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OFFICIAL REPORT
(HANSARD)

Thursday, December 6, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, December 6, 2001

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

Prayers.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, I would remind you that the budget speech will be delivered at 4:00 p.m., Monday, December 10, 2001. As has been the practice in the past, only senators will be allowed in the Senate gallery in the House of Commons so that any senators who wish to attend can be accommodated.

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

TWELFTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Joyce Fairbairn: Honourable senators, December 6 is the National Day of Remembrance. It is a day when women and men across this country gather in large vigils or in small groups or in solitude, often with candles and with roses. Tears are shed, out of sadness or anger, in memory of that morning 12 years ago when shocking words and images spread across the country and abroad of a bloody killing in a Montreal place of learning, l'École Polytechnique.

A deranged man, expressing his hatred for females and feminists, separated women students from their male classmates and systematically shot them dead. Fourteen bright and optimistic citizens with promising lives ahead were gone in minutes and the Montreal massacre became part of Canadian history.

Each year, we in this chamber remember them by name: Geneviève Bergeron, 21; Hélène Colgan, 23; Nathalie Croteau, 23; Barbara Daigneault, 22; Anne-Marie Edward, 21; Maud Haviernick, 29; Barbara Marie Klueznick, 31; Maryse Leclerc, 23; Annie St-Arneault, 23; Maryse Laganière, 25; Michèle Richard, 21; Anne-Marie Lemay, 22; Sonya Pelletier, 28; and Annie Turcotte, 21.

Every year, I am asked: Why do people keep up this pitch to emotion? Why not just let it go, get beyond it? The answer is simple: How can we get beyond it when most recent statistics tell us that more than half of the women in this country have been victims of at least one act of physical or sexual violence since the age of 16.

Females make up 85 per cent of victims of sexual assaults, 78 per cent of those criminally harassed, and 62 per cent of kidnappings and abductions. Seventy-eight per cent of all female victims were victimized by someone they knew — a close friend, a business acquaintance, a partner, a family member.

We remember because with all the publicity, all the programs, all the legislation, those numbers remain stubborn. Violence against women and children continues to grow in communities of our country and around the world. At this point in time, we are riveted by pictures and stories from far off Afghanistan about the stunning lack of opportunity for women and their daughters to learn, participate and contribute in their society. It is hard to believe and we want to help. However, it is even harder to believe in our own prosperous, caring country where access has indeed opened up to women, where opportunity has changed in almost every sector, where equality is a word that can indeed be used to describe the advance of women. Yet there are still legions of sisters in poverty, homelessness, pain, solitude and fear, trying to raise children who then will face the same barriers.

We are, I believe, making progress, but attitudes are painfully hard to change. It can only succeed if we can find a way as families, as teachers, as legislators and as governments to raise this generation of children with values of tolerance, generosity and hope — not the noise of war and urban violence, and the silent acquiescence that violence within families behind closed doors is nobody's business and certainly not the concern of a nation.

Surely, honourable senators, we owe it to the memory of the 14 women we honour today to move ahead. It is a question of will, women and men together, and we still have a very long way to go.

Hon. Senators: Hear, hear!

•(1340)

Hon. Marjory LeBreton: Honourable senators, I, too, rise today to speak in remembrance of the 14 young women who were tragically killed at l'École Polytechnique in Montreal on this day in 1989. I vividly remember my own shock and horror when news of these unspeakable acts quickly spread to the offices of the Prime Minister, where I was at the time.

We all know the sorry details. A 25-year-old male, who apparently was a product of a violent home and who had a fascination with the military and war films, entered the School of Engineering building. He was not a student, although he had unsuccessfully sought admission to the school. He was carrying a .22-calibre semi-automatic rifle. Walking into a classroom, he shouted, "I want the women." He separated the young men from the women, ordering the men to leave the classroom. The women were lined up along one wall, and he began shooting at them, yelling anti-feminist insults.

The killer continued his hunt, stalking victims unobstructed. In addition to the six in the classroom, one woman was murdered near the copying room, three more in a cafeteria, and then in a second classroom he murdered four more before killing himself. By the end of the carnage, 14 women were murdered and 13 others, nine young women and four young men, were injured.

The tragic events of September 11, 2001, provided a wake-up call to Canadians, and indeed citizens of the world. Violence surrounds us at all levels. That has been just as evident here in Canada as around the world, where the news reminds us daily of the results of violence. We only have to turn on our television every morning or listen to our radios.

In 1991, Madam LaPointe-Edward, mother of murdered victim Anne-Marie Edward, founded the federally incorporated December 6 Victims Foundation Against Violence. I have had the honour of meeting Madam Lapointe-Edward on many occasions. When asked the purpose of the foundation, she responded:

> To fight violence in its every facet, and in particular violence against women, ...to keep the memory of the tragedies of our daughters alive.

On this December 6, honourable senators, we remember those 14 young women who were about to start exciting new chapters in their lives. We also know that women continue to be victims of violence across the country. We must stop this violence and we must think about the seriousness of this, not only today on this important day of remembrance and reflection, but on each and every day until we have put an end to this human suffering.

[*Translation*]

Hon. Lucie Pépin: Honourable senators, December 6 each year is now known as the National Day of Remembrance and Action on Violence Against Women.

This day, instituted by Parliament in 1991, marks, as mentioned by Senator Fairbairn and Senator LeBreton, the sad anniversary of the tragedy that took place in 1989 at l'École Polytechnique de Montréal, in which fourteen young women lost their lives. December 6 provides us with an opportunity to remember them, to think of other women who have lost their lives to violence, and to the women who live every day with the threat of violence.

Many women of all ages and from all ethno-cultural, cultural and socio-economic backgrounds live every day with the threat of violence. This is a highly complex phenomenon, taking a variety of forms — psychological, physical, sexual and economic — and one with serious consequences for those who are subjected to it, as well as for society as a whole. This national day must also be an occasion for us to speak out vigorously against violence toward women and girls, both in our own society and elsewhere in the world.

On December 6, we are especially invited to reflect on this phenomenon. We need to think of meaningful measures to prevent and eliminate any act of violence targeting individuals because they are female.

Honourable senators, let us take a few moments to imagine a world without violence. Some may react by saying this is a noble yet idealistic thought. I agree. However, is it not an ideal toward we must never cease to direct our efforts?

Today, knowing that we are at war in Afghanistan, let us ask ourselves how many women and children will be the victims of atrocities? Violence sometimes strikes blindly and indiscriminately. This is something that concerns us all. That concern, coupled with a feeling of responsibility, must prompt us to reflect more deeply on the violence that is such a scourge in our communities.

Honourable senators, I urge you to spare no effort to ensure that these intolerable acts are prevented.

[*English*]

Hon. Vivienne Poy: Honourable senators, I rise today on this National Day of Remembrance and Action on Violence against Women to remind us all that violence against women in Canada and in the world continues unabated.

Over half of all Canadian women have experienced at least one incident of violence. Over one quarter of Canadian women have been assaulted by a spouse. Last year, 67 women were killed by a current or ex-partner. That is more than one death per week. In Ontario alone, 21 women have died so far this year at the hands of their partners. Children who witness violence at home on a regular basis bear the scars throughout their lives.

Today's National Day of Remembrance was established in 1991 by Canada's Parliament after the Montreal massacre, when 14 promising young female students studying at l'École Polytechnique de Montréal were singled out for murder because of their gender. This day represents an opportunity to reflect on these young women, with all their hopes and dreams, and to think of their families who continue to mourn their deaths. It is also a time to reflect on the phenomenon of violence against women in our society and those who live with violence on a daily basis. We need to speak out against violence; otherwise, our silence will serve to condone it and it will continue.

This fall, an inquest is being held into the death of Gillian Hadley, who was killed by her husband last year in Ontario. Only a few days ago, a man identified as an ex-boyfriend was charged with the brutal deaths of Linda Anderson and her boyfriend, John Heasman, in British Columbia. Perhaps Gillian, Linda and John would be alive today if someone had intervened before it was too late. We will never know.

Today, events are being held across the country to raise awareness about violence against women and to mourn those who have suffered or died. A special ceremony is being held in Parc Montréal, Place-du-6-décembre-1989. Following some speeches, a rose will be placed on each of the monument pillars dedicated to the victims of the massacre on December 6, 1989.

Honourable senators, please do not allow the deaths of these young women to have been in vain. Let us all work toward a safe and secure society for both men and women so that there will be no more young people to mourn.

[*Translation*]

OFFICIAL LANGUAGES

AUDITOR GENERAL'S REPORT—CHANGES TO PROGRAM IN SUPPORT OF COMMUNITIES

Hon. Jean-Robert Gauthier: Honourable senators, in her first report tabled recently, the Auditor General of Canada, Sheila Fraser, notes significant discrepancies in the evaluation of projects submitted by francophone and Acadian communities and a lack of rigour in the analysis of the results.

The Auditor General noted a number of factors essential to the proper management of the program that require improvement: the management framework, performance information, project assessment and analysis of results achieved. The objective of the program remains very vague, and the results expected are not clearly defined.

Of the $9 million audited, the auditors found that the general application forms were not filled out and the applications were incomplete. The Auditor General criticized the Department of Canadian Heritage as well for never asking organizations for a revised performance plan when funding less than that sought was granted.

In addition, the Department of Canadian Heritage had no standards for funding applications so that organizations were not informed of funding decisions until the end of June, or sometimes July, a fact that obviously had an adverse effect on activities planned. It was also noted that only 39 per cent of reports had been examined by officials of the Department of Canadian Heritage.

The Department of Canadian Heritage accepted all of the Auditor General's recommendations — which is very good — and promised to evaluate the Support to Official Language Communities Program in 2002-2003.

This is an area for serious examination by Parliament. It would be appropriate to invite the Auditor General, Ms Fraser, to properly delineate the problem, to talk to us about it. The Standing Joint Committee on Official Languages should also invite the Minister of Canadian Heritage, responsible for the program and the funding, and not fail to invite the official language communities in a minority situation, which, in the end, must benefit from these projects.

[Senator Poy]

•(1350)

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

TWELFTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Gérald-A. Beaudoin: Honourable senators, today marks a tragic and sad anniversary. On December 6, 1989, a man, Marc Lépine, killed 14 women. He killed them because they were women. This terrible tragedy took place at l'École Polytechnique in Montreal.

This tragedy defies comprehension.

We must continue to reflect on the underlying causes of violence. Society today is no doubt more aware. Yet, unfortunately, we are not immune to such violence. For this reason, we must do everything possible to prevent it, starting with testing persons who display serious behavioural problems.

All levels of government, each in their area, must act. Indeed, we must all do our share to eliminate violence in all of its forms. All of society will benefit.

Finally, I would like to highlight the extraordinary courage of the families and friends of the victims and express to them that they are not alone; they are in our thoughts.

ROUTINE PROCEEDINGS

TREASURY BOARD

2001 ANNUAL REPORT TABLED

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table in Parliament the annual report of the President of the Treasury Board, entitled "Canada's Performance 2001."

AIR CANADA PUBLIC PARTICIPATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

The Hon. Lise Bacon, Chair of the Senate Standing Committee on Transport and Communications presented the following report:

Thursday, December 6, 2001

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

NINTH REPORT

Your Committee, to which was referred Bill C-38, An Act to amend the Air Canada Public Participation Act, has, in obedience to the Order of Reference of Wednesday, November 28, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LISE BACON
Chair

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

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

TRANSPORT AND COMMUNICATIONS

BUDGET—PRESENTATION OF REPORT OF COMMITTEE

The Hon. Lise Bacon, Chair of the Senate Standing Committee on Transport and Communications presented the following report:

Thursday, December 6, 2001

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

TENTH REPORT

Your Committee, which was authorized by the Senate on September 26, 2001, to examine issues facing the intercity busing industry, respectfully requests, that it be empowered to adjourn from place to place within Canada, to travel outside Canada and to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the Procedural Guidelines for the Financial Operation of Senate Committees, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(*For text of report, see today's* Journals of the Senate, *p. 1085.*)

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

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

[*English*]

MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 2001

REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 6, 2001

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

THIRTEENTH REPORT

Your Committee, to which was referred Bill C-40, *An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise cease to have effect*, has, in obedience to the Order of Reference of Tuesday, November 20, 2001, examined the said Bill and now reports the same without amendment.

Your Committee notes that it instructed the Law Clerk and Parliamentary Counsel to correct a printing error in the parchment. On page 12, in clause 45, line 29 in the English version of the Bill, the words "after section 15:" should be in lower case. In the French version, same page and clause, line 30, the words "suivant l'article 15, de ce qui suit:" should be in lower case.

Respectfully submitted,

LORNA MILNE
Chair

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

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

[*Translation*]

CANADIAN COMMERCIAL CORPORATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-41, to amend the Canadian Commercial Corporation Act.

Bill read first time.

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

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

THE SENATE

NOTICE OF MOTION TO AUTHORIZE BROADCASTING OF PROCEEDINGS AND FORMATION OF SPECIAL COMMITTEE ON RESOLUTION

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday next, December 11, 2001, I will move:

> That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, on principles analogous to those regulating the publication of the official record of its deliberations; and
>
> That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution.

[*English*]

CANADA LOVES NEW YORK RALLY

NOTICE OF INQUIRY

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that on Tuesday next, December 11, I will call the attention of the Senate to the "Miracle on 52nd Street," the Canada Loves New York Rally in New York City on December 1, 2001.

•(1400)

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—BRIEFING OF LEADER OF THE GOVERNMENT ON PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, yesterday, under Senators' Statements, I read a document into the record. My question is based upon that statement and is directed to the Leader of the Government in the Senate.

Who and/or what department briefed the Leader of the Government in the Senate on the Maritime Helicopter Project on June 11 of this year?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. The briefing was given to me by representatives of Public Works and Government Services Canada and the Department of National Defence.

Senator Forrestall: Honourable senators, can I draw from that that it was, in fact, Mr. Paul Labrosse of the Maritime Helicopter Project?

Senator Carstairs: Honourable senators, Jane Billings was the principal representative at that meeting.

Senator Forrestall: Honourable senators, I thank the minister for that information.

OPERATION APOLLO—ASSIGNMENT OF SEA KING HELICOPTERS—MISSION CAPABILITY

Hon. J. Michael Forrestall: Is it true that the Sea King on HMCS *Charlottetown* has gone through at least two, and I believe three, engine replacements since the start of its deployment on Operation Apollo?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question about the Sea King that has been assigned to HMCS *Charlottetown* as part of Operation Apollo. I have no knowledge about engine replacements, but the honourable senator is well aware of the amount of maintenance that is required on all Sea Kings, no matter where they are. Therefore, one would anticipate a certain amount of maintenance activity when these helicopters are on assignment, as they are as part of Operation Apollo.

Senator Forrestall: Honourable senators, surely three engine replacements, when we have barely started into the program, is not what one would call good enough.

The honourable senator may not know the answer to my next question, but I believe she can find it, since I was able to do so.

We know that Canada dispatched six Sea Kings for Operation Apollo. One third of these six Sea Kings will not be available for operation. Even when it does fly, the Sea King aborts its missions 60 per cent of the time and flies only 29 per cent of the time.

Can the minister tell us which of the Sea Kings on the six ships are ready to fly a mission today?

Senator Carstairs: Honourable senators, the helicopters that were assigned to Operation Apollo are kept in fit and ready condition at all times. That requires a lot of maintenance activity, which activity is ongoing.The helicopters are repaired and maintained while they are onboard the ships that are part of Operation Apollo.

Senator Forrestall: With all due respect to the minister, my question was how many of those Sea Kings are able to carry out a mission today. As I suggested, if the minister does not have the answer today, she need not lecture us on the maintenance program. Thank God it is in place. We are all grateful for that. However, that has nothing to do with how many Sea Kings can fly today. The reputation of our nation rests on our ability to make a contribution to this dreadful war on terrorism.

Senator Carstairs: Honourable senators, Canada's contribution to Operation Apollo has been paid tribute to on a number of occasions by the President of the United States, the chief of the Armed Forces of the United States and by the Secretary of Defence of the United States. Clearly, our allies in this project think our equipment is performing well and is combat capable, which is the test that must be met. I have no reason to believe that the Sea Kings are not combat capable, as they are expected to be in this operation.

OPERATION APOLLO—MISSION CAPABILITY OF CF-18 FIGHTER JETS

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. Yesterday, she inferred that I know nothing about helicopter servicing. She is right that I am not an expert, and I never expect to be. Perhaps she is. It is obvious by the way in which she is responding to Senator Forrestall's questions that she is trying to make the world believe she is.

Today, CF-18s are being cannibalized for parts, and that is slowly killing morale. The Leader of the Government in the Senate made mention of the Chief of the Defence Staff saying that everything is up to scratch. We well know that regardless of which party is in power, military people usually do not speak until they are retired.

A former pilot has stated that airplanes are being cannibalized. These are not helicopters, but fixed-wing aircraft, CF-18s, the ones for which Canada had to borrow batteries from the Spanish Air Force during the Kosovo campaign.

What is the reaction of the minister to this? Does she feel that this retired military pilot is being deceptive and untruthful?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I did not imply yesterday that Senator St. Germain knew nothing about helicopters. In fact, I said that he was a pilot and clearly has expertise as one. If he considers that to be an affront, I am sorry. I was just congratulating him on his acknowledged expertise.

The information to which the honourable senator refers was in a newspaper article today, provided by an individual who served with distinction in our armed services. He is certainly entitled to that opinion. However, that is not the opinion of the government.

Senator St. Germain: Honourable senators, perhaps the opinion of the government is not that important when we are sending crews into the air with equipment that is in many cases obsolete. It is unquestionable that if the equipment requires this much service, the risk factor must be higher. Regardless of what the government says, why are we not listening to the people who have actually flown these airplanes and are being asked to put at risk their lives and the lives of others?

We have had this discussion here before with previous ministers who have sat in the chair where Senator Carstairs now sits. With my expertise, I honestly believe that it is very dangerous to ask personnel to fly any aircraft, helicopters or otherwise that require this amount of service. There are alternatives such as leasing.

Senator Carstairs: Honourable senators, it is very interesting that the honourable senator says we do not seek the opinion of the individuals who are flying these aircraft. A recent article in the Victoria *Times-Colonist*, a newspaper from the capital city of the beautiful province of British Columbia, indicated that both individuals flying the Sea Kings and their family members were extremely positive about the aircraft and their experiences on it.

•(1410)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ACCESS OF PARLIAMENTARIANS TO PARLIAMENT HILL

Hon. Eymard Corbin: Honourable senators, I wish to address my question to the Chairman of the Standing Committee on Internal Economy, Budgets and Administration. In so doing, I am referring to the rights and privileges of all parliamentarians.

Let me begin by saying that there is nothing that I hate more than an arrogant police officer. Thank God they are few and far between. I am tempted to name the corporal on duty at the main entrance gate this morning between 11:45 and 11:50 a.m. when I happened to access the Hill. I will not do so, contrary to the promise I made him.

It is well known that I personally consider many of the measures put in place as sheer panic and hysteria. During the past weeks, in all instances since the events of September 11, although I question the current practice of stopping parliamentarians, including senators, for search purposes, I have complied with the practice reluctantly, in view of the long-established parliamentary privilege of an unfettered right of access to Parliament when it is in session.

I was in a very inappropriate way ordered to open the hood of my car. I said I would not do so. I should indicate that, contrary to the practice in recent weeks, there were no Senate constables attending. However, I did notice the Senate traffic van and I indicated to the corporal that I wish for him to ask them to come forward. He signalled. They did not respond. His attitude was that they can sit in the van if they want to but he has a job to do.

I happen to have rights and privileges, like everyone else on the Hill, so I did not open the hood. He performed the under-car search with a mirror, as I have submitted myself to every day since the events of September 11.

I think that the time has come to put some order in the procedure. It serves no good purpose to change the RCMP officer every day or every second day. Most of the officers have been gentlemen and gentlewomen, but I make a distinction between them and this one particular individual. I do not know if when on regular duty he is in charge of bicycle gangs or drug squads.

I do not care for Eymard Corbin, but I care for the senator, and I care for my unfettered right to access the Hill and go to my work.

I see a double standard. Individuals arriving at the Hill on foot come in with bags on their backs. They are not checked at all.

I realize the question is long, and I realize that there are many little committees and heads and responsible people who deal with these matters. I certainly do not want this matter to be sent to the Standing Committee on Rules, Procedures and the Rights of Parliament. My understanding is that the Internal Economy Committee has a say and, indeed, is concerned with this matter. Therefore, I would like to obtain assurances from the chair of the Internal Economy Committee that this matter will be taken up as soon as possible so that there can be put in place a screening mechanism that is respectful of the right of senators to come to their offices to do their work without undue hampering or arrogance on the part of the people charged with applying whatever measures are deemed necessary in the circumstances.

Hon. Richard H. Kroft: Honourable senators, there is never any reason for anyone in any capacity to act in an inappropriate fashion in carrying out their duties. I would not want to speak to the conduct of a particular individual in a particular case.

Let me make a more general comment, honourable senators. First, since the honourable senator has addressed his question to me in my capacity as chairman of the Internal Economy Committee, let me assure him that this entire situation is under a constant monitoring and review by the committee. The administration through the clerk is part of a process whereby the Senate is represented in the broad monitoring of security issues on the Hill. I would like to say quite clearly that if there is implicit in the question — and I am not sure if there is — that a different rule should apply to us as senators or as parliamentarians than to anyone else coming on to the Hill, at that point I would take issue with the honourable senator. I believe that consideration has to be given to the rights and privileges of senators and members of Parliament. Unfortunately, it is possible that those who will do us ill have unfettered access to senators' cars when they are parked in places that are not controlled or observed at all times.

The policy is that all senators, all members of Parliament and all members of the administration approaching the Hill are treated equally — no better and no worse, if I may put it in simple terms, than anyone else. To try to qualify security measures according to some other standard would be inappropriate and would be ineffective in terms of good security measures.

[Senator Corbin]

Senator Corbin: Honourable senators, I thank the Honourable Senator Kroft for his amiable answer. I think he has it half right. There is such a thing as privilege for parliamentarians. I think it is being abused currently.

ANTI-TERRORISM BILL

ABILITY OF POLICE OFFICERS TO HANDLE ADDED POWERS

Hon. Eymard G. Corbin: Honourable senators, I wish to make just one other comment. I will address this matter to the Leader of the Government in the Senate.

Of course, I do not expect, as a member of John Q. Public, to be treated any differently from any other Canadian citizen. However, as far as coming to my work, to this place — and the City of Ottawa would still be a log town if it were not for the Parliament of Canada — I expect to be treated with due regard. I think the matter that I raise deserves serious attention. I could quote to honourable senators an instance where Herb Gray, the Honourable Member for Windsor West, raised a question of privilege, claiming that a RCMP roadblock on Parliament Hill meant to constrain demonstrators constituted a breach of members' privileges by denying them access to the House of Commons. The Speaker found *prima facie* a case of breach of privilege.

Honourable senators, my concern is this: Under Bill C-36, which is now before the Senate, there will be granted to police forces quite a few powers. I am reconsidering my support for that bill in light of the attitude of certain members of police forces. I say this very seriously. I have been fighting with "mon libre arbitre" as to how I would handle myself on that vote.

If police officers treat a senator the way I was treated this morning — in an arrogant fashion, and without witnesses — how will they treat other Canadians, Canadians who do not have a white face like me or a French Canadian name? This has been a matter of grave concern and that is why I have a problem.

•(1420)

Hon. Sharon Carstairs (Leader of the Government): One of the issues we have to deal with seriously within our society is that police respect the laws of the country as do the citizens of the country. Respect works both ways.

Over the years, we have established, both at the federal level through the RCMP Complaints Commissioner as well as in individual provincial authorities, civilian bodies that examine complaints made about individual police officers when their activities are inappropriate and/or illegal. Those bodies exist to provide the assurance to citizens, just as they should provide a certain amount of assurance to the honourable senator, that should police officers overlook their responsibilities to the public, they can be held accountable. Obviously, to raise a complaint with the RCMP complaints board would be one of the avenues that Senator Corbin could seek. The other, of course, relates to a breach of his privilege.

Honourable senators, we are in very difficult times. We must have access to the Hill. There is no question about that. We must also recognize, as Senator Kroft has put so well this afternoon, that those vehicles that we drive on to the Hill are rarely within our safekeeping or our observance 24 hours a day. They simply are not. We park them in garages and parkades — we park them anywhere. I would hope that all of us would recognize that we have a responsibility when we bring an automobile onto the Hill that others could have potentially tampered with that vehicle and that they are, perhaps, more likely to have chosen our vehicle because they know it has ready access to the Hill as opposed to another vehicle. I would urge all honourable senators to follow the rules that have been set down.

However, I would also urge the Internal Economy Committee to ensure that the bottom line is that respect should be paid to all individuals who come to the Hill, such as senators, members of Parliament, staff and visitors, respect that is appropriate to the fact that they are living in this country.

Senator Corbin: Honourable senators, I have just one final point. The only time my vehicle is not under my watch and under my keep is when I park it here on Parliament Hill. I am a little bothered that some people can come up on the Hill with bags on their backs. Who is protecting me while I am here?

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ACCESS OF PARLIAMENTARIANS TO PARLIAMENT HILL— POSSIBILITY OF MEETING WITH SECURITY GROUPS

Hon. Marcel Prud'homme: Honourable senators, I was at the first meeting where we established a certain rule, and Senator Kroft was there. We had a meeting with the RCMP. I will repeat to the senator that if we had let security groups take over, some were ready to replace our guards with armed military inside Parliament. That day has not come as far as Marcel Prud'homme is concerned.

Honourable senators, intelligence should prevail. We must not be paranoid, either. We know that these are difficult times, but I am tired of hearing "the world changed." Before September 11 and since there have been other events in the world that were as grave as that.

The RCMP told us that at any time there is a lady who is specifically charged with this issue in the RCMP. Within half an hour, they were at our disposal here with Mr. Gourgue, who did a good job.

To have some consistency, before we leave for the Christmas recess, perhaps Senator Kroft would see fit to schedule a meeting of interested groups. Otherwise, there are discrepancies. On one morning, you can get on to the Hill in a taxi, and then on another morning when you are in a hurry they say no. It depends on who is at the gates. The Prime Minister's Office told us no more cars. What is this? Anyone can use anybody's name? It makes no sense. We are not children.

There should be consistency. We should remember that senators and members of Parliament are masters of their own Houses on the Hill. We have two Speakers who should be the masters. Do not let anyone else decide what should take place on the Hill. We are ready to cooperate, and the only way to do that is to ask those who are responsible here not to be too accommodating, and, perhaps to appease everybody, to have consistency. It would be time to revise how Christmas celebrations or any other celebration will be handled while we are absent, especially now that we are entering into a new epoch. We do not want to create a fortress mentality, but we want to create a well-protected Parliament Hill. We do not want to go either extreme.

The only person who can do that is the Chairman of our Internal Economy Committee. Have another of these meetings, a round-table discussion where every senator and member will be invited. Not many will show up. Those who are interested will show up. We will then proceed. When we come back in February, the time may have come to revise what will take place.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think the question was as much for Senator Kroft as for me, but Senator Kroft and I will have a further discussion about this matter.

Hon. Herbert O. Sparrow: Honourable senators, as the issues are changed affecting security and entry on to the Hill, perhaps we should have a report from the Internal Economy Committee about security. I am aware that I and others are not familiar with what is taking place with respect to security on the Hill. If there is a problem, perhaps it should be explained to the Senate as a whole from time to time as the regulations change.

FOREIGN AFFAIRS

AFGHANISTAN—INITIATIVES TO BUILD CONDITIONS OF PEACE

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate. Last week, I raised the question of what Canada was doing to foster a dialogue and mediation concerning the establishment of a future government of Afghanistan and to bring a just peace to the area and prevent military action from spreading through the region.

The government leader said this question deserved the time and attention of cabinet and that she would bring this message to cabinet, adding at page 1821 of the *Debates of the Senate* that "Canada has unique roles that it can play on the world stage."

I concur with this statement. Now I ask the Leader of the Government this: Can she tell the Senate exactly what initiatives the government is taking to build conditions of peace in and around Afghanistan?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. The meetings in Bonn, which ended so successfully yesterday and in which the Canadian government was actively a participant in the sense that we lent our support to all of the initiatives that were forthcoming, are indicative of the strong role that Canada will play.

As to what specific measures the Government of Canada will take, I have to tell the honourable senator that he will have to wait for that specific answer. I can assure him that it is a matter of discussion and of active debate. It is a matter of ongoing decisions, and the announcement of those decisions will ensue over the next little while.

•(1430)

TREASURY BOARD

AUDITOR GENERAL'S REPORT—SOLE SOURCING OF CONTRACTS FOR PROFESSIONAL SERVICES

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. Two years ago, former Auditor General Denis Desautels identified serious problems about the government oversight of sole-source professional service contracts, and I remember talking about the same subject in my speech on the budget that year. His successor Sheila Fraser has done a follow-up and found that, while the government has improved the training of those who deal with these contracts, it has basically ignored recommendations to improve managerial oversight. We are told:

> The Treasury Board secretariat continues to reject the recommendation to have departments with high levels of sole-sourcing conduct annual reviews of their compliance with the regulations.

Why is the government not willing to ensure that those contracts for professional services are in fact complying with the government regulations? Is it afraid that it may turn up questionable hiring practices?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator noted, Auditor General Sheila Fraser did say there have been some improvements. She did say that there was a way yet to go. I can only tell the honourable senator that the recommendations of the Auditor General are being reviewed. We will try to continue to make improvements, as we have over the last couple of years.

The Hon. the Speaker: I regret to advise the 30 minutes for Question Period have expired.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in the chamber today a delayed answer in response to a question raised by Senator Lynch-Staunton on November 20, 2001, concerning the invitation of the Right Honourable Brian Mulroney to the investiture of Nelson Mandela as an honorary citizen.

[*English*]

PRIME MINISTER'S OFFICE

INVITATION TO RIGHT HONOURABLE BRIAN MULRONEY TO INVESTITURE OF NELSON MANDELA AS HONORARY CITIZEN

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Could we have it read into the record, please?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the guest list for the ceremony to honour Mr. Mandela was prepared by officials responsible for protocol in the Department.

Former prime ministers were not invited to the ceremony.

Had Mr. Mulroney or any other former Prime Minister expressed an interest in attending the event, he or she would have been accommodated.

ORDERS OF THE DAY

CARRIAGE BY AIR ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-33, to amend the Carriage by Air Act, and acquainting the Senate that they have passed this bill without amendment.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we would like to begin with Reports of Committees, Item No. 1, consideration of the committee's report on Bill C-7, and continue with the other items in the Notice Paper in their respective order.

[*English*]

YOUTH CRIMINAL JUSTICE BILL

REPORT OF COMMITTEE—DEBATE CONTINUED—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, P.C., for the adoption of the tenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-7, in respect of criminal justice for young persons and to amend and repeal other Acts, with amendments) presented in the Senate on November 8, 2001.

Hon. A. Raynell Andreychuk: Honourable senators, I expressed my grave concerns about Bill C-7 at second reading, in particular its complexity and the horrific injection of new resources that would be necessary to make the legislation work. I was also concerned that those scarce resources would be deflected into creating new structures, rather than providing new dollars for community and alternative measures to the criminal justice system. In other words, I thought that dollars should flow to the front end and not the back end of criminalizing youth and not affording early protection for citizens.

Also, I was concerned that the bill mirrors the adult system creating, in essence, a parallel system, while stating it was not an adult justice system and was one peculiar to young people. I felt that it simply delivered the criminal justice system with youth clothing. These perceptions were reinforced by the majority of the 60 witnesses that we heard at the committee hearings.

However, in discussion with the committee members of the Standing Senate Committee on Legal and Constitutional Affairs, I was persuaded that the role of the Senate would be best served by improving and enhancing the legislation and also ensuring compliance with national laws and international obligations, if the government was determined to proceed. Therefore, I supported — some strenuously, others less so — a package of amendments that the committee, by majority, has placed before you in this report.

First, I should like to go on record in support of Senator Moore's amendments with respect to Aboriginal youth. As the Minister of Justice of Saskatchewan pointed out to the committee, those in the judicial system as a whole, and young persons in particular, are disproportionately represented by Aboriginals. Incarceration for Aboriginals continues to far outnumber other groups in Canada.

Even more troubling is the number of incarcerated young Aboriginals because the rehabilitative services, the social services — or whatever you wish to call that mix that makes up the front-end process — do not work for Aboriginal youth. Something is wrong, and we must question whether our concepts of justice and the modalities that we are meting out for justice fit our Aboriginal youth. We need to signal clearly to society that in all of our interests this appalling statistic cannot go on.

Minister Axworthy from Saskatchewan indicated that the concept of justice is dramatically different in the Aboriginal communities, and we must start addressing this difference. The amendments are at least a sign to authorities and to our Aboriginal people that we recognize Aboriginals should not continue to be dealt with as they have in the past. In light of the amendments in the Criminal Code for adults, surely Aboriginal youth need our attention and need a signal from us today, as Senator Moore pointed out.

I want to go to the first amendment that I proposed, which was to add an interpretive amendment about the compliance with the United Nations Convention on the Rights of the Child. Why do we need this? Let me give honourable senators a brief legal picture on international covenants.

In Canada, it is the executive that has the right to negotiate and enter into international treaties. Unlike in the United States, when Canada signs and ratifies an international agreement it does not form our national law. Even though Canadians glory in the fact we have ratified a treaty, it does not mean anything to our national law. In fact, in the United States, ratification does mean that it forms part of their domestic law. Therefore, in the United States, the act of ratification under their Constitution instantly incorporates international treaties into their law.

In Canada, however, the act of ratification is simply the indication ofof the intention that we will take steps to incorporate the particular convention into national law. In Canada, we need to transform international law into national law to give full force and effect to an international treaty. By ratification, the best that we can do is to signal to the international world our intention to take those steps. By not taking the steps to implement the international treaty in Canadian law, we are depriving Canadians, and in this case children, of their rights under the International Convention on the Rights of the Child. Canada has not passed any enabling legislation for the United Nations Convention on the Rights of the Child. There have been many words, many plans of action and much fanfare, but there has been no implementation.

•(1440)

The government, appearing before our committee in 1995, said that its amendments were in compliance with the United Nations convention, but the United Nations thought otherwise. In fact, Senator Pearson observed in the committee in 1995:

> ...the concern of the Committee in Geneva is a fairly strong criticism of our Government.

Bill C-7 does not state that it is the enabling legislation for those parts of the convention to do with the criminal justice system. Fully understanding that we will need other pieces of enabling legislation, both provincially and federally, to give full force and effect to the covenant, the minister, although questioned rather ferociously by the committee, again and again pointed to the fact that the government believes that the bill is in compliance with the United Nations Convention on the Rights of the Child. At no time would the minister concede that this was enabling legislation, however. She merely pointed out that she believed we were complying with it; in other words, that there was nothing in the act that would be contrary to the convention, in her opinion.

Honourable senators, that is not good enough. We need enabling legislation so that we do not have the same disparity that we have when we talk about the Charter of Rights and Freedoms in Canada. Every minister indicates that their legislation complies with the Canadian Charter of Rights and Freedoms, but honourable senators, we know that there is much disagreement later, and courts have often found that the government, through its legislation, has not complied with the Canadian Charter of Rights and Freedoms.

In other words, Canada could say that it is complying with the convention but the situation could be otherwise. Therefore, we need enabling legislation so that Canadians can go before the courts and utilize the full force and effect of the convention.

If Canada wanted to be bound by the treaty, it would have done so, as it has done, coincidentally in Bill C-36. Bill C-36, the anti-terrorism legislation, clearly states in its preamble that one of the concepts of Bill C-36 is to put into compliance international treaties, and in the body of Bill C-36 it enumerates where and how.

That is all lacking in Bill C-7. Here, Canada states in the preamble that it is a party to the convention. It does not say that it wishes to be in compliance. It does not say that it is enabling legislation. Being a party simply means that you have signed and ratified; it does not mean that you intend to be bound by that convention. Clearly, it is clever, and I would ask honourable senators to look at the words of the preamble. It states:

> WHEREAS Canada is a party to the United Nations Convention on the Rights of the Child and recognizes that young persons have rights and freedoms, including those stated in the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and have special guarantees of their rights and freedoms;

If the minister wished to be bound by the convention, the preamble would have said that Canada recognizes that young persons have rights and freedoms, including the convention, including the Charter, including the Canadian Bill of Rights. The preamble does not say that. Therefore, I think the government has clearly signalled that it does not, at this time, intend to be bound by the treaty, but simply will endeavour to conform to it, even if they have indicated that they wished to draw some attention to the treaty in the preamble to the bill.

R v. Hydro Quebec 1997, a Supreme Court case, states that it is permissible for a court to take into account a preamble, but that it is not mandatory for the courts to take into account such a preambular statement.

Therefore, without binding the government to enabling legislation, as they seem to be resisting, I introduced an amendment that would clearly support the minister when she told us what she was ready to do, which is comply with the convention. The amendment allows the courts to interpret the act as if the government intended that, should there be any disagreement put forward in court, the act would be interpreted to give full and adequate compliance to the convention.

I do note that there was a concern that the amendment would have to pass back to the House of Commons and that there would not be time, and that the issue might be reopened in the House of Commons. Yesterday, we passed amendments to Bill C-24, an equally controversial piece of legislation, which were received favourably. I must say that they were introduced and received here, not at the instigation of the Standing Senate Committee on Legal and Constitutional Affairs but by the government, in consultation with Senator Moore. That bill, Bill C-24, is going back to the House of Commons.

I would point out that if we were to pass amendments to this bill, Bill C-7, that were initiated by the committee, they, too, could be returned to the House of Commons.There should be no difference. Surely the issues surrounding children are important enough to make certain that there are no anomalies or inconsistencies, and that the Convention on the Rights of the Child is not diminished. There is time. Furthermore, not only can we do it but we should do it to protect our children and to give them the full rights that were contemplated under the international convention.

Honourable senators, a second amendment that I put forward to the bill, in keeping with the spirit of the legislation and in order to ensure that there is consistency in the legislation, provided that clause 19 — and that is a clause that allows for a conferences to be called by various actors in the court system — have the full due process and have fair representation of the child within the process. Throughout the legislation, there are many steps that, in a very thoughtful and complex way, give due process, due rights and due access to the child to have an independent status. The Convention on the Rights of the Child says we must treat the child in his or her own right as a person. I believe the bill goes way beyond that in many of the clauses. However, in the middle of the bill we stuck clause 19, saying that a conference on any decision within the act can be taken, but it does not say how and when. Rules can be put in place later, but we do not know whether due process and fair representation and the right to representation will be given to the child.

Some people say that perhaps information that is disclosed at such a conference could be used in a way that would be detrimental to the child. That was what the Juvenile Delinquents Act was all about. Under that act, we used all types of information, and then we were told that that was detrimental to the child. That is why the Young Offenders Act came into being, and again, that is why we now have Bill C-7 before us. If we wish to be consistent and not violate the Convention on the Rights of the Child, because the spirit there is to give the child rights, then we must put those rules into clause 19.

We have the right, as we do throughout all court processes, to withhold damaging information in sentencing that may do harm — for example, a psychiatric report that should not be shared with the accused. I believe that there are ways and means within the law, and I will not trouble honourable senators with the details.

The third amendment that I proposed had to do with teachers. From the work that I have done in the community, and from my years as a Family Court Judge, and from my experience in dealing with both teachers and students — and I emphasize students — I am convinced that teachers give to their students not only valuable education and educational tools, but more life skills and more personal attention than most of the Canadian public realizes.

•(1450)

In many cases, troubled youth are in the schools and teachers are the only resource available to these children when their parents are unwilling or unable to deal with them. Surely, we cannot look at the disclosure of information to teachers in the same breath as disclosure to the public. We give information and access to caseworkers, to social workers, to police and to a broad spectrum of caregivers, but we exclude the same teachers who do so much in the rehabilitation of children.

The Hon. the Speaker: I regret to advise Senator Andreychuk that her 15 minutes have expired.

Senator Andreychuk: May I be afforded the usual five minutes to finish?

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

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted for five minutes.

Senator Andreychuk: I thank honourable senators.

Certainly, Bill C-7 recognizes now on a permissive basis that teachers can get access, but only if someone else triggers that access. Surely, in this society, with the thousands and thousands of teachers that we have across our country, who support and help our children, they must have the access. It is not good enough to say we can arrange protocols and somehow they will get the information. We must trust teachers. The implication is that we do not trust them as a viable resource, but there are safeguards built into that clause now if we make it mandatory as opposed to permissive, as I have proposed in my amendment.

There are safeguards that they would only give that information when it is necessary, not only for that child but for the victims because, as we were told by other witnesses, the victims and the accused are often young persons and they are often in the same classroom. Think of the situation where the day after someone has been sexually abused, they are in a classroom with the person who has been charged. Surely, teachers are the best resource to sort that out, and I for one want to underscore my support for the teachers and hence the amendment.

Finally, honourable senators, I would ask that the Senate underscore the need to support committee work. This is an extremely complex and technical bill. The committee received that bill by delegation from the Senate. We studied the bill. We processed the bill. We argued. In the best parliamentary form, we dialogued, we debated and we compromised. An overwhelming majority accepted the report. These are amendments further the government's intention. This is not a question of confidence for the government.

We are proud of our non-partisan work in our committees. Surely, this is the best example that we have in this highly complex bill. I would urge this chamber not to turn its back on the work of the committee.

If the report is not adopted, then one can ask a committee member, and particularly from our side with so few senators, why work endless hours in committee, produce a report, compromise and then not be heard? Why should witnesses, who told us they were not permitted to present evidence in the House of Commons, come to our committee? The chairman told them they would be listened to and that we would be open to their concerns. If we do not accept their report — and much of what we are saying comes from the witnesses — will these witnesses have confidence in the Senate?

Honourable senators, I say this with the greatest respect: The Senate of Canada will suffer itself. What facts will the Senate use to show that there should be no support for the majority opinion of the committee? I wonder.

I ask you finally, honourable senators, to accept the advice of the majority of the Standing Senate Committee on Legal and Constitutional Affairs so that Bill C-7 can be passed in an improved and enhanced form and in compliance with Canada's international and national obligations. It would be a clear signal to the people of Canada, and above all to the children of Canada, that the role of the Senate is important. This would be our valuable legacy for the betterment of children in Canada.

Some Hon. Senators: Hear, hear!

Hon. Gerry St. Germain: I have a question of the Honourable Senator Andreychuk, if she will entertain one.

Senator Andreychuk: Yes, of course.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I agreed to a five-minute extension. I do not mind if this period of time has not expired, but I do think that we should limit it to that.

[*English*]

The Hon. the Speaker: Honourable senators, I am advised by the Table that the five minutes have, in fact, now expired.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we would ask for another five minutes.

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

[*Translation*]

Senator Robichaud: Honourable senators, I would agree to hear the question of the Honourable Senator St. Germain and, of course, the Honourable Senator Andreychuk's answer.

[*English*]

Senator St. Germain: Honourable senators, I will be brief. I understand that the senator has a heavy agenda.

I want to compliment the Honourable Senator Andreychuk on the comprehensiveness and the professionalism in the way she dealt with the subject and for the non-partisan way in which she has done much work in that area.

From her experience as a family court judge in Saskatchewan, the honourable senator made reference to our native youth. This is a challenge that faces all Canadians. We have gone all around the world dealing with issues like apartheid and have been very successful, yet it exists in our own inner cities. This is possibly unfair to the honourable senator, but could she succinctly give us any idea, based on her previous experience, as to how to deal with native youth?

We have native youth on reserves and in urban centres. The honourable senator made reference to the fact that we should be dealing with our natives in a different manner than the way we deal with the rest of our community. I know this is unfair to ask the honourable senator to answer this question given the time constraints, but it is of major concern. It is one of the most contentious and important issues that face our country. I believe that the Minister of Indian Affairs and Northern Development is trying to do an excellent job. He has cut back funding to political native groups and he is saying that the funding will go to the people. What are the comments of the honourable senator, if I may ask?

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

Honourable senators may have been reading about much of our work in the committee, but Senator Chalifoux spoke superbly about legal aid and the problem. We know what the problem is, I believe. As Minister Axworthy said to our committee, the justice system and the concepts upon which it is built really are not where Aboriginal people come from. They are not accustomed to adversarial systems to resolve criminal issues and other conflicts. They come from a more conciliatory, such as the sentencing circle, and a compensation methodology. We are only beginning to realize the value of those measures that need to be addressed.

I would answer the question as the minister answered before our committee, which is why I was so taken by his answer. He said that the answers lie within the Aboriginal community and that we have to start a justice system that fits the Aboriginal community, that they can be part of, that they take charge of, that they feel is theirs. On that basis, I think the Supreme Court of Canada signalled that the Aboriginal people must be taken into account, and the government responded by amending the Criminal Code to say that in sentencing. In this amendment, Senator Moore is asking that we send the same signal for Aboriginal youth. In other words, we must start using community-based answers for Aboriginal youth because it is not good enough for Aboriginal adults. We have to nip it in the bud. Who is more deserving of our attention than Aboriginal youth?

Honourable senators, at various gatherings of international organizations, we have been supportive of international proclamations recognizing Aboriginal youth that are not yet full conventions.

•(1500)

If we can meld the two together and put our words into action, I think we will regain the credibility of the Aboriginal people.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Standing Senate Committee on Legal and Constitutional Affairs has provided us with its tenth report, which supports passage of an amended version of the proposed youth criminal justice act, Bill C-7. Senators have identified some issues and concerns that need to be taken seriously. However, I would argue that the amendments they have proposed raise even more serious concerns and may have unintended effects and consequences.

Youth crime and justice are complex phenomena about which many Canadians have strong views and many experts have opposing views. There is one thing about which they are united, however, and that is that reform in this area is greatly needed. For example, witnesses before the committee stated that Canada has the highest rate of incarceration of youth in the industrialized world. That is not a record of which we should be proud.

Other witnesses testified that there is not enough differentiation among violent young offenders and non-violent, lower-risk youth. It is a given that not everyone will support every element of the reform package but, as lawmakers, it is our duty to find solutions that are fair and workable, and that correct identified problems.

Let there be no doubt, honourable senators, that Canadians are disenchanted with the youth justice system under the Young Offenders Act, with the exception of the Province of Quebec. Let there also be no doubt that the current youth justice system is not working as well as it should be for all Canadians. Too many young people are charged, and often incarcerated, and with very poor results. Procedural protections are not adequate for our young people. Too many of our young people end up serving custodial sentences for very minor infractions. This applies particularly to our Aboriginal youth. Interventions are not appropriately targeted to the seriousness of the offences. There is disparity and great unfairness in youth sentencing. The youth system is not adequately meaningful for individual offenders and victims, nor adequately supportive of rehabilitation and reintegration.

Senator Joyal added to the debate quite appropriately last week when he stated:

> To me, that is the fundamental principle. The child or the teenager is a person and has to be protected, and he or she has specific rights and specific obligations.

I agree 100 per cent with Senator Joyal. Children must be protected to the fullest extent possible, but they must also realize that they have certain obligations to uphold in this society, and that is why we must find balance, and that is what I believe this bill attempts to achieve.

As I read the transcripts of the committee hearings, I saw that there was support for the major reform components set out in Bill C-7, including a fair youth justice system that is totally separate from the system for adults; reduction in the overuse of incarceration by focusing on the most serious interventions, that is, custody, for the most serious offences and encouraging non-court measures and effective community-based sentences for the vast majority of youth crime; respect and protection of rights for young people facing the state's criminal law power by ensuring, among other things, that there are no longer any transfers into adult courts for trial purposes, which results in the loss of age-appropriate due process protections, like privacy rights; consequences that are meaningful and aimed at rehabilitation of the young person, ranging from enhanced front-end options to encourage understanding and repair of the damage caused by the behaviour to intensive rehabilitative custody and supervision orders aimed at the most seriously disturbed and violent youth; support for reintegration into the community after a period of custody; and opportunities for a more inclusive approach to youth justice that provides constructive roles for families, the victims, the youth themselves, community members and others with a stake in the development of our youth.

The proposed youth criminal justice act was many years in the making and was the subject of intensive and extensive consultations. Significantly opposing views were addressed through ongoing discussions and many refinements to the proposed legislation. This is the second incarnation of this bill. It was once known as Bill C-3, introduced in another Parliament. I had serious concerns about that bill, honourable senators. I worked very hard to ensure that when it came back it was a very different bill. I am proud that there are 167 amendments. The government itself rewrote Bill C-3 to create Bill C-7, a much better and much more reflective bill, a recognition of what our young people and our society require.

Let me review some of the amendments proposed by the Senate committee. Senator Andreychuk made reference to the United Nations Convention on the Rights of the Child. That is a very broad convention, as she well knows. It is not one that many countries have ratified. She made reference to the United States. The United States has never ratified this convention. It has never committed itself to a single principle of this convention

Senator Nolin: Did Canada ratify it?

Senator Carstairs: It is quite fair to note that we have not committed ourselves to every article of the convention. Some honourable senators will remember when, in another life in this chamber, I introduced a bill to repeal section 43 of the Criminal Code because it absolutely flies in the face of the Convention on the Rights of the Child. I wish I could say that I received unanimous support for that initiative, which would have prohibited corporal punishment of children. I did not. Senators told me they did not want to go there.

Honourable senators, you cannot have it both ways. You cannot say that we want all the rights of the Convention on the Rights of the Child upheld in this particular bill but we do not want to go anywhere else on that convention.

In the "whereas" portion of this bill the government has included the following:

> WHEREAS Canada is a party to the United Nations Convention on the Rights of the Child and recognizes that young persons have rights and freedoms, including those stated in the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and have special guarantees of their rights and freedoms;

The honourable senator who spoke just before me is absolutely right. It is in the preamble and not in the body of the bill.

However, honourable senators, I suggest to you that that is where Canadians are prepared to go at this time. They are not prepared to accept all of the rights that are alluded to in the United Nations Convention on the Rights of the Child because most Canadians, to my great regret, still think that corporal punishment of children is acceptable.

Another amendment proposes that rules on conferences must include the requirement that youth attend with counsel and that conferences must respect principles of fairness and natural justice.

•(1510)

Honourable senators, the reason that this bill is different, that it treats children as children, and that it is a youth criminal justice bill and not part of the Criminal Code, is that we do not believe entirely in the adversarial system that pervades the Criminal Code when it applies to adults. We know that children need special things. The conferences that have been proposed in this bill are one of those special things.

The stated rationale for this amendment is based on the incorrect assumption that a conference is a decision-making forum that can have lifealtering consequences for the young person. Bill C-7 is very clear that the conference is advisory only. It provides advice to a decision-maker, such as a police officer. It is not a decision-making forum.

Interestingly enough, although we read the testimony with great attention to detail, we could not find a single witness who appeared before the Senate committee who indicated that this was a concern.

Conferences are supposed to be relatively informal proceedings that take place outside the formal justice system, but Bill C-7 contains very strong provisions to ensure that they are conducted fairly. Clause 3 provides that young persons are entitled to enhanced procedural protection, to ensure that they are treated fairly and that their rights are protected. Clause 3(*b*) says that measures taken with young persons must be fair and proportionate. Clause 3(*d*) reads as follows:

> (i) young persons have rights and freedoms in their own right, such as a right to be heard in the course of and to participate in the processes$that lead to decisions that affect them...

Young persons have special guarantees of their rights and freedoms. These guarantees are all in the bill.

Clause 25 provides that young persons have the right to retain counsel at any stage of the proceedings, and before and during any consideration of whether, instead of starting or continuing judicial proceedings, to use an extrajudicial sanction to deal with the young person.

In addition, the Charter of Rights and Freedoms requires that the conferences comply with the principles of fundamental justice. This is a special treatment for young people, because young people need special provisions. A child is a child is a child: We must never forget that.

Most of us are aware of the horrific incarceration rates of Aboriginal youth in this country. In my province, in 1998-1999, 75 per cent of sentenced custody admissions were identified as Aboriginal. The figure for Aboriginal youth in my province is 16 per cent, but the figure for Aboriginal youth put in custody was 75 per cent, many of these for very minor infractions. The kinds of things that we have established in this bill must not happen.

The numbers are just as alarming in Saskatchewan. Seventy-four per cent of youth admissions were Aboriginal, while only 15 per cent of the youth in the province were Aboriginal.

I share fully Senator Moore's concern in regard to the importance of protecting Aboriginal youth from this situation. It is endemic. That is why the change in focus in Bill C-7 from the present Young Offenders Act is so absolutely essential. We must make the differentiation between low-risk young offenders and high-risk, violent young offenders. That is why I have such difficulty, despite my empathy, with what Senator Moore has said and done with the amendment that he has introduced. Let me explain why.

The amendment would take part of the Criminal Code and impose it on this bill. We would take part of the Criminal Code, which is an adult code, and we would impose it on this bill. Let me tell you why I think that is dangerous. It is dangerous because there are two statements in the current bill that are very important to youth in general, and in particular to Aboriginal youth. The principle of the bill, clause 3 of the bill, specifically states that we must consider the conditions of these Aboriginal young people. We need to respond to the needs of Aboriginal young persons. We must respond to their needs. By putting in section 718.2 of the Criminal Code, we now ask the court to consider alternatives.

Honourable senators, I am very concerned that "consider" is a far weaker word than "respond." I am very concerned that, if this section is placed in this provision, judges will use it as the sentencing provision and will not turn to the principle of the bill, which says "we must respond." Instead, they will look to this amendment, which says, "we should consider." Honourable senators, I do not think that is good enough for our Aboriginal people.

The sentencing provision presently in Bill C-7 requires that judges look to the principle of the bill. This bill restricts the use of custody primarily to violent and serious repeat offenders. The effect of this provision will be to prevent the use of custody for a large number of our Aboriginal persons who are non-violent offenders and who are not serious repeat offenders.

In addition, the bill requires the court to consider all reasonable alternatives to custody for young persons, including Aboriginal young persons, and if there is an alternative, the court is prohibited from imposing a custody sentence. This provision, I would argue, is strongly and significantly more effective than 718.2 of the Criminal Code, which, I repeat, says that they need only to "consider" the alternative.

Another problem with the suggested amendment, I have to suggest, honourable senators, is that it will be the only mention, in the entire bill, of imprisonment. This may be a question of semantics, and you may say that semantics is not the issue here, but the reality is that when we refer to "in custody," we refer to incarceration. We do not refer to imprisonment. That is because youths are not adults. Even in our vocabulary, we must be careful to differentiate.

Honourable senators, one of the fundamental objectives of Bill C-7 is to reduce Canada's overreliance on custody. The suggested amendment, drawn from the Criminal Code, is neither necessary nor appropriate for youth.

The next two amendments, I have to suggest, honourable senators, not only deeply disturb me but they create within me a sense of horror. Honourable senators, I spent 20 years of my life teaching school. I believed fundamentally in the privacy rights of my students. I did not believe that I had the right to go into their lockers. I believed that those were their property. I did not believe that I had the right to go there, and I did not.

•(1520)

Honourable senators, a hallmark of our youth justice system is the general rule that the identity of young people should be protected. This allows for youth to be held fairly accountable for misdeeds, but also for them to overcome youthful transgressions by avoiding labelling and stigmatization.

Bill C-7 contains only very limited exceptions to the privacy protections for those receiving youth sentences. Witnesses before the Senate committee consistently emphasized the value of protecting young people from publicity.

Bill C-7 deliberately kept tight limits on the possibility of overriding the prescribed privacy protections for those receiving youth sentences. It could only occur after a conviction for a specified, serious, violent offence, and it was subject to judicial discretion, to continue the privacy protections based on considerations of rehabilitation and the public interest.

The proposed amendment to clause 110 of Bill C-7 allows for a weakening of the privacy protections for youth by confusing the tests for publication. It does not include rehabilitation as a required factor for consideration, but limits the judicial test to one of public interest. What about the child's interest? I firmly believe that the changes to the privacy protections as they relate to youth sentences proposed in this report would have a negative psychological effect and would impair the one thing that we are trying to do, which is to rehabilitate the young person. The proposed amendment will hurt young people. I urge honourable senators to oppose it.

Another proposed amendment comprises both privacy protections and judicial discretion in relation to the release of information. Bill C-7 permits specified youth justice professionals to share otherwise confidential information about a youth with school officials and others engaged in the supervision and care of the youth, if that information is needed to ensure compliance with an order, ensure safety or facilitate rehabilitation. Given that shared information with school representatives is already available, I question why the suggested amendment would eliminate judicial discretion and require a youth judge to always share the information. Clearly, judges would want to share information to ensure safety, but this would be a very small number of cases and it is provided for. What if a school official has misused such confidential information in the past by spreading it to others, by ostracizing the youth?

I am very proud of the teaching profession, honourable senators. However, I have had experiences within that profession which would tell me that teachers do this — not many, thank God, but some. I can tell you of a teacher who, within five minutes of every single class, if there was an Aboriginal child in that class, that Aboriginal child was sitting outside the door. He did not like Aboriginal kids so he found excuses, every single day, as to why they did not have to sit in that classroom. Do you want to have somebody like that given information about a child? I do not.

I have to tell honourable senators that when I read the amendments I could understand where people were coming from on most of the other amendments. I simply could not figure out where you were coming from on this one.

Senator Andreychuk: It was from the Canadian Teachers' Federation.

Senator Nolin: From the teachers.

Senator Carstairs: It absolutely depressed me.

In my view, disclosure of confidential information to school representatives should be permitted and, in some circumstances, encouraged, but a wholesale disclosure by youth court judges should not be required. In some cases, such disclosure to certain officials could be damaging to the rehabilitative prospects of the youth. Judges must be allowed to exercise their discretion and should not be required to release information.

The Senate report contains proposed amendments that would maintain the age of presumptive adult sentences for certain offences at 16, rather than lower the age to 14. It is important to remember that the age at which a youth can receive an adult sentence has not been changed by this bill. It was 14; it continues to be 14. This amendment deals with the presumption, and not the absolute criminal liability of those 14 and above.

Honourable senators, Bill C-7 is a balanced package. It is important to understand the range of measures in context. The vast majority of Canadians want violent crime to be taken seriously. This bill is premised on concepts of proportionality. The seriousness of the response must be guided by and not greater than the seriousness of the offence.

The effect of the presumption is to signal that whenever a youth 14 and over is charged with one of the most serious violent offences, the possibility of an adult sentence is on the table. Young people, in my experience, need to know this.

The most serious violent offenders frequently know just what the courts can do to them. I believe this can act as a deterrent. It does not mean that an adult sentence will ultimately be applied. As we have seen, interestingly enough, with the presumption of adult penalties for 16- and 17-year-olds introduced a few years ago, the number of youth receiving adult sentences did not increase.

Nothing undermines confidence in the Young Offenders Act more than the perception that youth will not be held fairly accountable for the most serious crimes. This bill is strong enough to deal with these serious offences. It avoids automatic adult sentences and allows sentencing determinations to be based on clear principles of fairness and proportionality. The presumption sends a clear signal that the most serious crimes will be treated seriously, without binding the discretion of those in the system to arrive at a fair sentence based on the facts in individual cases. Removing the lowering of the age of presumption of adult sentences would, I am afraid, seriously unbalance this carefully crafted bill.

Another proposed amendment to clause 2 would allow the Attorney General to signal that an offence will not be treated as a presumptive offence. While I agree that the Attorney General should have such discretion, section 65 already allows the Attorney General to give notice at any time that an adult sentence would not be sought. Since this type of discretion is already part of the bill, it appears to me that this amendment to clause 2 is both unnecessary and redundant.

A further suggested amendment relates to clause 146, which concerns admissibility of statements made by a young person. The clause sets out the rights of the young person, the information that must be given, and the procedures that must be followed by police in order for a statement to be admissible in evidence at the trial of the young person. Clause 146(6) represents a change to the current law in that it provides for limited judicial discretion to allow statements where there has been a technical breach, but only in cases where the judge is satisfied that the admission of the statement would not bring into disrepute the principle that young persons are entitled to enhanced procedural protection — this is more than adults have — to ensure they are treated fairly and that their rights are protected.

This change responds to concerns that the complexity of the requirements and the current legislation has led to voluntary statements being excluded from the trial for technical rather than substantive reasons.

The Canadian Bar Association and other witnesses who appeared before the House committee reviewing an earlier version of the bill recommended changes to ensure that the discretion related only to technical irregularities, and also that the enhanced procedural protections for young persons be specifically referenced. That is one of the 167 changes to which I made reference.

In response to these suggestions, Bill C-7 contains wording that ensures that this discretion is limited in this way. The statement may only be admitted where the youth court judge is satisfied that the irregularity is a technical one and that the admission of the statement would not bring into disrepute the principle that young persons are entitled to enhanced procedural protection to ensure that they are treated fairly and that their rights are protected.

•(1530)

In my view, this section not only complies with the Charter but has significant additional protections for youth that go beyond those for adults. For these reasons, I conclude that the suggested amendment should not be supported.

The final suggested amendment would require a Parliamentary review of the act to be conducted three years after the coming into effect of the act and every five years thereafter.

A review after five years is unlikely, honourable senators, to provide an accurate assessment of the operation of the youth justice system under this new legislation. Implementation of such fundamental change requires considerable adjustments at the local and the provincial levels. These adjustments include new programs, policies, procedures, practices and, above all, new attitudes. Although an appropriate period for implementation planning will allow these adjustments to begin, there will be a need for additional time to obtain a true assessment of whether the act is being implemented in a manner consistent with its spirit and objectives.

A key component of any review will be reliable statistical information on the operation of the youth justice system. The statistical information is unlikely to be reliable after only three years because of the time needed for these implementation adjustments. In addition, the Canadian Centre for Justice Statistics will need time to make changes and subsequent adjustments to its data collection processes to ensure high-quality statistical information. Once the appropriate processes are in place, CCJS will not produce statistical reports on the youth justice system until about a year after the information is collected, and it will take at least a few years to begin to see reliable trends in the statistics. Given the considerable amount of resources required to conduct an effective review, it is not advisable to conduct a three-year review.

The Department of Justice will be carefully monitoring the implementation of the legislation and will be pleased to provide updates and participate fully in any reviews that this Senate can conduct at any time. A mandated parliamentary review is not required.

Canadians have waited a long time for improvements to their youth justice system. We have had this bill in this chamber since last June. Bill C-7 will address the major failings of the current system. The proposed amendments will skew the balance of the package. In my view, they serve to confuse, duplicate or undermine provisions while alienating key stakeholders who need to have confidence in this legislation.

There is not a member of this chamber who does not share my concern for children. I hope all honourable senators know that youth crime is, in fact, going down. Two trends, however, are disturbing. Violent crime has shown some increase, and, in addition, girls are beginning to offend in increasing numbers. We must deal with all these kids in an appropriate fashion before their offences become violent. Children today are very knowledgeable, and they quite often know the rules. They also need to know that those rules can be tough, and this is what balance is all about.

Let me end with a story of a young man. I first met him when he was in grade 8 — blond, blue-eyed, tall, a gangly kid — and he pushed the limits. He needed rules and discipline. He also needed help. Except in limited ways, through cadets — and I wish Senator Forrestall was here to hear that — and some teachers, he did not get that discipline.

Honourable senators, he craved it. Most kids thought, frankly, that it was a real punishment to have their desks dragged out of a line and pushed next to mine. They did not like that much, but this young man loved it because he got the attention that he normally did not get.

He tended to be a bully. He began to commit increasingly offensive acts. The youth justice system, the Young Offenders, Act did not kick in. Despite numerous infractions, he was not asked to be accountable for his behaviour. Many months would pass before an infraction had a court date. He was hurting others, but I think it is safe to say that he was hurting as well.

Honourable senators, child guidance officials failed to respond. Mental health services failed him. We all failed. He was placed in custody, but there was little or no counselling, and he appeared to simply learn more harmful behaviours.

One morning, in the early 1990s, I was driving to the Manitoba legislature listening to the news. The young man in question had just been convicted of manslaughter. My first concern was for the victim; my second for this former student of mine whom we had failed so badly.

My last thought was for me. Could I have done more to reach out to this young man? Did I fail him, and how did I fail him? What could I have done differently?

Honourable senators, I do not believe in the "bad seed" theory. I believe children are born with different abilities, and they have different experiences. When those experiences are mostly bad, as they were for this young man, children turn out badly. If we are to have any success, then early intervention is essential. This is the essence of the change between this bill and earlier ones.

At the same time, if all the early interventions fail, then unacceptable, violent behaviour must be punished. Our kids need our help and guidance. They must also know that we will set limits, and when they cross those limits, there are penalties to pay.

I believe this bill, without the amendments proposed by the committee, has it right.

Some Hon. Senators: Hear, hear!

Senator Kinsella: Honourable senators, would the honourable senator take a question for clarification?

Senator Carstairs: Yes.

Senator Kinsella: The honourable senator correctly drew our attention to the preambular paragraph that speaks to the fact that Canada is party to the International Convention on the Rights of the Child. Is it not true that that action on the part of the Government of Canada was taken as a result of the concurrence of each of the 10 provinces and territories?

Senator Carstairs: Yes, that is true.

Senator Kinsella: It is my understanding that there is indeed a constitutional convention that goes back to the famous labour convention case that says that if the federal authority will enter into international treaties that affect provincial jurisdiction, it will only do so with the agreement or concurrence of the provinces. That principle was important in the early 1980s around the Constitution Act of 1982.

The Province of Quebec, in particular, has had a long tradition of thoroughly studying international instruments prior to giving its consent to Canada becoming party to a convention.

Given that the Government of Quebec is very much aware of the provisions of the Convention on the Rights of the Child, and it is the Government of Quebec that is before the courts because of this bill, there is a very serious question in my mind. Could my honourable friend explicate it from point of view of the Government of Canada?

Senator Carstairs: Honourable senators, the challenge before the courts has nothing to do with the Convention on the Rights of the Child. I am sure the honourable senator is aware of that.

I would suggest that the argument of the Government of Quebec has to do with whether it has jurisdiction in the administration of the justice system for the province. It considers that this bill may be an infringement of its jurisdictional authority.

The Young Offenders Act, in its various forms, the Juvenile Delinquents Act in its forms before that, and this particular act would all argue differently — that the jurisdictional authority for establishing a regime for young offenders or for youth in this nation rests with the federal government.

•(1540)

Senator Kinsella: Is it not true that what the honourable senator says speaks to paragraph 1 of the reference that is being made by the Government of Quebec to the courts? Paragraph 2 speaks precisely to the issue of their understanding and their approach to youth justice, which they find more congruent with the provisions of the International Covenant on the Rights of the Child than that which is envisaged by Bill C-7.

Senator Carstairs: Honourable senators, for a number of years, inside and outside this chamber, I have been laudatory with respect to the way the Government of Quebec has implemented the young offenders legislation. It has been, if one wishes to use the word, on the leading edge of the interpretation, although not perfect by any stretch of the imagination. Those working in youth justice in the province of Quebec would say they do not have it all right either. In my view, they have it more right than any other province.

However, when trying to come up with a scheme that impacts on youth across the nation, you must take into consideration not only the views of one province, but the views of ten provinces and three territories, as the Young Offenders Act, as will this Youth Criminal Justice bill, should it pass, impacted on all the provinces and territories. Therefore, to find the balance between the desires of some who would, quite frankly, like a much harsher system than the one enunciated in this piece of legislation, and the Province of Quebec, is the difficult task for any federal Justice Minister.

That is why it took so long to bring us this bill. That is why it has been crafted the way it has. That is why, I suggest to the honourable senator — and I maintain as I did in my speech — that some of the amendments that have been introduced will, quite frankly, shift that balance, and the acceptance of this legislation throughout the nation will, I think, be in jeopardy.

Hon. Jerahmiel S. Grafstein: Honourable senators, I listened carefully to the speech. I would like to make a comment. I really do not want to enter into a debate on this point, but it was clear to every member on the committee that the minister said unequivocally that this bill conforms to and complies with the UN Convention on the Rights of the Child. She said it a number of times, as did her officials. I make that as a comment.

I do not think the debate as to whether or not it is in the preamble is relevant. The relevant standard, as the minister said, that the government adopted was that it would comply fully — and I see Senator Pearson nodding her head — with the UN Convention on the Rights of the Child. That is the position she took, and some of us disagree with that.

Senator Andreychuck: Honourable senators, the Honourable Senator Carstairs has touched on many topics that go beyond the amendments.

I believe Bill C-7 is not the right approach for children. I tried, in my speech, to respect the government's ability and responsibility to bring in legislation. Given that, what could we do to make the act at least compliant with the obligations and consistent within itself?

I want to speak to the teacher issue, because I feel as strongly as the honourable senatorand the teachers across this country do about this issue, although the honourable senator and I have gone on to different positions.

The amendment speaks only to "the judge shall." This is not a discretion for the teachers. It is for the judges. The evidence shall be given, but only if three tests are met. I caution honourable senators that judges will not automatically release the information. It is only the court of record, not review boards or other proceedings. Only the judge shall release such information, if it is necessary, to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court; in other words, if the teacher needs to know to help the student comply with his order, or to ensure the safety of the staff, students or other persons, or to facilitate the rehabilitation of the young person. I believe that is a very narrow mandatory provision that teachers need, not because they will have the discretion, but because the judge will. The judge will have the opportunity to determine which situations and which teachers. That is important.

I want to ask the honourable senator a fundamental question about something that troubled me in her initial point. I will certainly take this up informally and in private. The honourable senator mentioned corporal punishment. That issue never came up within the confines of the proceedings of the committee; yet it was an issue somewhere else. I will reflect on that before I make any further comment.

Is the honourable senator saying that, because she saw an unwillingness in this chamber to address the convention in the corporal punishment sence, she does not believe that we should comply with it in this bill? If that is the case, I believe so strongly in the need to comply with the convention that I will do whatever she thinks is necessary, whether it is the honourable senator in her personal capacity or as a minister of the Crown, to bring in legislation to take out corporal punishment in the Criminal Code on the basis that it is non-compliant with the international covenant. She has my support.

Senator Carstairs: I thank Senator Andreychuk for her support. Frankly, I always thought I had her support in repealing section 43 of the Criminal Code. If I did not have it before, I am delighted to have it now.

She and I never engaged in a conversation about section 43. I certainly did engage in that conversation with a great number of senators on both sides of this chamber. The bill never got to committee, for obvious reasons, because there was no will to move it on to committee.

As to the honourable senator's question, I believe the bill does comply with the convention. I believe the bill does confirm and comply. I happen to like our system. It is true that we ratify conventions, but we make our own laws.

That is the difference. That is the difficulty in ratifying this procedure. Senator Nolin knows that well. In the United States, as Senator Andreychuk knows, once they ratify, it becomes the law of the land. They do not want it to become the law of the land in its entirety. They want to pick and choose, if you will, or not pick and choose anything, as the case may be.

The Minister of Justice has indicated that in her belief this bill confirms and complies with that convention. The preamble states clearly that it is to confirm and comply. I believe it confirms and complies. Obviously, some honourable senators do not believe that is the case. We are entitled to disagree.

Senator Andreychuk: Honourable senators, the Honourable Senator Carstairs said that the government complies with the convention. Thanks and credit are due to Senator Pearson. In 1995, she and I were struggling with amendments to the Young Offenders Act. We raised the international convention then, and Senator Pearson was one of the few forceful voices at the time that were preoccupied with that area. At the time, the government went back — I was going to use the word "scooted" back — to do an assessment, and it came back and said it fully complies.

•(1550)

Both Senator Pearson and I had some trepidation about that transfer section. If I am misstating the position of the honourable senator here, I hope that she will speak for herself.

In any event, let me speak for myself. I said that I would support all the amendments that the government wanted on the understanding that they complied with the convention, and also that there would be a joint review by the House of Commons and the Senate. Surprisingly, all the processes that were pointed out excluded the Senate. We were not part of that process. However, at that time, the government said that the amendments fully complied with the convention. Then the UN committee said that our country was not in compliance.

My concern is that so many young persons who come under this bill are disadvantaged. The same thing is being repeated by the same department — when they say that the bill fully complies with the UN convention. However, we have raised some real doubts as to whether this bill complies. I do not consider myself in the scholarly group, but senators such as Senator Beaudoin, Senator Grafstein, Senator Joyal and many others were concerned. The witnesses who talked to us were also concerned.

If there is that much doubt about this bills compliance, will you persist in putting disadvantaged young people before the courts in order to get their rights? Surely that is not the way to establish good law, that people must get their rights through the courts. We are not doing our duty here as legislators if we do not make those kinds of changes.

This is the second time for this type of youth legislation, and, of course, it is very contentious. It is therefore necessary to be absolutely certain, for us as legislators, that what the government says it wants to do will be what will happen. That will be in the best interests of children and our society.

Senator Carstairs: Honourable senator, I think you forget that I, too, was a member of that committee. I participated in that debate and I was very concerned. I must say that I had another motivation. My other motivation was ridding the Criminal Code of section 43. I wanted to have an understanding of what the government meant by its sense of confirming and complying with the International Convention on the Rights of the Child.

With the greatest respect, the senator and I disagree on this issue. I have looked at it very carefully. I do think it confirms and complies.

The government obviously does not believe that section 43 is offside. I happen to think it is. They think it is not, so there we are. The reality is that I can only accept the best advice that I am given. The best advice is that the legislation confirms and complies. On that basis, I am willing to accept the government's judgment here.

I would, however, like to make one statement related to your earlier question. The honourable senator raised the three conditions, and one of them is compliance with youth orders. With the greatest respect, senator, teachers are not judges. They are not lawyers and they are not officers of the court. It is not their responsibility to ensure that a young person complies. That is not their role as a teacher. Frankly, they should not be put in that role so that a judge releases this information to a teacher, and the teacher can then be co-opted to help comply. If the honourable senator is talking about the trust relationship that develops between a child and his or her teacher, then I would suggest that that would be a very dangerous area to enter into.

Senator Andreychuk: On a point of order, the honourable senators said there is something in the bill that should be withdrawn — whether it is permissive or mandatory. It is permissive to the judge, but once he makes the order then the teacher is in the same position, because it is just changing "may" to "shall" with the judge's discretion. If the honourable senator is saying that we should not do that to teachers, then the bill needs to be amended. I will consider over the weekend whether we should have the amendment that the honourable senator is proposing.

Senator Carstairs: I am not proposing any amendment. I am saying that I disagree vehemently with the request put by teachers' organizations. I have to say that I have been offside with teachers' organizations in a number of ways, not the least of which is the fact that they also support, for the most part, corporal punishment of children.

Hon. Wilfred P. Moore: Honourable senators, I have a brief point of clarification. My substantive amendment does not use the word "imprisonment." It does use the word "custody" which is consistent with the balance of this bill, and that is set out clearly in Hansard of December 4 of this year.

Senator Carstairs: Honourable senators, if I in any way indicated that that is not what Senator Moore was after, I apologize. I was specifically referring to section 718.2 of the Criminal Code, which does use the word "imprisonment".

Hon. Pierre Claude Nolin: Honourable senators, there is one amendment that the honourable senator did not mention in her speech, and I want to hear her comment on it. It is amendment number 3 and relates to clause 25 of the bill that essentially deals with legal aid. Amendment number 3 is to delete paragraph 10 of clause 25, which, by the way, is brand new. The old section 25 is a reprint of the identical provision in the Young Offenders Act.

Paragraph 10 of clause 25 gives authority for the claiming of reparation to a province that was ordered by a judge to provide a lawyer to a young offender, who has then decided not to be represented by a lawyer. If the province was ordered by the judge to provide such a lawyer, then under this paragraph the province would have the authority to ask for reimbursement from the parents, or from the young offender.

We have received testimony from various groups that that was contrary to the legal aid principle, and contrary to the interests of the young offender. If the young offender is to be asked by the province — we all have in mind some provinces which would do that without a doubt, but I hope not in my province — they would refuse. Even if the court decides to order such a lawyer to be appointed to defend the offender, they would refuse because they do not want to reimburse the lawyer. That is why we decided to introduce such an amendment.

I am still convinced that this was much more respectful to the interests of the young offender. I do not think the honourable senator mentioned that amendment. What is her point on that?

Senator Carstairs: I will address it, honourable senators. The reality is that legal aid is supervised by the provinces. The provinces of Ontario and Alberta have already put such a regimen in place. They are already enforcing payment for this purpose.

This particular provision of the bill ensures that they cannot do that until after all of the proceedings, including all of the appeal proceedings, have been dispensed with. Then at least during the processes, there cannot be any fear that, if the charges were to proceed, some parents — hopefully not many — might say, "Well, that is enough. I will have my kid plead guilty."

Surely, that is not the kind of regime we want. If I had my "druthers," I would prefer that noone be allowed to do this. The reality of life in Canada is that not only does justice differ throughout the country in its administration but so too does legal aid. As I say, two provinces already are enforcing these payments.

•(1600)

Senator Nolin: In many jurisdictions, provinces are definitely doing things that neither a federal government nor a federal parliament would like, but that is the nature of our country.

However, the leader's answer is clear: The government is definitely sanctioning the reimbursement scheme, because by not talking about it and maintaining what is already in the Young Offenders Act they can then let the provinces deal with the new act in the way they think they should. I hope for their sake that they are doing that in good faith in Alberta and Ontario, but definitely not in Quebec, nor in Manitoba.

Why do we open the door to sanction such a scheme of requesting reimbursement for legal aid costs?

Senator Carstairs: Honourable senators, maybe I did not make myself clear: It is happening. What the government wants to do is prevent it from happening at the very beginning of the process. It is all very well to put your head in the sand and say it should not happen. The reality is that it is happening in two of our provinces. As a result of this legislation, that action will be prevented from happening until all of the appeals procedures are over.

Hon. Douglas Roche: Honourable senators, I should like to appeal to the minister for some clarification, if I may. I am doing my best to follow this debate, but I need some help. This debate is about the adoption of the tenth report of the committee concerned. I have the tenth report in my hand and it is full of amendments to the bill, which the minister has spoken against.

Is it correct, then, that there will be a vote on each of these amendments on the way to the final vote for the adoption of the report? At some stage, I feel that I will be called upon, with other honourable senators, to vote on a specific amendment. One needs to have followed this thing extremely closely in the committee to understand what the amendment is about as it is written in the report.

Can the minister provide a list of amendments, along with a notation of what the amendment would do if it were passed? As well, any clarification that the leader could give on the voting procedures would be helpful.

Senator Carstairs: I will try and clarify the voting procedure. We are voting on a report. We can either accept or reject that report. I am recommending that honourable senators reject the report, as opposed to other senators who are, of course, recommending that we accept it. If we accept the report, then all of the amendments will be included in the third reading. In other words, they would be treated as if they existed as part of the legislation. If the report is defeated, which is what I am recommending, we then move on to third reading of the bill, at which point any senator who wishes to introduce an individual amendment could do so.

I hope that is not as clear as mud.

An Hon. Senator: It is clear.

Senator Nolin: It was clear, but that was not the question.

Senator Roche: Honourable senators, let me try that again.

From what the Honourable Senator Carstairs has said, I take it that there would be a vote on the report. Senator Carstairs tells us that she intends to vote against that report. If the report is defeated, then the report will not exist.

Senator Carstairs: That is right.

Senator Roche: In deciding how I will vote on the report, since I cannot vote on each of these amendments at this particular stage, I am still lacking in my own mind a notation of what each of these amendments in the report purports to do, so that I can come to a judgment as to whether I will support it or not. I might be in favour of some amendments and against others. However, because I will only have one vote on the report, I have to weigh the amendments, and therefore, I need some material that will help me to do that.

Senator Carstairs: I do not think it would be fair for me to give the Honourable Senator Roche such a notation. I think the only thing I could recommend is that each senator who moved a motion has, in fact, spoken to that motion. At least, I think so. I certainly responded to their speeches in my speech, and then to the last amendment in the question to Senator Nolin.

Honourable senators, I anticipate — and I should never anticipate, since it is not a good thing to do — that if the report were defeated, individual senators in this chamber will then make individual amendments. At that point, the honourable senator can decide on the merit of that individual amendment. That is part of the reason I urge you to vote against the report, because I have to tell you, I can see no consistency in the amendments that came forward. I thought some of them tried to make the bill more liberal, and some of them, I thought, were ultra-conservative. I could not find a balance and a theme for the overall report.

Hon. Marcel Prud'homme: Honourable senators, coming from the House of Commons as I do, in my view one cannot have too many amendments on third reading. I know we have different rules here, about which I am pleased to inform the new senators, because I, too, am a new senator on this matter today. I learned that it is not the same as in the House of Commons. In the House, you can only delay for six months, or return the bill to the committee with instructions to look into the clauses.

The leader has said that we might amend the bill at third reading. If we were to vote against the report then we would go to third reading, and in third reading there will be an amendment or amendments. One of them could therefore be, as in the House of Commons, that this house returns the bill to the committee with instructions to revise the following articles. I want to be clear that that would be acceptable.

Senator Carstairs: It would not be acceptable to me, honourable senators, but it certainly may be acceptable to the Senate.

Yes, of course, third reading is quite different in the Senate of Canada that in the other place. A voice motion may be moved, or a return to a committee motion, or the same amendments in the report could be moved again, but individually, as opposed to grouping them.

The Hon the Speaker *pro tempore***:** Is the house ready for the question?

Senator Kinsella: Honourable senators, I rise on a point of order. The questions and answers that have just been exchanged lead me to ask for a clarification. Rule 97(5) speaks to a committee's report with amendments. It reads:

> When the report recommends amendments to a bill, or makes proposals that require implementation by the Senate, consideration of the report shall not be moved unless notice has been given...

Senator Roche asked whether the motion before us could not be properly divided. It is not at all uncommon in parliamentary practice to divide questions, even if the matter is before us right now.This is an ordinary motion. The motion is to adopt the report of the committee, but because there are many parts to the committee's report, and some number of amendments, the practical problem correctly raised by Senator Roche is that he may be inclined to support certain ones but not others. That is precisely why I think that in parliamentary practice the principle or the practice of dividing questions is vague.

Therefore, my question to the house on this point of order is: Is it not in order that this question could be divided?

•(1610)

Senator Carstairs: Honourable senators, I am not sure that the honourable senator has raised a point of order, but he is correct that the rules do allow for a report to be divided.

Senator Kinsella: With concurrence, and on that understanding, I wish to move that only amendment no. 1 in the report be voted upon in order that those who wish to support it can do so and those who wish to oppose it can do so.

The Hon the Speaker *pro tempore*: I thank Honourable Senator Kinsella. However, the question before us is for the adoption of the report.

Is leave granted to divide the report, as Senator Kinsella is requesting? Leave of the house is required to divide the report because we have before us a motion for the adoption of the report. Is leave granted?

Some Hon. Senators: No.

The Hon the Speaker *pro tempore*: Is the house ready for the question?

It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, that this report be adopted.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon the Speaker *pro tempore*: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon the Speaker *pro tempore*: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon the Speaker *pro tempore*: In my opinion, the "nays" have it.

And two honourable senators having risen:

Hon. Terry Stratton: Honourable senators, I request that we defer the vote to Friday next.

Hon. Bill Rompkey: Honourable senators, I wish to defer the vote until Monday next and, with leave of the chamber, I ask that it be deferred to 9 p.m. with a 15-minute bell.

The Hon the Speaker *pro tempore*: Is it agreed, honourable senators, that the vote be deferred until Monday next at 9 p.m., with a 15-minute bell?

Hon. Senators: Agreed.

Motion agreed to.

AERONAUTICS ACT

BILL TO AMEND—FIRST READING

The Hon the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-44, to amend the Aeronautics Act.

Bill read first time.

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

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

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill C-24, to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other acts, and acquainting the Senate that they have passed this bill without amendment.

EXPORT DEVELOPMENT ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Hon. Senator Robichaud, P.C., seconded by the Hon. Senator Ferretti Barth, for the third reading of Bill C-31, to amend the Export Development Act and to make consequential amendments to other Acts.

The Hon. Raymond C. Setlakwe: Honourable senators, I am happy to address my comments at third reading of Bill C-31, to amend the Export Development Act.

This bill is the result of a legislative review called for in 1993. This review began in 1998, and it is only now, with the bill about to be adopted, that this exercise is coming to an end.

Canada has long been a trading nation. If we take into account our population, we are the most prolific merchants in the industrialized world. Our prosperity depends, in large part, on our success in foreign markets. We are lucky to have a business sector and workforce that have adapted quickly and effectively to the new requirements of these markets.

[*English*]

As the legislative review made abundantly clear, the EDC is a key player in responding to these demands. The business that the EDC supports accounts for approximately 4 per cent of our gross domestic support. This is a remarkable role for a single firm. When we propose to alter the laws that govern its operations, we should remember that it is not only the EDC that will feel the effects of these actions, but also the thousands of Canadian firms that are enabled to take their industry to the world through EDC. It is this broader community of interests that is at stake.

I will confine my remarks to a few salient issues that have been raised concerning this bill, particularly those issues that honourable senators discussed during the review of the bill in committee.

The bill's critics have alleged that the discretion given to the EDC's board to implement the environmental obligation means that the EDC will simply ignore the obligation when it suits their convenience. They also allege that there will be no public or political accountability for the EDC either in developing its environmental directive or in taking decisions under it.

Let me be very clear on this point. This bill creates a binding legal obligation on the board of the EDC. It will have the effect of law; it will be the law.

•(1620)

At this point, I should like to refer to a question that Senator Angus put to Ms Adams during the committee hearings. Senator Angus said:

> You have a lot of items on your ship lift. Basically your main focus is the environment in other countries and human rights, is that right? I do not think you challenge the EDC generally. Do you think there is a good reason to have an EDC in Canada?
>
> **Ms Adams:** No, I do challenge that. I do not think that there is a legitimate public policy purpose for EDC to exist.

I think that speaks for itself.

[*Translation*]

Honourable senators, some of you have already commented that Bill C-31 would remove the EDC's environmental directive from the requirements of the Statutory Instruments Act. This legislation establishes an obligation for the legislative examination and prior publication of government regulations. Most of these follow this procedure, although there are exemptions in certain cases. In this case, exemption is required because of the objective served by the EDC's environmental directive and the area in which that directive will apply. This is not a national regulation. It does not, in fact, apply to other projects carried out in Canada. Its application is exclusively extra-territorial. This gives rise to the first question. The directive will be in effect in more than 150 countries in which the Corporation carries out activities. Generally, countries tend to avoid extra-territorial application of their legislation, unless special bilateral agreements have been signed. By exempting this directive from the requirements of the Statutory Instruments Act, the government is in line with general foreign policy practice.

[*English*]

This is clearly not an unfettered discretion. Nor is this work going on behind closed doors. EDC has undertaken one of the most vigorous public consultation programs of any public agency in Canada. It has gone out proactively to hundreds of organizations, individuals and businesses for input on its environmental and disclosure policies. It has conducted consultations across Canada and employed leading consulting firms to assist with the process. It has published the results of these consultations for further public reflection and input.

These are not ad hoc measures. On the contrary, public consultation has become the foundation for changing EDC's policies. It has helped it to develop one of the most comprehensive disclosure policies of any export credit agency in the world. In due course, EDC's new policies will be published in their final form.

Two years thereafter, the Auditor General will conduct a second audit of EDC's revised environmental directive at the direct request of the Minister of International Trade. The report of that audit will be made public and tabled in the House of Commons and in this chamber and open for all to see. The government is confident that the Auditor General's ongoing oversight will ensure both excellence in the directive's design and diligence in its implementation.

Canada is not alone in taking this approach. I want to stress clearly that not one of the 30 OECD nations uses a domestic deregulation for the environmental review of export credits. It has been government policy for over 10 years that Canada's approach to this issue should match that of our international competitors. Exempting the directive from the requirements of the Statutory Instruments Act also respects this policy.

I mentioned that EDC's environmental directive could be applied in over 150 countries. Environmental assessment science is developing rapidly, as are the legal requirements for it in different countries. In addition, the environmental policies of other international institutions are also changing rapidly. This is a highly dynamic field. EDC will have to keep pace with these developments and needs the ability to modify its procedures and standards quickly. I would challenge the critics to identify a single Canadian regulation that meets such broad demands. Exempting the directive from the act will permit its rapid adjustment to changing competitive and technical circumstances.

Finally, the exemption from the Statutory Instruments Act in no way removes Parliament's authority to examine the directive. As I have already noted, the Minister of International Trade has asked the Auditor General, an officer of the House of Commons, to conduct another environmental audit in two years, and present her findings to Parliament. It is fully within our powers to review those findings, to call witnesses and to make whatever recommendations we wish.

[*Translation*]

Honourable senators, when we looked at Bill C-31 in committee, some of you said that one provision in the act criminalized freedom of expression, by stipulating that use of the corporation's acronym without written authorization constitutes a criminal offence. I find that a bit far-fetched. The standard rules of legal interpretation lead us to read the text of a law in light of the objective and context of that law. The provision in question is clearly intended to prevent misuse of the corporation's name for commercial purposes, and is similar to a provision in the Business Development Bank of Canada Act, one that has moreover been reinforced in a recent amendment to that act, I might add.

[*English*]

This provision has been in force for the Business Development Bank since 1995, and there is absolutely no evidence of its abuse. There are analogous provisions in other federal statutes to prevent improper uses of the names of banks and insurance companies. As a criminal provision its enforcement would lie with the Attorney General of Canada. To suggest that the Attorney General would use this clause to muzzle EDC's critics is simply absurd.

It was also suggested that if the provision's intent is benign, it should be amended to clarify this. With respect, the phrase is well designed as it stands. The generality of its reference to business purposes is necessary to cover the broad range of transactions in which EDC engages. These include loans, various forms of insurance, financial guarantees, bid and performance bonds, but would also include such things as the issuance of letters of interest. Hence, the need for the general formulation that we find in this clause.

[*Translation*]

Honourable senators, in Bill C-31, the government has included some very considered provisions to promote improvement of the operation of the Export Development Corporation. It is a great friend of Canadian exports. I urge you to support its passage.

Motion agreed to and bill read third time and passed.

[*English*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

EIGHTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the Rules—Senators indicted and subject to judicial proceedings) presented in the Senate on December 5, 2001.—(*Honourable Senator Austin, P.C.*).

[Senator Setlakwe]

Leave having been given to proceed to Reports of Committees No. 10:

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, I believe this report constitutes some of the most serious work and consideration that the Standing Committee on Rules, Procedures and the Rights of Parliament has conducted in the last several years. The issue here is a code of conduct in a specific circumstance. That circumstance is the unfortunate event when a senator may be indicted in regard to the alleged commission of a criminal offence.

•(1630)

The indictment indicates that this is a serious offence under the Criminal Code. We are not dealing here with situations where a senator may be charged with an offence that leads to summary conviction but only to circumstances with regard to indictment.

Honourable senators are aware of events that have transpired in the past, and the committee itself has met many times to seek a balance between the fairness of treatment of individual senators and our requirement to protect and defend the dignity of Parliament.

In summary, our report says the following: At the point where a senator is indicted, that senator will be given a leave of absence under the rules with respect to attendance in committees and in the chamber itself. The purpose of that leave of absence is to protect the dignity of Parliament because no person should be seen to be making the laws of Canada while under indictment.

No implication is to be given to the fact that the rule requires a leave of absence. The presumption of innocence stands, and the Senate reflects not in any way with respect to the charge. It is solely for the purpose of the dignity of Parliament that we ask for the leave of absence.

Honourable senators are aware that, in general, senators have two principal capacities. One is the role as legislators. The other is their representative capacity; that is, the responsibility to represent our regions and the interests of the people in our regions, as well as our responsibility for minorities and other public interests that we have the right to designate as important to our agendas as senators. It is only in the legislative capacity that the senator is given a leave of absence. The senator, in the case of an indictment, will continue in the representative capacity and will continue to have the full services of his or her offices, as does every other senator.

This leave of absence will continue for as long as there is no conviction in the judicial process that affects the senator. Should there be a termination of the judicial process without conviction, then the senator is automatically restored to full rights of participation in their legislative role.

In the event of a conviction, the presumption of innocence is gone. In those circumstances, it is without any doubt desirable to preserve the status of the convicted individual as a senator until the full judicial process has expired. We have seen cases where there have been convictions and those convictions have been set aside, appeals fully allowed. It would be prejudicial in the extreme to affect that particular status until the entire judicial process is concluded.

However, upon conviction, as I have said, the presumption of innocence is lost. We now have a convicted felon in the Senate, and the measure we are recommending is that the representative role of the senator be unfunded by the Senate — in other words, suspended without pay. That puts the senator in a position where, on legal advice — and the committee has seen the same for other holders of public office, people who are school trustees, hospital trustees or senior public servants — the rule is generally suspension without pay.

However, if the conviction is set aside, the senator is returned to the full role of a senator and the pay part of the compensation package is restored in full, without interest and without the legal requirement to moderate the cost. There is no way to restore the service package which would have allowed the representative role.

That, in summary, is the report of the committee. I want to emphasize again that we spent many hours, in many meetings. Our debates were aggressive in examining both the entitlements of the individuals who make up the membership of this chamber as well as the requirements of protecting the dignity of Parliament. I commend this report to honourable senators.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I should like to ask Senator Austin a few questions, if he is prepared to answer them.

[*English*]

Senator Austin: Yes.

Senator Nolin: First, the honourable senator talked about the leave of absence. I understand that in the committee report there is also a procedure by which a senator can ask for a leave of absence. Can he give us an example, apart from the judicial consequence for a senator?

Senator Austin: Honourable senators, because the proposed rules are based on attendance, in drafting the rules, it became clear that we would have a rule that created exceptions to attendance. Under the Parliament of Canada Act, we have, as exceptions, a senator absent on government business, a senator absent on public business, and a senator absent for 21 days but fully paid for those 21 days. Thereafter, the senator would not be paid and the deduction of $250 would take place.

However, we have left open the possibility under the rules that the Senate at a future time might be willing to listen to a motion by any senator asking for a more extended absence from the chamber for some reason, which would be seen by the chamber at that time as fitting. In the committee, there were some examples given. An honourable senator might be asked to teach a course at an eminent university, which would be by definition any Canadian university. They might ask for leave for a fall term to teach a course on government. That is one possibility. There are so many hypotheses. I would leave that example as a possible basis.

I cannot predict what the Senate would set as its criteria in the future, but I would imagine that it would set something seen as a service to the Senate and not to one's personal interest, as in the example of "I need to go away for a year to work at a job to make some additional money so I can keep my $4,000 net worth interest."

Senator Nolin: Regarding the various possibilities dealing with the a senator who has been charged, I understand that after an acquittal, the senator keeps his or her allowance even though the acquittal arrives at the first appeal level.

Senator Austin: That is correct.

Senator Nolin: As soon as there is a conviction, the allowance stops. Is that right?

Senator Austin: That is correct.

The Hon. the Speaker *pro tempore***:** Is the house ready for the question?

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I would like to have spoken to this matter had the debate continued. All senators are aware that I am a member of no committees, but as a non-member of this committee I have certainly been one of its most regular attendees.

•(1640)

Senator Carstairs knows I am tough and intransigent. I absolutely agreed with Senator Carstairs who, in her integrity, considered a fine of only $250 after 21 days totally nonsensical.

[*English*]

In that, I was in total agreement with her. Now we have added our salary, and we still have a $250 fine. That means, for those senators who are fast in calculation, if we sit 60 days a year, we subtract 21 days we are allowed, and then we say, "I owe $250, multiplied by 10; that is $2,500; or by 20, that is $5,000; or by 40 days. If I do not show up for 40 days, I am still allowed over $60,000 or $70,000."

I am not the type of person who would ever accept such a ruling, but we have not changed it. We will have to change it. Senator Carstairs was the one who influenced me the most on that point. I sure she will not contradict me, if I remember well. I do not want to quote her unfairly, but we had a very rough discussion on this issue.

As for the question, I am now making a speech, and this is not what I want. My question is: Give us more. Give us a little bit more.

Yesterday, I attended the meeting and we were given an example. The meeting was *in camera*, so it was only members who were there, and I resent that very much. I cannot say to others what the question was that I had, and what was said, but he touched on the subject gently by saying "a leave of absence." I am worried about that.

The Senate gave a leave of absence of two years to someone who was mentioned yesterday. Someone goes to another pasture, not for personal gain, but what happens to that seat in the meantime? A province will be lacking a member for two years because, two years later, that member who was given the leave of absence for extraordinary reasons will come back and say, "Now I will take my seat. Step aside, baby, I am back." These things ask for reflection.

To be positive, I wanted something of that kind to take place. I think now we are better than the House of Commons. At least, everybody knows we are much better than the House of Commons. We are way ahead of them. Now everybody will know we have a good report. What is the urgency now to have it without everybody really understanding what the report is all about? I think we can sit on it and reflect, and then come back and say, "Now we are satisfied."

Some members who want to leave can leave. We are paid to work, so I do my best.

I would like you to give me more examples of this type of leave of absence. That is of great concern. Why are we still stuck with $250? Is it because it is too difficult to change it? If I had been a member of the committee, I would have put the amendment, as we have tried in the past, so that members will perhaps be more attentive to their duties.

It is always the same people who are around here. Look around. You will see that it is always the same people who carry the burden for some who are not as attentive to their duties. I will not name names, because that is ungracious and unparliamentary, and certainly not our habit in the Senate.

Give us more examples so that I can reflect, and we will see what we will do when the bill is called.

Senator Austin: Honourable senators, Senator Prud'homme has been very diligent in attending the meeting of the committee that concluded this report. He participated in the discussion in that committee on several occasions. I saw two questions in his remarks.

With respect to the $250, that was the amount in the previous rule. We have simply restored it because there were changes made by the last amendments to the Parliament of Canada Act on salaries and expenditures, which had the effect of reducing that amount.

With respect to other hypothetical circumstances, I did present another hypothesis in the committee. I spoke about a situation where the Government of Canada might want to appoint a senator to a short-term diplomatic office because of the skills of that particular senator, which would serve the Government of Canada well for a period of time. I mentioned Senator Frith as an example.

Of course, there is no question here of doubling up on pay or compensation or any financial benefit. There would only be one financial package. I said that might be something the Senate might consider at a future time. However, the Senate might not wish to give its consent, for good and sufficient reasons. Senator Prud'homme has given one reason, and that is that the absence of the senator from participation in the business of the Senate on behalf of his or her region removes one component in a very serious part of the governance of Canada.

We could debate the hypothesis. All we are doing is creating an enabling capacity. It will be for the Senate, at a future time, to decide whether anyone who applies has provided sufficient public policy justification to have the Senate act in a direct way.

With respect to the final question, the urgency of the matter, I have said in my remarks to begin with that this matter has gone on for a very long time in the committee. I say this indiscreetly, but as the honourable senator is not a member of any caucus, I can tell him that it has had a lot of caucus discussion over a very long period of time. I believe that your colleagues in the chamber, at least, have had a great deal of time and exposure to these issues. Your concern that they may not yet be adequately prepared to act on this matter, I believe, is not one that is correct.

Senator Prud'homme: When our gracious Queen, the Queen of Canada, commanded me to come to the Senate — as I was reminded of yesterday — she ordered me to put aside all my activities to concentrate whatever I had to offer to Canada to the activities of the Senate. I am still trying to reconcile this command of our gracious Queen, because that is the theme. Would the honourable senator kindly answer me?

The Hon. the Speaker *pro tempore***:** Honourable Senator Prud'homme, I am sorry, but the time for questions has expired.

Is the house ready for the question?

On motion of Senator Nolin, debate adjourned.

YUKON BILL

SECOND READING—DEBATE ADJOURNED

Hon. Ione Christensen moved the second reading of Bill C-39, to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts.

She said: Honourable senators, the hour is late and I ask for your indulgence to make a rather comprehensive presentation on an important piece of legislation to a very special part of Canada: Bill C-39, the Yukon bill.

•(1650)

As someone whose working life has revolved around the developing North, this is a very proud moment for me. It is a pleasure to introduce to the Senate legislation that will be yet another step in bringing responsible government to Yukoners. After years of hard work and dogged determination, the government and the people of the Yukon have concluded a fair deal with the federal government that will see northerners take over responsibility for land and resource management.

This legislation has been 22 years in the making. Among other things, it gives legal legitimacy to the letter of instruction given to the commissioner by the Minister of Indian Affairs and Northern Development back in 1979. This legislation also provides for the implementation of the long-negotiated Devolution Transfer Agreement, the DTA, which transfers the management and administration of Yukon lands, resources and water from the Northern Affairs Program of DIAND to the Yukon government.

Honourable senators, while Bill C-39 is not a constitutional change, it represents a major milestone in northern development, indeed in Canada's development, and a great step forward for the government and the people of the Yukon.

Let me take a few moments to share with honourable senators just how far we have come. When the Yukon was established as a territory in 1898, the government of the new territory was comprised of a commissioner and an appointed advisory executive council reporting to the minister of the interior. That was quickly changed to four elected council members, but the territorial administration continued under the direction of the commissioner until 1979. It will only be with this legislation that those changes will be set into law. However, the devolution of administrative responsibilities has been ongoing.

By the mid-1960s, the Yukon government administered schools, public works, welfare and other local matters. During the 1960s and 1970s, the elected members continued to gain responsible power. In 1979, the commissioner was instructed to follow the advice of the elected council consistent with the principles and the operation of representative and responsible government.

The process of transferring responsible government to territorial governments continued. By 1987, responsibility for the Northern Canada Power Commission was transferred to the Yukon government.

In September of 1988, a memorandum of understanding on devolution was signed between the Minister of Indian and Northern Affairs and the Yukon government leader setting out the commitment to facilitate the transfer of remaining provincial-type responsibilities to the Yukon government.

Over the years, there have been additional transfers of power to the Yukon, including freshwater fisheries and mine safety in 1989, inter-territorial roads in 1990, Yukon's portion of the Alaska Highway in 1992, hospitals in 1993, community health in 1997, and oil and gas in 1998. The major outstanding function to be transferred is that addressed in this initiative: land and resource management.

Honourable senators will know that under our Constitution the functions and powers pertaining to the administration and control of lands and resources and their titles rests with the provincial governments. In the North, however, the federal government has been performing these functions pursuant to a number of acts, in all three territories of Canada, through the Northern Affairs Program of the Department of Indian and Northern Affairs.

Since the mid-1970s, the Yukon government has received administration and control of a limited number of blocks of land to establish a network of communities and municipalities in the Yukon. These transfers of land were achieved through the issuance of Orders in Council under the authority of the Territorial Lands Act. They did not encompass powers over the subsurface rights. What is being proposed in this bill is to transfer the administration and control of land, water and resources to the Yukon government. Although ownership will remain with the federal government, the Yukon government will be able to exercise decision-making powers over those lands, waters and resources for all practical purposes as if it were the owner.

Honourable senators, while these changes reflect the maturity of the Yukon government, they also respond to the aspirations of Yukoners to build a modern, dynamic economy. As Premier Duncan told the standing committee in the other place, the transfer of oil and gas responsibilities has been an important catalyst for economic development in the Yukon. The impact of the changes being proposed in this initiative will be even more far-reaching and dramatic.

The provisions of the Canada-Yukon Oil and Gas Accord Implementation Act provide a net fiscal benefit to the Yukon in respect of reserves of oil and gas development in the territory. Premier Duncan indicated to the standing committee her government's firm resolve to utilize these new powers to reduce its dependence on federal funding over time as a result of its increased capacity to manage the resources that drive the local economy. Self-sufficiency and self-determination are precisely what northerners have been working toward for as long as I can remember.

Honourable senators, what makes Bill C-39 so significant is that, with the administration and control of these critical areas of jurisdiction, the Yukon government will have received almost all the provincial-like powers it has long sought.

The new authorities over land and resource management are embodied in the Development Transfer Agreement and are reflected in the new Yukon bill. The DTA sets out the terms and conditions for the transfer of these comprehensive new powers.

The process that brought us to this stage has been, like all the history of devolution in the territory, a long and challenging experience. It all began with the initial federal proposal launched by then Minister of DIAND, Ron Irwin. That proposal was put out for public consultation five years ago.

Following those preliminary consultations, in January 1997 the federal government presented a devolution proposal to transfer the control and management of the lands and natural resources responsibilities to the Yukon. The comprehensive proposal included adequate and appropriate measures to protect the interests of Yukon First Nations.

In June of that year, the Yukon territorial government and the Council of Yukon First Nations conditionally accepted the proposal. However, they raised a number of issues that they wanted addressed before proceeding. Consequently, the federal, territorial and First Nations negotiation teams began to work to clarify and address these issues.

A major breakthrough came in September of 1998 with the signing of the Yukon Devolution Protocol Accord to secure a multi-party agreement on a framework that would permit both First Nation land claims negotiations and the devolution negotiation process to move forward separately but simultaneously.

Within less than six months, in February 1999, the Government of Canada, the Government of Yukon and First Nation negotiators reached a set of understandings on key issues. That was followed by multi-party negotiations to negotiate the final Devolution Transfer Agreement and to develop draft legislative powers to give effect to that agreement.

[Senator Christensen]

Later in 1999, the Yukon government conducted public consultations on possible improvements to the Yukon Act. Following these consultations, the Yukon government proposed a number of amendments to the act. Soon after, drafting of the proposed Yukon act by the Department of Justice began. Various drafts of the bill were shared with the Yukon government and First Nations who carefully and thoroughly reviewed each draft of the bill and provided significant comments on all aspects of the legislation.

•(1700)

The draft bill was also shared with the Gwich'in Tribal Council and the Inuvialuit Regional Council of the Northwest Territories, as both organizations have signed land claims and treaty rights in the Yukon. This fall, the Yukon government and the Council of Yukon First Nations gave their endorsement of the Devolution Transfer Agreement and the bill, confirming that their needs had been considered and adequately met.

Honourable senators, Bill C-39 captures and reflects the concerns of all Yukoners and has won support of parliamentarians representing all parties.

The Devolution Transfer Agreement given effect in part by this bill provides a good package for the Yukon government, the First Nations and Yukon people — indeed, all Canadians. It is a wide-ranging comprehensive document that, in seven chapters and 200 pages, covers all aspects of the devolution responsibilities. It transfers not only the management of lands, minerals, water and programs but also the financial resources the Yukon government requires to meet the needs of its citizens. It is a fair deal for Yukoners, from many points of view.

First, let us look at the financial elements that are fundamental to exercising the new powers and responsibilities being turned over to the Yukon. The Yukon government will receive approximately $35 million annually on an ongoing basis. This represents DIAND's current A-based operating budget for the programs being transferred.

In addition, the Yukon government will keep the first $3 million raised from resource revenues without impact on the territory's formula financing grant. Any excess resource revenues will then reduce the formula financing grant dollar for dollar. This would ensure that the Yukon receives a fiscal benefit from the development of lands, water, forests and mining resources. This arrangement will be reviewed five years after the devolution date. However, it must be noted that this $3 million is in addition to the provisions of the Canada-Yukon Oil and Gas Implementation Act, which provides a net fiscal benefit to the Yukon from oil and gas developments in the territory. The Yukon government will also receive approximately $27 million in transition and one-time funding over a number of years to cover transfer-related costs.

The Yukon government will take ownership of all Yukon-based equipment such as computers, furniture, vehicles, fire suppression equipment and field testing equipment owned and used by the current Northern Affairs Program, the NAP. All buildings, office or otherwise, owned and used by the NAP will be transferred to the Yukon government. Staff houses that are not purchased by NAP employees will be transferred to the Yukon government at no cost. Space in federal government buildings occupied by the NAP in the Yukon will be leased to the Yukon government at market rates, and existing third-party leases and contract agreements held by the NAP will be assigned to the Yukon government.

Honourable senators, due to the importance of forestry to Yukoners, the DTA contains a chapter devoted to the forestry sector and fire suppression costs. Under the DTA, the Government of Canada and the Yukon government will share extraordinary forest fire suppression costs for a five-year period. Canada's share of the cost will be 80 per cent in the first year of devolution and will decrease by 10 per cent each year to 40 per cent in the fifth year following the transfer. In addition, the federal government will share fire suppression costs for a five-year period and provide an additional $7.5 million toward a special fund for future years.

As well, the Yukon government can, through its formula financing agreement, seek additional federal assistance in the event of extraordinary circumstances beyond the Yukon government's fiscal means to control. Those who are used to boreal forests will know that forest fire suppression can be a very expensive situation.

Protecting the fragile environment of the Yukon region has been given careful consideration in the Devolution Transfer Agreement. There are several provisions in the DTA designed specifically to address environmental concerns. The federal government will retain financial responsibility for remediating hazards to human health and the environment, created prior to devolution, of known or any newly discovered abandoned hazardous or contaminated waste sites in the Yukon. The department has set aside $20 million, $2 million a year over 10 years, for this purpose.

With respect to mines and other major projects, the underlying principle of polluter pays is upheld in the Devolution Transfer Agreement. However, in the event of abandonment of hazardous sites, the agreement sets out a process to address remediation or emergency actions that may be required for major mine sites where Canada may have had some responsibility for its share of the environmental remediation cost — if and when these are abandoned by their owners.

The underlying principle, honourable senators, is that Canada will remain responsible for the assessment and remediation of health and safety hazards and hazards to the environment at abandoned sites created while Canada had administration and control of the lands. The Yukon government will be responsible for remediation of sites caused by activities after the effective date of the transfer.

Many Yukoners are keen to see the construction of an oil and gas pipeline in their territory which would create jobs and encourage economic development throughout the region. However, they are just as committed as other Canadians to ensure a sustainable pipeline project. The National Energy Board will continue to have authority over the issuance of permits establishing terms and conditions for the construction of a pipeline that crosses interprovincial or international boundaries. Assessment of environmental aspects of an interprovincial or international pipeline will continue to be the jurisdiction of the Canadian Environmental Assessment Act. Canada will work with the Yukon government and First Nations in the environmental assessment of a pipeline project.

The powers of the minister responsible for the Northern Pipeline Act to issue water licences or authorize expropriation of land for the purpose of constructing a pipeline in the Yukon, under certain circumstances, have been retained in the bill to protect federal interests. The DTA and the act also contain provisions that authorize the Government of Canada to take back from the Yukon government administration and control of public lands in the national interest — such as for security and defence, as well as for other national purposes — including the welfare of Indians and Inuit as well as to conclude or implement land claims agreements.

Honourable senators, negotiators for this agreement took equal care to look out for the interests of federal employees who will see their jobs changed as a result of devolution. Federal negotiators recognized the significant contribution DIAND employees have made to the development of the Yukon. They were determined to ensure that these employees' skills and knowledge would be available to the territorial government once the devolution takes effect. Under the terms of the agreement, each of the 240 indeterminate federal DIAND employees will receive an offer of indeterminate employment from the Yukon government approximately six months prior to the date of devolution. As there is adequate lead time to complete thetransition, both the public service and the general public in the Yukon can be assured of a seamless transition.

The Yukon's job offer will be to a position whose duties and responsibilities match as closely as possible those of the person's federal position. The salary of any federal staff member who accepts a position with the Yukon government will be equal to the employee's base federal salary plus the environmental and cost-of-living components offered under the federal isolation post allowance. There will be no impact on pension entitlements for federal employees who accept the territorial government's offer of employment, as Yukon government employees are members of the Public Service Superannuation Plan.

•(1710)

Several benefits provided by the Yukon government are not available in the federal system. For example, workers who choose to accept a transfer offer will find that anyone who has completed five years of continuous federal service is entitled to an additional five days of long service leave with the Yukon government. The Yukon vacation benefits are also more generous than those in the federal system.

The single most noticeable difference between the two governments is the isolated post allowance. Under the federal system, employees living and working in isolated areas are entitled once a year to airfare for the entire family to the nearest major centre. However, as a territorial government employee, they will be entitled to a lump sum of $2,042 regardless of whether they travel or not.

Over all, honourable senators, the terms and conditions set out in the agreement meet and, in some cases, exceed the requirements of an Alternative Service Delivery Type 2 Transfer that the federal government negotiated with the federal employee unions. This is a fair deal for affected federal employees.

Honourable senators, this legislation, in clause 27, also fully considers the interests of francophone residents in the area. Bill C-39 preserves the protection of minority language rights in the Yukon. This bill, like the current Yukon Act, ensures that the language rights provided in the Territorial Language Act cannot be diminished without Parliament's concurrence. In addition, the DTA stipulates that the provision of land and resource management services in Canada's two official languages after devolution will be based on criteria similar to that set out under the Official Languages Act. The Yukon government will ensure that territorial legislation related to land and resource management programs will incorporate service standards consistent with the Official Languages Act.

In practical terms, this means that communications and services to the public in both English and French will be provided at the Yukon office that serves the greatest number of people requesting services in the French language, which for now is expected to be the Whitehorse office. In addition, the agreement sets out other conditions under which bilingual services will be provided. Such conditions are generally based on those set out in the regulations under the federal Official Languages Act.

A further reflection of the assurance of minority language rights under the transfer agreement is that French and English are to be given equal prominence in advertising and public notices and that signage at territorial offices provides information and services related to public lands, minerals and water resources to be in both official languages, each being given equal prominence. Should a problem arise, the Yukon government's Bureau of French Language Services will be mandated to deal with these concerns.

Honourable senators, while all the clauses and subclauses of this bill are extremely important to northerners, perhaps the greatest value of the modernized Yukon act is its impact to Aboriginal and non-Aboriginal relations. It is no secret that there is a long history of tension between First Nations and public governments that has hampered the kind of progress represented in this initiative.

Successive Ministers of Indian Affairs and Northern Development have given priority to the devolution of provincial-type programs and services to the Yukon government because of their conviction that we should strengthen government-to-government relations. The transfer agreement and Bill C-39 have proven them right.

That agreement and this legislation reflect the very careful consideration that has been given to the needs and priorities of First Nations to ensure their rights and interests will be fully protected. A number of provisions are included in the agreement and in the Yukon bill for the protection and implementation of the rights of Aboriginal people.

For example, there are provisions in the agreement stating that the conclusion of outstanding land claims and self-government agreements will be continued as a matter of high priority by the parties. Similarly, other provisions have been included to ensure that the transfer of land and resource management powers will not impede the claims and the self-government negotiations. For example, land protection measures in the DTA set out the steps to be taken by Canada prior to devolution and by the Yukon government after devolution to withdraw selected lands from disposal for the benefit of the conclusion of land claims. These measures include the withdrawal by the Yukon government of 120 per cent of lands remaining to be selected for the claim settlement.

As noted earlier, the agreement and the Yukon bill include provisions to take back the administration of land for the purpose of concluding land claims.

Finally, both the Yukon bill, clause 3, and the DTA include provisions for greater certainty providing that Aboriginal and treaty rights under section 35 of the Constitution Act will not be abrogated or derogated.

On the basis of such provisions and the benefits offered by the transfer to First Nations and Yukoners in general, the Council of Yukon First Nations, in a resolution adopted on October 4, indicated its view that the transfer agreement enhances the provisions of final agreements and self-government agreements and safeguards the rights, titles and interests of those First Nations that have not ratified their claims and self-government agreements.

Honourable senators, I think it is important to note that aside from land claims considerations, Yukon First Nations will be direct beneficiaries of this package. For example, the Yukon government will continue to fight forest fires on settlement lands after the first five years provided for in the Umbrella Final Agreement. Both governments will continue to remediate hazards on settlement lands and have set out a consultation mechanism for carrying out these remediations.

The DTA also sets aside funds to be provided to Yukon First Nations once they have concluded their respective self-government agreements and programs and service transfer agreements.

Perhaps most importantly, the agreement includes commitments by the Yukon government to cooperate with First Nations in the development of successful resource legislation as well as a communication protocol in respect of the Yukon government's policies, procedures and decisions to safeguard First Nation relationships in Yukon.

However, despite these measures, the Tribal Chief of the Kaska Tribal Council has indicated that the council will not support devolution to the territorial government prior to the conclusion of its land claim.

In summary, honourable senators, I want to reiterate what I believe are the most critical aspects of this progressive legislation. First, Bill C-39 enables us to implement the devolution transfer agreement, the very heart of this legislation. This is the primary purpose of the bill. Once it receives the approval of this chamber, the many measures I have outlined today will become law, we hope as early as April 1, 2003, to give time for further progress on settling claims and self-government agreements as well as to ensure the Yukon government has time to prepare for a seamless transition.

The new Yukon act will transfer significant new law-making powers to the Yukon legislature. The devolution of all land and resource management to the Yukon government will give local political leaders decision-making authority over matters fundamental to the well-being of Yukoners. Yukoners will decide if, where and when land and resource development should proceed, and it will be Yukoners who will reap the financial rewards associated with these new responsibilities.

•(1720)

Second, the Yukon bill recognizes the political realities of the North and the dramatic changes that have taken place since the days of 1979 when responsible government in Yukon was first recognized. Bill C-39 will bring the legislative framework into line with what has been common practice for the last two decades: recognizing the existence of responsible government in Yukon and providing its legislature with the capabilities to operate in much the same fashion as provincial legislative assemblies.

Once this bill takes effect, the legislature will sit for up to five years, as is the case elsewhere in Canada. Decisions about everything from the location of the capital city to dissolution of the legislative assembly will be made by locally elected officials in Whitehorse, and not by Ottawa. In most cases, consistent with the principles of responsible government, the commissioner will be required to act only with the consent of the executive council.

The bill also contains provisions to repeal the federal powers of instruction to the commissioner 10 years after the new act is brought into force. While the federal government was prepared to eliminate this provision immediately, its retention for a specific time period is consistent with the request made by the Yukon First Nations and agreed to by the Yukon Government.

The bill also includes powers for the Governor in Council to reserve approval or to disallow Yukon legislation where appropriate. These powers are comparable with the relationship that the federal government has with provincial governments under the Constitution.

Under the bill, the Auditor General of Canada will continue to be the auditor for Yukon. However, the proposed act also contains a number of new provisions that would be brought into force at a later date with the consent of the Governor in Council that would permit the Yukon legislature to appoint its own auditor general. These new provisions, developed in consultation with the Auditor General, would set the framework within which the auditor general of Yukon would carry out its duties and functions in a manner that would preserve the independence of the auditor from the government.

Honourable senators, the third key aspect of Bill C-39 is that it modernizes the legislative framework of Yukon, consistent with current practice. Provisions setting out the powers of the legislature more closely reflect those of provinces under the Constitution Act, 1867. In addition, the bill would rename "Council" to "Legislative Assembly" and the "Commissioner in Council" to the "Legislature of Yukon." The former "ordinances" of Yukon will now be the "laws" of Yukon.

The fourth aspect to keep in focus is the fact that the bill will result in consequential amendments to a large number of federal acts, over 100. These changes reflect the fact that, as a result of the transfer, four federal acts, the Quartz Mining Act, the Placer Mining Act, the Yukon Waters Act and the Yukon Surface Rights Board Act will be repealed. In addition, the Territorial Lands Act, which applies to both the Yukon and the Northwest Territories, will be made non-applicable for Yukon.

A significant number of consequential amendments are made to change the reference of "Yukon Territory" in federal legislation to simply "Yukon" as requested by the Yukon government. All federal legislation that is repealed will be mirrored in Yukon legislation.

Finally, and most significantly, Bill C-39 recognizes that people at the local level are far closer to both the challenges and the solutions, and that their voices must be heard and reflected in legislation affecting their lives and their livelihoods. This legislation places resource management decision-making in the hands of people most knowledgeable about the local conditions and those most affected by the consequences of those decisions — Yukoners. It puts the tools of economic self-sufficiency, as well as the financial resources required to nurture economic development, in the hands of the Yukon government. More than that, it speaks to the confidence of all Canadians in northerners' capacity to manage their own affairs. It reflects the growing recognition and respect across Canada for the maturity of the Yukon government and its ability to oversee these important portfolios.

This legislation publicly acknowledges that the Yukon government has proven its capacity to make responsible decisions in the best interests of territorial residents. It concedes that decisions made in Whitehorse will inevitably be more sensitive and responsive to local needs. Equally important, with increased responsibility comes increased accountability, and it will be local decision-makers who answer to their constituents.

Honourable senators, this legislation represents a new beginning for all Yukoners. Bill C-39 empowers Yukon people to better determine their own destiny and to discover new ways to become greater contributors to Confederation. The new Yukon Act is a major step forward on the path to a stronger and more united country that speaks volumes about Canada's prospects in the 21st century. It is testimony to what we can achieve when we work together in productive partnerships. This bill sends a clear signal that the key to building strong, prosperous communities is to foster local solutions for local challenges.

Honourable senators, not only is this progressive legislation a fair deal for Yukoners, it is a good deal for Canadians. Yukoners are ready to take on these new responsibilities. Our First Nations have set the national standard in land claim processes. The date of implementation of the DTA has been set for 2003 to allow final settlements of all land claims so that we can go forward together, but there may be those who choose not to settle at this time. Where that happens, their future rights are fully protected.

As a Yukoner who has been a part of this process for over 30 years, I encourage my honourable colleagues to review this bill, to hear our witnesses, and to give considered passage to this historic legislation.

On motion of Senator Kinsella, for Senator Cochrane, debate adjourned.

[Senator Christensen]

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

STUDY OF DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS— POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"—MOTION ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:
>
> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the document entitled *Santé en français — Pour un meilleur accès à des services de santé en français*.—(*Honourable Senator Morin).*

•(1730)

Hon. Yves Morin: Honourable senators, I wish to support the excellent motion of the Honourable Senator Jean-Robert Gauthier, who wants the report on health care prepared by the advisory committee on minority French-language communities to be reviewed by the Standing Senate Committee on Social Affairs, Science and Technology.

This excellent study was done at the express request of Minister Allan Rock. This illustrates the great interest that our government is taking in the protection of francophone minority rights outside Quebec.

With regard to this report, I would like to point out the excellent work done by Georges Arès, President of the Fédération des communautés francophones et acadienne du Canada, and Hubert Gauthier, Director General of the St. Boniface Hospital, in Manitoba.

Section 41 of Canada's Official Languages Act guarantees to francophone minorities the right to health care services in French. The constitutional right of francophones to health services in their language is currently being debated before the courts. In fact, the Ontario Court of Appeal must render its decision on this issue tomorrow. As Minister Rock recently said, health is an important factor to help French-language communities thrive. As we know, the lack of health services in one's mother tongue seriously jeopardizes the quality of care, particularly in the case of psychosocial problems.

Therefore, the priority given to this issue by French-language communities themselves comes as no surprise. This was illustrated by the forum on health care in French, which was held in Moncton last November and which was attended by over 250 francophone leaders outside Quebec.

This is indeed a very serious situation, as was shown during that forum, since 50 per cent of francophones in Canada do not have access to health care in their own language. According to this excellent report, the solution to this serious problem is threefold: creating modern and efficient front line health services, setting up functional networks and, finally, training qualified francophone staff.

The first element has to do with the creation of primary care. We know that primary care is now recognized as the foundation of effective health care. This care is provided by a multidisciplinary team, French-speaking in this case, which will deliver the complete range of health care and be responsible for a given French-speaking population.

Health Canada has realized the importance of creating French-language primary care and recently decided to set aside an amount of between $10 million and $20 million for that purpose. This money will come out of the health transition fund for French-language primary care projects. These grants will be provided in response to requests from the various francophone communities outside Quebec.

In this connection, I wish to pay tribute to the excellent work being done by the Évangéline Community Centre on Prince Edward Island which, through a cooperative effort in their community, is now providing comprehensive care.

When our committee recently visited the maritimes, we had the pleasure of hearing Élise Arsenault, the community centre's director, talk about all facets of this excellent undertaking.

The second element has to do with the creation of functional networks, which will be based on the most recent, most accessible and fastest information technology. We know that a characteristic of French-language communities outside Quebec is their dispersal throughout Canada and the small number of people in many of them.

Accordingly, the creation of virtual groups of care providers for patients requiring information, remote care facilities and properly equipped training centres will resolve the problem of dispersion. Health Canada supports this solution, but sees in it a significant problem of additional resources.

Honourable senators, the final part deals with the training of the francophone clinical staff. This will obviously be associated with local hiring practices and remote location employment practices. Canada has a number of French-language training centres outside Quebec.

I would point specifically to the progress achieved recently by the University of Moncton, which created a faculty of health sciences a few months ago under the competent direction of its new dean, Normand Gionet. I am well aware that the University of Moncton was keen on a French-language faculty of medicine, and the artisans of this project, Dr. Aurèle Schofield, in charge of postgraduate medical instruction, and Dr. Rodney Ouellet, an internationally renowned cancer researcher, are behind it.

The project is national in scope, will benefit, once completed, all francophones outside Quebec and will help resolve the problem of manpower in large part. I would like to support this project, which, I understand, is still in its infancy.

In conclusion, it is vital to increase health care services in French for francophones outside Quebec. This will obviously be achieved with support from government authorities, if health care facilities are committed and the public is encouraged to participate. Honourable senators, this is what we should hope for.

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

Hon. Senators: Agreed.

Motion agreed to.

•(1740)

ASIAN HERITAGE

MOTION TO DECLARE MAY AS MONTH OF RECOGNITION ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Carney, P.C.:
>
> That May be recognized as Asian Heritage Month, given the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian community, and its present significance to this country.—(*Honourable Senator Poy*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Cools clearly told me that if Senator Poy wanted to rise to conclude the debate on this motion, she would fully agree.

[*English*]

The Hon. the Speaker *pro tempore***:** Honourable senators, I must inform the Senate that if the Honourable Senator Poy speaks now, her speech will close debate on this item.

Hon. Vivienne Poy: Honourable senators, I know it is late in the day. I will take but a few minutes of your time.

First, I should like to thank Senator Carney for seconding the motion to recognize the month of May as Asian Heritage Month. As well, I wish to thank Senators Finestone, Oliver, Kinsella, Taylor and LaPierre for contributing to the debate on this issue.

Throughout Canada's history, Asian Canadians have contributed to Canada's economic, social and cultural development. Senator Carney, a British Columbian, has testified to the present day importance of Asian Canadians to the vitality and dynamism of her province.

Senator Finestone looked at the global impact of Asian culture, stressing that many aspects of Asian culture already permeate our day-to-day lives as global citizens. Senator Finestone also stressed that this motion before the Senate is intended to address the present as well as the future. As she noted, it reflects to the world what Canada is and what it will become.

In the last few weeks, perhaps we have had a sense that the world has grown smaller and less secure. In this environment, the hallmarks of multiculturalism, tolerance and respect for diversity of our many cultures have come under attack in some quarters. I suggest to honourable senators that these values are more important now than ever if we are to emerge from this crisis as a strong and united country.

I agree with Senator Oliver that, like the Black population of Canada, which annually celebrates Black History Month, Asians also come to Canada from many different countries. We know that people from such diverse communities as Somalia, Jamaica, America, Haiti and Ethiopia do come together each year to celebrate Black History Month. Asian Heritage Month would allow Asians to celebrate and share our commonalities while respecting our differences.

I should also like to thank Senator Kinsella, who noted that equality does not mean being the same. It is our very diversity as a nation that gives us strength, but we can only benefit fully from our rich heritage if we respect one another's traditions. As Senator Kinsella emphasized, the proclamation of Asian Heritage Month must be coupled with sufficient resources so that Canadian school children are educated about the contributions Asians have made to this country.

Finally, I wish to thank Senators Taylor and LaPierre, who have added their very personal reflections on the historical contributions of Asians to Canada in the face of discrimination. Senator Taylor mentioned how Japanese, Sikhs and Chinese were involved in the social and economic development of Western Canada, and how they remain an important part of the community to this day. Senator LaPierre expressed his commitment to racial tolerance and its importance to the well-being of our country.

Honourable senators, this motion would formally acknowledge the contributions Asian Canadians have made and continue to make to Canada's growth and development as a multicultural nation. As such, I would ask my honourable colleagues for their support.

The Hon. the Speaker *pro tempore***:** Is the house ready for the question?

[Senator Poy]

Hon. Senators: Question!

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

Hon. Senators: Agreed

Motion agreed to.

NATIONAL DEFENCE

QUALITY OF FAMILY LIFE IN THE MILITARY—INQUIRY

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cohen calling the attention of the Senate to the quality of life of the military family and how that quality of life is affected by government actions and by Canadian Forces policy.—(*Honourable Senator Atkins*).

Hon. Norman K. Atkins: Honourable senators, it gives me great pleasure to rise at this time to continue the debate on the inquiry set down by our former colleague Senator Erminie Cohen. Few people have passed through this place who cared more for the welfare of their fellow human beings than Senator Cohen. Her work on poverty and as co-chair of the Progressive Conservative Task Force on Poverty brought praise not only for her in relation to its recommendations, but for the Senate as well. The inquiry I wish to speak on today had its beginnings in meetings that Senator Cohen had with the wives and families of CFB Gagetown.

This inquiry calls the attention of the Senate to the quality of life of the military family and how that quality of life is affected by government actions and by Canadian Forces policy.

Senator Cohen's visit to Camp Gagetown in New Brunswick resulted in a report that she authored, entitled "Unsung Heroes: A Quality of Life Perspective on Canada's Military Families." This report, plus the other recent literature on the subject of spouses in the military, such as the House of Commons report entitled "Moving Forward: A Strategic Plan for Quality of Life Improvements in the Canadian Forces" and the government response to this report, form a compendium of advice and warning to government and to the leadership in the Canadian Forces that problems exist and change must come.

I am also familiar with the Muriel McQueen Fergusson Family Violence Research Centre study entitled "Report on the Canadian Forces: Response to Women Abuse in Military Families." The report has prompted the Canadian Forces to adopt an action plan on family violence and abuse that has been widely distributed throughout the Canadian Forces.

Given the length of time that has passed since Senator Cohen first spoke on this issue, I believe it is appropriate to summarize her main points.

Her purpose in commencing the inquiry was to encourage debate both among senators and the Canadian population at large on ways to improve the living conditions of Canada's military families and, in so doing, to celebrate their contribution to both Canadian and military life.

Military life is characterized by the fact that few, if any, members of the Canadian Forces have any degree of control over their own lives, the type of control we take for granted. For example, the military tells its people where they will live, for how long, and often dictates the type of housing. Family separation for a long period is the norm, especially now that we are in demand for overseas duty. There is also separation within the Armed Forces community on the basis of the rank and language barriers. All of this leads to frustration felt by the military family, who believes it has little or no control over its future.

This lack of control is felt in a pronounced fashion within the junior ranks. Frequent moves have their greatest impact on military spouses who are attempting to establish a career. If a spouse cannot pursue a career or, at the very least, find a job, this detrimentally affects a family's standard of living. This has led, in the worse circumstances, to a reliance on food banks for subsistence living by families of soldiers in the lower ranks.

While the pay issue raised in the House of Commons report has been addressed in a marginal fashion, the raises have been less than adequate, again, at the lower ranks.

•(1750)

In addition to the problems of lack of control over one's future and inadequate pay at the lower ranks, there have been many problems with the housing provided to military families. The House of Commons report and, indeed, Senator Cohen's report detailed issues of mould, mildew, odour, poor insulation and ice buildup, causing illness and asthma, especially in the case of children.

All of these problems, plus the culture of the military, has led in many instances to spousal abuse. This is an insidious problem that the victim is often reluctant to report because it may have a detrimental effect on the abuser's career, leading to even more abuse. This matter has been studied at length by the Muriel McQueen Fergusson Centre and is being acted upon by the military. I believe there is a realization that the culture must change to reflect the culture of society where spousal abuse is no longer condoned. Support systems and prosecutions must become as common in the military as they are in civilian life.

I believe, as does Senator Cohen and those who wrote the report on this subject in the House of Commons, that many of the problems experienced in the families of the military stem directly from the lack of funding to the military by government. Cutbacks, combined with cancelled acquisition projects, increased commitments throughout the world, less-than-adequate equipment, all contribute to the frustrations within the combat-ready part of the Canadian Forces.

I believe it is important for me to speak out on these subjects at this time as we are now just days away from a new budget. This is a budget which is supposed to address the funding issues which have dogged the Canadian military for years. Mr. Martin, in establishing his budget, had the opportunity to refer to two recent studies, "Caught in the Middle: An Assessment of the Operational Readiness of the Canadian Forces," drafted by the Conference of Defence Associations, and "To Secure a Nation," which comes from the Centre for Military and Strategic Studies at the University of Calgary. Both reports are particularly critical of this government's approach to military spending. They also link the issues of lack of funding to combat capability, to the issues of morale and concerns about the living standards of the junior ranks of the military.

In the chapter on defence budget, the Centre for Military and Strategic Studies states:

> It is this lack of sustainability and depth in the expeditionary capability of the land forces that is the most damaging consequence of a decade of budget cuts and force contractions. The result is a military stretched to the limit, burdened by a rapid deployment rate (especially among specialists), and afflicted with numerous morale and retention problems. Furthermore, the Canadian military continues to confront the problem of "rust out" in some important categories.
>
> There is a deep divide between the rhetoric of a grandiose foreign and defence policy and a decline in resources that threatens to discredit Canada's commitment to common security. Neither those who favour a traditional approach to security nor those who promote the new concept of human security are happy with this situation, for obvious reasons.

The Conference of Defence Associations is particularly critical of the results which have been occasioned by continuous budget cuts. It states:

> The navy will not be able to deliver its mandated level of maritime defence capability without additional resources...
>
> The air force is "one deep" in many areas and has lost much of its flexibility, redundancy and ability to surge...
>
> The army is not sustainable under the current circumstances...

It is my hope that the Minister of Finance will address these needs, as well as the needs articulated by Senator Cohen, the House of Commons Standing Committee on National Defence and Veterans Affairs, and the Muriel McQueen Fergusson Centre for Family Violence Research.

At a recent meeting of the Security and Defence Committee, General Henault, Chief of Defence Staff, appeared as a witness. During that meeting, when asked by my colleague Senator Meighen if he were to receive more funding, where he would direct it, he stated the following:

> I would direct them to three different capability requirements. The first area would be people. That is where we need to put our effort and that is where additional funding would be focused.

He further stated, when asked, "Does that mean quality of life, recruitment or training?" He replied: "It means all of the above."

If that is the priority of the Chief of Defence Staff, then I, for one, would support that line of thinking.

I was impressed by the Chief of Defence Staff's comments that his first priority would be people. Personnel who are not committed to their responsibilities and unsatisfied with their quality of life will not perform to the level that Canadians have come to expect.

What we need is a holistic approach to the funding of our Armed Forces. Funds must be spent on capital acquisitions, but they must also be directed towards the quality of life experienced by all those involved in the Canadian Forces.

I want to close with a quote from the report of the Conference of the Defence Associations:

> The watershed of change under way in world affairs is bringing pressure to bear on Canada to provide necessary resources to implement its defence policy...

The situation will not improve until Canadians and their government realize that the cost of effective Armed Forces is the price of doing business in the modern world. Nations, particularly those in the G7 group, who shirk their duties in this respect may anticipate unfavourable treatment in the international economic domain. Criticisms from allies, particularly our most important trading partner, the United States, are becoming louder.

I hope Mr. Martin is not only listening to the concerns of our allies but also to the voices of those who spoke to Senator Cohen in her visits to Camp Gagetown. All who are concerned with the issues of quality of life for those in the Canadian Forces and those who support them will be watching.

The Hon. the Speaker *pro tempore***:** If no other senator wishes to speak, this item will be considered debated.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Jim Tunney, forSenator Gustafson, pursuant to notice of December 5, 2001, moved:

> That the Standing Senate Committee on Agriculture and Forestry have power to sit at 4:30 p.m. on Tuesday, December 11, 2001, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

ADJOURNMENT

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

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

> That when the Senate adjourns today, it do stand adjourned until Monday next, December 10, 2001, at 8 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, December 10, 2001, at 8 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, December 6, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd (01/06/06)	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06		
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs					
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08	11			
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-10	An Act respecting the national marine conservation areas of Canada	01/11/28							
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs					
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs	01/12/04	0 + 1 at 3rd	01/12/05		
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce	01/11/27	0	01/12/06		
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22		
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduced)	01/11/27	Energy, the Environment and Natural Resources					
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications	01/11/27	0	01/11/28		
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05							
C-36	An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism	01/11/29	01/11/29	Special Committee on Bill C-36					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04							
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0			
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04							
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs	01/12/06	0			
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06							
C-44	An Act to amend the Aeronautics Act	01/12/06							
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/12/05							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology					
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01		
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	*Bill withdrawn pursuant to Commons Speaker's Ruling* 01/06/12	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources	01/11/27	0			
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		Subject-matter 01/04/26 Social Affairs, Science and Technology					
S-22	An Act to provide for the recognition of the *Canadien* Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08		
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	

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