that proposition.

I know the government that the honourable senator supports is interested in clarity when it comes to matters of the Constitution. For clarity, perhaps we should look at redefining the Crown as the symbol of the people of Canada. Would the honourable senator give that idea some consideration?

[Translation]

Senator Robichaud: Honourable senators, if the Senate or the public decided that we should, at some point, redefine what the Crown means to us, I would have no objection. Who am I to object to such an undertaking? I believe we can move forward with the simple formula being proposed, consisting of adding a few lines that would allow us to say openly and with pride that we are a citizen of Canada and that we simply want to assure the public that we recognize our country per se.

Senator Corbin: Honourable senators, if other senators wish to speak to this motion, I would be pleased to yield. However, I would like to reserve the right and privilege to speak, and that is why I am moving that debate be adjourned.

On motion of Senator Corbin, debate adjourned.

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO URGE CHINA TO RESOLVE TIBET ISSUE ADOPTED

On the Order:

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

That, as a follow up to the goodwill generated by the visit of His Holiness the Dalai Lama to Ottawa last April, the Senate call upon the Government of Canada to use its friendly relations with China to urge it to enter into meaningful negotiations, without preconditions, with representatives of His Holiness the Dalai Lama to peacefully resolve the issue of Tibet.—(*Honourable Senator Rompkey, P.C.*)

Hon. A. Raynell Andreychuk: Honourable senators, I do not wish to hold up the question on this motion; I simply wish to add my support.

It is incredibly important that Canada become involved in the Tibet matter. The motion refers to friendly negotiations not, I think, in any adversarial sense. When His Holiness the Dalai Lama was here, he pointed out that the culture of the Tibetan people is of critical importance. As long as this crisis is not resolved, the issue of language, culture and religion in Tibet is in

jeopardy. From the last time that I saw His Holiness in the late 1980s, to when he arrived here last spring, the situation confronting Tibetans has deteriorated because of this conflict. It is therefore in the best interests of China and the people of Tibet that there be some resolution. Canada has good offices that it can use. On his visit to China, I would encourage the Prime Minister, as well as the Minister of Foreign Affairs, to continue and to increase our support for a peaceful resolution of this matter, as the Dalai Lama has been stating.

I wholeheartedly support this motion.

• (1620)

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn, pursuant to notice of December 8, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to sit at 5 p.m. on Tuesday, December 14, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

She said: Honourable senators, I yield to Senator Stratton.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is to the Chair of the Agriculture Committee. This is an unusual request. We understand that, for the most part, the committee has invited witnesses and, if you do not meet with them as scheduled, it may cause a problem. The dilemma we have in the chamber is that we must keep members here while the Senate is sitting. That is the reason we do not, as a general rule, allow committees to sit while the Senate is sitting.

Can we be given some explanation? Is this an unusual circumstance or an ongoing, continuing circumstance that the committee will encounter in the future?

Senator Fairbairn: Honourable senators, the answer is no, it would not be an ongoing, regular circumstance. I do not think that we, as a committee, have abused this provision. The reason for the request that the committee be permitted to sit while the Senate is sitting next Tuesday is that, for some time, we have been trying to hear from the Honourable Mr. Peterson, Minister of International Trade. Some of our scheduled meetings have been cancelled, much to his regret, because of his responsibilities

respecting overseas visits and missions. We now have an opportunity to hear from him on Tuesday. That is the only time that we have been able to secure his attendance. Our committee particularly wants to hear from the minister on the various points that have come out in the recent World Trade Organization report which would have some significant reactions here in Canada involving some of our agencies such as the Canadian Wheat Board.

Senator Stratton: Thank you.

Hon. Senators: Question!

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

Motion agreed to.

THE SENATE

MOTION TO URGE GOVERNMENT TO CONDEMN AND INITIATE MEASURES AGAINST THE GOVERNMENT OF BURMA FOR ITS UNDEMOCRATIC ACTIONS— DEBATE ADJOURNED

Hon. Mac Harb, pursuant to notice of December 8, 2004, moved:

That the Government of Canada vigorously condemn the Burmese military junta's extension of pro-democracy leader Aung San Suu Kyi's term of house arrest and call for it immediately to revoke this measure, to introduce democratic reforms and to abide by its human rights obligations, and further that the Government of Canada, as an international leader in the defense of human rights and democratic institutions, make it an urgent priority to take action in the form of: implementation of effective economic measures against the military regime; increased diplomatic sanctions, including the exclusion of active participation of the Burmese military junta from trade and investment promotion events in Canada; and increased assistance to Burmese refugees in border regions of adjacent countries as well as with those in need within Burma through accountable non-governmental organizations and UN agencies.

He said: Honourable senators, at the outset I would like to thank my colleague Senator Andreychuk, who was a co-sponsor of this motion.

I would start my brief remarks by quoting from Archbishop Desmond Tutu's statement written for *Ready, Aim, Sanction: Special Report* published by Alsean-Burma in November of 2003. He said:

In South Africa when we called for international action, we were often scorned, disregarded or disappointed. To dismantle apartheid took not only commitment, faith and hard work, but also intense international pressures and sanctions.

In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic

gestures and cut the lifelines to Burma's military regimes through well-implemented sanctions.

Honourable senators, in 1962, we had the last democratically-elected government in Burma. At that time, the brutal military regime took over. Again in 1988, we had a bloody massacre of thousands of unarmed demonstrators in the streets and, since then, human rights violations have increased and the political and socio-economic conditions have deteriorated drastically. The military has governed without a constitution or legislation since 1988.

Popular democratic leader Aung San Suu Kyi was placed under house arrest in July 1989 for "endangering the state." She has been imprisoned in her home for the past 15 years. In 1990, multi-party elections resulted in a huge win for the National League for Democracy lead by Aung San Suu Kyi. Despite severe repressions, she was kept under house arrest and, in a complete lack of freedom of expression throughout the country, the junta refused to recognize the results.

Peace, democracy and the most basic human rights do not exist. Millions have been forced to flee and are scattered all over the world. Organizations such as the United Nations, Amnesty International and Human Rights Watch cite the continuing violation of human rights in Burma, which include extrajudicial summary or arbitrary executions, rape, torture, inhumane treatment, mass arrests, forced labour, including the use of children, forced relocation, denial of freedom of assembly, association, expression and movement. One quarter of all households live below subsistence levels, and three out of 10 children are malnourished.

Political gatherings are banned and political parties such as Aung San Suu Kyi National League for Democracy, NLD, are closely monitored and its members harassed or arrested. Amnesty International estimates that, in early 1988, at least 1,200 political prisoners were detained or imprisoned under severe conditions in Burmese jails. As well, Amnesty International identified at least 20 detentions centres where interrogations have taken place, along with beatings, electric shock treatment and other forms of torture, and many prisoners have died in detention. Burma is currently in the midst of a health and educational crisis.

• (1630)

According to UN statistics, the junta spends 22 per cent more on military spending than on health care and education combined. Three out of 10 children never even start school, while 40 per cent of those who do are able to finish the primary levels.

Burma's universities have been closed most of the past 12 years due to a student-led uprising. Since 1988, the military has opened post-secondary schools briefly, only to shut them down immediately when students began to rally for change.

The military dictatorship represses any opposition through its extensive military intelligence apparatus and enormous army, which has more than doubled in size since 1988 and now is approaching 500,000, in a country that has absolutely no external enemies.

I call on honourable senators to support this motion so we can send a signal not only to Canadians but also to our friends around the world that we, as a country, do care about what is taking place in Burma and want to see the restoration of democracy to that part of the world.

Hon. A. Raynell Andreychuk: Honourable senators, I want to thank Senator Harb for bringing to our attention the plight of Burma and, in particular, the plight of Aung San Suu Kyi, who has had her house arrest extended.

I believe that this is a non-partisan issue. All governments in Canada and elsewhere have taken all possible actions against the Government of Burma, and I do not believe that they have responded. In fact, the situation, as Senator Harb has pointed out, has deteriorated.

I believe that what we need is more consistent attention to Burma. We have been distracted by other issues around the world that have seemed to be more urgent. However, the plight of the Burmese cannot be left unnoticed. It is timely, appropriate and in the best interests of Canada and the democratic world that we renew our efforts to shine light on Burma and the excesses of this regime so that, in fact, they can afford the citizens their rights.

We are sitting here, honourable senators, on December 9. December 10 is International Human Rights day. I can only think that there are many Burmese who do not know about the Universal Declaration of Human Rights. However, they have a sense of dignity and worth and value, and I believe it is our responsibility to renew our efforts despite competing needs around the world.

I would ask this chamber to pass this resolution so that we can renew with vigour our attention to the plight of the people of Burma.

Hon. Bill Rompkey (Deputy Leader of the Government): I am rising to adjourn the debate. I do so not for lack of supporting the motion. I am sure that honourable senators will want to support it. However, some senators who are not here today may wish to reflect on the motion and read today's debate. For that reason only, as I did with Senator Di Nino's motion yesterday, I would like to adjourn the debate.

On motion of Senator Rompkey, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser, pursuant to notice of December 8, 2004, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet Thursday, December 16, 2004 as part

of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser, pursuant to notice of December 8, 2004, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet during the week beginning Monday, January 31, 2005 as part of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

[Translation]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Monday, December 13, 2004, at 8 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Monday, December 13, 2004, at 8 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(1st Session, 38th Parliament)

Thursday, December 9, 2004

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02		
S-17	An Act 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	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations			
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							

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