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(HANSARD)

**Tuesday, November 1, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER

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

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## THE SENATE

Tuesday, November 1, 2005

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

Prayers.

### SENATORS' STATEMENTS

#### 2005 CANADA SUMMER GAMES

##### CONGRATULATIONS TO TEAM NOVA SCOTIA

**Hon. Terry M. Mercer:** Honourable senators, this past summer, the Canada Games — our very own athlete-centred, national sporting event — were held in Regina, Saskatchewan.

What began as an idea in 1924, the legacy of the Canada Games continues to thrill audiences with its spirited competition and showcases real pride in one's country. In fact, honourable senators, it is worthy to note that the first Canada Summer Games were held in Halifax, Nova Scotia, in 1969.

The games are the opportunity for all Canadians to share in their communities, volunteerism, culture and the development of future leaders.

Honourable senators, Team Nova Scotia athletes won 46 medals while setting new records at these games. Our Nova Scotia team finished the two weeks of competition in sixth place, with medals being awarded in athletics, women's basketball, sailing, rowing, canoe/kayak, rugby and swimming.

Team Nova Scotia athletes were supported by 45 coaches and 23 managers, two boatmen and 18 mission staff, bringing the team's total to over 400 Nova Scotians.

Honourable senators, the host city society chose "No Limits/ Sans Limites" as the theme for the 2005 Canada Summer Games — a very fitting theme.

I am sure, honourable senators, that you join me in offering my sincere congratulations to all Team Nova Scotia athletes, coaches, staff and volunteers, as well as the thousands of other athletes from across Canada, their coaches and team volunteers, parents and friends, who all worked together to make these games a success and a truly Canadian event.

#### DOWN SYNDROME AWARENESS WEEK

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, in a strange twist of fate, each year one in 800 babies born in Canada has a triplication instead of a pairing of the twenty-first chromosome. These babies have a genetic difference called Trisomy 21, or Down syndrome.

These babies may have different genes, but they have the same need for love and food, just like every other baby. As they grow, they need proper schooling, activity and encouragement, just like

every other child; and when they reach adulthood, they share the same hopes as every other adult — a job, a marriage, a home and all the wonderful things that life has to offer.

However, too often as babies, as children and as adults, people who have Down syndrome are denied appropriate medical treatment that would improve their quality of life. They are denied educational supports that would allow them to attend neighbourhood schools with their friends. They are denied post-secondary training that would enable them to develop careers and a decent income. Too often, they are not valued as people with something useful to contribute to society.

Down Syndrome Awareness Week gives us the chance to focus on finding a cure, not for Down syndrome, but for intolerance directed at people who have Down syndrome or any other difference.

I urge honourable senators to join with me and celebrate Down Syndrome Awareness Week, November 1 to 7, not because Down syndrome is a difference to be mourned, but because it is a difference to be appreciated.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before I go to the next senator on my list, I wish to draw to your attention the presence in our gallery of His Excellency Paavo Lipponen, Speaker of the Parliament of the Republic of Finland.

Mr. Lipponen is accompanied by the following parliamentary colleagues: Mati Väistö, Finnish Centre Party; Arto Bryggare, Social Democratic Parliamentary Group; Olli Nepponen, National Coalition Party; Kari Uotila, Left Alliance; Rosa Meriläinen, Green Parliamentary Group; Pehr Löf, Swedish Parliamentary Group; Seppo Kalervo Tiitinen, Secretary-General of the Parliament of Finland; as well as Finland's ambassador to Canada, Pasi Patokallio.

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

#### PARLIAMENTARY SEMINAR ON AFRICA

**Hon. Joan Fraser:** Honourable senators, last month I had the privilege of attending two meetings of parliamentarians in Europe. The first was the fall assembly of the Inter-Parliamentary Union, on which a full report will be presented to the Senate in due course. The second was a parliamentary seminar on Africa held in London, with the theme "Partnership Beyond 2005: The role of Parliamentarians in implementing NEPAD Commitments" — NEPAD being the New Partnership for Africa's Development. The seminar was sponsored by European Parliamentarians for Africa, the British Council, the Commonwealth Parliamentary Association, U.K. branch, and the Inter-Parliamentary Union British group. The meeting brought together parliamentarians from almost every African country, from many European countries and some from Canada.

I was there on behalf of the IPU to speak about gender issues, which, as you know, I consider to be an inherent part of politics — and gender was indeed a cross-cutting theme at this meeting.

• (1410)

Honourable senators, it was an inspiring and intense two and a half days of listening to parliamentarians from all over Africa, who have the most immense issues with which to deal, vowing their commitment to good governance and to taking responsibility for the terrible problems facing their citizens.

The other Canadian parliamentarian present was Mr. John Williams, Chair of the Public Accounts Committee in the other place. He was one of two speakers at a workshop that I attended on good governance, accountability and corruption. The other speaker at that workshop provided an extraordinary rundown of African legislation in this area. It was fascinating. We heard about AIDS, the environment, trade difficulties, regional groupings and tribal difficulties.

As I have said, honourable senators, it was an inspiring two and a half days and it will influence my work here for a long time to come.

### ABORIGINAL EDUCATION

**Hon. Gerry St. Germain:** Honourable senators, I rise to speak on an important topic to which I have previously spoken in this chamber, that is, the state of Aboriginal education in this country.

Young Aboriginals make up the fastest-growing population group in Canada, and it is imperative that they receive the best possible education. All too often, however, this has not been the case. I am sure that honourable senators are familiar with the statistics on the poor state of Aboriginal education. Several reports from the Auditor General in recent years have illustrated numerous problems related to the delivery of education by the Department of Indian Affairs and Northern Development. The Auditor General has also told us that it will take 28 years to close the gap between high school graduation rates of First Nations people living on reserves and students in the general population.

A report last year by the Millennium Scholarship Foundation stated that although Canadians are attending university and college in higher numbers than in the past, Aboriginals are still greatly under-represented in the post-secondary system.

We must do more to ensure that all Aboriginal students who wish to enter university or college have the chance to do so. No student in our country should be denied the opportunity to attain higher education because of financial or cultural barriers.

In addition to greater access to post-secondary education, it is my firm belief that entrance to skills training programs should be improved for Aboriginal students. While we need to encourage

Aboriginal students to enrol in these programs, we must also ensure that they have the resources and the support necessary to complete their training. The training programs should be relevant to the lives of the students and to the labour market. In addition, we need to promote partnerships with business that will help Aboriginals further their skills training through apprenticeships.

I am proud to belong to a political party that has placed great importance on increasing the number of skilled workers in Canada. The Conservative Party plan will provide apprentices with a grant and an increased tax credit for their tools and will provide employers with a tax credit for the creation of more apprenticeship positions. These proposals could certainly help young Aboriginals who possess the necessary talent but have limited opportunity to upgrade their skills.

When young Aboriginal men and women have the opportunity to use their talents and intellect at their highest ability, our entire country will benefit greatly. I urge the federal government to work with the provinces and Canada's Aboriginal peoples to create programs that promote and strengthen skills development.

### NATIONAL DEFENCE

#### GAGETOWN— TESTING OF AGENT ORANGE AND AGENT PURPLE

**Hon. Norman K. Atkins:** Honourable senators, recently the federal government has become more actively concerned with the issues and the impact of Agent Orange and other carcinogenic chemicals used at CFB Gagetown in the 1950s and 1960s. Some action has subsequently been taken to review scientific findings and compensate affected individuals.

Camp Gagetown is in a part of New Brunswick with which I am very familiar. I spend time there each year. I am disheartened by the known extent of the problem and its impact. My concern is that a closer examination may reveal more complex problems than we have anticipated.

I am aware of a man who was a member of the Black Watch at CFB Gagetown at the time of the chemical spraying and who has since died of cancer. Many of the soldiers who served with him in the Black Watch have also died of cancer. In fact, there is an area along the river that has been dubbed "Widows' Row," for obvious reasons.

Dioxins are persistent in the environment. They bio-accumulate in organisms that consume them and become concentrated as they go up the food chain. This means that health concerns are real when dioxins exist at a significant level.

It is heartening that the government is using the most comprehensive findings available as their scientific reference. It would also be useful to have further research conducted by an arm's-length technical review committee chaired by an independent lead investigator.

With recent scientific advances, there is an opportunity for renewed studies of the current levels of this type of carcinogen. More testing must be done to determine the extent of

contamination that may linger today and in the future. Mortality studies should be conducted to determine whether elevated numbers of deaths occurred in the Camp Gagetown area and whether these deaths can be linked to dioxins.

Detailed information from these studies, as well as information about those companies that manufactured the chemicals used, should be released publicly. This may enable researchers to draw firm conclusions about who was and still is at risk from contamination.

Currently, affected parties are categorized into different groups with different eligibility standards, medical entitlements and compensation packages. In fairness, all affected people should be treated equitably in the system and compensation availability should be as streamlined as possible, allowing claimants to receive benefits and compensation in a timely way.

I hope the federal government will take additional action for the good of all those who have been affected and those who may be affected in the future. Federal MP Greg Thompson and local MLA Jody Carr should be commended for their work to ensure the government's diligence and fairness with those struggling with this contamination.

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## ROUTINE PROCEEDINGS

### COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES

#### REPORT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a report entitled *Commission of Inquiry into the Sponsorship Program and Advertising Activities*.

### IMMIGRATION

#### 2005 ANNUAL REPORT TO PARLIAMENT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to present, in both official languages, the departmental performance reports for 90 departments and agencies for the period ended March 31, 2005.

[Translation]

### DEPARTMENTAL AND AGENCY PERFORMANCES

#### 2004-05 REPORTS TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the departmental performance reports for 90 departments and agencies for the period ended March 31, 2005.

[English]

## CANADA BORDER SERVICES AGENCY BILL

### REPORT OF COMMITTEE

**Hon. Colin Kenny**, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, November 1, 2005

The Standing Senate Committee on National Security and Defence has the honour to present its

### FIFTEENTH REPORT

Your Committee, to which was referred Bill C-26, *An Act to Establish the Canada Border Services Agency*, has, in accordance to the Order of Reference of June 29, 2005, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

COLIN KENNY  
Chair

### OBSERVATIONS to the Fifteenth Report of the Standing Senate Committee on National Security and Defence

The Committee adopted Bill C-26, *An Act to establish the Canada Border Services Agency*, without amendment. However, during its consideration of the Bill, Committee members expressed concern with regard to clauses 15.1 (1) and 15.1 (2).

The Committee questioned the effect of Clause 15.1 (2) on Clause 15.1 (1) and on the Minister's stated goal of improving transparency and openness within her department and its portfolio agencies.

The Committee supports the obligation to report to Parliament annually on the operations and performance of the Canada Border Services Agency as is imposed by Clause 15.1 (1). The Committee's concern centres on whether the type of annual report that may be required by Treasury Board, which Clause 15.1(2) states may satisfy the obligation imposed by Clause 15.1(1), is an adequate vehicle for such reporting.

Specifically, the Committee questions whether a Treasury Board-mandated report would include sufficient data on issues such as critical incidents faced by Border Services Officers, indeterminate vs. temporary staffing levels by Port of Entry, and traffic volume by Port of Entry. The Committee recommended that the Canada Border Services Agency increase the data being reported to Parliament annually in the Committee's June 2005 report, *Borderline Insecure*.

The Minister stated that she was open to considering an additional report to Parliament, in addition to that which is required by Treasury Board. The Committee expects the Minister to consider this option seriously.

Senator Michael Forrestall questioned Minister of Public Safety and Emergency Preparedness Canada Anne McLellan with regard to the need for greater transparency and the adequacy of current reports to Parliament. Their exchange follows:

**Senator Forrestall:** Minister, we are talking a lot today about transparency and openness. You may recall, during the debate in the Senate chamber, some of us expressed concern about the absence of provision for an annual report. The suggestion from the government was that the report by Treasury Board be considered the annual report of the Border Services Agency. I ask whether or not you might have had a change of heart; and, if so, in light of the need for apparent transparency —

**Ms. McLellan:** Are you asking if I, as minister, would submit an annual report to Parliament?

**Senator Forrestall:** I would submit that the agency should submit an annual report to Parliament through you.

**Ms. McLellan:** It is being done. Mr. Jolicoeur tells me that.

**Mr. Jolicoeur:** There was an amendment to our legislation to ensure that we would provide that report to Parliament. It is done through the normal Treasury Board initiative of asking each department to provide the departmental performance report.

**Senator Forrestall:** That is not quite good enough. Your report has been filtered through another hand before it comes to the public. In fairness to the proposition of fairness and transparency and openness, I think you should be seen to be speaking for yourselves.

**Ms. McLellan:** Can I take that back and think about it in the next day or so?

**Senator Forrestall:** I wish you would.

**Ms. McLellan:** I will.

Source: Senate Standing Committee on National Security and Defence, *Unrevised Evidence* (October 31, 2005).

<sup>1</sup> Senate Standing Committee on National Security and Defence, *Borderline Insecure* (June 2005), 35.

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

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

• (1420)

## THE SENATE

### NOTICE OF MOTION TO URGE GOVERNMENT TO PROVIDE FUNDING FOR FURTHER DEVELOPMENT OF PALLIATIVE AND END-OF-LIFE CARE STRATEGY

**Hon. Sharon Carstairs:** Honourable senators, pursuant to rule 58(1)(i), I give notice that two days hence I will move that:

Whereas the federal government has a leadership and a coordination role and a direct service delivery role for certain populations with regard to palliative and end-of-life care in Canada;

And whereas only 15 per cent of Canadians have access to integrated palliative and end-of-life care;

Be it resolved that the Senate of Canada urge the government to provide long-term, sustainable funding for the further development of a Canadian strategy on palliative and end-of-life care which is cross-departmental and cross-jurisdictional and meets the needs of Canadians.

And that a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

## TREATMENT AND THERAPY FOR AUTISM

### PRESENTATION OF PETITION

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I have the honour to present the following petition on behalf of 12-year-old Joshua Bortolotti and his four-year-old sister Sophia, containing the names of 30 Canadians who are petitioning the Senate with reference to treatment and therapy for autism and, in particular, that Parliament be called upon, first, to amend the Canada Health Act and corresponding regulations to include IBI/ABA therapy for people with autism and, second, to contribute to the creation of academic chairs at a university in each of the provinces to teach IBI/ABA treatment.

## CANADA-UNITED STATES RELATIONS

### MAINE—PROPOSED LIQUEFIED NATURAL GAS TERMINALS—PRESENTATION OF PETITION

**Hon. Michael A. Meighen:** Honourable senators, I have the honour to present petitions from 110 residents of New Brunswick and elsewhere in Canada and the United States of America asking the government to refuse the right of passage to liquid natural gas tankers through Head Harbour Passage.

## QUESTION PERIOD

### CITIZENSHIP AND IMMIGRATION

#### PROPOSAL TO ADMIT NEW IMMIGRANTS— ABILITY TO PROCESS APPLICANTS

**Hon. Ethel Cochrane:** Honourable senators, my question is for the Leader of the Government in the Senate. Recently, Prime Minister Martin and Minister of Citizenship and Immigration Volpe, said that they plan to admit 100,000 new immigrants and refugees to Canada over the next five years. This would create a substantial increase in numbers for a system already struggling to deal with claimants in a timely manner.

The current backlog in the system is estimated at almost 768,000 cases. According to a report in the *Ottawa Citizen* today, this backlog is due to the fact that government can only process 130,000 applicants a year. At this rate, honourable senators, it will take almost six years to process the cases already in the system.

Could the leader tell me how the federal government will be able to make good on this plan when there are already hundreds of thousands of immigrants caught in the department's backlog of cases?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator Cochrane has asked an important question. The direct answer is that we need to focus on improving the system, to improve client service and to improve program availability to permit integration. We must also work on foreign credentials, to ensure that the new immigrants and citizens that we want to attract can be absorbed into the Canadian economy in an efficient and productive way.

However, as to the underlying rationale for the program, it is clear that our demography, with an aging population and a reproduction rate of 1.6, which does not replace our population, requires increased immigration in order to maintain economic growth in this country and to maintain our social assistance programs.

One target of the program will be to encourage new immigrants to settle in larger numbers in smaller centres in Canada to provide an additional economic boost to those communities.

**Senator Cochrane:** While I thank the Leader of the Government in the Senate for his response, I know the "why," but I do not know the "how."

On April 18, 2005, the Minister of Citizenship and Immigration announced measures to speed up the processing of sponsorship applications for parents and grandparents coming to Canada as family-class immigrants. The press release said, "With these new measures in place, it is expected that in both 2005 and 2006 the number of parents and grandparents immigrating to Canada will increase by an additional 12,000 each year."

Last summer, I was contacted by a member of my community who began the application process to bring his parents to Canada in November 2003. When I contacted the Case Processing Centre in Mississauga for information, I was told that the department had not yet looked at sponsorship applications of overseas parents and grandparents submitted in June of 2003.

Earlier this month, a representative of the department told me that it is expected that the application will not be reviewed until some time in early 2006 — around 2.5 years after the original application.

Given that I was told in August, two-thirds of the way through 2005, that sponsorship applications of overseas parents and grandparents dated June 2003 had not been looked at, will the Leader of the Government in the Senate tell me how the government will be able to meet the targets that it set just six months ago?

**Senator Austin:** As I said in answer to the first question of the honourable senator, which is quite similar to the second question, program effectiveness in the department must be changed. More employees should be hired and there must be better targeting of programs that absorb immigrants.

Every provincial minister has asked the federal Minister of Citizenship and Immigration to enhance the flow of immigrants. I am advised that there is a requirement for 5,000 people to fill jobs now available in Saskatchewan. Unfortunately, the way the program is administered is cumbersome and does not permit, as the honourable senator says, the efficient processing of increased immigration numbers, which is our objective.

In response to Senator Cochrane's enquiry as to how this will be accomplished, the minister has said that he is developing programs for facilitating the recognition of people in Canada who may not be here legally, and that will absorb them into the Canadian system. However, he has not yet made an announcement, and until he makes an announcement respecting the new program formats in his department, I am unable to provide the honourable senator with the details of those programs.

**Senator Cochrane:** Honourable senators, could the Leader of the Government tell me when this program might be developed? I am working on a particular person's file. We want this individual and his wife to stay in Canada. Therefore, it is important that the individual's parents be here, so that he can take care of them as well. These are important people who are needed in Canada.

• (1430)

**Senator Austin:** I cannot speak to any particular case, or indeed as to when the new rules may be available. Of course, it is highly speculative, because I do not know the circumstances of the case to which the honourable senator has referred, as to whether the new rules would be of any assistance in that matter.

However, Senator Cochrane is fully aware of her option to correspond with Minister Volpe. If the honourable senator wishes to leave me a copy of that letter, I shall make inquiries.

## INDUSTRY

### INVESTMENT CANADA—KINDER MORGAN TAKEOVER OF TERASEN GAS

**Hon. Pat Carney:** Honourable senators, my question is directed to the Leader of the Government in the Senate. Mr. Justice Gomery has expressed concern about the secrecy surrounding the Liberal government's activities. One example is the secrecy around Investment Canada's review of the takeover of Terasen Gas by Kinder Morgan of Texas.

Under the Investment Canada Act, there is provision for review of takeovers of oil and gas pipelines, in order to determine whether there is a net benefit to Canada. The provision I refer to is a Conservative amendment, so it is familiar to some of us.

We know that this \$6.9-billion deal is the subject of such a review by the Liberal government, but neither Industry Canada nor the minister's office will release any information about their negotiations. Under the act, the government can negotiate net benefits. We just cannot find out what they are. Why is the review about benefit to Canada secret? There is nothing in the act that prohibits this information being made public.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I heard a reference to Mr. Justice Gomery. Was the honourable senator relating her question to Terasen — Gomery and Terasen — or did I misunderstand her question?

**Senator Carney:** I related my question to the secrecy that veils so many Liberal government actions — and Mr. Justice Gomery has flagged this issue. I am saying that secrecy pervades the government's review of a takeover of Terasen Gas by Kinder Morgan of Texas. Six thousand British Columbians wrote to the British Columbia Utilities Commission expressing their concern about this, so the secrecy is about why we cannot learn the results of the review or what the Government of Canada is seeking from Kinder Morgan. There is nothing in the act that prohibits the net benefit negotiations being made public.

**Senator Austin:** Honourable senators, I wanted to make it clear to the chamber and in my own mind that the reference to Mr. Justice Gomery has nothing to do with the Terasen file. Mr. Justice Gomery has said nothing about Terasen, and I really want to make that completely clear.

In answering the question, Senator Carney is fully aware of the fact that under the legislation there needs to be demonstrated in files exceeding \$250 million of value a net benefit to Canada. The government of which the honourable senator was a member amended the legislation in question, to provide for that particular test.

In general, negotiations need to be conducted between competent federal officials and members of any particular corporation. In this particular case, the shareholders of Terasen have indicated their approval of a transfer of control of that company to an American company, so that the government is now giving consideration to the issue of net benefit.

As I said, it is a question of negotiation and the establishment through negotiation of a net benefit column. I cannot see how anyone could be asking for those negotiations to be the subject of public review while they are continuing and before they are concluded.

### INVESTMENT CANADA—DUKE ENERGY TAKEOVER OF WESTCOAST ENERGY

**Hon. Pat Carney:** My second question, then, in view of the minister's answer, relates to the takeover of Westcoast Energy in British Columbia by Duke Energy, one of North America's largest transmission companies, in the year 2001, for U.S. \$8.5 billion.

That takeover is but one of the multi-billion dollar takeovers that are expected to take place in Canada over the next few years because of interest in our energy resources and transmission systems.

By law, that deal was subject to Investment Canada review. Therefore, can the government leader provide details of the net benefits to Canada under that review? I ask because we are unable to get this information from the minister's office.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, four years ago that transaction was approved by the shareholders of Westcoast Energy. With respect to the question of net benefits, I shall make inquiries to ascertain what was said by the government at that particular time and will advise Senator Carney.

### INVESTMENT CANADA—NOTICES OF NET BENEFIT—PUBLIC DISCLOSURE OF DECISIONS

**Hon. Lowell Murray:** As the government leader knows, under the provisions of the Investment Canada Act, when the government is satisfied that an investment is of net benefit to Canada, a notice must be sent to the company concerned or, alternatively, if the government fails to send such a notice the application is deemed to have been complete.

With respect to the previous case referred to by Senator Carney, as well as the present case that is now before the government, will the government leader advise as to whether, when the notices are sent, the decisions will be made public, including the analysis on which those decisions have been made?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I shall look into the matter, and particularly inquire into established precedents going back to the time in which this legislation was put in place by the Mulroney government.

## NATIONAL DEFENCE

### HMCS *WINDSOR*—TRANSFORMER FAILURE

**Hon. J. Michael Forrestall:** Honourable senators, I have a few questions for the government leader. One has to do with HMCS *Windsor*, the only operational submarine that we have, with respect to the fire aboard that boat. Could the minister tell us whether there is information to indicate that the damage was such as to render the vessel not operational for an extended period, or is it of sufficient minor nature that it can be easily corrected?



**Hon. Jack Austin (Leader of the Government):** I am advised by the Department of National Defence that a transformer failure took place this past weekend on HMCS *Windsor*. The crew noticed white smoke in the forward part of the engine room. There was no sign of flames. The crew discovered that the source of the smoke was a transformer within the controller box for a chilled water plant, one of three on board that provide cold water for air conditioning. There is no interruption in the operational status of HMCS *Windsor* as a result of this event.

**Senator Forrestall:** I suppose we have God to thank for that, and we do.

#### LOCATION OF NEW HEADQUARTERS

**Hon. J. Michael Forrestall:** Can the Leader of the Government in the Senate give us any information regarding the status of the now reported move of DND HQ to the east end of the city? That poor headquarters has been east, west, north and south. It now seems to be going back to the east, reportedly somewhere in the vicinity of the old RCMP proving grounds.

• (1440)

**Hon. Jack Austin (Leader of the Government):** When it comes to the location of DND, or at least speculation with respect to whether the headquarters is to be moved, Senator Forrestall is always ahead of me. I am advised, honourable senators, that presently there are no plans to move the headquarters of DND.

#### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

##### HEALTH ISSUES FACING ABORIGINAL COMMUNITIES

**Hon. Gerry St. Germain:** My question is directed to the Leader of the Government in the Senate, and it relates to the Aboriginal challenges that are facing the nation as a whole. I do not think it is a Liberal problem, a Conservative problem, or an NDP problem. It is a Canadian problem, but the Liberals have the ability to do something. That is the difference.

With respect to the people of Kashechewan and the other 95 communities across the country that are facing similar water and sewer difficulties, a number of these communities have been living under a boil-water order since 2003. My colleague Senator Tkachuk asked the government leader this question last Thursday.

The Minister of Indian Affairs and Northern Development and his officials were made aware of the problems months ago. From all indications, the government, for some odd reason, did nothing.

Would the minister tell this chamber what is being done to address the health issues in these communities in the long term? I know that an emergency program with relocation has taken place. What is the long-term plan to resolve these issues?

This is not an isolated incident. It has happened before. Canadians, who are spending \$8.8 billion, I believe, on trying to deal with clean water issues related to our Aboriginal peoples, deserve answers to their questions. I believe those answers should come from the minister.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I answered questions with respect to water quality on the Kashechewan reserve last week. I do want to make clear again to the chamber that the problem on that particular reserve was drawn to the attention of Minister Scott early in the summer. He went there in August and had discussions with the community. The problem is related to the management of the installed water system. It was not being appropriately operated, the result of which was that some time in early October, *E. coli* was noticed for the first time. The system was shut down.

Within two weeks, technicians were called in. They repaired the system and brought it up to operating quality. The *E. coli* bacteria has been eliminated. In the meantime, other health problems were diagnosed on the Kashechewan reserve. It was decided by the Government of Ontario, in discussions with Minister Scott, to remove a number of people from the reserve in order to achieve better health care.

The water system there is now performing as it was designed to do.

However, Minister Scott has also announced, with the agreement of the Kashechewan community, that there will be an organized removal of residents of the community to a site some 600 or 700 metres away, a site that is not vulnerable to flood tides. The current site is susceptible to flooding when tides reverse on the river where the community is located.

With respect to the general question, in 2003, the Government of Canada announced a five-year program of \$1.6 billion to improve water conditions on Aboriginal community sites in Canada. That program is under way. A further sum to enhance that program and speed it up will be announced.

The truth of the matter is that water quality is not just a problem for Aboriginal communities in this country. Many areas in the country, which are the sole responsibility of provinces, have water quality issues and are under boil-water orders.

Some of this is due to the changing environment. Some is due to the fact that proper equipment is not in place. The investment has not been made. Some of this is due to the fact that the people operating the equipment are not fully or properly trained.

These are important issues. Senator Grafstein has brought the question of water quality to the attention of this chamber on more than one occasion. The issue is most seriously the concern of the government today.

#### EFFICACY OF DEPARTMENT IN RESOLVING PROBLEMS

**Hon. Gerry St. Germain:** Honourable senators, there is no question that I accept what Senator Austin says as it applies in the short term. However, he has not answered my question as it relates to the long term.

Honourable senators, the Department of Indian Affairs and Northern Development is responsible for the following, to name a few items: the welfare of our Aboriginal people; their economic development; their health care; their housing; their education; and water. Obviously, the department is not doing its job.

For five days last week, our Standing Senate Committee on Aboriginal Peoples held hearings across Western Canada. In the region that Senator Austin and I represent, Northern British Columbia, we were told flat out by an elder: You put us on a reserve. Then you gave me a number. Then you sent me to a residential school. Then you placed me on welfare, and you gave me inferior education. You want me to survive. You wonder what is wrong. He told us that the department was paternalistic, that it made our Aboriginal people children of the country under the auspices of the government, and that the government does not respond.

Honourable senators, it has not responded in this case. Unless we start thinking outside of the box, we will go nowhere. We will just keep repeating our mistakes of the past.

There are reports of similar water and sewer problems affecting several other Aboriginal communities. We had the Davis Inlet crisis. What will be the outcome of the relocation of people to Sudbury? We are moving people who have traditionally lived on the land to urban areas.

Canadians are asking serious questions, and they deserve answers. Why are some Canadians living in third world conditions? Our ministers travel to Darfur, Israel, Palestine and around the world preaching the gospel of human rights, and we have not respected the human rights and fulfilled the basic requirements of our own Aboriginal people. It is a disgrace. I am not blaming any particular political party. However, the minister's party is in the driver's seat at the moment, and those in the driver's seat have to do something, and do it immediately. Who will be next? The responsibility will fall to them.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, nobody could challenge the sentiments of Senator St. Germain. All of us want to improve the lot of Aboriginal citizens. This government has done more, in my submission, to achieve that than any previous government.

I should like to bring senators up to date on the Aboriginal round table process. The Prime Minister, the first ministers of this country and the provinces and territories, along with Aboriginal leaders of the five major organizations and many regional chiefs will meet in Kelowna on November 24 and 25. It is the third stage in a round of partnership consultations between the Government of Canada and the Aboriginal leadership in this country. It has been important that in founding this process, that has been based on partnership.

• (1450)

The honourable senator and I were members of the Senate Standing Committee on Aboriginal Peoples. He and I have dealt with legislation and have heard the complaints of the Aboriginal community, that they were being dispensed with and not taken into account as genuine and equal partners. That process of dispensing has changed. Now we are working in a collateral relationship with that Aboriginal community. We have on the table six major policy sectors. The Aboriginal community has identified education as their number one priority in order to rebuild their capacity for self-government. They have identified health, housing, economic development, governance capability and capacity-building.

Honourable senators, the Government of Canada, as Senator St. Germain has said, has a standing program in the Department of Indian and Northern Affairs of \$8.8 billion, which is growing in terms of its base.

In the Kelowna round table, the Government of Canada intends to enhance the program that I have just outlined by looking at expenditures exceeding \$1 billion in housing alone over the next five years and major improvements to education, which have to be carried out with the support of the provinces and territories who are the expert providers of education.

I will not make any further comment on the subject, but I urge Senator St. Germain to follow the proceedings that are now under way. If his party will designate him as its representative to the Kelowna conference, I would be glad to see him there.

**Senator St. Germain:** Thank you.

I have tried to remain non-political on this question because I do not think it is political. Unfortunately, Senator Austin has indicated his government has done more for natives, which I think that is a myth, but let us not go there.

Senator Tkachuk asked the Leader of the Government about leadership. Where were the leaders in this equation, in this disaster? They have a responsibility. Why did they not bring this solution forward earlier?

Has the Indian leadership been co-opted by Ottawa? I am talking about the Assembly of First Nations. Why do they not know about these problems if they are out there in their constituency? They receive tremendous assistance from us, and rightfully so, to carry out their functions in a leadership role.

I will pass along to Senator Austin what I was told by an elder in Northern British Columbia. He said: "It is strange. I can get \$1 million for welfare, thus destroying my youth and my community, yet, when I make an application for economic development assistance, \$80,000 is the most I can get." That is \$1 million for welfare and \$80,000 for economic development.

Honourable senators, hopefully the round table works. Honestly, we must start to think of dismantling what is described by Aboriginals across Western Canada and in other parts of Canada as DIAND being a nightmare. DIAND should be the basis of assistance for Aboriginals. It appears that the more things change, the more they stay the same.

I will take up the invitation of the Leader of the Government to be there on November 24 and 25. Hopefully, we will not be treated in a partisan manner and will be able to put our case forward.

**Senator Austin:** Honourable senators, the invitation is subject to the approval of the leadership of the Conservative Party, which must first designate Senator St. Germain as one of its representatives at the convention. If he wishes to be there, he will no doubt talk to his whip.

**Senator St. Germain:** I will represent the Aboriginal people.

**Senator Austin:** Senator St. Germain has raised several points in his comments. First, with respect to the Assembly of First Nations, Phil Fontaine and the AFN were completely involved in the response to Kashechewan and in dialogue with the local leadership of that community and were of importance in facilitating the rapid turnaround. I would ask Senator St. Germain to have confidence in the AFN's capacity to be leaders in dealing with Aboriginal issues in the community.

With respect to the rest of the honourable senator's views, I know the time for answering questions has probably expired. I do want to say, however, that I welcome a non-partisan approach to dealing with Aboriginal issues.

Senator St. Germain has asked me what the Government of Canada will do. I have to answer for the Government of Canada. If he looks at the blues, I think the rest of the answer will stand well.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have a delayed answer to a question raised in the Senate on October 20, 2005, by Senator Keon, regarding home care.

#### HEALTH

##### 2004 FIRST MINISTERS' MEETING ON THE FUTURE OF HEALTH CARE—HOME CARE DEADLINES

*(Response to question raised by Hon. Wilbert J. Keon on October 20, 2005)*

The 2004 Ten-Year Plan specifies which home care services will be provided in all jurisdictions by 2006, at first-dollar coverage and based on a needs assessment. We fully expect provinces and territories to live up to this and have these services in place by the end of 2006.

All governments recognize the value of home care as a cost-effective means of delivering services and are developing these services to prevent or follow hospitalization.

All jurisdictions have made progress in delivering home care services, with the help of federal investments in health care, and are in the process of implementing the Ten-Year Plan.

As agreed in the ten-Year Plan, the Health Council of Canada is monitoring the implementation of the home care services and will report on progress in 2006.

[English]

## ORDERS OF THE DAY

### FOOD AND DRUGS ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Goldstein, for the second reading of Bill C-28, to amend the Food and Drugs Act.

**Hon. Wilbert J. Keon:** Honourable senators, I am pleased to speak today on Bill C-28. The bill proposes amendments that would accomplish two things. First, the Minister of Health would be given the authority to issue interim marketing authorizations for foods that contain chemical residues at specified levels. Second, those foods would be exempted from regulations relating to their sale during the approval process.

Although this bill speaks to the issue of food safety, it also considers another issue of importance; that is, the crafting and application of regulations that are not supported by legislation.

I will begin my remarks with a brief overview of the current regulatory process that governs the amount of pesticide in the Canadian foods we eat. Before a pesticide is registered for use in Canada, a federal agency — specifically, the Pest Management Regulatory Agency — must determine what level of the pesticide's residue found in a food product is considered safe for human consumption. This scientifically determined amount is known as a maximum residue limit. These residue limits are determined for both domestic and imported foods. They are also established for pesticides that are not registered for use in Canada but are used in other countries.

Any food found to exceed its maximum residue limit is considered adulterated, meaning that it has been made impure through an extraneous ingredient. Under the Food and Drugs Act, adulterated food cannot be sold in Canada.

Food manufacturers who wish to change a maximum residue limit must present a request to Health Canada. The department then conducts a scientific assessment to ensure that the pesticide residue level sought by the manufacturer is in fact safe for human consumption. If such a request is accepted by the department, the existing residue limit is amended under the Food and Drug Regulations and is published in the *Canada Gazette*.

Honourable senators, up to two years can pass between the time the scientific evaluation is completed and when the new maximum residue limit is published in the *Canada Gazette*. This is a serious problem. In 1997, amendments to the Food and Drug Regulations put in place a process that would permit manufacturers and producers to bridge this time gap between the food's approval and its legal sale to consumers. Notices of interim marketing authorization have been used for the past eight years to allow food products to reach the marketplace as quickly as possible after it has been determined that their pesticide content does not pose a human health risk.

• (1500)

In 1997, changes to the Food and Drug Regulations also gave the power to issue these authorizations to the Assistant Deputy Minister, Health Products and Food Branch, Health Canada. Section 30 of the Food and Drugs Act clearly extends this type of administrative authority only to the Governor-in-Council.

Two years later, in 1999, the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations looked into the matter. This particular committee is, of course, charged with ensuring that all regulations are based in legislation. Its work does not draw a lot of attention, but it is valuable and essential, as the vast majority of the laws that govern Canadians are not directly found within legislation but, instead, come from regulations. As Senator Mercer told us last week, the standing committee has stated that it believes the power to issue interim notifications rests only with the Governor-in-Council, even if the time period involved is a short duration.

The bill now before us is in response to those concerns. It proposes to clarify the situation by adding a subsection to section 30 of the Food and Drugs Act to specifically give the Minister of Health the power to issue interim marketing authorizations.

Health Canada reports that 82 interim marketing authorizations have been issued since the regulatory changes were made in 1997. As the regulation under which they were issued was not based in legislation, technically, all of these authorizations were illegal. I do not suggest that they somehow led to the introduction of unsafe food into the marketplace; rather, if we follow the strict letter of the law, the authorizations were not legal because there was nothing in the legislation to support them.

This bill also proposes amendments that will allow food products to be put on the market as quickly as possible after a scientific evaluation has confirmed the safety of their chemical residue. The exemption would be provided for certain groups of substances: veterinary drugs, vitamins, minerals and amino acids.

Should the bill receive the approval of this chamber, it would likely benefit Canadian food producers and manufacturers who would be better able to compete with their American counterparts. Currently, the United States Food and Drug Administration permits food products in that country to be marketed in the approval stage as long as doing so is not in violation of other legislation. If Canadian producers were given the same ability, it would serve to level the playing field.

Honourable senators, we are lucky that food safety issues are not always foremost in the minds of Canadians. The security of our food supply is often taken for granted; however, its protection requires continual vigilance on the part of many groups, including Parliamentarians. With that in mind, I am confident that this bill will be given thorough consideration in committee.

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

**Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, for the second reading of Bill C-49, An Act to amend the Criminal Code (trafficking in persons).

**Hon. A. Raynell Andreychuk:** Honourable senators, Bill C-49, deals with the issue of trafficking in persons. The bill's purpose, according to Justice Canada, is to provide for a criminal content to three areas of trafficked persons, namely: the movement of people across or within borders; threats or use of force, coercion or/and deception; and exploitation, whether forced labour, forced prostitution or other forms of servitude.

The bill itself contains three criminal prohibitions. The first contains the global prohibition on trafficking in persons defined as the recruitment, transport, transfer, receipt, concealment or harbouring of a person or the exercise of control, direction or influence over the movements of a person for the purposes of exploitation. The second prohibits a person from benefiting economically from trafficking, and the third prohibits the withholding or destroying of identity, immigration or travel documents to facilitate trafficking in persons.

It is to be noted that this bill will have effect for trafficking internationally and crossing Canadian borders, and it will also deal with trafficking within Canada.

While I believe the Standing Senate Committee on Legal and Constitutional Affairs should look at the application of Bill C-49 within the context of our criminal justice system, I do not believe that the criminal framework is sufficient to deal with the issue of trafficking in persons.

It is known to those who work with trafficked persons and to police authorities and international agencies that when penalties are heightened and criminal law tightened the victims of trafficking inevitably suffer greater consequences. If one were to look at the effect of any stronger penalties and tightening of trafficking flows, one would see that the victims of trafficking are still, first, trafficked and, second, subjected to even greater harm. It would be naive to think that legislation alone would stop

trafficking. It simply goes further underground, becomes more dangerous and trafficked victims suffer greater risk of violence.

To have Bill C-49 as an effective instrument for convicting traffickers, the victims involved will have to be part of the criminal process. In most cases, the type of victim protection services that we are used to in criminal law offer little persuasion to victims. The victims are already of a vulnerable group who have little or no confidence in themselves or in the system. They have been heavily affected by the power and brutality of traffickers and are unlikely to be able to withstand the pressure of a prosecution where they will either have to testify or be the subject of the hearing. In many cases, fear of personal retribution or retribution on family members in their homeland or their communities is an effective tool used by traffickers to control the witness. Further, as we know the types of services needed for such victims are in short supply, and we have yet to build a system that is interrelated in its consequences, we know that the bill will have limited effect.

I am referring to the fact that trafficked persons themselves have no assurances that they will be allowed to stay in Canada, and the consequences of going home to a bleak future, and in many cases to derision from a community that inevitably finds out about the type of work these victims may have been doing, is sufficient to cause fear in the trafficked person. There are no assurances of the necessary refugee status, immigration status or the like.

• (1510)

There are examples of long-term needs after women have been trafficked into the former Yugoslavia in time of war. Despite their rescue by United Nations procedures and by international organizations, these people suffered long-term psychological and physical damage.

While on the face of the intent of Bill C-49 I have no objection to its procedures, my concern is for an overall strategy to deal with trafficked persons in a more holistic approach and within a national framework policy to tackle this issue, instead of the piecemeal effort we have now.

We must determine whether we are looking at trafficked persons in a criminal sense, in an immigration sense or in an activity sense, such as prostitution, labour, et cetera. For example, we passed Bill C-27, as it was in 1997, to amend the Criminal Code in respect of child prostitution, child sex tourism, criminal harassment and female genital mutilation. We need to determine whether this act has had any effect for the benefit of children.

As well, we took an immigration approach to the field of trafficking when in 2001, in what was then Bill C-11, proposed legislation was designed to close the back door of immigration. Severe penalties were introduced and human rights were curtailed, with an increased focus on security measures. The government also made the distinction between smugglers and traffickers. We need to know whether this differentiation is valid in prosecutions and in the outcome for victims. For example, in the immigration process victims are not given special status as refugees or otherwise despite obvious harm to the victims. Still we

approach this field from a criminal and security version and not the protection of victims. Further, the international conventions dealing with human trafficking, while integrated into Canada's laws, need to be questioned from an international perspective. Human trafficking can be seen neither as a national issue nor as an overseas issue. It is time, in my opinion, to look at the "protection of people" as the guiding principle for all. If we believe sincerely in equal rights for individuals, then the less vulnerable need to be taken into account.

The issue of trafficking, in particular of women, is not new. Some say it is as old as civilization, with the old term "slavery" being replaced by the new term "human trafficking." Society's view and public policy determinations are varied, specifically in respect of the issue of migrant sex workers in Canada. A recent article by Leslie Ann Jeffrey in the *Canadian Foreign Policy Journal*, volume 12(1), the spring edition of 2005, states:

The issue of migrant sex-work or "traffic in women" as it is commonly known, has gripped the international agenda for about twenty years. The Canadian government has come rather late to this debate. Few in Canada were aware of the issue until the mid-1990's, when the arrests of a number of Thai and Malaysian women in Toronto on prostitution charges briefly catapulted the issue to national attention. The Canadian government was forced to recognize the problem and wade into the debates on trafficking that were raging at the international level. Feminists debate whether this phenomenon is a further development of global sexual exploitation of women, or simply another form of migrant labour; governments debate whether it is a criminal act, or a human rights issue. Slowly, the Canadian government has begun to carve out its position on trafficking, but this position reflects much more than concern over women's human rights.

Ms. Jeffrey also stated:

That is, the framework of traffic in women as a foreign and immigration policy issue adopted by the Canadian government allows for the externalization of the problem so that Canada retains its self-identification as a good, helpful nation — even as Canadian sex-trade and migration policies themselves constitute a large part of the problem. On the other hand, changing Canadian behaviour — most importantly through the decriminalization of sex work in Canada and the institution of policies that create good working conditions for all sex workers — is a large part of the solution. The treatment of migrant sex-workers simply as victims of trafficking is highly problematic on a number of grounds.

We need only remind ourselves of the debate that has yet to be fully completed in this country with respect to Minister Sgro's position on tabletop dancing and Minister Volpe's continuing responsibility in this area.

Another approach can be found in a compelling book entitled *The Natashas*, by Victor Malarek. The author delves into the buying and selling of human flesh for the worldwide sex industry,

which is organized and is crime's fastest growing business, with at least 2 million people globally, mostly women and children, being trafficked into the sex trade every year. At page 7 he states:

To me, *The Natashas* is about a generation of lost girls. Virtually every city, town and village in Eastern and Central Europe has seen some of its girls and women disappear. Incredibly, they weren't lost to illness or war or to the tragedy of famine or natural disaster. On the contrary, they have become expendable pawns in the burgeoning business of money, lust, and sex. What is most disturbing is that trafficking is a manmade disaster that can be prevented. Yet the world continues to ignore the plight of these women and girls. The time has come to stop the traffic.

Mr. Malarek's conclusion is that this phenomenon will not stop the subjugation of women and children until such time as there is sufficient political will on a global basis to tackle this beyond criminal law.

For those who have not read Victor Malarek's book, allow me to comment today. He indicates that there have been many waves of immigration from Asia, Latin America and Africa to Canada. He documents the past decade of the most vulnerable from Central and Eastern Europe. The former Soviet Union and its satellite republics created a closed society. Although many freedoms were violated along with other human rights, some basic subsistence was given to all citizens in the recent years of communism. With the advent of the collapse of the Berlin Wall and the collapse of the Soviet Union, the hope of freedom and democracy soon became a distant reality in the lives of citizens in these countries. Although education was higher than it was, perhaps, in other parts of the world in transformation or development, few jobs and few opportunities were available, particularly in rural areas.

These women, who were by and large young women, were given hopes of jobs as nannies, housekeepers, models, actresses and even marriage partners. With many unemployed, they saw their hope for survival and that of their families in the escape to Western Europe, Turkey, Israel, the United States and Canada. In fact, these women became the most sought-after women for the sex trade around the world. Even those who were not so naive to believe the job offers and who likely knew they were going into the sex trade, the reality became horrific. Organizations, gangs and individuals quickly turned them into commodities to be bought, traded, abused and, in some cases, killed.

It should be mandatory reading for all of us to go through the chapters of Mr. Malarek's book in which he graphically details the stories of some of the "Natashas."

• (1520)

Despite the United Nations and Canadian assistance to free unwilling victims in the former Yugoslavia, the other seamy side of our involvement came through the use of these sex trade workers. The UN and NATO personnel, international aid agencies and all rival factions used these women in the area of conflict. Mr. Malarek's chapters on the agony of these young women are heartbreaking. Their distrust of authority, having

grown up under a repressive regime, and their inability or lack of awareness to deal with this new competitive and open society is explained fully.

When one reads Mr. Malarek's book, one wonders whether the contemplated protections in Bill C-49 are of any benefit to these young women. They are afraid of being deported home. They are afraid of testifying against their captors. They have few language skills. They have distrust of authority. They have a fear of being exposed so that when they return home they will not be allowed to integrate. This is the seamy side of western societies who now absorb thousands of Central and Eastern European women into the sex trade.

The conclusion of Leslie Ann Jeffrey's article states that many of our legal and immigration measures further penalize these vulnerable women. A global and international effort is needed to end this appalling abuse of human rights. There is no quick fix and no piece of legislation should be left as the answer to this very human problem.

Honourable senators, I also want to touch on the trafficking of children. To me, the trafficking of children violates not only the children but their rights under the Convention on the Rights of the Child, a promise we have made to the children of this world. Clearly, the most signed and ratified document on human rights legislation the world has ever seen still has not rallied the international community sufficiently to address this as a global and pressing issue.

Child labour, child slavery, child soldiers, child prostitution and immigration issues for children are but a few of the problems we need to address. However, I am hopeful that the Standing Senate Committee on Human Rights will address these issues in the next phase of its study on the Convention on the Rights of the Child. Therefore, I am hopeful that we will look more globally and holistically, not only with a view to exposing these problems in a more systematic way but also to find some public policy solutions within the Canadian and international context.

Honourable senators, I believe that the bill should be studied in the Standing Senate Committee on Legal and Constitutional Affairs. It should be reviewed in relation to other pieces of legislation that we have studied for consistency and constitutionality. Senators on this side are not opposed to Bill C-49 and would support it. We simply want to say as a public policy statement that it is not enough to address the issue of human trafficking.

**Hon. Jeremiah S. Grafstein:** Would the honourable senator afford me a question or two?

**Senator Andreychuk:** Of course.

**Senator Grafstein:** I agree with her conclusions that we should get the bill as quickly as possible to the committee for study. As she is well aware, United Nations and OSCE resolutions have paralleled each other for the last six or seven years. A resolution was again passed in Washington in June and contained two parts. The first dealt with the criminal aspects of the perpetrators in an effort to solve or at least remedy this horrendous slave trade. The second part dealt with protecting the victims.

[ Senator Andreychuk ]

The Americans have dealt with this issue. In a fine speech made last week by our colleague Senator Phalen in response to Senator Jaffer, he referred us all to the U.S. Trafficking Victims Protection Act. I assume that this act is really the other answer to many of the honourable senator's concerns. Is that correct?

**Senator Andreychuk:** I want to pay tribute to the OSCE. I think that its work and that of parliamentarians have exposed many of the issues surrounding the women and children of Central and Eastern Europe. However, I do not think this is entirely the answer. There is a criminal aspect to human trafficking, and there is also the protection of witnesses.

Ann Jeffrey's point is that we must look deeper. We have to look at prostitution around the world and determine our public policy in this regard.

As we speak, the House of Commons is wrestling with whether to legalize prostitution, and there has been some activity there. We must come to grips with the whole concept of prostitution.

More important, the women who have left Central and Eastern Europe — and I am especially familiar with the women who have left Ukraine — are not leaving for lack of love of their country. They are not leaving because they wanted jobs. They are leaving because there is no stability in their countries yet. They are living in poverty and see very little hope for the future.

Many people are trafficked as a result of the social conditions in which they live and the legal framework. I think we have to attack this problem on all levels.

I commend the OSCE for picking up two points, but I think attacking the problems of the transformation and development of these countries is equally important.

One of the dilemmas is that we need to work with the countries from which these women and children are leaving, where police forces and bureaucracies are reluctant to expose or talk about the problem because they are trying to get into the New World, as it is called. They will not expose what they see as the seamy side of their own structures. We must work with these countries for a global effect and acknowledge it is a problem in Russia, Ukraine, Canada, Korea, wherever it occurs. It is a global phenomenon.

**Senator Grafstein:** I thank the honourable senator for her response.

I may have taken the OSCE resolution out of context. I will send it to the honourable senator and circulate it to our colleagues. I think it is a more fulsome solution or series of solutions.

The Americans are the leaders on bringing this issue to the OSCE's attention, and I support them. The Americans introduced this important piece of legislation. As Senator Phalen points out, it deals with victim protection with respect to giving evidence on the criminal side, but it goes further. It supports them as refugees and gives them benefits.

Does the honourable senator agree that if we introduced a private senator's bill as a companion piece, we could send it to her committee or the Standing Senate Committee on Legal and Constitutional Affairs so that both issues could be dealt with at the same time? If the honourable senator agrees, I will undertake to do that.

**Senator Andreychuk:** I agree that we can do more with respect to witness protection and perhaps introduce a bill similar to the U.S. legislation. However, I also know from many years of prosecuting that the minute we find solutions to criminal acts, criminals have the means, resources and technologies to move one step ahead.

The women's groups with which I deal say, "Yes, by all means do that. It will be helpful, but do not stop there." We have to understand that when people fall into the clutches of the traffickers, the repression simply heightens and the perpetrators resort to more violent means against these women, despite our best intentions.

**Hon. Marcel Prud'homme:** Honourable senators, I would like to say a few words on the main motion, but I will not delay the passage of this very important piece of legislation.

I wholeheartedly agree. As is usual most of the time, Senator Andreychuk has expressed my exact views, and I need not repeat what she has said.

• (1530)

There is nothing more disgusting than the actual situation. If we as Canadians can make one step in the right direction, we will show the rest of the world that we mean business. When this bill is sent to the committee, this afternoon, I would hope that in its study the committee will have enough time to look at the practical side. It is my hope that if not committee members then at least staff will visit bars in Toronto, Montreal and Vancouver, to learn about what is really going on — slavery. The committee should talk to some of the women, who for economic or other reasons, as Madam Andreychuk pointed out, saw fit to do what they are doing today.

I believe we should continue not only our study to pass the bill, but go a step further after that. However, if we ask for too much, we will not get anything. It is a step in the right direction. It can be polished. It can be reviewed in the committee.

The district I was born in — the same district in which I live today — was not the same then as it is now, but I still live there. Daily, I see examples of how disastrous things are around me. I do not live in a posh place in Montreal, as I probably could; I still live where I was born. What I see disgusts me so much; there are tragedies of all kinds.

I talk to the people who go through these things that are unacceptable to us but may seem acceptable to them to get out of trouble. They realize that, once in, they can never get out.

It is my hope that the committee will look into this subject. If the committee needs practical examples, where could you find these people? Let us not kid ourselves, there are good Canadians taxpayers profiting from trafficking in people.

Very strangely, they are known by the security forces. Very strangely, they are living happily, making more money out of these tragedies. I would hope the committee will look into it.

I wish to say that, when the time comes, with my little bit of experience — human experience, political experience, local experience — I would be more than delighted to go and be a witness to what the committee will do. I certainly will vote for that step, because it is a step in the right direction.

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

**Hon. Senators:** Agreed.

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

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

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

On the motion of Senator Rompkey, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

### REMOTE SENSING SPACE SYSTEMS BILL

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Zimmer, for the second reading of Bill C-25, An Act governing the operation of remote sensing space systems.

**Hon. Consiglio Di Nino:** I am pleased to contribute to the debate on this issue. Before speaking to the substance of the bill, I wish to address the issue raised by Senator Peterson in the first paragraph of his comprehensive speech of October 20 past. He said:

Let me take this opportunity to ask honourable senators to give the passage of Bill C-25 their most urgent consideration, based on the timely need for the bill; on the bill's features that are responsive to both government and private sector needs; and on the desire to reap the benefits that this bill could have for government, industry and all Canadians.

Honourable senators, Bill C-25 was introduced in the other place on November 23, 2004, and passed on October 5, 2005. This is hardly urgent consideration, as Senator Peterson would have us believe. If urgency were required in dealing with this bill, in my opinion, the other place failed.

Although we should not unduly hold up proposed legislation, our role and mandate is to thoroughly analyze and effectively debate all bills that come before us, particularly when dealing with such a technically complex issue as this one, with serious consequences for Canadians' privacy, security and, yes, profit.

Bill C-25 is about creating a licensing regime for remote sensing space systems and establishing legal and regulatory controls for the use and distribution of the data gathered. These systems are sophisticated satellites that can photograph from space, with scary accuracy, the surface of the earth and everything on it.

Honourable senators, Canada is at the forefront of this technological marvel. We became world leaders in 1995 when we launched RADARSAT-1, a government owned and operated state-of-the-art satellite known for its reliability, high performance and effectiveness. RADARSAT-1 uses a microwave radar system called "synthetic aperture radar," which beams energy at the earth and captures its return reflections in astonishing detail.

Senator Peterson said that RADARSAT-1 can see with the clarity of eight metres resolution, and does this regardless of light, cloud cover, rain or other natural phenomenon.

Honourable senators, RADARSAT-1's benefits are many. It can help as a tool to deal with natural disasters and, indeed, possibly avoid them, or at least lessen their impact. The satellite's commercial applications are of immense benefit, including as an exploration tool to identify potential sites and monitor their operations. RADARSAT-1 is also used to monitor Canadian perimeters, assisting in safeguarding our sovereignty, particularly in the Arctic; and, obviously, it has military applications.

Late in 2006, RADARSAT-2 is to be launched. Unlike its predecessor, it is to be privately owned and operated. Thanks to technological advances, this newest version is capable of much more than the original, which has been operating for 10 years.

For instance, RADARSAT-2 will have the capacity to see clearly from space with a three-metre resolution as opposed to the eight metres of its predecessor. If my information is correct, it can detect a human figure. I cannot speak for colleagues, but for me this is science fiction.

While I can understand the benefits of these systems, I confess I am concerned about the potential for abuse and misuse related to this technology. Issues of privacy, spying both for military and



commercial uses, infringement on provincial jurisdictions — these are just some of the areas we need answers to. The question of absolute power granted to the minister in this bill also needs to be looked at.

Honourable senators, in fairness, this bill attempts to deal with some of these issues. Let me list some of them for you.

• (1540)

First, the bill provides restrictions on the distribution of data acquired by the systems and establishes a regulatory regime for facilities that use remote sensing space systems and for the personnel who operate them, as well as for its data and the derivative products.

Second, this regime licenses the operators of remote sensing satellite systems in Canada, as well as Canadian operators of systems located outside of the country, and allows the Canadian government to decide who requires a licence, how and by whom licences are issued, approved, amended, renewed, suspended or cancelled, and under what conditions a licence may be required to interrupt service, or provide access to the Government of Canada.

Third, this proposed legislation seeks to protect Canada's national defence and security interest by ensuring that adequate measures are in place to regulate dissemination of images taken by Canadian satellites. This act will give the Canadian government the authority to order priority of access or the interruption of normal service in order to protect its national security, defence or international relations interests, and to observe international obligations. This bill also enables applicants to have their application for licensing approved early on in the satellite's development in order to secure the necessary private investments, establish funding, et cetera.

Lastly, provisions in this bill allow the minister to order a licensee to provide the government with any service desirable to the Government of Canada for the conduct of international relations, defence interests, critical infrastructure protection, or emergency preparedness.

Recognizing the complexity of this matter is advanced science and, with my unfamiliarity with technology and science, I confess to having a sense of discomfort about the regulations that will govern this industry, particularly since the authority to operate and monitor the systems is being transferred to the private sector. The legal and regulatory regime to administer it must contain the safeguards necessary to protect Canadians from misuse and abuse of the data collected. Our job is to make sure that it does. The committee hearings need to flesh out the answers to these and, hopefully, many other questions.

Finally, colleagues, I sincerely hope the comments made by Senator Peterson about the speedy passage of this bill are not a message to duly rush the examination of this most important subject.

**The Hon. the Speaker:** I see no senator rising to speak or adjourn the debate.

**An Hon. Senator:** 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 the bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Foreign Affairs.

## THE ESTIMATES, 2005-06

### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice of October 27, 2005, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2006.

**The Hon. the Speaker:** Do you wish to speak, Senator Rompkey?

**Senator Rompkey:** Question!

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

Motion agreed to.

## CANADIAN HUMAN RIGHTS ACT

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

**Hon. Hon. Noël A. Kinsella (Leader of the Opposition)** moved second reading of Bill S-45, to amend the Canadian Human Rights Act.

He said: Honourable senators, the purpose of this bill is to address the denial of antidiscrimination statutory protection to the Aboriginal people of Canada.

As honourable senators know, the Canadian Human Rights Act is our federal antidiscrimination statute. The Canadian Human Rights Act was adopted by Parliament in 1977, and the federal Parliament was one of the latter legislative bodies in Canada to enact such antidiscrimination law.

Although, in all the jurisdictions now — that is, in both the provinces and the territories, and since 1977 federally — we have had statutes called “the Human Rights Act,” they are, in effect, antidiscrimination statutes. They do not deal with the full range of human rights. Frankly, the title is larger than the reality of the area that is covered by the antidiscrimination statute and by other federal, provincial and territorial statutes.

When the Canadian Human Rights Act was enacted, it provided section 67. Section 67 excluded those members of First Nations governed by the Indian Act from protection of the Canadian human rights framework. The Canadian Human Rights Act and the services of the Canadian Human Rights Commission were not available. In a sense, we had a statutory discriminatory provision in our Canadian Human Rights Act, which is somewhat of a paradox. We said that we would allow all the other Canadians, save and except those under the Indian Act, to have the benefit of the law, which was the antidiscrimination service, in the area of federal jurisdiction, but not our First Nations peoples.

This section is at least an accident of history. It was included in order to address concerns that, if the human rights framework were made accessible to Aboriginals, it would have the ancillary effect of altering the Indian Act. That was the argument at the time. There was significant pressure to avoid that situation. Canadian governments have assured Aboriginal communities that they would not alter the Indian Act without full consultation with our First Nations communities.

It was thought at the time that a replacement for the Indian Act would be imminent. Well, negotiations and consultations have taken place since the 1969 white paper called for the replacement of the Indian Act. As all honourable senators and Canadians know, these discussions have not been overly successful, to say the least. It was made explicitly clear at the time that the Canadian Human Rights Act was introduced that section 67 would be a temporary provision.

The Minister of Justice at the time, well known to many members of this house, the Honourable Ron Basford, stated that, “Parliament will not look favourably on continuing this exemption forever or very long.” Unfortunately, Parliament has not lived up to Minister Basford’s expectation. We have allowed a segment of the Aboriginal community to languish, in a sense, in a human rights, antidiscrimination protection vacuum for some 28 years.

• (1550)

The Canadian Human Rights Act is separate and apart from the Indian Act. We are talking here about the Canadian Human Rights Act, not about the Indian Act. We are talking about equality rights as protected by statute. We all know that there is a constitutional protection in section 15 of the Charter, but this bill deals with the statutory antidiscrimination protection, to which, unfortunately, for more than 28 years first Nations people have been prevented from having access.

First Nations peoples living on reserves have been waiting for 28 years for this temporary legislative measure to be corrected,

and they should wait no longer. Here in Parliament we can change the Human Rights Act immediately, and I submit that we should do so.

It might be tempting to believe that this issue has flown below the radar for the past 28 years. However, let me remind all honourable senators that that is not the case. There has been no shortage of formal and official calls to repeal this section. Human rights advocates, Aboriginal community leaders, academics and government representatives have all voiced the emphatic view that this section ought to be repealed.

Before it was even enacted, section 67 of the Canadian Human Rights Act caused grave concern. At the time this legislation was first debated in the House of Commons, one member of the other place, the NDP member for New Westminster, Mr. Leggatt, stated in that House:

Human rights legislation has to protect everybody and must not provide exemptions here and there...Human rights legislation, to be worth its salt, must include groups which are clearly discriminated against. The Minister has missed several groups.

Clearly, the deficiency of the section was not lost on members 28 years ago. A fellow New Brunswicker and the first chair of the Canadian Human Rights Commission, Gordon Fairweather, who is known to many senators, also pointed out the inequity of the section when he stated in committee:

...we are carrying on a very serious inequality for Indian women...what we do...is continue the very inequality that my friend speaks of...

Honourable senators, the negative impact of passing section 68 was not lost on any of the parties involved in examining this bill. Critics, however, such as the aforementioned members, were assuaged by the reassurances of the then minister of justice who said:

The government has undertaken, in good faith, not to amend the Indian Act except as a result of that process of consultation...it would be very wrong at this particular time to upset what is a working relationship...towards the revision of the Indian Act. I do not think we want to jeopardize that machinery and that relationship. I would like to see a quick solution, but that process...is a long one...The process I speak of has been in place for two years and I think, hopefully, will produce some results.

That was 28 years ago. It is now patently obvious that the process to revise the Indian Act has been unfortunate and unsuccessful. It is time that the Canadian Human Rights Act is dealt with directly and is amended to finally reflect reality rather than a hypothetical situation that may or may not exist at some indeterminate point in the future.

The reality is that Aboriginal people in Canada do not have equal access to the human rights protections and complaint processes that other Canadians take for granted. This is not an

academic argument or an esoteric, hypothetical situation. We saw a native community evacuated from their homes as late as last week due to the inadequate provision of a basic need — safe drinking water. These individuals are currently prohibited from availing themselves of the protection of the Canadian Human Rights Act, explicitly because of section 67. How might they have otherwise used it? One of the areas of non-discrimination covered under federal jurisdiction is the provision of services, and one might very well concede that this would have been seen as a denial of the a fundamental service under federal jurisdiction. However, the availability to make that claim is not present because of the provision of section 67 that excludes First Nations peoples from filing complaints under the Human Rights Act.

The day after Bill S-45 received first reading here in the Senate, the Canadian Human Rights Commission released a report entitled *A Matter of Rights: Special Report of the Canadian Human Rights Commission on the Repeal of Section 67 of the Canadian Human Rights Act*. Honourable senators, in this report released last Wednesday, the Canadian Human Rights Commission tells us that they receive approximately 20 complaints a year from First Nations people that the Human Rights Commission is precluded from hearing due to the exclusion created by section 67. This amounts to over 560 potential human rights abuses that have never been heard by the Canadian Human Rights Commission and have never been rectified because section 67 does not afford First Nations people the same rights as other Canadians. There is no telling how many other complaints do not even reach the commission because the potential victims know that they have no access and, therefore, do not bother even making a call just to be told, “Sorry, we can’t help you.”

Suggestions, calls, proposals to repeal the section have continued without interruption since the federal act was passed in 1977. I have mentioned the timely report of the Canadian Human Rights Commission. The commission characterizes section 67 as a long-standing and unacceptable gap in human rights protection in Canada. The federal commission also argues convincingly that section 67 would not likely withstand Charter scrutiny. The Canadian Human Rights Commission calls for the immediate repeal of the section.

Such a position is by no means unprecedented. In the year 2000, former Supreme Court Justice Gérard La Forest penned the Canadian Human Rights Act review panel’s report entitled *Promoting Equality: A New Vision*. By the way, that panel consisted of Professor William Black, Me. Renée Dupuis and Professor Harish C. Jain, along with Justice La Forest.

In their report, they considered a wide array of options to address First Nations’ lack of access to human rights framework. I would like to quote one short passage from that report as follows:

...the Act must reflect truly universal values that have been accepted internationally. We believe that all Canadians, Aboriginal and non-Aboriginal alike, have a right to equality without discrimination.

The panel concluded that to exclude Aboriginal people from the protection provided against discrimination to all individuals in

Canada is not appropriate and therefore recommended that section 67 be removed from the act and that an interpretive provision be incorporated into the act to ensure that an appropriate balance between individual and Aboriginal community interests is struck. That is why you find that substantive provision in Bill S-45.

• (1600)

The argument is simply that it is widely recognized that Aboriginal communities share a very different concept of rights. Aboriginal values emphasize collective rights, rather than the philosophy that highlights individual rights. In order to ensure that values that are extraneous sociologically to First Nations be acknowledged, it is necessary to recognize that unique perspective and to commit that we will respect it.

This provision ensures that the interests of the individual and the community are properly balanced. Such a provision is entirely consistent with the United Nations Draft Declaration on the Rights of Indigenous People, which calls on states to take measures to assist indigenous people to protect their cultures, languages and traditions. The cause is an important one and has found expression word for word in a government initiative that died on the Order Paper.

Honourable senators, section 67 of the Canadian Human Rights Act has also come under fire from sources outside Canada. The United Nations has often criticized Canada for continuing to include such a vociferous affront to equality rights in, of all places, the Canadian Human Rights Act. Canada’s international reputation as a country that respects and promotes human rights diminishes should we decline to change this anomaly.

The United Nations Human Rights Committee was responsible for the enforcement of the International Covenant on Civil and Political Rights, which Canada ratified and has been subject to under international treaty law since 1976. The United Nations Human Rights Committee continues to express great concern over the fact that the situation facing Aboriginal peoples remains the most pressing human rights issue that Canadians need to address.

The Human Rights Committee of the United Nations directly addressed the fact that Aboriginals do not have access to the human rights framework. That committee of the United Nations recommended that the relevant human rights legislation be amended so as to guarantee access to a competent tribunal and to offer an effective remedy in all cases of discrimination.

Further, on the international scene, the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, is charged with gathering and exchanging information from all relevant sources, including governments, indigenous people and their communities and organizations on violations of their human rights and fundamental freedoms. His mandate is to formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people.

In his 2004 report entitled "The Situation of Human Rights and Fundamental Freedoms of Indigenous People: Mission to Canada," Mr. Stavenhagen highlighted the continuing discrepancy in the level of health standards, housing conditions and social services between Aboriginals and non-natives. As part of his recommendations, Mr. Stavenhagen called for the repeal of section 67.

In 2005, the House of Commons Committee on Aboriginal Affairs and Northern Development also called for the repeal of section 67. The committee of the other place agreed with witnesses who felt that it was the necessary step required to open an avenue of redress for Aboriginals whose human rights had been violated. The committee recommended:

...the government undertake an immediate review of the *Canadian Human Rights Act* with a view to protecting on-reserve First Nations individuals from discrimination under the Indian Act.

Honourable senators, on October 17 and 18, 2005, I had the pleasure of attending a hearing of the United Nations in Geneva. During this meeting, Canada responded to inquiries pertaining to our country's fifth report to the United Nations Human Rights Committee on our compliance with the International Covenant on Civil and Political Rights. Six years after the United Nations Human Rights Committee first recommended that Aboriginal people be afforded access to a human rights framework, Canada had still not made any progress on that point. Thus, the committee questioned Canada on the continued existence of this exemption in the Canadian Human Rights Act, which they found quite inconceivable, being that it was based on race. I observed our representatives attempting to explain why this section still exists after years of recommendations to repeal it. I was uncomfortable to hear our representatives have to defend such an obsolete provision and, in doing so, yet again commit that we would do something about it.

Honourable senators, the living conditions in which many of our Aboriginal people find themselves has caught the attention of this nation. The Human Rights Commission has, as I mentioned last week, released its report calling for the repeal of section 67. Thus, it is both timely and right that we finally rectify a 28-year-old *non sequitur* of our human rights record. The Senate of Canada is well-situated to defend and promote the rights of minority groups.

I can think of no better example for all members of this honourable house to agree to support Bill S-45 and to repeal section 67 of the Human Rights Act. This bill is long overdue. Each day that section 67 remains in place, the basic human rights of Canada's Aboriginal peoples are further subjugated.

I encourage all honourable senators to support this bill and to contribute to the committee work that will demonstrate Senate leadership for Canada's commitment to its Aboriginal people.

Honourable senators, I conclude, recalling the salient words of the Chief Justice of our Supreme Court this past year:

The honour of the Crown is always at stake in its dealings with Aboriginal peoples...It is not a mere incantation, but rather a core precept that finds its applications in concrete practices.

Honourable senators, I ask for your support in assuring that the next time our human rights program representatives attend a hearing in Geneva they can hold their heads up high and report that we have finally repealed section 67 of the Canadian Human Rights Act.

**Hon. Serge Joyal:** Would the Honourable Senator Kinsella accept a question?

**Senator Kinsella:** Yes, I would.

**Senator Joyal:** I wish to commend the honourable senator for his initiative. His credentials in relation to the Canadian Human Rights Act are well known by senators in this chamber. Senator Kinsella took initiatives in the past to amend the Canadian Human Rights Act that have proven successful, especially in relation to sexual orientation. He did that persistently and rationally. The archive speaks to the honour of the honourable senator.

The honourable senator's bill contains two clauses. He has spoken most with regard to the second clause which reads: "Section 67 of the Act is repealed." I would support that provision of the bill wholeheartedly.

However, the honourable senator has added an amendment to proposed section 16.1, which I would ask the honourable senator to explain. I listened to him carefully. Proposed section 16.1 reads:

In relation to a complaint made under this Act against an Aboriginal governmental organization, the needs and aspirations of the aboriginal community affected by the complaint, to the extent consistent with principles of gender equality, shall be taken into account in interpreting and applying the provisions of this Act.

This is an important provision because the honourable senator makes an exception consistent with the principles of gender equality. The Canadian Human Rights Act has grounds of discrimination that are wider than gender inequality, for example, racial equality, sexual orientation and so forth.

• (1610)

Why has the honourable senator identified that aspect of the act as being an exception? Why does the honourable senator feel that proposed section 16(1) should be included in that act?

**Senator Kinsella:** It is there for three reasons, *inter alia*. One reason is that the bill that died on the Order Paper in the other place was a government bill, and Bill S-45 is virtually word-for-word. My objective is to get the Canadian Human Rights Act amended, and I do not care who gets the credit for it. It is a human rights act, not the Indian Act, which is important to understand. It is our federal antidiscrimination statute. If the justice minister called and said he will introduce a bill tomorrow,

he would have my support. To expedite matters in a case where the government obviously was supporting that kind of language in the bill that it brought forward, I thought I should not be overly creative in my own draft.

Second, more substantively, however, in the review of the Canadian Human Rights Act by Mr. Justice La Forest and his three colleagues, they went into some detail on this very point. They made that recommendation. They did a great deal of consultation with First Nations people. My network is very small, compared with the network available to the government as well as to that panel, so I wanted to build upon that experience.

Third, the experience in this chamber is that we have looked at a number of First Nations government bills and have learned a great deal about self-government and the social objectives of the communities. That section wants to be respectful of the social objectives of that community as defined by that community.

However, there are a few non-negotiables, one of which is gender equality. That, of course, is the *Lovelace* case, and our distinguished colleague Senator Lovelace can speak eloquently about it. That is why that section is there.

Whether the committee that examines this bill will focus on that precise wording or change the model — perhaps the government has had second thoughts. That is why we have committee study.

**Hon. Tommy Banks:** The honourable senator mentioned that the government's previous reticence to this amendment was the resultant necessity of amending the Indian Act. I am wondering if the honourable senator knows offhand which parts of the Indian Act would be subject to the consequential amendments to which they refer.

**Senator Kinsella:** I thank the Honourable Senator Banks for his question.

When the original Canadian Human Rights Act bill was being drafted in the 1976-77 era and brought into Parliament, it was pre-Charter, pre-Constitution Act, 1982. There was a great deal of discussion between the Government of Canada, the Department of Indian Affairs and Northern Development and what was then called the National Indian Brotherhood. They were in the early days of attempting to achieve recognition of Aboriginal self-government, and part of that meant having the responsibility of defining who would be a First Nation's person. There was discussion that, perhaps, the Indian Act as crafted was way outdated. There were significant amounts of negotiations around the Indian Act and what to do with it.

However, at the same time, there was, in my opinion, insufficient recognition of equality rights. In particular, section 12(1)(b) of the Indian Act was still in play. Under that section, if an Indian man married a non-Indian, his wife became an Indian, but if an Indian woman married a non-Indian, the Indian woman lost her status. That was deemed to be quite okay.

In fact, that matter in the cases of *Bédard* and *Lavell* went to the Supreme Court of Canada, when the court was using the Diefenbaker Bill of Rights as the standard. The standard was

the same in terms of gender equality, and the Supreme Court split five to four. The minority opinion was written by the then Chief Justice, Bora Laskin, but the court decided that that was what Parliament decided to do and it was okay. That is why Senator Lovelace, finding herself in that same situation, felt she had to file a communication under the Optional Protocol to the International Covenant on Civil and Political Rights.

I recall a conversation with Prime Minister Trudeau at the time. I said, "You are probably annoyed with me for promoting this." He said, "No, I am glad because I am not making much progress with the National Indian Brotherhood."

It is interesting to underscore the point that although one of the members of the United Nations Human Rights Committee, the independent expert from Tunisia, concentrated on the gender discrimination in the Indian Act, the decision of the majority turned not on gender discrimination but on the effect of 12(1)(b), the denial of a cultural right, namely, the right to live in one's community and speak one's language with the members of one's community. It was article 27, dealing with cultural rights, of the International Covenant on Civil and Political Rights that the *Lovelace* case turned on.

In a sense, those were the early days of the struggle for Indian self-government. It was pre-Charter. However, there was a clear message to the government that, if you want to bring in this human rights act, exclude from it anything affecting the operation of the Indian Act. As Mr. Basford said at the time, "Okay, we will do this, but it cannot continue. It will be a short-term measure." The Minister of Justice of the day said, "We understand, we are in negotiations and we are showing good faith," but then they just continued and it has to be cleaned up.

**Hon. Jeremiah S. Grafstein:** Following up on Senator Banks, could the honourable senator tell us the position of Mr. Phil Fontaine, the National Chief of the Assembly of First Nations, on this amendment?

**Senator Kinsella:** I would have to check the record, but my understanding is that he was supportive of the government's bill, which died on the Order Paper, which is virtually the same.

On motion of Senator Rompkey, debate adjourned.

• (1620)

[Translation]

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Ferretti Barth, for the second reading of Bill S-43, An Act to amend the Criminal Code (suicide bombings).

**Hon. Hugh Segal:** Honourable senators, with pleasure and humility I rise in this House to express my support and that of my Conservative colleagues for Bill S-43. I note that this is my first speech in this place. I hope you will permit me a few minutes to make a few introductory remarks and to express my gratitude.

[English]

I am, honourable senators, overwhelmed with the opportunity to work in this chamber with so many who have done so much for their country, both in this place and before being summoned.

All honourable senators bring with them to this place very specific experiences in politics, public service, business, academe, community service, volunteer work, government, the professions and agriculture, which inform their participation and enrich this chamber.

However, that is not specifically how or why we were summoned to this place. We were all summoned to this place because a specific Prime Minister at a specific time in history gave direct notice to the Governor General to summon us to this place. In my case, it is the Right Honourable Paul Martin to whom I owe the privilege of serving in this chamber, and it is only appropriate that I express my appreciation to him for appointing someone from an opposing political affiliation to this place before I make any other substantive observations.

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

**Senator Segal:** Honourable senators, I was as surprised to get the call as I suspect he was to make it.

I was particularly delighted on the day I took my oath of allegiance to Her Majesty in this place that my 80 year-old Uncle Max, replete with his medals and decorations, could be hale and hearty in the galleries, with family and friends. He is my late mother's younger brother, who fought up the spine of Italy in World War II with the Princess Louise Dragoon Guards, having taken heavy shrapnel wounds at Montecassino, but, after a short convalescence, went on to be among those who liberated the Netherlands with the Canada patch on their shoulder.

Max's father, my grandfather Ben, started the first kosher bakery in Montreal, on Boulevard Saint-Laurent, soon after his arrival here from the Austro-Hungarian empire in the 1890s as an economic immigrant. I cannot imagine what he or my late father, who drove a cab in Montreal to make ends meet — himself a political immigrant to Canada in 1919 with his sisters, father and mother from the tyranny of the communist revolution in Russia — would think about the senator who addresses this chamber at this moment. I suspect they would conclude, wherever they are, as we speak, that Canada was the right place for them to have chosen and that keeping this country strong, vibrant, free, welcoming, economically dynamic and humane was something each of us in our own way has a duty to ensure.

My profound respect for colleagues in this place and the superb work done here in no way diminishes my commitment, advanced in 1998 while seeking the leadership of my party, to see the democratic legitimacy of the Senate broadened by a more democratic reform of how seats in this chamber are filled, as

was proposed in both the Meech Lake Accord and the Charlottetown Agreement negotiated between first ministers and Prime Minister Mulroney.

While I recognize that Prime Minister Martin has said that Senate reform must await an interprovincial consensus, I would certainly be delighted to tender my resignation should an agreed-to federal-provincial reform plan be in place for this chamber and benefit from the resignation of as many of us as possible. Without in any way being partisan, I am optimistic that should Mr. Harper form a government, Senate reform would be a priority in his first mandate.

**Some Hon. Senators:** Oh, oh!

**Senator Segal:** Honourable senators, I want to say a word, with your indulgence, about my designated division of Kingston—Frontenac—Leeds.

[Translation]

For 300 years, Frontenac County has had a significant francophone presence. The county mirrors our country: a collection of anglophone and francophone communities working to shape a common destiny. At many points in my life as a child in Montreal, a student at the University of Ottawa, a political advisor in the offices of Mr. Davis and Mr. Mulroney, and a resident of Kingston, I have seen just how much this linguistic duality was one of Canada's great strengths. I am one of those who firmly believe that Canada's full development is contingent on the success of our minority francophone communities. As a senator for Eastern Ontario, I will do everything I can to contribute to linguistic duality in my region, my province and throughout Canada.

[English]

Kingston—Frontenac—Leeds is also the area that was served in the past by two MacDonalds: the Honourable Flora MacDonald, who continues as a Privy Councillor to give honour and substance to the notion of selfless public service in so many ways, and, of course, the other Macdonald, as we refer to him in our constituency, Sir John A., whom we celebrate and commemorate in Kingston, but not quite enough.

I will be supporting the proposal by Senator Joyal with respect to the home of Louis-Hippolyte LaFontaine in Montreal. We have one building, honourable senators, in Kingston, now housing a popular snack bar, where Sir Oliver Mowat, Sir John A. Macdonald and Sir Alexander Campbell, all Fathers of Confederation, practised law together. Sir Alexander Campbell was a Father of Confederation in most of Macdonald's cabinets, serving in those cabinets from this chamber, to which he was appointed by Royal Proclamation to be the first senator from Cataraqui. I mentioned the other day to Senator Champagne that Senator Campbell was born of Scottish parents who lived in Montreal but was sent at a young age to la Séminaire de Saint-Hyacinthe to learn French. That is how a country is built. I shall follow the progress of Senator Joyal's proposal, searching eagerly for precedents we might apply to Kingston at the earliest opportunity.

Liberal colleagues will know that Senator Alexander Campbell was followed by distinguished senators such as Rupert Davies, the esteemed publisher, Senator Francis Frost, an industrialist, Senator Arthur Hardy, a distinguished lawyer and former

Speaker in this chamber. In fact, John Meisel, the famous professor emeritus of political science at Queen's University, was the Arthur Hardy Professor of Political Science for many years. Conservative senators on this side will know that our side has included appointments such as Senator John Hamilton, who was a shipowner, Senator Henry Richardson, who was a grain merchant of great standing, the Honourable Michael Sullivan, a physician and professor at Queen's University, and the Honourable George Taylor, a former member for Leeds and an industrialist, and the Honourable George White, who was a lawyer, member for Hastings—Peterborough, and both government whip and Speaker in this chamber. I am honoured and somewhat overwhelmed to be standing where they stood.

[Translation]

The senatorial district of Kingston-Frontenac-Leeds has some very rich and very prosperous suburbs and some very disadvantaged areas. In my work as a senator, I will make fighting poverty one of my main causes, particularly from the point of view of the urban-rural gap that is threatening the socio-economic well-being of many of our constituents. Giving rural communities the chance to be full participants in the 21st century economy has to be a priority at all levels of government.

I intend to work wholeheartedly on promoting this opportunity for equality. I note with much interest the initiative of Senator Poulin on this matter.

[English]

I also want to commend the work done by Senator Pearson, Senator Johnson, former Senator Erminie Cohen from New Brunswick and, of course, the landmark work done by Senator David Kroll some decades ago on this front.

• (1630)

In Kingston, the strong and constructive presence of Canadian Forces Base Kingston, the regular dispatch of soldiers, airmen and sailors to trouble spots around the world, and the importance of the Royal Military College remind us all how our men and women in the Canadian Armed Forces reflect and defend Canadian values at great risk to themselves in so many ways all the time. My support in this place for the men and women of our Armed Forces, along with others such as Senator Forrestall, Senator Meighen, Senator Kenny and Senator Atkins, will be, in addition to my concern about poverty, a defining priority.

[Translation]

On behalf of the military families living in Kingston's suburbs, I want to commend the extraordinary work of Senator Pépin for women and military spouses.

[English]

Honourable senators, this brings me to Bill S-43. Civility in a society is about order. My bias as a Tory informs my understanding of this bill. Random acts of terror against any civilian population in any country in the British Isles, Southeast Asia, Oklahoma, the Middle East, Spain, or in the subways of London, is an act against the order and civility that defines a

society of freedom and opportunity. Destroy public confidence, destroy a sense of security or destroy a parent's belief that their teenagers can be safe in a cafe with other friends, and you begin to destroy the trust and faith that is essential to life.

Senator Grafstein explained in great detail Canada's formal support for the resolution on suicide bombing passed by the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. To sign that agreement and not proceed to strengthen our Criminal Code with explicit interdiction for purposes of clarity against suicide bombing would be simply hypocritical.

Honourable senators, I make the case in support of Bill S-43 because the Criminal Code is not a narrow blueprint for police and prosecutorial convenience, although it does describe the interdictions they must enforce. As the most coercive of our laws, it must also reflect our will as a nation and as a community to be clear and faithful to resolutions we have passed and signed internationally. The Criminal Code must interdict by specific reference for purposes of clarity those specific activities that it seeks to prevent, especially if those activities and certain subcultures are exalted by those who would terrorize civilian populations in a last-ditch personal initiative against those they oppose. Canada and Canadians must ensure that the Criminal Code — the spinal cord of "peace, order and good government" keeps pace with new instruments of terror in terms of definition and specific clarity.

We express what we are for by specifying what we are against, specifically and precisely. To those who argue that specific definition is superfluous, I respond that catch-all generalities and lack of clarity do not serve the interest of enforcement, the presumption of innocence or the capacity for oversight. Innocent defendants are protected by more specific references in the code, as are those seeking to prevent conspiracies to commit specific crimes.

Adding this specific definition of "suicide bombing" for greater clarity is not about prosecuting the bomber after the illegal act and inhuman deed has happened. It is crystal clear that giving the police and other law enforcement agencies the ability to pursue in a preventive way individuals who are involved in conspiracies related to potential suicide bombings abroad or at home, actually adds another arrow to the quiver of those trying to keep our society safe. We have a safe society because this chamber, as an integral part of the Parliament of Canada, has enacted legislation, which it regularly updates with amendments, in respect of the Criminal Code, with which police are guided in their enforcement and preventive activities. It forms the basis of lawful prosecutions within our open judicial system.

Honourable senators, it is a dangerous mistake to assume that, because some may believe that suicide bombing is implied in other sections of the Code, that is sufficient. It is not specified for purposes of clarity. In a society that is governed by explicit and clear laws, specificity for clarity with respect to suicide bombing strengthens the law; it strengthens the memoranda of enforcement which from time to time are sent to the police by justice authorities; and it strengthens the clarity of the mission of those whose duty it is to enforce the Criminal Code.

Being subject to the Criminal Code is being subject to the full protection of the Charter of Rights and Freedoms in the Constitution of Canada. I note the excellent work being done by Senator Fairbairn and her colleagues on the Special Committee on the Anti-terrorist Act.

I am delighted to commend this Criminal Code amendment to all honourable senators for their positive consideration and support. It would be a helpful part of the infrastructure of civility that the Criminal Code was developed to protect. We need only look around the globe to reflect on why we want the horror of suicide bombing to be kept from our shores and why we want Canadian authorities to have all the tools they need to help prevent suicide bombing at home and abroad. We must give our police and those who work with them every tool to do the job.

I am delighted to express the support on our side for Senator Grafstein's bill. I congratulate the honourable senator on this initiative. I hope that this can be a bipartisan matter in this chamber and, perhaps, in the other place. Honourable senators, thank you for your patience and indulgence.

On motion of Senator Eggleton, debate adjourned.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO STUDY STATE OF PREPAREDNESS FOR A PANDEMIC

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the state of preparedness for a pandemic on the part of the Canadian Government and in particular on measures that Canadians and Canadian businesses and organizations can take to prepare for a pandemic; and

That the Committee submit its report no later than December 8, 2005.—(*Honourable Senator Rompkey, P.C.*)

Motion agreed to.

• (1640)

[*Translation*]

## THE SENATE

### MOTION TO STRIKE SPECIAL COMMITTEE ON GAP BETWEEN REGIONAL AND URBAN CANADA— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy,

That a Special Committee of the Senate be appointed to examine the growing gap between regional and urban Canada;

[ Senator Segal ]

That research be gathered to consolidate and update current facts and figures regarding this gap;

That testimony be heard to provide an overview of the challenges facing regional areas in several socio-economic areas as transportation, communications, employment, the environment;

That this special committee be authorized to hear testimony in Ottawa and in regions;

That this special committee be comprised of five members, and that three members constitute a quorum; and that two members be sufficient for the purposes of hearing witnesses;

That the committee be authorized to send for persons, papers and records, whenever required, and to print from day to day such papers and evidence as may be ordered by it;

That, pursuant to rule 95(3), the committee be authorized to meet even though the Senate may then be adjourned;

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

That the committee submit its final report no later than June 30, 2006, and that the committee retain all powers necessary to publicize its findings until September 30, 2006;

That the committee be permitted, notwithstanding usual practices, to deposit its reports 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.  
—(*Honourable Senator Stratton*)

**Hon. Fernand Robichaud:** Honourable senators, this item stands at day 15 on the Order Paper, and Senator Callbeck has asked me to adjourn the debate in her name so that she may speak to this motion at a later date. Therefore, I move that the debate be now adjourned in the name of Senator Callbeck.

On motion of Senator Robichaud, for Senator Callbeck, debate adjourned.

[*English*]

## EFFICACY OF GOVERNMENT IN IMPLEMENTING KYOTO PROTOCOL

### INQUIRY—DEBATE ADJOURNED

**Hon. A. Raynell Andreychuk** rose pursuant to notice of April 21, 2005:

That she will call the attention of the Senate to the failure of the government to address the issue of climate change in a meaningful, effective and timely way and, in particular, to the lack of early government action to attempt to reach the targets set in the Kyoto Protocol.



She said: Honourable senators, I am pleased to speak today to the inquiry with respect to the Liberal government's Kyoto plan.

As you know, the Kyoto Protocol is an agreement that was negotiated by more than 160 countries in December, 1997 in Kyoto, Japan. The goal of the agreement was for the industrialized countries to reduce their collective emissions of greenhouse gases by 5.2 per cent below 1990 levels by the period 2008-2012. The target we set for ourselves was to reduce our greenhouse gas emissions to an average of roughly 5 per cent below our 1990 levels.

The reduction of greenhouse gas emissions is not a new topic. It goes back to at least 1972, to the first UN Conference on the Human Environment, which raised awareness of the global environment and led to the establishment of the UN Environment Program, of which Canada's Maurice Strong was the first director. I was pleased to serve as permanent representative from Canada for several years.

It was during the 1980s when the world really woke up to the need to consider our environment. Canada was a big part of that awakening.

In 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was signed by more than 40 countries. That protocol focussed on cutting emissions of CFCs by 50 per cent by 1999.

Also in 1987, Prime Minister Brian Mulroney met with Norway's Prime Minister Gro Harland Brundtland to officially accept the World Commission on Environment and Development report. That report called *Our Common Future* brought the expression "sustainable development" into our world.

Prime Minister Brian Mulroney ran with that report, creating sustainable development institutions such as the National Round Table on the Environment and Economy, and the International Institute for Sustainable Development. He was behind the creation of the Canadian Centre for Climate Modelling and Analysis, later located at the University of Victoria. He also appointed Canada's first environment minister.

In 1990, again under the leadership of Prime Minister Brian Mulroney, we tabled the Green Plan, which was to be a \$5-billion fund over five years to be renewed indefinitely.

Those of us who were involved in the Rio Earth Summit or the lead up to it in 1992 remember those years and that commitment. This gathering of 178 nations resulted in the Framework Convention on Climate Change, an international agreement to reduce the emissions of gases — namely, carbon dioxide and methane — associated with global warming. It was the only global attempt to address climate change. No explicit targets were set, but there was an overall understanding that emissions should be reduced to 1990 levels by the year 2000. We set this as our official domestic target.

It was contemplated that active negotiations internationally would begin immediately, as well as an awareness program. Negotiations and development were also part of the Canadian plan. Unfortunately, very little was undertaken.

The binding agreement came in 1997, in Kyoto, Japan, at the third follow-up meeting of the nations that signed the convention. At this meeting, the Government of Canada agreed to the Kyoto Protocol in which we would reduce average greenhouse emissions in industrial countries to just over 5 per cent below 1990 levels between 2008 and 2012, the first commitment period. Two conditions were attached to this agreement. First, at least 55 parties to the convention had to ratify the protocol. Second, the industrialized countries and countries making the transition to a market economy that ratified the protocol had to be responsible for at least 55 per cent of the emissions.

Those two conditions were met a year ago when Russia ratified the protocol. As per the 1997 agreement, in February 2005, the Kyoto Protocol became international law.

Honourable senators, all of this is to say that we have known for years before, and since 1997 we have known legally, that we had the job of bringing our greenhouse gas emissions down to roughly 5 per cent below the 1990 levels. We have all been aware since the Rio Earth Summit in 1992 that we were going to attempt to reduce emissions to 1990 levels by the year 2000. When we actually set that target, there should have been a plan that was well worked out, well understood by Canadian citizens and well accepted by federal and provincial authorities, as well as businesses in Canada.

Instead of dealing with the issue of bringing down greenhouse gas emissions in the 1990s, when it was still conceivably a manageable task, this government chose to wait until this year, eight years after the original Kyoto Protocol, to come up with a concrete plan.

To this day, I do not understand why the government waited. We had a green plan, a good kick-start, in 1990. We knew in 1992, just when this country was gearing up for an election, that the world was focussing on greenhouse gas emissions. By 1997, we had a binding agreement; yet this government let greenhouse gas emissions increase. From 1995 to 1999, they went from 9 per cent to 15 per cent above 1990 levels.

To be fair, the government did do their homework, generating a great deal of literature indicating where they were intending to go; but they never went there. They never took the steps that would lead to real action.

• (1650)

Even the Commissioner of the Environment and Sustainable Development, Johanne G  linas, back in her 1998 audit, pointed to the poor planning and ineffective management that resulted in Canada failing to meet its climate change commitments. In her 2001 audit, four years before the Kyoto plan was released, she again raised the alarm that Canada could not meet its Kyoto targets. In fact, in her report this year, released September 29, 2005, she states:

When it comes to protecting the environment, bold announcements are made and then often forgotten as soon as the confetti hits the ground. The federal government seems to have trouble crossing the finish line.

Others have also been critical of Canada's inaction on this matter. At the recent COP10 meeting in Buenos Aires, Canada was pointed to as one of the worst offenders for non-compliance. The OECD has put us in last place of the 24 countries they evaluated regarding environmental integrity. According to the Conference Board of Canada, Canada has slipped from twelfth place, in 2002, to sixteenth place, in 2003, in a rating of relative performance of the 23 OECD nations on a range of environmental issues. Even the current Prime Minister criticized how slow we were moving when he told a Toronto town hall meeting on September 29, 2003:

I think if you're going to bring in something like Kyoto, which is going to provide a huge national cooperation, you owe it to Canadians to lay the plan in front of them, so Canadians know what is being asked of them. Unfortunately, we ratified Kyoto without that plan in place, and since then we have not heard a great deal about the plan.

It would have been, I think, fortunate for Canadians, had the Prime Minister followed through on his words.

Close to eight years after the Kyoto Protocol, this Liberal government finally gave us their plan. It has been almost universally criticized. Even some of the environmentalists have given it only grudging support. Here are a few examples.

Tom Adams, Executive Director of Energy Probe, a national energy and environment watchdog, said in the *Calgary Herald* that the coast-to-coast transmission grid "poses risks to Canadians in terms of delivering reliable service...It is 'grossly unfair' because it would cost taxpayers tens of billions in tax dollars to benefit mostly Ontario." Hence, in my opinion, not a national plan.

Thomas d'Aquino, President of the Canadian Council of Chief Executives, said in the *National Post*, that the Kyoto plan will impose "huge costs on taxpayers and will fail to meet its goals."

Matthew Bramley of the Pembina Institute, an environmental policy research organization, told the CBC:

Taxpayers are going to take on a stiff burden of costs to find emission reductions for Kyoto, while industry is really going to be asked to make overall what represents an economically insignificant contribution.

Nancy Hughes Anthony, President and CEO of the Canadian Chamber of Commerce, said:

This plan will make it more difficult for business in Canada to compete internationally when other countries do not have such strenuous targets, or have none at all. We are very concerned about the drag that this plan will have on Canada's economy.

Greenpeace criticized the plan when they said that it was "inadequate to achieve Canada's Kyoto emission reduction target within the timeframe required..."

Let us not forget that the government's own Industry Minister, David Emerson, said in *The Toronto Star* that meeting Canada's Kyoto targets could "drive the economy into the tank" and that he was not confident that the Liberals would be in a position to deliver on a "balanced" Kyoto "plan."

Jose A. Kusugak, President of the Inuit Tapiriit Kanatami, wrote in *The Hill Times* about the lack of consultation on the plan, saying:

It wasn't until the eleventh hour, almost as the plan was going to the printers that the Inuit got a chance to be heard.

He went on to say:

Consultations with Inuit must take an important role in Canada's moving forward on climate change. The government plan, and its lack of substantive reference to the Arctic and other vulnerable ecosystems, shows why we need to be a part of the process.

As you know, honourable senators, the Inuit homeland takes up some 40 per cent of our nation's land mass. With its fragile ecosystem, it will absorb the brunt of global warming. It is also the canary in the mine of climate change, the early warning system of indicating what will happen to the rest of us.

Overall, the plan has been criticized for its lack of detail and its reliance on individual Canadians to bear the brunt of reducing greenhouse gases in this country, rather than the large polluters. It also holds the automobile industry to voluntary reductions of their emissions. Here is what Prime Minister Paul Martin said back in 2002, when he told the House of Commons that this was exactly the wrong approach. He said:

...we must reject outright the purchase of hot air credits from abroad. Canadian dollars are better invested in meaningful emissions reduction technologies here in Canada.

On February 8, 2005, in an appearance before the House of Commons Standing Committee on Environment and Sustainable Development, Finance Minister Ralph Goodale, stated:

Some people speculate about the value or, on the other hand, one could say the iniquity of investing in the so-called rush of hot air that has been referred to. Clearly, that kind of international expenditure is not on Canada's agenda.

Apparently, that was a lot of "hot air." Industry Minister David Emerson told *The Global and Mail* that to meet the Kyoto target the government would, in fact, buy emissions credits, or hot air credits, from countries that have met and exceeded their climate change targets. The fact is that the abstract notion of trading pollution credits will not clean up brown lands, improve our drinking water or lower the smog count over our cities. It will certainly not help us come up with the real solutions to get us off the carbon-guzzling road we are on now. Clearly, this so-called plan has come up short.

Honourable senators, we need a real plan, not a political document. Canada must have a strong economy as well as clean water, air and land. By making smart choices, we can work toward balancing what seems to be competing interests. That is why I support the Conservative Party of Canada plan, a made-in-Canada plan that I believe will go a long way to solving these problems.

Our priority is controlling pollution in Canada. We cannot control pollution by trading carbon credits with other countries. We can do it as an adjunct but not as a substitute. Once we get our house in order, we can sit down with other countries that are similar to us — for example, the United States — and work out a reasonable arrangement on greenhouse gases.

This approach will take funds now targeted through the Kyoto plan and turn them into real measures to deal with pollution right here in Canada. These funds will go to research and development in this country to develop new ways to lower pollution. They will go to strategies to help bring down air pollutants in our skies. In short, they will go to real solutions for Canadians.

I believe that other worthy comments are within our program. May I have one more minute, with the indulgence of senators?

**Hon. Senators:** Agreed.

• (1700)

**Senator Andreychuk:** I believe that one of the real flaws of the Kyoto plan is that, in modern parlance, we have not properly approached international treaty making and implementation. A

plan that affects the people of Canada, our provinces and industries so directly should have been the result of a modern treaty process where everyone understood the plan before ratification. There should have been a systematic method for the collation and discussion of input to assist the government in its final decision. Important within this process would be an assessment by the government of the impact on the natural environment as well as on political and legal environments. As a result of such an impact assessment, all players would know what was being asked of them and they would have an opportunity to rebut or approve the plan. All players would know that the plan was chosen through a democratic, open and transparent process. With such an education, Canadians would be able to support a government plan.

The way in which Kyoto was ratified led to many of the problems that exist and has divided Canadians rather than unified them. Environment is on the minds of everyone, particularly at this time when water has become such an issue. We should find working arrangements that bring us together rather than tearing us apart.

I welcome further debate on the Kyoto Protocol, further interest in developing a new treaty-making process and, above all, real moves to change our environmental problems.

On motion of Senator Rompkey, for Senator McCoy, debate adjourned.

The Senate adjourned until Wednesday, November 2, 2005, at 1:30 p.m.

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## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

**THE SPEAKER**

The Honourable Daniel Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Jack Austin, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable Noël A. Kinsella

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Terrance J. Christopher

## THE MINISTRY

According to Precedence

(November 1, 2005)

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

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(November 1, 2005)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.



Senator	Designation	Post Office Address
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Sauvel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.

## SENATORS OF CANADA

### ALPHABETICAL LIST

(November 1, 2005)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Regina	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Buchanan, John, P.C.	Halifax	Halifax, N.S.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	Progressive Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel, <i>Speaker</i>	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Progressive Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pearson, Landon	Ontario	Ottawa, Ontario	Liberal
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
 (November 1, 2005)

**ONTARIO—24**

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

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

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

## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

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

## NEW BRUNSWICK—10

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

## PRINCE EDWARD ISLAND—4

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

## SENATORS BY PROVINCE-WESTERN DIVISION

**MANITOBA—6**

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

**BRITISH COLUMBIA—6**

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

**SASKATCHEWAN—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
2 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
3 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
4 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
5 Robert W. Peterson . . . . .	Saskatchewan . . . . .	Regina
6 Lillian Eva Dyck . . . . .	Saskatchewan . . . . .	Saskatoon

**ALBERTA—6**

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

## SENATORS BY PROVINCE AND TERRITORY

### NEWFOUNDLAND AND LABRADOR—6

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

### NORTHWEST TERRITORIES—1

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

### NUNAVUT—1

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

### YUKON TERRITORY—1

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



# ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of November 1, 2005)

\*Ex Officio Member

## ABORIGINAL PEOPLES

**Chair: Honourable Senator Sibbeston**

**Deputy Chair: Honourable Senator St. Germain**

### Honourable Senators:

Angus,	Christensen,	Lovelace Nicholas,	Sibbeston,
* Austin,	Gustafson,	Léger,	St. Germain,
(or Rompkey)	* Kinsella,	Pearson,	Watt,
Buchanan,	(or Stratton)	Peterson,	Zimmer.
Campbell,			

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

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

## AGRICULTURE AND FORESTRY

**Chair: Honourable Senator Fairbairn**

**Deputy Chair: Honourable Senator Gustafson**

### Honourable Senators:

* Austin,	Gustafson,	Mercer,	Peterson,
(or Rompkey)	Hubley,	Mitchell,	Tkachuk.
Callbeck,	* Kinsella,	Oliver,	
Gill,	(or Stratton)		

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

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

## BANKING, TRADE AND COMMERCE

**Chair: Honourable Senator Grafstein**

**Deputy Chair: Honourable Senator Angus**

### Honourable Senators:

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

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

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

**CONFLICT OF INTEREST FOR SENATORS****Chair: Honourable Senator Joyal****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**

Andreychuk Angus,	* Austin, (or Rompkey)	Carstairs, Joyal,	* Kinsella, (or Stratton) Robichaud.
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***Original Members as nominated by the Committee of Selection***

*Andreychuk, Angus \*Austin, (or Rompkey)  
Carstairs, Joyal, \*Kinsella (or Stratton), Robichaud.*

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**ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES****Chair: Honourable Senator Banks****Deputy Chair: Honourable Senator Cochrane****Honourable Senators:**

Adams, Angus, * Austin, (or Rompkey)	Banks, Buchanan, Christensen, Cochrane,	Gustafson, Kenny, * Kinsella, (or Stratton)	Lavigne, Milne, Spivak, Tardif.
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***Original Members as nominated by the Committee of Selection***

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

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**FISHERIES AND OCEANS****Chair: Honourable: Senator Comeau****Deputy Chair: Honourable Senator Hubley****Honourable Senators:**

Adams, * Austin, (or Rompkey)	Comeau, Cowan, Hubley, Johnson,	* Kinsella (or Stratton) Mahovlich, Meighen,	Merchant, Phalen, St. Germain, Watt.
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***Original Members as nominated by the Committee of Selection***

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

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## FOREIGN AFFAIRS

**Chair: Honourable Senator Stollery**

**Deputy Chair: Honourable Senator Di Nino**

**Honourable Senators:**

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

*Original Members as nominated by the Committee of Selection*

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

## HUMAN RIGHTS

**Chair: Honourable Senator Andreychuk**

**Deputy Chair: Honourable Senator Pearson**

**Honourable Senators:**

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

*Original Members as nominated by the Committee of Selection*

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

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

**Chair: Honourable Senator Furey**

**Deputy Chair: Honourable Senator Nolin**

**Honourable Senators:**

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

*Original Members as nominated by the Committee of Selection*

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

## LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

## Honourable Senators:

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

*Original Members as nominated by the Committee of Selection*

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

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## LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

## Honourable Senators:

Lapointe,	Poy,	Stratton,	Trenholme Counsell.
LeBreton,			

*Original Members agreed to by Motion of the Senate*

*Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.*

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## NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

## Honourable Senators:

* Austin,	Day,	* Kinsella,	Oliver,
(or Rompkey)	Downe,	(or Stratton)	Ringuette,
Biron,	Ferretti Barth,	Mitchell,	Segal,
Cools,	Harb,	Murray,	Stratton.

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,  
\*Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

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## NATIONAL SECURITY AND DEFENCE

**Chair: Honourable Senator Kenny**

**Deputy Chair: Honourable Senator Forrestall**

**Honourable Senators:**

Atkins,	Cordy,	Kenny,	Meighen,
* Austin,	Day,	* Kinsella,	Munson,
(or Rompkey)	Forrestall,	(or Stratton)	Nolin.
Banks,			

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

*Atkins, \*Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,  
\*Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

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## VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

**Chair: Honourable Senator Meighen**

**Deputy Chair: Honourable Senator Day**

**Honourable Senators:**

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

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## OFFICIAL LANGUAGES

**Chair: Honourable Senator Corbin**

**Deputy Chair: Honourable Senator Buchanan**

**Honourable Senators:**

* Austin,	Comeau,	Jaffer,	Léger,
(or Rompkey)	Champagne,	* Kinsella,	Murray,
Buchanan,	Corbin,	(or Stratton)	Tardif.
Chaput,			

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

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

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## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

**Chair: Honourable Senator Smith**

**Deputy Chair:**

**Honourable Senators:**

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

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

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

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## SCRUTINY OF REGULATIONS (Joint)

**Joint Chair: Honourable Bryden**

**Vice-Chair:**

**Honourable Senators:**

Baker,	Bryden,	Kinsella,	Nolin.
Biron,	Hervieux-Payette,	Moore,	

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

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

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## SELECTION

**Chair: Honourable Senator Losier-Cool**

**Deputy Chair: Honourable Senator LeBreton**

**Honourable Senators:**

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

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

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

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

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

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

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

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

* Austin,	Dawson,	* Kinsella,	Munson,
(or Rompkey)	Eyton,	(or Stratton)	Phalen,
Carney,	Fraser,	Mercer,	Tkachuk.
Chaput,	Johnson,	Merchant,	

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

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

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**THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT****Chair: Honourable Senator Fairbairn****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**

Andreychuk,	Fairbairn,	Joyal,	Nolin,
* Austin,	Fraser,	* Kinsella,	Smith.
(or Rompkey)	Jaffer,	(or Stratton)	
Day,			

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

*Andreychuk, \* Austin, P.C (or Rompkey), Day, Fairbairn, Fraser, Harb, Jaffer, Joyal, \*Kinsella (or Stratton), Lynch-Staunton.*

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