



CANADA

# Debates of the Senate

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1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 13

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OFFICIAL REPORT  
(HANSARD)

**Thursday, November 4, 2004**



THE HONOURABLE SHIRLEY MAHEU  
SPEAKER *PRO TEMPORE*

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*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>



## THE SENATE

Thursday, November 4, 2004

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

Prayers.

### SENATORS' STATEMENTS

#### REMEMBRANCE DAY 2004

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, the Second World War was very real to those of us who grew up in St. John's at that time. The harbour was continually full of grey ships, both Canadian and British, either coming from or going to convoy duty across the North Atlantic.

Just the other day, I had lunch at the Crow's Nest, that storied bar and dining room off Duckworth Street where so many sailors enjoyed their beer, songs, stories and the camaraderie of their fellow sailors between sea trips.

Periodically, the sirens were heard in the city. Lights would be put out in the houses and heavy boards put up to shield the windows. My father was a volunteer in the Air Raid Patrol, the members of which would, from time to time, practise using their firefighting equipment wearing their helmets and their red bands.

The war was very real to us and so were those who fought. At school, we were encouraged to fill ditty bags. These were blue serge bags that our mothers would sew together. Inside them, we would collect knitted gloves and caps, razor blades, perhaps Lifesavers and cigarettes. We sold peanuts to get money to buy the cigarettes to put in the bags. Our slogan was: Nuts to you, smokes to them. Then we would write our name and address and send it off to be opened by some lower deckhand tossing on the swells of the North Atlantic.

One night, there was a knock on our door. My mother answered and came back in with a Royal Naval rating in bell bottoms and square rig collar. He had gotten my ditty bag at sea and, when his ship tied up in port, he had come to look me up and thank me. That was my very real connection with the war effort.

As I reflect today, on the eve of Armistice Day, it occurs to me that I did so little for that sailor and yet he did so much for me. Like many other young men and women, he volunteered to serve his country. How many of them gave the early years of their lives to defend their country and ours? How many in the Royal Navy, the Royal Canadian Navy, the Naval Reserve and the Merchant Marine endured the hardships of stormy seas and prowling U-boats? How many in all of the services gave their lives for ours?

I do not remember that sailor's name or where he was from. I just remember his presence; his blue serge uniform, his ribbons, his white cap. He was younger than my own son is today, but

because of him and so many young men and women like him, some who have no marked graves and no memorial, I was able to raise a son and daughter in freedom and peace.

I remember him today and, through him, all of the others who fought and died. I thank him posthumously for what he did for me and for all of us here. I salute him and I tell him that we remember him and we shall never forget.

**Hon. Michael A. Meighen:** Honourable senators, tomorrow marks the beginning of Veteran's Week. This year's theme is the Italian Campaign, which provides us the opportunity to salute those who have so valiantly served our country, not only during the liberation of Italy, but also in the many other areas of conflict in which our men and women have been involved.

Honourable senators, this year is special. This year, 2004, marks the sixtieth anniversary of D-Day and the Battle of Normandy and the sixtieth anniversary of the liberation of Belgium.

It is very easy for these momentous victories to overshadow the extraordinary and gallant efforts of Canadians in Italy some 60 years ago, notably in the Battle of Liri Valley, which breached the Gustav Line and opened the door to Rome. This often overlooked Canadian victory would not have been possible, however, without one of the most outstanding Canadian triumphs in World War II, the Battle of Ortona, which took place during Christmas 1943.

Street by street and house by house, this ancient Italian town of castles and stone buildings was witness to one of our most difficult and costly battles. Canadian casualties during the entire Italian Campaign totalled more than 26,000, nearly 6,000 of which were fatal. Most of our casualties of the Italian Campaign are buried in the numerous Commonwealth war cemeteries scattered throughout Italy, or are commemorated at the Cassino Memorial south of Rome. Of the thousands of Canadians buried in graves across Italy, Ortona is the final resting place for 1,375 of our fallen heroes.

• (1340)

Tomorrow, at the Ceremony of Remembrance here in the Senate chamber, I will be honoured to participate in the unveiling of a collection of portraits by esteemed Halifax artist Catherine Jones. Catherine painted veterans of World War II, including both Canadian and German veterans of the Battle of Ortona, veterans who attended the remarkable Reconciliation Dinner arranged by Major Ted Griffiths, which took place in Ortona 55 years after the battle.

The portraits will be on exhibition in the Senate foyer until November 19. I invite all honourable senators to attend so that, together with the delegation of veterans who returned today from Italy, we may pay particular honour to the almost 100,000 Canadians, the famous D-Day Dodgers, who served in the Italian campaign.

[*Translation*]

In the coming week, millions of Canadians from coast to coast and all backgrounds will pause to honour our veterans. In cities and towns across the country, citizens will attend Remembrance Day ceremonies. This year again, the Senate will be holding a solemn ceremony to honour Canadian veterans.

[*English*]

Honourable senators, let us never forget these men and women, our veterans, who have made the world a better place and who continue to make us all proud to be Canadian.

**Hon. Terry M. Mercer:** Honourable senators, as Remembrance Day approaches, we prepare to honour our proud Canadian men and women who have contributed so much to the freedom and safety of Canada. I would like to take this opportunity to honour a few close to my heart.

We were all saddened by the recent death of Lieutenant Chris Saunders. As a Haligonian, I was honoured to attend Lieutenant Saunders' funeral, but it was a solemn occasion. I believe I speak on behalf of all Canadians when I express our condolences to the entire Saunders family. This tragedy reminds us to remember all of our fallen heroes who have given their lives in the service of their country.

Honourable senators, it is almost one year ago that my family lost one of Canada's veterans — my father, Bob. Dad served as a chief petty officer in the Royal Canadian Navy. In fact, he and his shipmates captured an enemy U-boat off the coast of Nova Scotia when the Second World War was coming to an end.

Recently, we celebrated Navy Appreciation Day here in these halls. I know my father and his shipmates would have been extremely proud to be part of that event. They would have enjoyed the camaraderie amongst their fellow service people and, I am sure, a fine glass or two of port. He would have been even prouder of the fact that his grandson, my son, helped to organize that event.

I would also like to acknowledge our merchant mariners who served Canada with conviction. The support they provided during World War II was given with conviction and dedication.

Honourable senators, Remembrance Day is an opportunity to remember those who have served to protect Canada from all threats — foreign and domestic. It is also a day to remember those men and women who are currently serving their country abroad. They are spreading the message of peace and bringing democracy to several societies including, but not limited to, Afghanistan and Haiti. In fact, I am probably unique among members of this chamber in that my nephew, Sergeant David Bardsley, is serving today in Iraq as a member of the North Carolina National Guard. I take this opportunity to wish him and all Canadian and allied soldiers around the world the best of success in their efforts and a safe journey home.

**Hon. J. Michael Forrestall:** Honourable senators, yet another Remembrance Day is with us. We have new souls to remember and to celebrate. I think of Corporal Jamie Murphy and particularly, as our colleague has just mentioned, Lieutenant Chris Saunders.

St. John, chapter 15, verse 13 reads:

Greater love hath no man than this, that a man lay down his life for his friends.

I want to recall for you this year a young man who was born in Stellarton, Nova Scotia, on October 27, 1883 — Private James Peter Robertson. As a small boy, James Robertson went with his family to Springhill, Nova Scotia, and later moved to Medicine Hat, Alberta, to find his way in life, but his great journey was cut short. The First World War intervened and, for God, king and country, James joined his friends and went overseas to fight for freedom with the 13th Canadian Mounted Rifles.

On November 6, 1917, in the hell that was Passchendaele — and it can be described in no fairer terms than that — Private James Robertson made the ultimate sacrifice for Canada and his fellow Canadians. I will read from the official citation, an extract from the *London Gazette*, No. 30471, dated 8 January 1918:

For most conspicuous bravery and outstanding devotion to duty in attack. When his platoon was held up by uncut wire and a machine gun causing many casualties, Pte. Robertson dashed to an opening on the flank, rushed the machine gun and, after a desperate struggle with the crew, killed four and then turned the gun on the remainder, who, overcome by the fierceness of his onslaught, were running towards their own lines. His gallant work enabled the platoon to advance. He inflicted many more casualties among the enemy, and then carrying the captured machine gun, he led his platoon to their final objective. He there selected an excellent position and got the gun into action, firing on the retreating enemy who by this time were quite demoralised by the fire brought to bear on them. During the consolidation Pte. Robertson's most determined use of the machine gun kept down the fire of the enemy snipers; his courage and his coolness cheered his comrades and inspired them to the finest efforts. Later, when two of our snipers were badly wounded in front of our trench, he went out and carried one of them in under very severe fire. He was killed just as he returned with the second man.

How, honourable senators, do you describe bravery, love, sacrifice on the level of Private James Robertson? St. John, chapter 15, verse 13:

Greater love hath no man than this, that a man lay down his life for his friends.

We honoured him then, as only we could. He was awarded a posthumous Victoria Cross, the British Commonwealth's highest honour for conspicuous bravery in battle.

Private Robertson laid down his life for us, his fellow countrymen, his friends, so that young children could go to school in peace in Stellarton, Nova Scotia. This year, his hometown of Stellarton is doing its best to remember him with the erection of a monument to this great Canadian. I commend the Town of Stellarton for this very fitting tribute to a young Nova Scotian who won the Victoria Cross, a young soldier who gave all he had to give on the eve of November 11, Remembrance Day, that we respect today.

## UKRAINE

### PRESIDENTIAL ELECTION— EXPERIENCE OF SENATE OBSERVERS

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I rise to report on the presidential election held in Ukraine on October 31, 2004. Canada was the first to offer recognition to Ukraine after its declaration of independence less than two decades ago and is the home of the largest Ukrainian diaspora in the world.

• (1350)

This presidential election had one of the largest groups of international observers — over 600 short-term observers and over 10,000 domestic observers. It should be noted that Canada provided over 70 short-term observers, the largest number of observers from any country.

I was privileged to be joined by our colleagues, Senator Lorna Milne and Senator Jane Cordy. I served as Deputy Chair of the OSCE Observation Mission. Senator Cordy served as Chair of the NATO Parliamentary Observation Group. I will be tabling the report of our preliminary findings in that election. While the election was marred by serious irregularities during the electoral campaign, on election day it was clear that democracy was alive and well in the over 3,000 polling stations across Ukraine.

Senator Milne and I attended at a number of polling stations and spent from 8 p.m. to 3 a.m. on Monday morning observing the counting of ballots in one poll in a suburb of Kiev. It struck me that while there were concerns about the election campaign itself falling below international election standards, the Ukrainian people who participated on election day, volunteers who worked the entire day, were committed, honest and deeply respectful of the democratic idea.

While democracy proceeds by a winding staircase, and it is my belief that democracy is on the move in Ukraine, we were privileged and pleased to be witness to this remarkable human experience as we learned how precious and important the right to vote was felt by the Ukraine people, who for so long had experienced neither independence nor freedom.

There were 24 presidential candidates, with two major contenders — one representing the government party and the other a coalition of opposition parties. Neither major candidate received a clear majority. A final election round will take place in three weeks to determine the clear majority winner. Hopefully the preliminary report of the OSCE outlining the concerns of the international observers will be taken into account in this final round in order to increase domestic and international acceptance of the successful presidential candidate.

Taras Shevchenko, Ukraine's greatest poet, exhorted his compatriots in 1847. He said these words:

Love your Ukraine  
Love her... in the harshest time  
In the very harsh minute  
Pray to God for her.

Honourable senators, we saw the Ukrainian people manifest their love of country by advancing, carefully and meticulously, the cause of democracy across the land of Ukraine on October 31, 2004.

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2004-05

#### SUPPLEMENTARY ESTIMATES (A) TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table the Supplementary Estimates (A), 2004-05, for the fiscal year ending March 31, 2005.

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES—REPORT OF COMMITTEE PRESENTED

**Hon. Tommy Banks,** Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, November 4, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

#### SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered 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 Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, 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,

TOMMY BANKS  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix A, p. 146.)

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

**Senator Banks:** Honourable senators, this report requests that the committee be empowered to incur special expenses pursuant to the *Senate Administrative Rules*. It submits approval from the Standing Committee on Internal Economy, Budgets and

Administration with respect to \$11,200 in expenses the committee wishes to incur during the next month of operations, and they begin immediately. It is for that reason that I ask for special consideration in respect of this report.

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, before we grant leave, we need to see the report to know what we are giving leave to. While this is not the time for debate, given that a precedent was set a few moments ago for an explication — I would invite Senator Banks to provide an explanation.

**The Hon. the Speaker *pro tempore*:** The report is being circulated at this minute.

**Senator Banks:** I would be happy to expand upon the report that is now before honourable senators. The amount of \$11,200 on the page signed by the Chair of the Standing Committee on Internal Economy, Budgets and Administration includes \$5,000 for professional services having to do with the release of a report prepared by the committee's predecessor. It was ready to be released prior to dissolution of the last Parliament and is ready to be released again and tabled now. We would like to do that, but we cannot proceed until we have a plan.

The remainder of the request is for eight meals at \$300. Those meals relate to the committee's meetings on Thursday nights, which are scheduled for 5 p.m. or when the Senate rises. The Senate rarely rises before 5 p.m. on Thursdays.

Conference fees have to do with an amount that is being expended for a conference that begins tomorrow.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Leave is not granted.

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

## NATIONAL SECURITY AND DEFENCE

### BUDGET AND REQUEST TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE PRESENTED

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

Thursday, November 4, 2004

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

#### SECOND REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 20, 2004, to examine and report on the national security policy for Canada, respectfully requests

that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, 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,

COLIN KENNY  
*Chair*

*(For text of budget, see today's Journals of the Senate, Appendix B, p. 156.)*

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

**Senator Kenny:** Honourable senators, this report requests that the committee be empowered to incur special expenses pursuant to the *Senate Administrative Rules*.

**An Hon. Senator:** How much?

**Senator Kenny:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on Orders of the Day for consideration later this day.

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

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Leave is not granted.

**The Hon. the Speaker *pro tempore*:** Leave is not granted.

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

## THE ESTIMATES, 2004-05

### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2005.

• (1400)

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**Hon. Madeleine Plamondon** presented Bill S-19, to amend the Criminal Code (criminal interest rate).

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 Plamondon, bill placed on the Orders of the Day for second reading two days hence.

[English]

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

**Hon. Jeremiah S. Grafstein:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector;
- consumer credit rates and reporting agencies; and
- other related issues; and

That the Committee submit its final report no later than June 30, 2005, and that the Committee retain until August 31, 2005 all powers necessary to publicize its findings.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHARITABLE GIVING

**Hon. Jeremiah S. Grafstein:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with charitable giving in Canada. In particular, the Committee shall be authorized to examine:

- the needs and opportunities of Canadians in relation to various aspects of Canadian life (such as health care, education, social and cultural programs and institutions, senior care, heritage preservation, scientific research and more) and the ability of Canadians to assist in these areas through charitable giving;
- current federal policy measures on charitable giving;
- new or enhanced federal policy measures, with an emphasis on tax policy, which may make charitable giving more affordable for Canadians at all income levels;
- the impact of current and proposed federal policy measures on charitable giving at the local, regional and national levels and across charities;
- the impact of current and proposed federal policy measures on the federal treasuries; and
- other related issues; and

That the Committee submit an interim report no later than December 16, 2004 and its final report no later than March 31, 2005, and that the Committee retain until May 31, 2005 all powers necessary to publicize its findings.

### ABORIGINAL PEOPLES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

**Hon. Nick G. Sibbeston:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)q of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters.

That the Committee report to the Senate no later than December 31, 2006.



## QUESTION PERIOD

### CANADA-UNITED STATES RELATIONS

#### PRIME MINISTER'S WARNING TO LIBERAL MEMBERS REGARDING INFLAMMATORY REMARKS

**Hon. Marjory LeBreton:** Honourable senators, I read this morning that following the victory of President Bush yesterday, Prime Minister Martin warned his party members that they must “work with the U.S. administration and show restraint in the reaction to the President’s re-election.” I find this most interesting for a number of reasons.

Yesterday, the Leader of the Government in the Senate told us that his party’s relationship with the United States was excellent. Let me quote what he said so that we do not have any misunderstanding. In response to Senator Angus’ question, the government leader said:

As I said repeatedly, and it is absolutely true, our relationship with the United States is on excellent terms. There is no evidence that Senator Angus, or anyone opposite, will produce anything to the contrary.

The evidence comes by way of the Prime Minister’s warning.

My question is for the Leader of the Government in the Senate. Why did the Prime Minister feel compelled to give an overt warning to members of his party and government to work with the United States administration and show restraint in the reaction to the President’s re-election if, as my honourable friend has characterized it, Canada’s relationship with our good neighbour to the south is excellent?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the question of Senator LeBreton is a non sequitur.

**Senator Kinsella:** No, it is for clarity.

**Senator Austin:** The Prime Minister, naturally, will be urging his followers in the other place and here to pay particular attention to the importance of Canada’s relationship with the United States. This is something that the opposition senators do not dissent from in any way, shape or form.

To answer the supplementary question, I can advise that Prime Minister Martin has invited President Bush —

**Senator Stratton:** We heard.

**Senator Austin:** — to visit Canada and President Bush has agreed to visit Canada at an early time.

**Senator LeBreton:** I thank the honourable senator for answering the supplementary that I had not intended to ask.

Would the government leader not agree that, if such a warning was not necessary, it is evidence that all is not right in the Canada-U.S. relationship? Can the Leader of the Government ensure us that there will be no further outbursts of anti-Americanism by Liberal MPs and, if so, will these people be publicly repudiated by the Prime Minister?

**Senator Austin:** Honourable senators, I imagined that Senator LeBreton’s supplementary would be the supplementary we just heard, and I decided to answer it in my previous response. I said yesterday — and I will repeat — the Liberal caucus is not a monolith and we do not have an ideological base. If members want to speak, we do not muzzle them, to use the word of Senator Angus yesterday. They speak on their own responsibility. That is part of our tradition.

• (1410)

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

**Senator LeBreton:** Honourable senators, since we have such a different system of government in this country, we probably do not relate well to the American system of government. Once the election is over and the winner is declared President of the United States, the general population of the United States takes unkindly to comments they see as anti-American, even though the remarks may be directed at an individual. For example, I have relatives in the United States who are Democrats. They are quite insulted when they hear remarks coming from Canada insulting the President of the United States. They see it as a direct attack on them as a people.

Certain members of the government party who make such remarks should be reprimanded by the Prime Minister and, perhaps, be given a short lesson in history.

**Senator Austin:** Honourable senators, I do not know whether Senator LeBreton has traced her three questions, but she started off —

**Senator Stratton:** Are you lecturing again? Every question is a lecture.

**Senator Mercer:** Senator Austin is doing a great job.

**Senator Stratton:** Shouldn’t a question be written instead of oral?

**Senator Mercer:** Let the honourable senator have the floor.

**Senator Forrestall:** Senator Mercer will be quiet now.

## TRANSPORT

### REINTRODUCTION OF BILL C-26 FROM SECOND SESSION OF THIRTY-SEVENTH PARLIAMENT

**Hon. David Tkachuk:** Honourable senators, my question relates to the status of Bill C-26, a bill that died on the Order Paper at the end of the Second Session of the Thirty-seventh Parliament. The bill introduced a number of amendments to the Canada Transportation Act, focusing primarily on certain aspects of air and rail transportation. At the time, this bill was advertised as one component of the government’s strategy for the transportation sector, as articulated in the February 25, 2003 document entitled, “Straight Ahead — A Vision for Transportation in Canada.”

In addition to putting VIA Rail on the same legislative footing as other Crown corporations, this bill contained a number of provisions designed to increase transparency. This bill was also designed to address ongoing complaints from consumers about cloudy fees and surcharges incurred in the course of buying airline tickets from air carriers.

Does the government plan on reintroducing this bill or components of it? If the government has no plans to reintroduce this bill or components of it, could the minister find out the rationale for not doing so and report back to this chamber?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I have no lecture to give Senator Tkachuk in answer to his question.

**Senator Tkachuk:** What was the answer to the question?

**Senator Austin:** I have no answer for the honourable senator's question. Senator Stratton calls any answer I give a lecture. I apparently need the approval of Senator Stratton to answer questions.

**Senator LeBreton:** Are we thin-skinned or what?

**Senator Stratton:** Touchy, touchy.

**Senator Austin:** Perhaps the honourable senator would like to tell me the criteria for the answers that he would like to have.

#### AIRLINE INDUSTRY—ACCESS OF FOREIGN CARRIERS

**Hon. David Tkachuk:** In a Canadian Press story dated October 29, 2004, the Minister of Transport was quoted as saying that he will not rule out allowing U.S. airlines greater access to domestic routes, or greater foreign ownership of Canada's airlines, even if the U.S. government does not reciprocate. The story was headed, "Lapierre says Canada could open airline market with or without U.S. deal."

Could the Leader of the Government seek clarification to find out if this is what his colleague said? If Canada were to pursue such a policy, has the government done any studies to show how such a policy would affect Canada and its airline industry?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with Senator Stratton's approval, I would say that I consider Senator Tkachuk's question to be an important one. I will endeavour to obtain answers.

I should like to note that the Minister of Transport has in process a number of announcements in this area.

#### CANADA-UNITED STATES RELATIONS

##### MISSILE DEFENCE PROGRAM— POSSIBILITY OF DEBATE

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. I do not think the minister will have to find any qualification with respect to it. It requires, more or less, a yes-or-no answer.

[ Senator Tkachuk ]

The government has agreed to hold a debate in the other place on Canadian participation in the U.S. missile defence program and to hold a non-binding vote in that regard. Will the Leader of the Government in the Senate be coming forward with a motion here of a similar nature and under similar circumstances; and will the Senate be allowed to hold a vote on the issue of missile defence itself?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to thank the Honourable Senator Forrestall for his question. I intend to have a discussion with the Leader of the Opposition before I can answer the honourable senator's question.

**Senator Forrestall:** I will forgo asking my supplementary question because it had to do with ensuring that the minister understood that we were not looking for a binding vote but, rather, for a measure, an indication of where individual senators stand on this important matter.

**Senator Austin:** Honourable senators, on November 2, I said in passing that, should we adopt the amendment which Senator Kinsella proposed and which we adopted on November 2, we would entertain a debate on ballistic missile defence. I should like to have a discussion with Senator Kinsella before we go forward.

#### AGRICULTURE AND AGRI-FOOD

##### BRITISH COLUMBIA—AVIAN INFLUENZA OUTBREAK IN POULTRY INDUSTRY

**Hon. Wilbert J. Keon:** My question is for the Leader of the Government in the Senate and it concerns avian flu.

Honourable senators, B.C. poultry farmers have asked for an additional \$60 million in federal compensation so that their industry can be fully rebuilt after it was devastated by the avian flu.

Last week, at a two-day forum in Abbotsford, 190 delegates from industry, government and other interested agencies met to rehash how the avian flu crisis affected B.C.'s poultry industry and to look at ways to prevent a future outbreak.

Although poultry farmers have already received \$65 million in compensation, they are requesting an additional \$60 million.

Could the Leader of the Government in the Senate tell us where this is at? Is the second request being considered?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I cannot tell Senator Keon at what stage that consideration is now, but I will pursue the matter.

#### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

##### NORTHWEST TERRITORIES— NEGOTIATIONS TO CLEAN UP GIANT MINE

**Hon. Leonard J. Gustafson:** Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the status of negotiations between the federal government and the Government of the Northwest Territories on the cleanup of the Giant Mine in the Northwest Territories, which closed in July 2004.

According to Mr. Brendan Bell, Minister of Resources, Wildlife and Economic Development of the Government of the Northwest Territories, discussions between the federal government and the territorial government over the division of responsibility for the cleanup have become “bogged down.”

As the last budget demonstrated, this government has committed to increase resources to clean up the contamination sites of the Giant Mine. The mine has extensive surface contamination in the area around it and would qualify as one of these sites. In view of the government’s renewed priority regarding cleaning up contaminated sites, could the Leader of the Government in the Senate please consult with the responsible minister on this issue, the Minister of Indian Affairs and Northern Development, and report back to this chamber with regard to the cleanup?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, yes, I will.

**Senator Gustafson:** Honourable senators, could the minister offer a possible timeline? This is dragging on.

**Senator Austin:** As I have just heard the question of the Honourable Senator Gustafson for the first time, I cannot offer a timeline at this point.

**Senator Gustafson:** Would the Leader of the Government in the Senate consider speaking to the minister and members of the cabinet about this situation and report back to the house on the issue?

• (1420)

**Senator Austin:** Honourable senators, I will certainly make inquiries, both of the minister and, by the usual channels, of departmental officials who have the specific knowledge the honourable senator is seeking.

## NATIONAL DEFENCE

### MILITARY HOUSING—RENT INCREASE

**Hon. Michael A. Meighen:** Honourable senators, recently the Department of National Defence slapped a \$100-a-month rent hike on military housing.

**Senator Forrestall:** Shame!

**Senator Meighen:** Yet many of those houses, as I am sure honourable senators are aware, and certainly according to those who live in them, are in very shoddy condition. Even the defence department admits that half the homes are in need of repair, and apparently the job is underway.

My question for the Leader of the Government in the Senate is this: Will the government agree to apply the rent hikes only after the various homes have been repaired?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will seek the answer for the honourable senator.

**Senator Meighen:** Honourable senators, in view of the fact that a spokeswoman for the Department of National Defence has said that in 2005 about 190 units at nine bases will be upgraded, would the leader also seek to find out what number that leaves to be upgraded and when the repairs on all of the military houses in need will be completed?

**Senator Austin:** Honourable senators, I will add that supplementary question to the information that I will seek.

I am sure that Senator Meighen is aware that, since 1998, the government has invested over \$400 million in the operation and maintenance upgrades for housing on Canadian Forces bases, and that it does plan to invest \$120 million to renovate and improve military housing over the next three years.

That is a background answer. I will seek the additional details that the honourable senator has requested.

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## ORDERS OF THE DAY

### OFFICIAL LANGUAGES HUMAN RIGHTS NATIONAL SECURITY AND DEFENCE

#### COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice of November 3, 2004, moved:

That the Standing Senate Committees on Official Languages, on Human Rights and on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Monday, November 15, 2004, even though the Senate may be then adjourned for a period exceeding a week.

Motion agreed to.

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

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

**Hon. Donald H. Oliver** moved second reading of Bill S-13, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

He said: Honourable senators, I am pleased to speak briefly today on Bill S-13, a private member’s bill designed to amend the Constitution of Canada to permit the Speaker of the Senate to be elected. I need not remind honourable senators that the Speaker of the Senate is currently appointed by the Queen’s representative in Canada, Her Excellency the Governor General, on the advice of the Prime Minister.

Over the years, this method has greatly benefited the Senate. Numerous Canadian senators, among the most notable, have occupied the chair and have continued to enrich public life long after they have left it. They have served the Senate and Canadians with honour and dignity.

However, in my opinion, the time has come to amend this procedure by making a change that is not based on dissatisfaction or the premise that recent office-holders have been found lacking. The change I propose aims, instead, to improve the image and effectiveness of this function, based on tradition.

The important role played by our Speaker cannot be underestimated. He oversees debate, rules on points of order and ensures that decorum is maintained. In performing these duties, the Speaker holds in his or her hands the very reputation of the Senate as a key institution of government in this country.

We rely on the Speaker to act fairly and judiciously, to achieve compromise between deeply held and opposing views, and to move us towards consensus. The Speaker is our civilizing influence, the one who reminds us of our higher duty to this nation, to its people, its sovereign and, indeed, to the history and tradition of this chamber.

Honourable senators, given that the Speaker needs our trust and that he represents all of us, has the time not come to elect him or her by secret ballot? The Speaker is not the servant of the Prime Minister, of the government or of the opposition. He is the servant of the Senate.

An election by secret ballot will reinforce the Speaker's position. His or her position will place responsibility where it should be — on our shoulders.

Honourable senators, the government of the Right Honourable Paul Martin introduced an action plan for democratic reform dated February 4, 2004. This document deals with ethics, responsibility and accountability. The introduction states:

Democracy is an active process — one that requires ongoing engagement between citizens and their elected representatives. Democratic institutions must constantly adapt and change in order to ensure that the process continues to work the way it was intended.

Honourable senators, I think that our parliamentary system could be substantially enhanced if this body of sober second thought could have a Speaker elected by the members of this chamber and not appointed by the executive branch.

As my leader, the Honourable Noël Kinsella, said in reply to the Speech from the Throne on October 19:

Rather than waiting for the mythical “perfect storm” to sweep in and bring everyone simultaneously to the same conclusion, the government ought to consider a process of incremental change.

With regard to my bill to elect the Speaker of the Senate, Senator Kinsella said:

...choosing the Speaker of the Senate by election, as has been done in the House of Commons, rather than by the Prime Minister exercising prime ministerial fiat... would be indicative of an openness to actual change.

My former Leader of the Opposition in the Senate, the Honourable John Lynch-Staunton said that the Speaker of the Senate is a political appointee with a political mission. This bill would take the Speaker out of that political atmosphere as much as possible. By attending local and national caucuses, the Speaker's actions confirm the political loyalty that the individual has and continues to maintain. To continue in the present system, one must accept that the senator in the chair, as the Speaker, has a political mission. A bill to elect the Speaker would remove that position and give the individual more true independence.

Honourable Senator Joyal said, among other things:

We must never forget that the Senate is a chamber of conflicting viewpoints which are the basis of our democratic system. That is why we sit in this chamber with one party facing the other, with the Speaker in the middle above the fray. It is fundamental to the credibility of the Senate that debates be conducted in a process that is fair, and the Speaker has a paramount role to play in ensuring the integrity of debate through his or her rulings.

• (1430)

Honourable senators, you may wonder if other Commonwealth countries elect the Speakers of their legislatures. The answer is yes. The Australian Senate has been electing its Speaker by secret ballot since 1901. The Speaker receives a three-year mandate through a secret ballot voted on by all the senators. The very first debate held in the Australian Senate, on May 9, 1901, was on the method of choosing the Speaker. After the debate, it was decided that a secret ballot would be the best way to express the choice of a majority of the senators. In 1937, inspired by the actions of the upper chamber, Australia's lower house, the House of Representatives, also began electing its Speakers.

Honourable senators, I urge you to take note of the Australian example. Canada's parliamentary system, like Australia's, is based on the model established in the United Kingdom, the Westminster parliamentary system. Other Canadian legislatures have also determined that it is best to elect their Speakers by secret ballot. Ontario did so in 1990, Saskatchewan in 1991, Alberta in 1993, with British Columbia, New Brunswick and others following suit.

Honourable senators, should this house resist a change that other Canadian legislatures have adopted successfully? I say that we should move forward. Let us take the responsibility of choosing one of us to act as Speaker of the Senate. In so doing, we will not only strengthen the reputation of our Speaker but also the reputation of this house. We must show our maturity and our influence. We must allow our Speakers to benefit from the tradition that has been established and followed so honourably.

How do we go about making this change to have an elected Speaker? The answer, honourable senators, is that we must amend the Constitution of Canada. As I have stated on the two previous occasions I have spoken to the predecessors to the bill

that is before us today, section 34 of the Constitution Act, 1867, must be repealed. May I remind honourable senators that section 34 of the Constitution Act, 1867, reads as follows:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

Clause 1 of Bill S-13 repeals section 34 and replaces it with the following:

**34.** (1) The Senate, on its first assembling at the opening of the first session of a Parliament, shall proceed with all practicable speed to elect, by secret ballot, one of its members to be Speaker and another to be Deputy Speaker.

The bill further amends the Constitution Act, 1867, to provide for a voting procedure similar to that of the House of Commons, where the elected Speaker of that House may not vote except when the votes on the question are equally divided. Bill S-13 also makes consequential amendments to the Parliament of Canada Act.

Honourable senators may ask whether, in order to amend the Constitution Act, 1867, the concurrence of a majority of the provinces is required. The answer is no. Under section 44 of the Constitution Act, 1982, Parliament has the exclusive right to make laws amending the Constitution. Should Bill S-13 receive third reading in the Senate, it will then go to the House of Commons. If it receives third reading in the House of Commons, the bill will get Royal Assent, at which point it will become law.

Section 44 of the Constitution Act, 1982, reads as follows:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Honourable senators, it is this provision that I rely upon for saying that there is authority for Parliament to act alone without the consent of the provinces to make this simple change to have our Speaker elected.

Honourable senators, in the last session of Parliament, our former colleague Senator Beaudoin, who is a constitutional expert, stated that Parliament does indeed have the exclusive right to make laws that amend Canada's Constitution. On October 21, 2003, he stated, in part:

In my opinion, Parliament may amend section 34 of the Constitution Act, 1867 on the basis of section 44 of the Constitution Act, 1982...

Therefore, it is possible to amend the Constitution by a simple statute of a constitutional nature...

Senator Beaudoin later went on to state the following:

In my opinion, section 44 of the Constitution Act, 1982 authorizes Parliament to make an amendment. In addition, there is a constitutional convention whereby the Speaker of the Senate is selected by the Prime Minister.

Honourable senators, Bill S-13 is not about the method of selecting senators. The selection of the Speaker of the Senate is not currently a power that is enjoyed by the Senate or senators. Rather, under the Constitution Act, 1867, this is a power that is exercised by the Governor General. There is, therefore, an argument that, because it is a change in the powers of the Senate, the amendment would be required to be sought under the general amending formula of the Constitution Act, 1982.

In conclusion, honourable senators, two basic issues arise in connection with the proposal to change the process for the selection of the Speaker of the Senate. First, should it be achieved by means of a constitutional amendment, or would it be satisfactory to do it by informal, extra-constitutional means? Second, if the decision is to proceed by means of an amendment to the Constitution Act, 1867, can it be achieved by the federal Parliament alone — and I say it does — or does it require the consent of at least seven provinces, representing at least two thirds of the population of Canada?

Given the issues I have tried to briefly outline here, one option I prefer is to refer the subject matter of Bill S-13 to the Standing Senate Committee on Legal and Constitutional Affairs for review and for the committee to seek legal opinions and to consult procedural and constitutional experts as to how the changes could be implemented. The implications of changing the selection process of the office of the Speaker of the Senate could also be reviewed.

Honourable senators, in conclusion, in the last session of Parliament, the predecessor to this bill did make it to the Standing Senate Committee on Legal and Constitutional Affairs. Therefore, I would like to move today that this bill once again be referred to the Standing Senate Committee on Legal and Constitutional Affairs for further review.

**Hon. Lowell Murray:** Will the honourable senator accept a question?

**Senator Oliver:** Certainly.

**Senator Murray:** The honourable senator will be aware that there is a long-standing — in fact, I suppose, an ancient — parliamentary protocol, according to which the Queen or the Governor General's consent needs to be obtained before a bill that affects the prerogative of the Queen or the Governor General is presented in Parliament. Has any thought been given by the honourable senator or his advisers as to whether that consent is required in this case?

**Senator Oliver:** I did not make that inquiry, honourable senator.

#### POINT OF ORDER

**Hon. Lowell Murray:** In that case, honourable senators, I rise on a point of order to ask that a ruling be brought in by the Speaker. I may be wrong, and I confess that I am not sure whether consent is required on a bill of this kind, but I would ask that a ruling be brought in to clarify the matter.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on a point of order, does the honourable senator who raises the point of order have any thoughts as to the substantive argument to support the point of order? Any senator can say that he or she wants the Speaker to decide whether there is a point of order, but is there a rationale or substance to the argument? I do not think there is. There is a clear and fundamental distinction between the executive authority, which is ultimately invested in the Crown, and the legislative branch. The Speaker is an officer of the legislative branch.

I would be interested to hear some arguments from honourable senators as to how they come down on the question of whether a bill like this could possibly be out of order, given that it only affects the legislative branch and is therefore not a prerogative of the Crown. There may be some substantive arguments.

**Senator Murray:** The best argument is the one cited by Senator Oliver in his speech, wherein he quoted directly from the Constitution Act, 1867, to the effect that the Governor General may by Order-in-Council — I would ask the Honourable Senator Oliver to refresh my memory with respect to his quote. He quoted from the Constitution Act, 1987, towards the end of his speech.

**Hon. Donald H. Oliver:** I quoted section 34 of the Constitution Act, 1867, relating to the Governor General appointing a senator to be Speaker of the Senate. I also quoted section 44 of the Constitution Act, 1982.

**Senator Murray:** Under section 34 of the Constitution Act, 1867, the Governor General may appoint a person to occupy the post of Speaker of the Senate. That is clearly the prerogative of the Crown. The proposal in Senator Oliver's bill is to remove a prerogative that is now exercised by Order-in-Council and turn it over to the Senate. That, it seems to me, affects the prerogative of the Crown. If it will make my friend feel any better, I will stand on those grounds and demand a ruling on my point of order.

• (1440)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I think that Senator Murray is suggesting a practical way to use the time and energies of this chamber. I would like to support his request for a ruling by the Speaker as to whether consent is required. This is a subject that we have heard much about from Senator Cools in times past. There is a good deal of argument on the record with respect to consent and assent, the differences and where they apply.

If honourable senators are to become involved in this debate, which takes considerable research and will take time from the government agenda, I believe that it would be important to have a ruling in the first instance. If our Order Paper on the government's side is not busy today, I assure honourable senators that it will be shortly.

**Hon. Serge Joyal:** Senator Murray raised a point we have discussed in this chamber, and we have had a ruling previously. I remember very well that I raised the point on the Clarity Bill. There was the need to have a Royal Recommendation that was not included in the bill, and I remember the tense discussion we had on this subject.

The ruling was that if a Royal Recommendation is needed, it could come at any time before the vote on third reading. In other words, we are not prevented at this point in time from continuing to debate the bill introduced by the honourable senator.

The Honourable Senator Murray has raised the issue. The chair can always take it under advisement and we can continue debate. If the bill is referred to the committee, it can be studied by the committee, even reported. Then before we vote on third reading of the bill, if there is to be a vote on third reading, if the committee recommends and we accept its recommendation that the bill be adopted, then we are always open to receive a ruling from the chair. The bill then can be properly amended or not proceeded with if no Royal Recommendation is tabled by a Privy Councillor.

That is my understanding of the need for a Royal Recommendation with regard to a bill.

**Senator Murray:** I hope my friend is not inadvertently confusing the Royal Recommendation that is required for a money bill, for example. We all know what that is.

By the way, I might invite honourable senators to examine private members' bills. A whole stack of them has been introduced in the other place. I went through them yesterday morning, and an enormous number of them by any reasonable definition qualify as money bills. I wonder what will happen to them when they come up for second reading.

I take my friend's point that the Royal Consent that I argue is required for this bill can be brought in at any time. He tells us that it is a ruling that we have had before and can be brought in any time before the vote.

I take it, though, that he is of the view that it will be up to the chair to decide whether the Royal Consent is required, that no one else has to make that decision. Is that his view?

Senator Joyal answers in the affirmative.

I now go back to the question that Senator Kinsella asked me, and I quote the provision of the Constitution Act of 1867, section 34:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

That is somewhat different than an Order-in-Council. It is by instrument under the Great Seal of Canada and is therefore done by an instrument of advice from the Prime Minister to the Governor General.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I thank Senator Joyal for his intervention. I would support it.

Senator Murray made my point to the degree that the appointment of the Speaker is via the Prime Minister to the Governor General. When we investigate this point of order, I would be curious to learn whether on the House side it is not the case that even though they elect their Speaker, the Prime Minister

would give that advice to the Governor General and the Speaker is thereby appointed. I would be curious as to whether that is in fact true on the House side and see how they got around that exact same thing when they decided to elect their Speaker.

**Senator Austin:** The Speaker is elected over there. The Governor General has nothing to do with it.

**Senator Stratton:** I appreciate that, but I would be curious to know what the process was before they elected their Speakers, when they still appointed them, and how they went about changing the process.

**Senator Murray:** Supposedly, the Speaker of the House of Commons was always elected, and the proposal was usually made after a consultation between the Prime Minister and the leaders of the other parties. When times were reasonably friendly, which was most of the time, the Prime Minister moved, the Leader of the Opposition seconded, and the House agreed to the election of whomever. However, it was always open to the House to contest or vote against that motion.

**Hon. Anne C. Cools:** Honourable senators, I notice that Senator Austin has said that I consistently raised that particular question. I am very pleased to see — no pun intended — that Senator Austin and I were on the same team, except I did not know at the time that he was supporting my then position.

The Speaker of the House of Commons, for hundreds of years now, has been elected. The Speaker of the House of Commons was not elected by direct election; this is a recent phenomenon. However, the Speaker of the House of Commons was elected by motion agreed to by the rest of the members.

Senator Joyal refers to a Royal Recommendation. Senator Murray is absolutely correct. The term is “Royal Consent,” as distinct from the term “Royal Recommendation,” because Royal Consent is derived from Her Majesty’s assent in advance of bills proceeding.

I have raised this issue of need for the Royal Consent on a number of bills, most often government bills. If anyone were to look to the record, I have placed on it what I thought were convincing, compelling and conclusive authorities.

At every turn, the Speaker of the Senate has consistently overruled my position that the Royal Consent should be signified by a minister in his place at second reading and that the bill should not be passed or voted on at second reading without the Royal Consent. That is what the authorities mostly said, and there are great authorities on this, the Royal Consent, such as Gladstone and Lansdowne.

Somewhere in the obscure past someone said that it was okay for the bill to proceed through various stages and receive the Royal Consent at later stages. That then came to mean at a later stage in the process.

I am trying to make the point that the Speaker of this chamber, the same Speaker who occupies the position now, has consistently upheld in his rulings the fact that the Royal Consent can be given

at any time during the proceedings and that a bill should not be rendered defective or impaired from moving ahead because it lacks the Royal Consent at second reading. If we were to review the records we would see that it has been the position that the Speaker of the Senate has consistently adopted or maintained.

• (1450)

Honourable senators, when I started raising this issue some years ago, some senators looked at me as if I were some sort of an oddity.

I would refer to the record again to demonstrate to honourable senators that, when Bill C-20 was before us in 2000 or 2001 — it was called the Clarity Bill at the time — the bill did continue past second reading. This was a government bill. The bill passed second reading here and was referred to committee. At that time, we raised all of these questions, but we got very little support. However, when the bill was returned to the chamber, prior to third reading, the then Leader of the Government in the Senate, Senator Bernard Boudreau — since it must be a minister of the Crown — rose and gave the Royal Consent to Bill C-20. In a way, the government action confirmed what the Speaker had been saying for quite some time.

It seems to me that the government cannot rise and fall at the same time, cannot take a yea-and-nay position simultaneously, but the practice as set by the Speaker has been in this chamber for quite some time that a bill is given second reading and is referred to committee. Thereafter, if the Royal Consent is required, someone else, especially if it is an opposition bill, figures out how to approach Her Majesty’s representative to observe the Royal Consent. The fact of the matter is that the government cannot take two positions simultaneously. The government cannot rise and fall at the same time.

**Senator Kinsella:** Your Honour, to be helpful to the Speaker on this matter, at page 181 of our publication, *Rulings of Senate Speakers 1994-2004*, which was prepared by the Legislative Services Sector and issued in September of this year, we find the matter to which Senator Cools has just been referring. Indeed, you can go to the journals of September 24, 2003, at pages 1048 to 1050. The question of Royal Consent was raised around Bill C-25, and the Senate had not been advised that consent had been granted. Reference was made to *Beauchesne*, sixth edition, page 213, citation 727, which provides that:

...a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given it at the last stage, the Speaker will refuse to put the question.

That is the point Senator Joyal made.

In the document to which I referred, at page 181, the Speaker Hays said:

...I have heard nothing that would compel me as Speaker to delay the debate on the second reading of Bill S-7. Royal Consent might be necessary;...

He went on to rule:

...I am prepared to rule that...the debate... should be allowed to continue.

Our precedents are very clear that the debate can continue. That is where we are at.

While I am on my feet I would hasten to add that we must be extremely careful because a different model could be used to deal with questions such as the one contained in Senator Oliver's bill. One could take the root of an amendment, not under the 1867 constitutional instrument but, rather, the 1982 constitutional instrument and the amending formula, which provides that resolutions passed by both Houses of Parliament and by certain numbers of legislative assemblies, and bring about an amendment to the Constitution. If an honourable senator were to rise to amend the Constitution relating to the Speaker of the Senate, he or she does not need to have the Royal Consent, in order to move a motion by way of a resolution to amend the Constitution.

In substance, we ought not to let ourselves be impeded or fettered by any attempt to do so when we want to examine something that relates even to issues such as the speakership of the Senate.

**Hon. Tommy Banks:** I had hoped to ask a question of Senator Oliver, but we have either leapt or scurried beyond questions. Nonetheless, I will put my question and hope that some illumination will follow later in the debate.

My question to Senator Oliver has to do with the point of order that has been raised. If this bill were it to be passed, what effect would it have on the weight of rulings of the Speaker of this place which can be overruled by this house? That is in contrast to rulings of the Speaker of the other place, whose rulings cannot be overruled by that place. If the Speaker of this place were to be elected, would it follow that the Speaker's rulings would not be subject to being overturned by this house?

**The Hon. the Speaker *pro tempore*:** Honourable senators, I have sufficient information. I will take this point of order under advisement and deal with it the week after we return.

**Hon. Bill Rompkey (Deputy Leader of the Government):** I move the adjournment of the debate.

**Senator Cools:** Your Honour, I believe that Senator Oliver was trying to join in the debate on the point of order.

**Senator Austin:** The Speaker has ruled.

**The Hon. the Speaker *pro tempore*:** Senator Oliver did not rise on the point of order. I am sorry if I cut him short, but I saw no indication that he wished to speak to it.

• (1500)

#### ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

##### INQUIRY—DEBATE ADJOURNED

**Hon. Anne C. Cools** rose pursuant to notice of October 19, 2004:

[ Senator Kinsella ]

That she will call the attention of the Senate to:

- (a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and
- (b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and
- (c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and
- (d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and
- (e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and
- (f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and
- (g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne



Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.

She said: Honourable senators, sixty years ago, on November 6, 1944, Walter Edward Guinness, Lord Moyne was assassinated in Cairo by the Jewish extremist Stern Gang Lehi, the Fighters for the Freedom of Israel. The assassins were Eliahu Bet-Tsouri and Eliahu Hakim. I was just a year old. I have no memory of the savage act itself, but I have vivid recollections as a young child in Barbados of hearing Barbadians speak about Lord Moyne. They spoke of this fine man with great esteem and reverence, both personally and politically. Barbadians spoke of Lord Moyne and the royal commission of which he was chairman, called the Moyne commission, and its Moyne report as a watershed in the social and constitutional development of Barbados, and as setting the stage for their improved social, political and economic conditions, including social and health services, minimum wages, labour relations, universal suffrage, representative and responsible government and even a federation of the British West Indies.

Honourable senators, the assassination of this British Minister Resident in the Middle East while Britain and the Empire were fighting a vicious war against the Nazi Germans, with their persecution of the Jews, shook British Barbados profoundly. Barbados was the home of the oldest Jewish communities in the British Americas, because after the Portuguese inquisitions, many Jews sought refuge in the British possessions in the 1620s. There is Jewish blood in many Barbadians, including myself. Lord Moyne was murdered exactly five months after D-Day, June 6, the day of the British and Allied assault to re-enter and recapture Europe from Nazi occupation and to conquer Germany. Many Barbadian men, my parents' friends, fought on the beaches of Normandy that day. I salute them.

Honourable senators, Lord Moyne, of the famous Guinness family, of whom one member owned Porters Plantation Great House in Barbados, had sailed his own boat to the West Indies for the hearings there. One of the many witnesses before the West India Royal Commission was Grantley Adams, a coloured lawyer who by then was the undisputed political leader of the Barbadian masses. As a public man, he felt the terrific responsibility the masses had thrust upon him. On January 24, 1939, he told the eight commissioners that the Barbadian people had high expectations of the commission's investigations into the conditions of Barbados. F. A. Hoyos quoted Adams in his biography *Grantley Adams and the Social Revolution*, saying:

... I say that the people of this colony, at the present, have a profound distrust of the Government doing anything for them. They look upon the Commission as their saviours...

Grantley Adams' testimony was well received by the commission. En passant, he later became the first Premier of Barbados, and even later became Sir Grantley Adams.

Honourable senators, the masses of Barbadians assembled in Bridgetown to listen attentively to the commission's proceedings,

relayed to them by loudspeaker. The Moyne report features an impressive photograph of these crowds, expectant of social change.

Lord Moyne knew Africa, the Middle East and the West Indies. He was a soldier and officer, first serving in the Boer War. He served again in World War I, fighting in France, in Flanders, in Gallipoli and, yes, in Egypt. He had been a member of the House of Commons and the House of Lords and had been the Secretary of State for the Colonies. He was a hunter, a sailor, an explorer, an anthropologist and an ethnographer. He was a friend of the colonies and a friend of the British Caribbean. The masses of the Black people of Barbados looked to his commission for amelioration of the prevailing social and economic conditions. Barbados was a plantation society, sugar was the mainstay, and the government and the economy were in the hands of a very few White Barbadian plantocrats.

Honourable senators, today I shall look at the heart of darkness that is terrorism. Lord Moyne's assassins, Bet-Tsouri and Hakim, 22 and 17 years old respectively, were members of Lehi, which specialized in political assassinations and individual terrorism. In the 1940s, Lehi's three leaders were Natan Friedman-Yellin, "Yellin-Mor," Israel Sheib, "Eldad" and Yitzhak Shamir, who later became Prime Minister of Israel. Nachman Ben-Yehuda wrote about Lehi's assassinations as propaganda in his 1993 book, *Political Assassinations by Jews: A Rhetorical Device for Justice*. On the morality of these assassinations, Ben-Yehuda quotes Yitzhak Shamir saying:

...it was more efficient and more moral to go for selected targets.

We were aiming at a political goal. There are many examples that what we did could be found in the Bible — Gideon and Samson, for instance.

Honourable senators, Gerold Frank in his 1963 book *The Deed*, on Lord Moyne, similarly quotes Yitzhak Shamir, who had ordered and planned the brutal murder, explaining the nature of individual terrorism that:

A man who goes forth to take the life of another whom he does not know must believe one thing only — that by his act he will change the course of history.

This is shocking; the terrorist assertion that a belief, one's own righteousness, is a justification for murder, a black-hearted deed.

Honourable senators, a disturbing and worrisome fact is that the Jewish extremist Stern Gang Lehi tried to forge a collaboration with Hitler. Kati Marton, in her 1994 book *A Death in Jerusalem*, wrote:

Stern's astonishing and now-forgotten proposal of a Jewish-German alliance against Britain came as the eastbound trains transporting Jews had begun to pull out of European stations. It preceded by less than six weeks the Berlin Wannsee Conference, at which the Nazis planned the implementation of the Final Solution.

One time, Abraham Stern had dispatched Yellin-Mor to Turkey to contact German agents there. The Fighters for the Freedom of Israel could see no difference between the Nazis and the British.

Honourable senators, Colin Shindler, in his book *The Land Beyond Promise: Israel, Likud and the Zionist Dream*, in his chapter on Yitzhak Shamir, described Lehi terrorism thus:

They considered such assassinations to be moral acts which demanded great courage. Although Lehi was the smallest of the three Jewish military organizations, it nonetheless carried out 71 per cent of all political assassinations between 1940 and 1948.

Ben-Yehuda, in his book, told us about Lehi's killings of Jews, saying "...Lehi killed more Jews than non-Jews," and also that Lehi leader, Yellin-Mor, in 1948, on trial for charges related to Count Bernadotte, told the court that "...it was Lehi's right to execute 'low level and degraded traitors...'"

Honourable senators, Yitzhak Shamir, in his 1994 book *Summing Up: An Autobiography*, wrote:

...Bet-Tsouri and Hakim had done the deed ...there was...no pause in which I could properly grieve for the boys whom I had sent to Egypt.... In 1975...I received their remains at the Israel-Egyptian border.... I recognized them at once, despite the years that had passed and the way in which they died. Their faces were untouched and calm; neither time nor the way they died had disfigured them. A chaplain told me that only the righteous are granted this privilege. I hope, and I believe, that this is so. At the funeral...I delivered the eulogy.

Honourable senators, the two assassins had travelled from Palestine to Egypt to kill Lord Moyne. On November 6, 1944, at 1 p.m., the assassins ambushed him in his car, shooting point blank. Hakim shot Lord Moyne three times. Simultaneously, Bet-Tsouri shot and killed Moyne's driver, Lance Corporal Fuller, as he tried to protect Lord Moyne. Lord Moyne died at about 8 p.m. that evening after surgery performed by King Farouk's own doctors. The malevolence and savagery of this "deed" is revealed in the fact that Hakim, the 17 year old, aimed his three bullets at Moyne's neck, abdomen and heart at very close range.

Honourable senators, public reaction to Lord Moyne's murder was unequalled, both in the U.K. and internationally. Jews and non-Jews were horrified around the world. In London, Parliament met on November 7, 1944. Prime Minister Winston Churchill, a close friend of Lord Moyne for 30 years, did not trust himself to speak at length. In his stead, on November 9, 1944, Anthony Eden gave the assassination details to the Commons. King George VI and Queen Elizabeth sent cables of condolences. In Barbados, called "Little England," where I was born, Barbadians were dismayed. Jewish reaction universally condemned the murder. In *The Deed*, Gerold Frank wrote:

The Hebrew press could not find words strong enough to denounce the deed. It was an "abomination." ..."Since Zionism began," lamented *Haaretz*, the most influential newspaper in the country, "no more grievous blow has been struck at our cause." The Jewish Agency expressed its horror "at this revolting crime." In London Dr. Chaim Weizmann...said that this shock had been "far more severe and numbing than that of the death of my own son" ...missing in action against the Germans....

...“The bullet that struck down Lord Moyne,” wrote a distinguished Zionist leader, “was aimed not only at him but at our own hearts.”

Honourable senators, in the U.K. House of Commons on November 7, 1944, saying that Moyne's murderers narrowly escaped being lynched by Egyptian passers-by and describing Lord Moyne as a good and faithful servant, Winston Churchill paid tribute to him, saying:

• (1510)

...His work as Secretary of State for the Colonies was admirable....

During this present year a press of the most difficult, tangled, anxious and urgent problems was thrust upon him.... These affairs affected not only matters in the Middle East, but the relations with Allied Governments and enemy Governments seeking to surrender....

...In particular, Lord Moyne devoted himself this year to the solution of the Zionist problem, and I can assure the House that the Jews in Palestine have rarely lost a better or more well-informed friend.

Honourable senators, days later, on November 17 in the House, Prime Minister Churchill spoke again. He said:

...If our dreams for Zionism are to end in the smoke of assassins' pistols and our labours for its future to produce only a new set of gangsters worthy of Nazi Germany, many like myself will have to reconsider the position we have maintained so consistently and so long in the past.

Prime Minister Churchill told the House that the Palestinian authorities were engaged in an active campaign against the Stern gang. About the Palestinian reaction, he added, in part:

I have received a letter from Dr. Weizmann, President of the World Zionist Organization — a very old friend of mine — who has arrived in Palestine in which he assures me that.... In Palestine the executive of the Jewish Agency have called upon the Jewish community — and I quote their actual words: “to cast out the members of this destructive band...and to render all necessary assistance...in the eradication of the terrorist organisation.”

Honourable senators, in 1975, the Israeli government gave the two assassins a state funeral with full military honours and reburied them at Mount Herzl. The British government protested. British media commentary scorned this. On June 26, 1975, *The Times* editorial, headlined “The Terrorists Receive a Welcome in Israel,” said:

The justification for these men, whose actions at the time were deplored by Dr. Weizmann, is precisely the same as the justification for any other terrorists.... The same Stern gang of which these terrorists were members murdered Count Bernadotte....

But the great men who led the Israeli nation then did not accept the support of murder, and it is a reflection on the men who lead Israel now that they accept other and lower standards....

Honourable senators, Victor, Lord Rothschild, the third baron, whose family foundation had financed the Knesset and Supreme Court buildings in Israel, in his letter to *The Times*, June 27, 1975, condemning the assassin honours, wrote:

Sir, I voice the feelings of a vast number of British Jews and non-Jews, who are well disposed towards Israel, in expressing a sense of outrage at the behaviour of the Israeli Government if, as reported in *The Times* today June 26, the Jewish terrorists who assassinated Lord Moyne were honoured by members of the Government of Israel....

Israel is by no means the only country which appears to condone terrorism. But standing, or purporting to stand, as it does, for adherence to the law, international or otherwise, and to the most famous Commandments ever propounded, their behaviour in this case is a source of indignation to all those who believe in justice, peace and freedom.

Yours truly,  
ROTHSCHILD

Honourable senators, in closing, I wish to state that I understand that human beings are flawed, imperfect and rarely know themselves and their own motivation. Human beings are capable of justifying foul deeds in the name of beliefs, causes, ideology and their own righteousness.

Terrorists seek to distinguish between good terrorism and bad terrorism. Earlier in my remarks, I had said that terrorism is a heart of darkness, but there is another darkness — the darkness of the heart. The mystics who write and pray about the discernment of good and evil, particularly Jacques Guillet, say it best:

...there is the darkness in man himself who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them.

Honourable senators, today I commemorate Lord Moyne. I close by saying that I praise him. On Saturday, it will be sixty years that he was assassinated. I also add that the terrorism that ended his productive and useful life at age 64 can never be justified.

I thank honourable senators for their attention.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

## INVISIBLE RIBBON CAMPAIGN

### INQUIRY

**Hon. Lucie Pépin** rose pursuant to notice of November 2, 2004:

That she will call the attention of the Senate to the 2004 Invisible Ribbon Campaign.

She said: Honourable senators, I am very pleased to speak to you today about our military families and about military spouses in particular. I do so in connection with the Invisible Ribbon Campaign that will be in full swing until November 7.

This campaign was first launched in Winnipeg in 1996. Two women, Barbara Little and Maureen MacDonald, created the ribbon as a means of showing support for those who wear the invisible uniform, families of serving personnel. The ribbon is made of clear plastic and is fastened to clothing with a Canadian flag pin.

On Monday I had the privilege of joining the Honourable Peter Milliken to take part in the launch of this campaign at the Rockcliffe military base. I am delighted every year to take part in this very important ceremony.

When I became aware of the situation of our military families, I realized that the excellent work of our military personnel and the courage of military spouses deserved better recognition. Canadians are generally very proud of those who serve in the forces. We are all aware of the strong sense of duty of these brave men and women. Nonetheless, aside from Remembrance Day and Veterans' Week, there is little opportunity for Canadians to openly show their respect for our military.

I think it is a wonderful idea to hold a campaign to fill this gap and include the families. Not only does the Invisible Ribbon Campaign draw attention to the contribution of military spouses, but it highlights their heroism as well. Congratulations to the staff of the family resource centres for coming up with this concept.

I said that the spouses of military personnel are heroes. They may not consider themselves as such. However, the strength of character that they show in reconciling the demands of military life with their status as civilians inspires respect.

The armed forces are unique in that they impose a very demanding lifestyle on their members. Because of the mission of the Canadian Forces, army requirements take precedence over any personal or family consideration. Military personnel must make huge sacrifices, not least of which are frequent moves, long periods of separation, and restrictions governing family life on military bases. In light of these constraints, it is easy to imagine how difficult it is to maintain an adequate balance between the military life and family needs.

• (1520)

All these sacrifices made by our military personnel are largely shared by their spouses and families. The latter did not enrol in the forces, but it is as though they had. While they are not members of the forces, they are subjected to the constraints relating to a hierarchy. Their habits are very much determined by the military environment. They may bask in our forces' moments of glory, but they are just as affected by criticism as those who wear the uniform.

I find it perfectly legitimate to say that they wear the invisible uniform. We do not talk much about them, but there they are, standing proud. I saw this in all the bases that I visited over the past three years. Wherever I went, I met spouses who were willing to accept the sacrifices and constraints generated by their spouses' career. They accept the periodic interruptions in their professional lives and the associated difficulties.

I was very impressed by the importance that the spouses of our military personnel attach to their support role, as it relates to their spouse's mental balance. While they are busy on other fronts, our military personnel do not have to worry about what is happening on the home front. Their spouses take care of it. Incidentally, this year's theme for the Invisible Ribbon Campaign stresses the fact that the spouses of military personnel provide support on the home front.

Military spouses are the backbone of the home, where they have to shoulder a great deal of responsibility on their own. The list is a long one: family responsibilities, child-rearing, and many, many more.

I particularly admire the way they have taken the skills their spouses call on in their profession and adopted them in coping with their repeated absences. Military spouses have developed many qualities that have made them into take-charge, dynamic people.

Left to their own devices so often, they show great independence and determination. As a result, they are able to adapt to a variety of situations and to be better able to cope with their spouses' frequent transfers. They make sure that each move becomes an opportunity for personal enrichment, and I must point out that these moves may come as often as yearly.

Patience, independence and adaptation are concepts that hold no secrets for them. These qualities are what help them adapt to each new living situation, to look after the home front.

Military families contribute to the success of our troops on mission by looking after the domestic front and supporting their absent family members. We need to acknowledge this more often than we do. You can well imagine how much it bolsters morale to hear that one's sacrifices do not go unnoticed. I can tell you theirs is not an easy life. Just meeting and talking with military families will show you this. They never give up, regardless of life's difficulties. The affection that military spouses have for their partners and their belief in the nobility of the mission of the Canadian Forces are what keeps them going.

I came away from all my visits to the military bases greatly heartened. Everywhere I saw the real desire of these people to take charge of their lives. I am delighted to see that the Canadian Forces acknowledge the importance of the role of families and provides support in the form of appropriate services by dedicated and competent personnel.

As I visited the bases, I was also able to see that the base commanders were very much attuned to their presence. There was recognition that these men and women have unique living situations that can sometimes lead to serious career, personal or emotional problems.

In just a few years, the more reassuring, post-Cold War world has been replaced by the post-September 11 world, an environment full of uncertainty. In this context of instability, our country will continue to be called upon. Even more than previously, we will continue to play an active role in sharing our values and protecting our interests.

This will require increasing involvement of the Canadian Forces, which will lead to the deployment of our professional military personnel, more and more men and women who are also partners, husbands and wives, fathers and mothers, sons and daughters. In the latest throne speech, the recruitment of 8,000 new military personnel was announced. I am convinced that the arrival of these new members of the regular and reserve forces will be a breath of fresh air that will further reduce the frequency and duration of absences.

We must continue to take measures like this to support our military personnel so they can carry out their missions properly and to provide our military and their families with better living conditions.

My purpose in speaking to you today, honourable senators, is to urge you to support the military hierarchy as it strives to improve the quality of life of military families.

The families are expecting a lot of us, as are our military personnel. It is all very well to have the latest equipment, but if a soldier is not in peak mental condition because of worries about housing or the difficult living conditions of his or her family, we can easily imagine what use will be made of the equipment. Therefore, we must not only improve the armed forces' equipment, but also take note of what is going on in the living environment of members of the military and their families, and express our deep appreciation to them and to the spouses we do not see, those who wear the invisible uniform.

**Hon. Yves Morin:** Will Senator Pépin take a question?

**Senator Pépin:** Yes.

**Senator Morin:** First, I would like to congratulate Senator Pépin on her fine speech and especially on the efforts she has been making for such a long time to improve the situation of the spouses and families of military personnel. It is a very important cause.

The honourable senator has described the difficult situation of military families. Does she have recommendations on what action could be taken to improve conditions for these spouses and families?

**Senator Pépin:** There are several. I even took the liberty of meeting with the Minister of National Defence last week. It is true that we do not see them, but it is important for people in the vicinity of military bases to know that we are looking after them. These men and women are looking for jobs off the bases, and I urge businesses that have jobs for them to give them jobs. The biggest constraint is that they move every six, nine or twelve months. They still need to earn a living because, as we know, the pay is not too high.

I heard an honourable senator mention housing quality earlier. I can assure you that many improvements have been made, but then, the rent went up. It is so high that a majority of families now live off the bases, because it is less expensive to live in town. Representations are underway in this respect, and we hope that they will be met with a favourable response from the government.

The spouses are often very young, as our soldiers are only 19, 20, 21 years old or more. For example, when a sailor in the navy is transferred from Halifax to Victoria, his wife follows him. She might be there for nine months or a year without seeing her partner when he is on a mission. If something happens in the family, they no longer have the flight service for military members available to them that they once did. The “padre” has to get together the money to help the wife make the trip.

I have already tabled one report in the Senate and I am preparing another. Military members here tell us that in the United States, members of the armed forces get some recognition. In Canada, not much is heard. Saying that we are proud of our troops could help their spouses.

I can assure you there are many ways to help them in their work or their education because, at 19 or 20, many of them still have to finish their schooling. Family centres have been opened on the bases and they have improved things quite a bit. However, a problem arises if both parents are serving in the military and are using a day care service, because it closes at five o'clock and there is no one to take care of the children. It is also very difficult to find a babysitter. It is hard to imagine that in 2004 such facilities are so limited for our military families.

**The Hon. the Speaker *pro tempore*:** Honourable senators, if no other honourable senator wishes to speak, the inquiry is considered debated.

• (1530)

## NATIONAL PAIN AWARENESS WEEK

### MOTION ADOPTED

**Hon. Yves Morin**, pursuant to notice of October 28, 2004, moved:

That this House call upon the Government of Canada to establish the first week of the month of November in each and every year, throughout Canada, as “National Pain Awareness Week.”

He said: Honourable senators, I have the honour to propose, at the request of the Canadian Pain Coalition, a motion designating the first week of November as National Pain Awareness Week.

[*English*]

National Pain Awareness Week recognizes both the millions of Canadians who suffer from chronic pain and the tremendous cost it exacts from those individuals and from society as a whole.

Chronic pain is different from acute pain. Acute pain is biologically necessary. It warns us of harm or danger and can be removed by dealing with that harm or danger. Chronic pain is

different. It does not go away. Chronic pain may exist because its cause cannot be removed — for instance, in the case of untreatable diseases such as advanced forms of cancer, arthritis or back injury. Sometimes the reasons cannot be explained — for instance, headache or neurogenic pain that is caused by damage to peripheral or central nerves. The people who suffer from chronic pain suffer simply because their body has gotten into the habit of pain. Even when the cause of the initial pain has apparently been removed — a sprained back or a serious infection, for example — the injured site may persist in sending pain signals for weeks, months or even years.

This can happen when the initial acute pain is not effectively treated. Infants, children, the elderly and people with communication difficulties are most at risk for not having acute pain treated effectively; but they are not alone. Pain is not alleviated in half of the people in hospitals suffering from acute pain in the moderate to severe range.

Chronic pain is costly. For individuals, pain limits their activities, lowers their quality of life, clouds their old age and is a huge source of stress for them and for their families. For society, pain costs our economy as much as \$10 billion a year.

Pain is a burden on our health care system as well. It is the primary symptom behind an estimated 80 per cent of all physician office visits. People in severe chronic pain visit the doctor three times more often than the general population.

Sadly, there is often little we can do to relieve chronic pain. Medication is obviously the first line of attack, but all medications have side effects. Other treatments include acupuncture, local electric stimulation, brain stimulation, surgery to cut the nerves that carry the signals of pain to the brain, psychotherapy and techniques such as bio-feedback, relaxation and behaviour modification. However, these are only partially effective in many patients.

A large part of the problem is that chronic pain is so poorly understood. Scientists around the world are working to remedy this problem, and Canadians are world leaders in this field.

Dr. Ron Melzac of McGill University, an international leader in pain research, published one of the seminal early research papers on pain in 1965, “The Pivotal Gate Control Theory of Pain.” Since then, Canadian scientists have explored the mechanisms underlying the phenomenon of chronic pain.

Dr. Jeff Mogil, also of McGill, has examined the genetic disposition to pain susceptibility. Dr. Yves De Koninck of Laval University, in the beautiful city of Quebec, has increased our understanding of changes in the nervous system that lead to chronic pain following an injury that would normally heal.

In Toronto, Dr. Mike Salter recently discovered the dream gene, and found that mice without the gene were dramatically less sensitive to pain than mice with the gene. His work could lead to a completely new approach to pain control.

Canada is also a world leader in treating chronic pain. Every academic health care centre in the country has a pain management unit. These clinics not only give relief to those suffering from chronic pain, but also provide a focus for important clinical research.

Dr. Manon Choinière of the University of Montréal is leading a cross-Canada team to determine the psychological impact of waiting for treatment of pain. Another team is examining how to measure and manage pain in vulnerable populations, such as infants and children.

This Canadian research is a source of hope for those patients who suffer from chronic pain, but patients are not sitting back and waiting for their pain to be addressed.

Chronic pain has not prevented Helen Tupper from Halifax, for example, from making, with the help of Dr. Celeste Johnson, the Canadian Pain Coalition a reality. The Canadian Pain Coalition has evolved from a number of smaller groups into what I believe will be a powerful multi-stakeholder voice for reforming the treatment of pain in Canada.

Honourable senators, pain is truly one of our orphan illnesses. I would ask honourable senators to support the Canadian Pain Coalition and their efforts to ease the pain of millions of Canadians. Thank you very much.

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

**Hon. Eymard G. Corbin:** I had hoped that Senator Keon would stand up and say a word about the work we did on the Special Senate Committee on Euthanasia and Assisted Suicide. Incidentally, a review of that report produced a report five years later, entitled *Quality End-of-Life Care: The Right of Every Canadian*. Dr. Keon was also a member of the five-year review committee. The Senate's work on those two reports brought it much good publicity.

One of the concerns of the members of that committee — and I have not had time to go back to the original pronouncements and text — was that the committee was rather surprised that end-of-life care to suffering patients was not an area that a lot of people and researchers had looked into. That was, of course, connected with assisted-suicide matters. For example, at what point does the administration of morphine cease to be for the alleviation of pain and become criminalized, because an overdose or an excessive dose, whether medically prescribed or not, can become a criminal matter? However, I do not want to focus on that at the present.

In our five-year review of the report on assisted suicide, the committee heard from some highly professional people in the fields of medicine and pharmaceutical research. We talked to nurses and we also talked to legal experts.

The focus was just beginning to develop on the matter of what to do with end-of-life patients, patients who are going to die

within a certain time span because of the nature of their illness? As everyone knows, an individual can face excruciating pain at the end of his or her life. Our committee believed that that was an area that required very special research.

• (1540)

Fortunately, a number of care institutions do deliver the best possible pain-relieving substances that are currently available, but it is not just substances; it is not just a matter of chemistry; it is also a matter of psychological help.

I received a number of calls regarding this motion because it was anticipated or thought that I would, perhaps, oppose it, because I have stood up before with respect to special commemoration proposals, special holidays or what have you, to voice my concern that there ought to be in this country a program or at least an effort to catalogue, categorize and prioritize these various commemorations. I certainly will not oppose this initiative. I told the people who called my office that I would support Senator Morin's proposal.

Nevertheless, as one who recognizes pain as very much part of our human condition and who recognizes that I may die in excruciating pain myself at some point, I want to reserve my right to speak to the broader question of commemorative days and holidays at another time. I certainly will not oppose this initiative. I support it.

**Hon. Wilbert J. Keon:** Honourable senators, I thank Senator Corbin for referring to that work and my involvement in it. I had discussed this situation with Senator Morin and I was satisfied that, when he addressed the subject, there would not be very much left for me to say about it. I chose to second his motion and not speak to it.

However, Senator Corbin has raised both issues, and I happen to agree with him on both — we are running out of weeks to dedicate to causes. However, this is a truly important subject and it is in sync with the work done by the Special Senate Committee on Euthanasia and Assisted Suicide five years ago and with the work Senator Carstairs has been doing. The progress that has been made in those five years is truly phenomenal, both from the point of view of funding of appropriate health care delivery and from the point of view of research into pain and better ways of dealing with palliative care.

I commend Senator Morin. I agree with everything he said. I knew what he was going to say in advance. This is a worthy subject to which to dedicate a week. Further to Senator Corbin's comments, though, some thought must be given to dedicating weeks and days to a number of subjects.

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

**Hon. Senators:** Question!

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

Motion agreed to.

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

**Hon. Michael A. Meighen**, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to veterans in recognition of their services to Canada, in particular examining: access to priority beds for veterans in community hospitals; availability of alternative housing and enhanced home care; standardization of services throughout Canada; monitoring and accreditation of long term care facilities;
- (b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and
- (c) the need for an updated Veterans Charter to outline the right to preventative care, family support, treatment and re-establishment benefits;

That the papers and evidence received and taken during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2005.

Motion agreed to.

## ABORIGINAL PEOPLES

### COMMITTEE AUTHORIZED TO STUDY INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

**Hon. Nick G. Sibbeston**: Honourable senators, I seek leave to move a motion that I gave notice of earlier today.

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

**Hon. Senators**: Agreed.

**Senator Sibbeston**: Honourable senators, I move:

That, the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q) of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the

economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters.

That, the committee report to the Senate no later than December 31, 2006.

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

**Hon. Terry Stratton (Deputy Leader of the Opposition)**: Perhaps the senator could explain two things. First, what is the reason for asking that the motion pass today? He has explained this to me and I agreed with him, but I think the chamber should understand why he wants this motion passed today.

Second, this is a new study and, as such, I take it there are dollars attached. If that is the case, how much money will be requested?

**Senator Sibbeston**: Honourable senators, I have asked you to deal with this motion today because we have already held a number of meetings, all of which have been administrative in nature, and we want to proceed with this matter. Our committee has not dealt with any bills and nor is it likely to deal with any in the foreseeable future. Therefore, we are anxious to undertake a study, and permission to proceed will be the result of the passage of this motion. We will immediately plan to have witnesses appear during the week that the Senate resumes. In fact, we propose to have witnesses appear on November 17. However, we will have to wait for another week.

If this motion is passed, the committee has decided that it will undertake a study of the involvement of Aboriginal peoples in industrial projects. We all recognize the problems that Aboriginal people have in matters of unemployment, health and so forth. However, there are areas or pockets in the country where Aboriginal people have been very successful.

I would point to two such situations in the North with the development surrounding the diamond mines in Yellowknife. Aboriginal people in the area have become very engaged. The Dogrib in the Yellowknife area are the most traditional of any of the groups in the North, yet, in the last 10 years they have become engaged in the project, and very successfully so. They are employed and they have businesses. They have a positive involvement.

As well, since the Inuvialuit people in the Delta settled their land claims in 1984, they have become involved in industry and business to the point where they are very successful. They initiated the move for the Aboriginal people of the North to own one third of the gas pipeline that is likely to be built from the Northwest Territories. We are interested in seeing what factors and elements lead to the success of some Aboriginal people while others fall on hard times. We are interested in the subject.

• (1550)

Harvard University has done a study regarding Aboriginal people that covers this area. There are also experts in our country.

We propose to look at this issue. I think it will be a topical and relevant study because Canada seems intent on helping Aboriginal people. If our country is wanting to do more to assist native people, it is important to know if this can be accomplished by giving more money to them.

That is the nature of the study we wish to undertake. We propose to deal with people in all areas of the country, beginning with those in the North because that is the area with which I am most familiar.

As far as money is concerned, our committee has not determined the amount that will be needed. Initially, we propose to obtain money to hear witnesses so that we can put our minds to the subject and focus on the elements that will be important. After that, we propose to obtain funds to travel, initially to all the regions of the North. We hope to undertake the study within the next two years. However, I hope the work can be completed sooner than that.

**Senator Stratton:** Honourable senators, I would like to ask a final question. However, I do not want an answer today. Can the honourable senator tell us how much this will cost?

**Senator Kinsella:** Question!

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

Motion agreed to.

#### ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 16, 2004, at 2 p.m.

Motion agreed to.

The Senate adjourned until Tuesday, November 16, 2004, at 2 p.m.

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**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

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

**(1st Session, 38th Parliament)**

**Thursday, November 4, 2004**

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

**GOVERNMENT BILLS  
(SENATE)**

| No.  | Title   | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee                        | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|------|---|-----------------|-----------------|----------------------------------|--------|-------|-----------------|------|-------|
| S-10 | A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law  | 04/10/19        | 04/10/26        | Legal and Constitutional Affairs |        |       |                 |      |       |
| S-17 | An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion | 04/10/28        |                 |                                  |        |       |                 |      |       |
| S-18 | An Act to amend the Statistics Act  | 04/11/02        |                 |                                  |        |       |                 |      |       |

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

| No. | Title | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|-------|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
|     |       |                 |                 |           |        |       |                 |      |       |

**COMMONS PUBLIC BILLS**

| No. | Title | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|-------|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
|     |       |                 |                 |           |        |       |                 |      |       |

**SENATE PUBLIC BILLS**

| No. | Title  | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee                              | Report   | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|----------|-------|-----------------|------|-------|
| S-2 | An Act to amend the Citizenship Act (Sen. Kinsella)  | 04/10/06        | 04/10/20        | Social Affairs, Science and Technology | 04/10/28 | 0     | 04/11/02        |      |       |
| S-3 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 04/10/06        | 04/10/07        | Official Languages                     | 04/10/21 | 0     | 04/10/26        |      |       |

| No.  | Title  | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee  | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|------|--|-----------------|-----------------|--|--------|-------|-----------------|------|-------|
| S-4  | An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools) | 04/10/06        |                 |  |        |       |                 |      |       |
| S-5  | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)                        | 04/10/07        | 04/10/26        | Transport and Communications (withdrawn)<br>04/10/28<br>Legal and Constitutional Affairs |        |       |                 |      |       |
| S-6  | An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)  | 04/10/07        |                 |  |        |       |                 |      |       |
| S-7  | An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)   | 04/10/07        |                 |  |        |       |                 |      |       |
| S-8  | An Act to amend the Judges Act (Sen. Cools)  | 04/10/07        |                 |  |        |       |                 |      |       |
| S-9  | An Act to amend the Copyright Act (Sen. Day)   | 04/10/07        | 04/10/20        | Social Affairs, Science and Technology   |        |       |                 |      |       |
| S-11 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)  | 04/10/19        | 04/10/26        | Legal and Constitutional Affairs   |        |       |                 |      |       |
| S-12 | An Act concerning personal watercraft in navigable waters (Sen. Spivak)  | 04/10/19        |                 |  |        |       |                 |      |       |
| S-13 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)                    | 04/10/19        |                 |  |        |       |                 |      |       |
| S-14 | An Act to protect heritage lighthouses (Sen. Forrestal)  | 04/10/20        | 04/11/02        | Social Affairs, Science and Technology   |        |       |                 |      |       |
| S-15 | An Act to prevent unsolicited messages on the Internet (Sen. Oliver)   | 04/10/20        |                 |  |        |       |                 |      |       |
| S-16 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)                          | 04/10/27        |                 |  |        |       |                 |      |       |
| S-19 | An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)  | 04/11/04        |                 |  |        |       |                 |      |       |

**PRIVATE BILLS**

| No. | Title | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|-------|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
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