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OFFICIAL REPORT
(HANSARD)

Tuesday, June 6, 2000

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Tuesday, June 6, 2000

The Senate met at 2:00 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

SENATORS' STATEMENTS

WORLD WAR II

FIFTY-SIXTH ANNIVERSARY OF D-DAY

Hon. J. Michael Forrestall: Honourable senators, I rise today, on the anniversary of D-Day, to commemorate the contributions and sacrifices made by Canadian soldiers during one of the most important battles of World War II. By land, sea and air, thousands of brave Canadians fought valiantly to defeat the Nazi regime.

D-Day marked the beginning of the liberation of occupied Europe from Nazi Germany. In the early morning hours of June 6, 1944, thousands of Allied soldiers, including many Canadians, stormed a 50-mile stretch of beach in Normandy, France. The gruesome battle that ensued took the lives of many, quashing their dreams and hopes for the future.

Honourable senators, World War II saw many heroes, both at home and abroad. Today, in recognition of D-Day, I should like to pay tribute to the bravery and strength of some of those unsung heroes.

On Sunday, May 28, 15,000 to 20,000 Canadians came to Parliament Hill to pay tribute to the Unknown Soldier. Brought home to Canadian soil at last, he represents every Canadian who made the supreme sacrifice for the freedom and peace that we enjoy today. It was an emotional day, a remembrance of a time not that long ago when the world was in turmoil and the entire nation united to save the free world.

On this anniversary of D-Day, honourable senators, we need to reflect once more on the sacrifices that were made and the lives that were lost, both in the Second World War and in other wars, by men and women who answered the call to arms on behalf of their fellow citizens.

D-Day is also an opportunity to pay special tribute to the women of Canada who responded to the call of duty, without whose unfailing commitment we would never have been so successful. While their sons, fathers, brothers, uncles and nephews were leaving Canada to fight, the women were left behind to keep their families going and to contribute to Canada's war effort on farms, in factories, on fishing boats and in orchards. There was much to be done and these women rose to that challenge.

Although the government was at first reluctant to allow females into the service, finally, in July of 1941, the Women's Division of the Royal Canadian Air Force was authorized and quickly enlisted thousands of young women. During the Second World War, more than 45,000 Canadian women volunteered for military service. Whether overseas or on the home front, Canadian women played a key role in the war effort and deserve our thanks.

Honourable senators, the eventual victory of the Allied forces did not come without a heavy price. As we recognize D-Day, let us take a moment to reflect on the sacrifices of these men and women who deserve our undying gratitude.

Hon. Senators: Hear, hear!

THE SENATE

ACTIVITIES DURING ENVIRONMENT WEEK

Hon. Bill Rompkey: Honourable senators, on behalf of the Senate Green Committee, I should like to bring to your attention some of the events that are planned for Environment Week, which runs from June 4 to June 10. There will be a kiosk set up in the Senate buildings where senators and staff can show their commitment to the environment by purchasing trees from Tree Canada and Senate coffee mugs made from recycled plastic that bear the new Senate Green Committee logo.

I should also like to draw the attention of senators to our new Senate Green Committee Web site now available on the Internet.

I wish to congratulate those involved in organizing the Senate Environment Week activities. I encourage all senators to participate and to support our commitment to the greening of Parliament Hill and to the environment in general.

CHINA

ELEVENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Hon. Consiglio Di Nino: Honourable senators, this week marks the eleventh anniversary of the massacre in Tiananmen Square. On June 4, 1989, thousands of unarmed civilians, mostly students, were murdered and maimed by heavily armed Chinese troops and military tanks that had been ordered to clear the streets of pro-democracy demonstrators.

• (1410)

Since that tragic day, the word "Tiananmen" has come to symbolize the crushing of the flower of youth, of hope, of democracy and of individual freedom. The terrible images of June 4, 1989 remain with us.

Many of those who survived the Tiananmen Square massacre are today in prison. Many more are still unaccounted for. The majority of the young men and women who were jailed faced kangaroo courts. Some were tortured to extract confessions. Others received sentences far out of proportion to the crimes that they allegedly committed, and those who have since been released find their movements closely monitored and their freedom severely restricted.

Honourable senators, June 4 is also a day of remembrance. It is a time when we remember the families of those killed and injured on the orders of the Chinese leadership for daring to support the struggle for greater freedom in China. On a broader scale, it is a time when those of us who enjoy the fruits of democracy hopefully will once again take a moment to offer prayer for the millions of people around the world who live under tyranny and terror.

Hon. Vivienne Poy: Honourable senators, last Sunday, June 4, evoked horrible memories of the events that occurred in Tiananmen Square 11 years ago. Many of us watched the massacre of unarmed students and civilians on television, but few of us understood why the tragedy happened.

Deng Xiao Ping's motto of "Getting Rich is Glorious" unleashed carnivorous appetites in individuals in China, while political and social reforms were neglected. The fabric of society had come apart. For example, eminent university professors could not feed their families on salaries of $200 to $300 per month, in comparison to taxi drivers, whose licences could only be obtained with connections, making $10,000 monthly. Everyone could see government officials and their cohorts amassing fortunes and living the high life. China had become a country owned by the political elite.

Traditionally, intellectuals in China bear the responsibility of society. Students petitioned the government for political reform and an end to official corruption. The support they received from the workers and the general population proved the existence of tremendous discontent. Protests that started in 1986 had spread to over 80 cities, involving 600 tertiary institutions and nearly 3 million students by June 1989.

Events could have turned out very differently as many of us had hoped. The initial flip-flop of the leaders in Beijing was believed to be a power struggle among the leadership. Battalions were dispatched from different regions of the country, not only to disperse the crowds but also to guard against each other. The population in Tiananmen Square actually expected rubber bullets and water hoses. When the troops started firing and the tanks mowed people under, the crowd was taken by surprise. Subsequently, people in Beijing said that they could not believe that they could have been so brave, but to paraphrase Karl Marx, "they had nothing to lose but their chains."

Despite the official denial, the Chinese Democracy Movement recently set up a Web site showing an hour of television news clips of the events of 1989. Within the first four days, over 10,000 users in China had downloaded the information, and every day, hundreds of emotional e-mails have been received.

Honourable senators, Ya Ding, a young Chinese novelist living in exile in Paris, commented soon after the massacre, "An old man is dying, but a child is born." That child is democracy.

ROUTINE PROCEEDINGS

CHIEF ELECTORAL OFFICER

ANNUAL REPORT TABLED

The Hon. the Speaker *pro tempore***:** Honourable senators, I have the honour to table the report of the Chief Electoral Officer for the fiscal year ended March 31, 2000, pursuant to the Privacy Act, R.S. 1985, c. P-21, subsection 72(2).

DEVELOPMENTS RESPECTING EUTHANASIA AND ASSISTED SUICIDE

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Sharon Carstairs: Honourable senators, on behalf of the Honourable Senator Kirby, I have the honour to table the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology entitled, "Quality End-of-Life Care: the Right of Every Canadian."

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(*j*), I move that the report be considered later this day.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Honourable senators, when on the Order Paper will this report be considered?

Senator Carstairs: Honourable senators, it should be the last item under Reports of Committees.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators?

Hon. Senators: Agreed.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey: Honourable senators, I have the honour to present the tenth report of the Standing Committee on Internal Economy, Budgets and Administration regarding committee budgets. It represents a further allocation of funds for committees to do their work this year.

Tuesday, June 6, 2000

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TENTH REPORT

Notwithstanding the *Procedural Guidelines for the Financial Operations of Senate Committees*, your Committee recommends that the following additional funds be released for fiscal year 2000-2001. These funds are in addition to those recommended by the Committee in its Seventh Report, adopted by the Senate on April 7, 2000.

Aboriginal Peoples	
Special Study	$45,411
Agriculture and Forestry	
Subcommittee on Forestry	$184,275
Banking, Trade and Commerce	
Legislation	$93,636
Financial Systems	$42,459
Energy, Environment and Natural Resources	
Legislation	$4,600
Examination of Issues Relating to Energy Environment and Natural Resources	$60,324
Fisheries	
Special Study	$92,282
Foreign Affairs	
Legislation	$9,900
Special Study	$74,637
Library of Parliament (Joint) (Senate Share)	$1,667
Official Languages (Joint) (Senate Share)	$1,430
Social Affairs, Science and Technology	
Legislation	$7,650
Special Study on Health Care System	$23,233
Transport and Communications	
Legislation	$29,127
Special Study on the Policy Issues for the 21st Century in Communications Technology	$28,780

Your Committee also agreed that the following amounts be deducted from those previously approved:

Agriculture and Forestry	
Study on Agriculture	$19, 535
Privileges, Standing Rules and Orders	$1,533

Your Committee will continue to review Committee allocations taking into account historical trends of Committee expenditures and possible changes in the structure of Senate Committees.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

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

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

SIR WILFRID LAURIER DAY BILL

FIRST READING

Hon. John Lynch-Staunton (Leader of the Opposition) presented Bill S-23, respecting Sir Wilfrid Laurier Day.

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 Lynch-Staunton, bill placed on the Orders of the Day for second reading Thursday next, June 8, 2000.

[*Translation*]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REPORT OF CANADIAN DELEGATION TO MEETING HELD IN PHNOM PENH, CAMBODIA TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian section of the Assemblée parlementaire de la Francophonie, as well as the related financial report. The report has to do with the meeting of the Commission on Parliamentary Affairs, held in Phnom Penh, Cambodia, from March 2 to March 4, 2000.

[*English*]

• (1420)

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—MEMBERSHIP OF LEADER OF THE GOVERNMENT ON SPECIAL CABINET COMMITTEE REVIEWING PROCUREMENT

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate. Can he tell us if, among his other responsibilities with government, he is a member of Deputy Prime Minister Gray's cabinet committee that is reviewing the question of the Sea King?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the existence of any internal cabinet committees and their membership would be matters that I would regard, at least at first blush, to be confidential to cabinet.

REPLACEMENT OF SEA KING HELICOPTERS—POSSIBILITY OF IMMINENT ANNOUNCEMENT ON PROCUREMENT

Hon. J. Michael Forrestall: Honourable senators, if the Leader of the Government in the Senate is not, then why not? Time is passing quickly, honourable senators, and the rumour mill is rife with the understanding that as soon as we are out of here, if not a day or two before that, some announcement of importance to members of the Canadian Armed Forces will be forthcoming with respect to a certain piece of equipment. Can the minister either confirm or deny that?

Hon. J. Bernard Boudreau (Leader of the Government): No, I am afraid I can neither confirm nor deny that rumour.

Senator Forrestall: Honourable senators, so that I am absolutely clear, did the minister say that he cannot or he will not? If he cannot, is it because he does not know?

Senator Boudreau: Yes.

Senator Forrestall: I want to relay that information to people in Halifax West and in Dartmouth.

Senator Boudreau: And to any other riding in Nova Scotia that may be interested, no doubt!

I simply am not in a position, as I stand here before the honourable senator, to either confirm or deny any rumours with respect to government announcements. If there are any government announcements, they are made by the relevant minister in the initial instance, and that is probably a good system.

Senator Forrestall: Soon is coming!

[*Translation*]

CITIZENSHIP AND IMMIGRATION

FLOW OF SPECIALIZED WORKERS TO THE UNITED STATES—INCENTIVES TO REMAIN IN CANADA

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. According to press reports, the Americans want to raise the number of people admitted to the United States by offering temporary visas to skilled workers. Obviously, this has a considerable effect on Canada, because every time the Americans open the door to skilled workers, a number of Canadian graduates in a variety of fields — including many nurses, for a long time now — tend to accept positions in the United States.

[*English*]

There are incentive packages to lure graduates to stay and work in Canada. Could the minister give us any information about that kind of program that would lure graduates to stay in Canada?

Hon. J. Bernard Boudreau (Leader of the Government): In fact, honourable senators, I am not aware of the specifics. However, I am aware that the labour pool, both in the United States and in Canada, has become much more mobile over the last number of years. In certain sectors, for example the medical services sector, there has been some movement from the Canadian labour pool into the United States. However, there has also been significant movement across the board involving people in various professions coming into Canada as well. It might be helpful if I were able to get the statistics — and I saw them at one time but I cannot recite them off the top of my head — to give the honourable senator, and others who may be interested, an idea of that comparison. Essentially, as I recall it, on a net basis with the United States, we are probably down. Overall, however, the situation is reasonably acceptable at the moment.

Senator Bolduc: The problem, honourable senators, is balance between what types of people are leaving the country and what types are coming into the country.

If there is a kind of incentive package to try to keep people here, is it what I would call a fiscal expenditure-type of package, or are there any other types of incentives? There must be some proposition, at least on the immigration side, that would allow officials to make offers to people from outside the country.

Senator Boudreau: I will make specific inquiries of the minister to see if they are in the process of developing any specific incentive packages within that department. There are, however, other measures across government generally that assist in that circumstance. The obvious one, of course, is the program of tax reduction that the government has undertaken and is committed to continuing over the next number of years. That program will have an impact, as will other specific programs.

One that comes to mind is the Chairs of Excellence program. In order to fill those chairs, we will probably have to go outside the country and, to some significant extent, into the United States. That is entirely possible. There are programs across any number of departments that will assist. However, I will ask the Minister for Citizenship and Immigration whether or not she is preparing any specific programs.

Senator Bolduc: Can we expect some statistics with regard to the exchange of people between Canada and the United States, in particular?

Senator Boudreau: Honourable senators, as I said, I have seen some statistics. I will attempt to retrieve them and share them with the honourable senator.

[*Translation*]

TRANSPORT

AIR CANADA—PROMOTION OF BILINGUALISM

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. As we know, Canadian Airlines and Air Canada will be combining their operations. Services previously provided by Canadian Airlines will now be provided by Air Canada. People in francophone communities in Canada are very concerned, because they want these services to continue to be provided in both official languages. As private companies are involved, this is the subject of discussions in the amalgamation process. Nevertheless, all Canadians expect that the Government of Canada, which must defend and promote linguistic duality, will assume a role of vigorous leadership and guarantee all Canadians airline services in both official languages. What is the position of the government in this regard?

[*English*]

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, yes, that is certainly an objective to be pursued, and one that I am sure the minister and the government share. As well, in the process of my discussions with the minister, I will add the concern and the admonition of the honourable senator to what I believe is already a determination on the part of the minister.

[*Translation*]

• (1430)

Senator Rivest: Honourable senators, at one time, the statements and commitments of the Government of Canada, under Prime Minister Trudeau or Prime Minister Mulroney, on the subject of bilingualism were significantly more vigorous, articulate and consistent.

As Senator Simard pointed out with considerable interest in a very important report on the state of bilingualism in Canada, and as French-speaking Canadians say and keep saying, there is a sense that the Government of Canada's leadership in defending and promoting bilingualism is fading. We have seen it in the national capital, in the case of the City of Ottawa, where a Liberal backbencher had to introduce a bill in the House of Commons in order to ensure the bilingualism of the country's capital city.

Would the minister express to cabinet the clear need for a return of government leadership in promoting and defending bilingualism in Canada and therefore without expressions of the Government of Canada's hesitancy, for whatever reason, to taking a strong stand, as Mr. Trudeau did, with all the risk entailed in doing so?

[*English*]

Senator Boudreau: Honourable senators, I can assure the honourable senator that the present government and, indeed, the present Prime Minister are definitely committed to the principles that have been espoused by successive governments in this country. While I do not necessarily agree with the premise on which the concern is raised, I will certainly direct the comments of the honourable senator to the government and to the Prime Minister.

Hon. J. Michael Forrestall: Honourable senators, while the minister is doing that, perhaps he could find out — or, if he knows, let us in on it now — why the government did not correct that very real concern with the Air Canada bill which is now before the Standing Senate Committee on Transport and Communications.

Senator Boudreau: Honourable senators, I will await the committee's report to the Senate. I will also review the discussion that took place in the other place with respect to questions involving bilingualism.

RESEARCH AND DEVELOPMENT

REQUIREMENT THAT FEDERAL RESEARCH GRANTS HAVE PRIVATE-SECTOR PARTNERS—EFFECT ON AREAS WITH NO COMMERCIAL INTEREST

Hon. Mira Spivak: Honourable senators, several weeks ago, I asked a question of the Leader of the Government in the Senate about the government's commitment to scientific research and how it goes about funding our premier scientists. Again, it could relate to the question of brain drain.

I cited the case of Dr. David Schindler, an eminent scientist whose work is praised internationally. He has been denied funding for research into pesticide contamination of once-pristine lakes in the Rockies because no corporate partner is willing to put up matching funds, and the reason is obvious. In a recent essay, Canada's Nobel laureate, John Polanyi, described how the current system works for research funding through numerous centres of excellence. When research proposals are evaluated, "We give only a legislated 20 per cent weighting to 'excellence' and a preposterous 80 per cent to considerations of 'socio-economic worth'," which means that federal funding must be matched by industry.

Dr. Schindler has proposed a solution. He suggests that scientists whose work in the public interest is partially funded by Environment Canada or Agriculture Canada and other departments not be denied access to large pools of innovation grants. A simple change of policy to allow departmental funds to count as matching grants would be a first step towards overcoming what Dr. Polanyi describes as an absurd worship of what is described as innovation.

Can the Leader of the Government in the Senate tell us whether the government will alter its funding policies to adopt some sort of proposal, perhaps Dr. Schindler's proposal, and whether it will also review the weighting criteria described by Dr. Polanyi? These are, after all, two of our most eminent Canadian scientists.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the honourable senator is quite correct, in part. When I was describing various programs that impacted on the attraction of certain people to our country, I mentioned the Chairs of Excellence as one example. I could just as easily have mentioned the Canadian Foundation for Innovation, which is a huge government commitment to research and development. In the last two budgets, the government has committed $1.8 billion. With accumulated interest, it is significantly in excess of $2 billion. I do not think that, in the history of our country, any government has committed that kind of money to research and development in such a focused program.

The honourable senator says yes, but that program may have two problems, one being the criteria on which individual projects are judged. She says that there are some scientists who say the criteria for that program should be changed and that other factors should be used. However, those criteria were developed and are administered by scientists at arm's length from government so that government would not be involved in the day-to-day selection of successful research and development projects.

The other criticism that the honourable senator raises is the necessity for private-sector participation, in sharing, because, in that CFI program, there is a requirement for matching funds. I must say that that requirement is particularly difficult in some areas of the country, such as the one from which I come, because there is not a large private-sector infrastructure under any circumstances interested in participating.

I must also say, honourable senators, that that fund can be accessed with participation from universities and with provincial governments. In some cases, cooperative funding pools have been established by provincial and federal governments together to allow certain matching capabilities. I think it is an initiative that should be considered by various provincial governments and universities, and perhaps the federal government should examine it as well over time. I know it has worked in areas with which I am most familiar. It is a huge commitment. In fact, I think I have announced CFI grants almost every week for the last two months, and the private-sector participation in the ones I have announced has been minimal.

[Senator Spivak]

Senator Spivak: Honourable senators, the government leader seems to be suggesting that the matching grants need not necessarily come from industry, that they could be matching grants of another kind. I will inform Dr. Schindler of that.

The United States has recognized a very important principle, that very little economic benefit comes from strictly speaking industry-governed research, but that great benefit comes from basic research. As Dr. Polanyi says, "Basic science, although scorned as curiosity-driven, is the essential, vital food of a science-based economy." He says, "A national science policy that does not recognize this factor but stakes everything on innovation is as futile as a national athletics program based on steroids and performance-enhancing drugs with no thought to nutrition."

My question to the minister is broader, and I do not expect an answer today. Will the government listen to its most eminent scientists, look at the American example, which has separated basic research from industry-driven research, and consider how it can influence our science and research policy?

Senator Boudreau: Yes, honourable senators. I am curious myself to review the doctor's comments with respect to the application of the CFI program. I will pass along his comments and those of the honourable senator.

• (1440)

The comments that he makes are completely at odds with my experience. Perhaps it is because my experience is with only one region of the country and the program is different elsewhere. That is one of the points I am curious about, and I am interested to review the matter to see if it is the case. Standing here, thinking about the CFI announcements and projects in which I have been involved, every one of them was university-centred and did have some application at some point. Every one of them was research based at a university.

Senator Spivak: Honourable senators, I have a final comment. The point is that many universities are now dependent on industry as well. We are talking about pure basic research that is in the public interest.

[*Translation*]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker *pro tempore*: Honourable senators, I am pleased to welcome the pages of the House of Commons, who are here this week as part of the exchange program with the Senate.

Candice Bazinet is from Blind River, Ontario, and is a student at the University of Ottawa. She is studying international management at the Faculty of Administration.

[*English*]

Simone Godbout is studying at the Faculty of Public Affairs in Policy Management at Carleton University. Simone is from Sherwood Park, Alberta.

Elise Wouterloot is studying at the Faculty of Arts at the University of Ottawa. She is from Mission, British Columbia.

To all three pages, I wish you a very good week here in the Senate. Welcome.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

CITIZENSHIP OF CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill C-16, respecting Canadian citizenship.

She said: Honourable senators, I am pleased to introduce second reading of the new Citizenship of Canada Act. This legislation helps to define who we are as Canadians. It is not a glitzy ad, sharpened and honed by copywriters. Rather, it is a reflection of the values that we share. Bill C-16 sends a message to the world that the currency of Canadian citizenship is not dollars or showmanship, but honesty; an often quiet, nonetheless deeply held commitment to equality, tolerance, freedom and the celebration of our diversity.

The first Citizenship Act of 1947 was also such an expression. It came into being largely through the efforts of one man, a cabinet minister by the name of Paul Martin Sr. While visiting a military cemetery in France during the closing months of the war, Mr. Martin was moved by the rows of wooden crosses marking the graves of Canadians who had sacrificed their lives in the fight for peace and freedom. These soldiers of different ethnic and religious backgrounds had all fought and died for a common cause. In their memory, Mr. Martin tirelessly crusaded to establish a Canadian citizenship act. On January 1, 1947, the Citizenship Act came into being, bringing with it a separate Canadian identity — yes, new rights for Canadian women, and our own Canadian passports.

The 1947 act reflected the social mores and attitudes of the time. It was revised in 1977, and once again we are in the process of modernizing the Citizenship Act. Bill C-16 reflects the values of Canadian society in the 21st century.

This bill promotes equality for all who seek to become Canadians by treating adopted children in a similar manner to natural-born children, and it extends the citizenship process to common-law and same-sex partners of Canadians. Bill C-16 creates a process that is fair and fast, and it requires a clear attachment to Canada.

[*Translation*]

During the last Parliament, the former minister of Citizenship and Immigration, the Honourable Lucienne Robillard, had introduced Bill C-63. This bill was thoroughly examined by the House of Commons and also during hearings and consultations held by the Standing Committee on Citizenship and Immigration.

A large number of the standing committee's recommendations were incorporated into Bill C-16, including the requirement for an applicant to have resided in Canada for three years during the six years preceding the application for citizenship. The committee also reviewed Bill C-16 and made some good recommendations to clarify the proposed process and to make it more strict.

[*English*]

A key element of this new Citizenship Act is the definition of "physical presence." The current Citizenship Act includes a residency requirement of three years out of four years. However, it failed to define what is specifically meant by "residency." Therefore, over the past several decades we have seen many inconsistent rulings on what constitutes residency. In one instance, an individual was found to be a resident in Canada after only two days of physical presence, while in another circumstance a person was required to be in Canada over 1,000 days in order to meet the requirements of residency. Such inconsistency is unfair and erodes the credibility of the citizenship process.

Canadians have been clear that they believe that integrity of citizenship means having an attachment to Canada. I believe an attachment to Canada comes through familiarity with our languages, our customs, our diverse cultures and our communities.

One really must be in Canada to know what it means to be Canadian. The House standing committee, during its review of Bill C-63, proposed that a person should be physically present in Canada for a minimum of three years out of six in order to receive citizenship. This makes sense. Bill C-16 makes it clear that physical presence is a requirement of citizenship and one must be in Canada for those three years out of six in order to qualify, or for 1,095 days. I would say that is a big improvement, from three years out of four to three years out of six.

Physical presence will be assessed through a variety of ways. Most important, there is presumption of truthfulness for all those who apply to become Canadian citizens. There is a quality assurance program in place to assess the reliability of the information that is provided by the applicants.

Finally, an applicant will be required to provide evidence establishing that he or she has been physically present in Canada. One thousand and ninety-five days is a reasonable number. However, for those who feel that they have demonstrated and have a strong attachment to Canada, that their families are well established, and that for reasons of global economy they may not meet the 1,095-day provision, it is important to know that they can make a petition to the Governor in Council for special consideration.

We know that there are people legally in Canada who do not yet have permanent resident status. They may have refugee status. They may be here as students or on temporary work permits. A provision of this legislation states that each day that they were here is the equivalent of one-half day, and they can accumulate up to one year, that is up to 365 days, to apply toward their citizenship requirement of 1,095 days. In this manner it acknowledges that sometimes people with legal status are here awaiting the time when they can make a decision to become permanent residents of Canada and then apply for citizenship. I believe that is a logical undertaking.

With respect to adoption, Bill C-16 proposes another important change to ensure consistency and equal treatment.

• (1450)

Under Bill C-16, children adopted abroad by Canadians will no longer be immigrants to their new country. It will allow parents to bring their children home as Canadians. This bill will see that children adopted abroad by a Canadian parent are treated in a manner equal to children born of Canadians abroad and ensure that our Citizenship Act is consistent with our Charter of Rights and Freedoms.

[*Translation*]

As we know, adoption comes under provincial and territorial jurisdiction. The government has responsibility for admitting adopted children into Canada as immigrants or as citizens, as proposed in Bill C-16. However, the government still works closely with provincial and territorial authorities to ensure full compliance with the adoption process.

Bill C-16 respects the principles underlying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

As a signatory to this convention, Canada recognizes that several important factors must be taken into account in the adoption process. Adoption must be in the best interests of the child. The government has not defined this concept in Bill C-16, in order to be able to take into account new problems which might arise later. Nevertheless, the concept includes the need for a study of the family environment in order to ensure that parents will be able to meet the needs of the child being adopted.

Any adoption must create a genuine relationship of parent and child. Once again, this is a stipulation not just of the convention and of the federal government, but also of provincial and territorial authorities with responsibility for matters of adoption.

[*English*]

Under Bill C-16, a medical examination of the adopted child will be for information purposes only, which is only fair. Under our current legislation, a province could deny an adoption if the medical condition of the child would cause excessive demands on the health care system. However, in practice, a province rarely objects once it is satisfied that the attending partners or parents are aware of the medical condition and that they have the ability to manage its challenges.

The change in Bill C-16 reflects the current reality. This change in the process of adoption will be retroactive to any adoption after 1977.

While the factors to be considered for the awarding of citizenship to an adopted child will be the same, the weighing of the factors will be, of course, different between, for example, an adult who was adopted over 20 years ago and a newborn baby.

With respect to the change around judges and commissioners, Bill C-16 also includes an important change to the role of commissioners. Our current citizenship process involves the use of citizenship judges, who must consider each single citizenship application. That is a tiresome task. However, as 80 per cent of our citizenship cases are straightforward and do not need to be reviewed by a judge in person, it is a waste of time and a misuse of opportunity for these wonderful people who serve as our judges.

Instead, Bill C-16 proposes to use a clear, consistent process to make decisions on citizenship applications. The role of the judge will be replaced by the commissioner, who will oversee citizenship ceremonies. The commissioners will get out into the community and the schools and talk to people about what it means to be a Canadian. They will promote active citizenship. I am sure many honourable senators know judges who are presently titled judges and who take on this task. It is important that it be part and parcel of the responsibility in a formal sense. Commissioners will continue to be appointed by Governor in Council. They will be selected on the basis of their good standing in the community and their past valuable civic contributions. The bill not only supports a high calibre candidate but also the increased community-oriented role of the commissioner.

Commissioners will also provide valuable advice and consultation to the minister on citizenship matters. They will be an important link between the community and the minister, and will have an advisory role on programmatic issues. That is very important because, in effect, this links civil society to the minister to governance.

Bill C-16 modernizes Canadian citizenship. It strengthens the integrity of citizenship by making the requirements clear and the process consistent.

I will now address the question of revocation, which has caused some concern. If people have misrepresented themselves and, as a result, were never entitled to citizenship in the first place, there is an annulment provision in the legislation which requires the minister to give notice and let people know that judicial review is possible. It assumes that if someone were not entitled to be here in the first place, if there is clear evidence of fraud or misrepresentation, citizenship should be annulled.

Criminality, criminal or false identity are the primary provisions for annulment. Revocation builds on the lessons of the past by including a mechanism to remove citizenship if it is obtained by fraud, hate crimes, et cetera. Revocation of citizenship is not new, nor has the process been changed. Bill C-16 incorporates the revocation process that has been in place for the last 23 years.

Revocation of citizenship is a serious matter. First, the government must prove, beyond a reasonable doubt, that a person knowingly acquired citizenship through fraud, false representation or concealment of material fact. Then the minister must meet two obligations before making a recommendation to the Governor in Council. The minister must inform the individual of her intention to make a report to revoke citizenship to the Governor in Council. The minister must, at the same time, inform the person that he or she has a 30-day opportunity to refer the matter to the Federal Court of Canada, Trial Division.

Some members of the other place have suggested that the revocation process lacks natural justice and due process. This is simply not the case. Each administrative decision point along the revocation process can be submitted to the Federal Court for judicial review. It is a process and there are many cases where one can get judicial review. From the minister's notice of intent to the final decision rendered by the Governor in Council, the Federal Court can review the decision. The review can also be appealed to the Federal Court of Appeal and, if leave is granted, to the Supreme Court of Canada. There are 15 cases that have proved this process all along the way.

The final appeal rests with the Governor in Council and, unlike a court, the Governor in Council can consider humanitarian and compassionate reasons why citizenship should not be revoked. It is an appeal that would not be available if the courts rendered the final decision on the revocation of citizenship. By the way, this same process is found in almost all Commonwealth countries. This process has been tested all the way to the Supreme Court of Canada and it is a fair process.

Honourable senators, the revocation process is built upon our parliamentary traditions. The power to award citizenship rests with the executive who, as elected members, are accountable to the legislature and to the people for their decisions. The power to remove citizenship must, therefore, also remain with the executive.

Any proposal to create a judicial revocation process would have the effect of removing the power of citizenship now held by the executive and putting it into the hands of the judiciary. Such a proposal attempts to mimic the American style of government but without the important checks and balances that are included in that system. I do not believe that this is the Canadian way.

[*Translation*]

Honourable senators, I think that you will agree that we must not start dismantling our parliamentary system piece by piece.

Canadian citizenship is not a right but a privilege. This privilege must not be granted to those who enter Canada or acquire status here through deceit. Above all, Canada must not harbour war criminals or individuals guilty of crimes against humanity.

[*English*]

• (1500)

The last matter I wish to address today is the question of penalties. In addition to other strengthening measures, Bill C-16 will bring in strong penalties against the abusive practices of some consultants and third-party agents who take advantage of immigrants with limited language skills or limited exposure to governmental services. Bill C-16 clearly seeks to maintain citizenship integrity.

Honourable senators, let me close by reminding you that this country was built by people from all over the world who came here honestly in pursuit of new opportunities and old dreams. The proposed Citizenship of Canada Act strengthens the value of Canadian citizenship by modernizing our citizenship law and process. It does more than clarify issues in the current law; it ensures that our citizenship law continues to reflect what Canadians believe citizenship should mean and what it means to be a Canadian citizen.

Honourable senators, most of us are immigrants. We have all worked to make Canada the beacon of economic hope and democratic freedom that it is today. This act honours our immigrants by affirming both the core values that we share and their enduring commitment to the true north, strong and free. It is a bill that has been a long time in coming — one that Canadians will be proud to see come into law.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, perhaps the Honourable Senator Finestone would answer a few questions?

Senator Finestone: Of course.

Senator Kinsella: Honourable senators, might Senator Finestone confirm that this is the third time Parliament will have adopted, should we adopt this bill, a Canadian citizenship act, the first Canadian citizenship act being in I believe 1947 and the second one in the mid-1960s or mid-1970s? Is this indeed the third time?

Senator Finestone: Yes. In 1947, Paul Martin, Sr. brought in a citizenship act as an act of humanity and caring. In 1977, we reviewed it in light of the Charter and other issues. It has been brought up to date, and this is the next 30-year slot. We are into the third revision.

Senator Kinsella: Does Senator Finestone agree that the bill, as she outlined it, really speaks to the issue of naturalization and that perhaps it is a misnomer to call this "an act respecting Canadian citizenship"? That would lead us to believe it is about Canadian citizenship, addressing the 30 million Canadian citizens. Rather, it is a bill that deals principally with the acquisition of citizenship — in other words, it is a naturalization act.

Senator Finestone: Honourable senators, Senator Kinsella poses an interesting question that perhaps we could review when the bill is in committee. There are issues that go beyond citizenship, such as fraudulent application. The bill does deal with people who are stealing or making false representation and giving people false hope about coming to Canada. It addresses these unpleasant, unethical acts.

However, in general, I would say that the bill does look to our citizens of tomorrow. Is it a matter of nomenclature, naturalization versus citizenship? I suppose it is an argument one could easily hold.

Senator Kinsella: The honourable senator, in her speech, said that the purpose of the bill was to "modernize Canadian citizenship." That phrase caught my attention. Therefore, I wanted to look to where in the bill it speaks to the 30 million Canadian citizens and not simply those who are seeking to acquire Canadian citizenship. I have had difficulty in finding that clause. Why does the bill not address what might be referred to as active citizenship, the citizenship that we all enjoy? The honourable senator did draw our attention to rights and obligations, the heading on page 6 of the bill. There is just one paragraph under that heading, which is clause 12.

Is it not true that only three of the rights in the Canadian Charter of Rights and Freedoms are predicated on Canadian citizenship? Canadian citizens have the right to vote. Canadian citizens have the right to leave and re-enter Canada. Canadian citizens have certain linguistic minority education rights. All of the other rights in the Charter are available to everyone. If there are only three rights in the Charter that speak directly to citizenship and if we are to look in a citizenship act, so-called, for something that speaks of the richness of our Canadian citizenship, we do not find very much in the bill before us. Does Senator Finestone agree that this is something the committee might wish to explore and that, as we debate the principle of the bill, we ought to focus upon?

Senator Finestone: As a matter of fact, honourable senators, I did think about this issue. Where are the concepts and fundamental values that we have as Canadians and that we share together, such as fairness, sincerity, honesty, respect and equality among others? The principle that is articulated in clause 12 is that of equality among citizens. I would say to the honourable senator that this is pretty consistent with other laws in Canada, such as our Canadian Charter of Rights and Freedoms, and with our international commitments.

I consider one of the most substantive changes in this legislation to be the residency clause. If someone wants a reflection of the values that one has a Canadian, I would suggest that that person live for 1,000 days in this wondrous land and in their community, doing business or sending their children to school, whatever the case may be. One would be hard pressed to find anywhere else the daily living style that is found in this country.

Part of the answer to the honourable senator's question is what is understood in clause 12, the Canadian Charter and the importance of the residency clause. As a matter of fact, even the commissioners have a responsibility to get out into the community. Citizenship is not something that one just takes for granted and that just happens because we were born. Citizenship is a growing, learning experience. Canadians sometimes have to be reminded about the civility of living in close collaboration with neighbours and respecting differences. I would also suggest that those commissioners who get out there can reinforce the value of our multicultural and very diverse society.

Further to that, the oath is comfortable. It is easy to repeat. It takes into consideration that those who come to this land may not all have full competence in either English or French, our two official languages. As well, the bill includes for the first time an oath to Canada, a sense of responsibility for Canada, and it asks for allegiance to Canada, something that was not required previously.

Honourable senators, if we put all those factors together, whether this is a naturalization process or a citizenship process, they all add up to how we evolve and grow as a country.

On motion of Senator DeWare, for Senator Andreychuk, debate adjourned.

• (1510)

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, before we proceed with the next item, I should like to request an opportunity to deal with a bill which presents a problem for us. I should like to have an opportunity to put the issue forward in order that I might take questions or so that it might be discussed before I move a motion which would not be debatable in terms of my request for leave, but only debatable if leave is granted. Thus, I should like an opportunity to deal with this on an advance basis. I am requesting leave to do so.

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

Hon. Senators: Agreed.

Senator Hays: Honourable senators, there is a problem with Bill C-12, as given first reading in this place on June 1, 2000.

The problem is that the version of the bill that was given first reading, which I will call the as-passed version, does not include an amendment to clause 2(3) that was adopted by the House of Commons at report stage. Accordingly, there are serious problems to be considered by us in terms of what we should do. In a moment, I will ask leave to put a motion that would involve withdrawal of the bill.

I acknowledge, however, that precisely the same thing happened on May 11 of this year when I rose to ask for leave to withdraw Bill C-22, which is still before a committee of this house.

I am not sure why we are, for the second time, faced with this situation. Under our rules we must follow a very awkward process in that we must ask for the bill to be withdrawn in a formal way, that is, by motion. From memory, such a motion requires five days' notice and the support of two-thirds of the majority of this house to pass.

Another option would be to leave it on the Order Paper and try to refer it to committee. However, that, too, is problematic because the referred bill would not be the same bill that was passed by the other place. We would know what the difference was, and so on, but as I take direction sometimes from people who are expert in this area, I am aware that it would present a very difficult problem.

Accordingly, as Deputy Leader of the Government, I am left with the situation of having to look to honourable senators for their assistance in remedying this dilemma. I would propose to move a motion that would require unanimous consent to withdraw the bill.

At this point, however, I shall take my seat and invite questions or comments.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank the Honourable Senator Hays for raising the matter before the Senate. The process allows us an opportunity to see what we will do with it within the parameters of motions, et cetera. Thus, it is very helpful and a good procedure to utilize.

My understanding is that on Thursday, June 1, the message was received from the House of Commons, with Bill C-12, to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other acts and for which they desire the concurrence of the Senate. The bill was read a first time. The Senate then ordered that second reading would take place two days hence. My understanding is that that is the bill that is before us.

As Senator Hays rightly pointed out, we had a similar problem three weeks ago. We on this side said, "Well, it was a typographical error, or whatever," and were very accommodating. Then, within three weeks we are in the same situation but on a major bill, and this bill is a major piece of work dealing with technical amendments. I find it less understandable in the situation with this bill because it received several amendments in the other place — and I will not go into detail concerning the amendments — and care should have been taken in putting together the amendments they adopted. Now we have their bill, the bill that they should have sent to us. Instead, they sent us a bill with only some amendments in it.

It seems to me that this case is significantly more serious than the other case. We could consider adopting the bill without the amendment, but perhaps the better course of action would be to follow the procedure that Senator Hays has outlined, namely, that there would be a motion to remove the bill from the Order Paper. That requires a vote.

I would like to have some clarification from the Speaker as to the size of the majority that would be necessary in order for that vote to carry. Is it two-thirds or is it a simple majority? Let us clear up that matter as well.

Other honourable senators may have something else to contribute to this debate. We must look at this case with more sobriety, given the seriousness of the bill and the fact that within three weeks the same thing has happened again.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I will not repeat what Senator Kinsella has already said. I do not know if it is because the parliamentary session is drawing to a close, but it would appear that the House of Commons is neglecting its presentations to the Senate.

Since the rules are clear and unanimous consent is required, it is my impression that some may say no if you ask now, and I might be one of them.

• (1520)

Senator Kinsella has asked the Speaker whether two-thirds would be required, or a simple majority.

[*English*]

Maybe we would be unanimous in saying that suspending until tomorrow, 24 hours, would not hurt anyone. We can come back tomorrow afternoon at the same level. During that time, all of those who want to can reflect and reach for their books. It would be a chance for Her Honour, the Speaker *pro tempore*, along with her able assistants, to look into the proposals and the issue raised by Senator Kinsella.

I never hesitate to say that 24 hours of reflection has ever hurt anyone. During that time, Senator Hays, as our representative, could remind the other chamber that this is perhaps not the second time but the third time. Some people say that, in Bill C-20, the drafters forgot just one word — "Senate." I do not know if that was a mistake or if it was done intentionally. It could be a mistake. People are so arrogant sometimes, so proud, that they do not acknowledge their mistakes.

Having said that and without entering into the meat of the debate, I kindly suggest that if the opposition and the government were to agree, 24 hours could be given as a time of reflection, or perhaps we could come back to this matter on Thursday. That gives plentiful time, and I would not object to that time for reflection. I can only speak for myself. In the spirit of cooperation, which we see more often in the Senate than in the other chamber, the Deputy Leader of the Government might see some agreement.

Senator Hays: Honourable senators, it is not appropriate for me to move the motion. I have listened to the Deputy Leader of the Opposition, who has indicated that he is not convinced we should follow this procedure, at least not at this point in time.

Honourable senators, I know that I am in the hands of every single senator here because I cannot do anything without leave. "Leave" means no dissenting voice.

I will sum up from our point of view. Of course, we would prefer to proceed today. Senator Prud'homme's suggestion is a good one in that it gives us an opportunity to reflect upon what has happened. Senator Kinsella has observed that this omission is a serious mistake. I think they are all serious mistakes. When I think about the possibility of proceeding with a bill that is not the same here as in the other place, it does not matter about the substance of the difference. This is still a very serious matter because we could conceivably have two laws if this bill went right through to third reading and passage without being caught.

Accordingly, we do rely on bills to be accurate. In considering a bill, we rely exactly on what was passed in the other place.

Honourable senators, I agree. I cannot move a notice of motion today in any event because that item on the Order Paper has passed. I would agree that this matter should stand for the day.

I will take advantage, as suggested by Senator Prud'homme, of meeting with my counterpart. I have noted his suggestions. I will come forward tomorrow with the appropriate action, taking into consideration the result of our discussion.

Hon. Jean-Robert Gauthier: Honourable senators, I would ask the Deputy Leader of the Government if, during that 24 hours, he could find out who is responsible for this omission in the other place. Perhaps we could have a letter of apology. For once, the House of Commons does not stand out to be a perfect place. It is not very difficult for them to admit a mistake once, but twice? I am a little worried that there is some sloppiness over there.

[Senator Prud'homme]

Senator Hays: Honourable senators, I will do my best to get a response to Senator Gauthier's query.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that this matter stand until the next sitting of the Senate?

Hon. Senators: Agreed.

COMPETITION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Gauthier, for the second reading of Bill C-276, to amend the Competition Act (negative option marketing).—(*Honourable Senator Eyton*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I request that the adjournment of the debate on Bill C-276 stand in the name of Honourable Senator Andreychuk.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that this motion stand in the name of Senator Andreychuk?

Hon. Senators: Agreed.

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

• (1530)

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO STUDY SENTENCING—DEBATE ADJOURNED

Hon. Lorna Milne, pursuant to notice of May 11, 2000, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine issues relating to sentencing in Canada; and
>
> That the Committee report to the Senate no later than June 21, 2001.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Explain!

Senator Milne: Honourable senators, I should like to explain a little of what has been occurring in the committee.

On May 11, 2000, I gave notice of motion that we be authorized to examine the issues related to sentencing in Canada, and that the committee report to the Senate no later than June 21, 2001.

During its hearings on Bill C-202, to amend the Criminal Code (flight), the committee addressed serious concerns about the way in which legislation fits within the structure of criminal sentencing in Canada. There was a realization that the committee often receives legislation that provides for certain punishments or sentences, but we could benefit by developing a stronger understanding of the general sentencing structure in Canada because it has been changing. Such an understanding would allow us to appreciate more clearly how the sentencing provisions in a particular piece of legislation compare with those in other laws. Senators on the committee felt that it was important to carefully examine the issue of sentencing in order to avoid reviewing future legislation without understanding its practical impact on the citizens of Canada.

The intention of the committee is to develop a comprehensive understanding of what types and lengths of sentences are presently included in the Criminal Code of Canada and for what specific types of crimes. It is really intended for the internal use and guidance of the committee when considering new legislation. It may even be of use to the Minister of Justice and department officials when drafting new Criminal Code legislation.

I can assure those who are concerned with such things that it is our present intention that it be an in-house study and also that it will not cost the Senate anything. Of course, we are a busy committee, and currently we do have government legislation, as well as private legislation, to review.

The committee wants to assure the Senate that its study will not interfere with its primary function of reviewing legislation. Indeed, I will go so far as to say that the proposed study would directly complement our legislative work. By developing a stronger understanding of Canada's sentencing system and forming ideas as to how it should operate, we will be better placed to ensure that future legislation that comes before us provides for sentences that are generally consistent with the sentencing regime and are neither excessively lenient nor excessively harsh.

Honourable senators, I think that this will be a useful study, and I urge you to support the committee by authorizing it to undertake this work.

On motion of Senator Kinsella, debate adjourned.

DEVELOPMENTS RESPECTING EUTHANASIA AND ASSISTED SUICIDE

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

Leave having been given to revert to Reports of Committees:

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social, Affairs, Science and Technology entitled: "Quality End-of-Life Care: The Right of Every Canadian," tabled in the Senate earlier this day.

Hon. Sharon Carstairs moved the adoption of the report.

She said: I thank honourable senators for giving me the opportunity to speak to this matter at the end of this day, even though I was not here at the moment that it was called on the Order Paper. However, I was attending a press conference, and we had excellent attendance to learn what our committee has stated about the need for quality end-of-life care in Canada.

Honourable senators, our first and most important recommendation is that Canada needs a national strategy in order to ensure quality end-of-life care for every one of our citizens. Canadians no longer want governments to squabble, to be engaged in jurisdictional disputes between the provinces, the territories and the federal government. They want every single Canadian dying in this country to be ensured of quality end-of-life care.

The need for this national strategy is the first of our 14 recommendations in the report. Canadians want the federal government to take a significant leadership role.

Honourable senators, it is important to remember that less than 10 per cent of dying Canadians have access to quality end-of-life care, and this is simply not good enough. Those who do receive good palliative care in Canada are generally suffering from cancer, but what of those who are dealing with respiratory failure and those who have multiple sclerosis or ALS? What of those who have various other lung diseases? Why is palliative care not available to them? It is not available to them because governments in this country have not put sufficient resources into the hands of the health care community in order to provide this care.

The main task of the subcommittee, which was given your approval in February of this year, was to update the progress of the implementation of the unanimous recommendations of 1995 in our report then entitled "Of Life and Death." Regrettably, I am very sorry to have to tell you today that there has been virtually no — and that is "no" — progress made in implementing these unanimous recommendations.

Honourable senators, Canadians are still dying in needless pain. Canadians are still dying without the emotional and spiritual support that they require at that time. Their families are not receiving the kind of support that they should be getting during this difficult passage.

Some progress has been made in very limited areas. I would note, in particular, the area of advanced directives, since they are now in force and effect in almost every province. However, the 1995 unanimous recommendations have been allowed to sit on a shelf and get dusty.

Indeed, witnesses who appeared before our committee indicated that in some areas of this country, the palliative care programs have actually been cut back. With the unfortunate cutbacks in health care generally, palliative care units have also suffered cutbacks. As so many of them were so very small to begin with, it meant that there were cuts to the bone of the entire structure of the delivery of that care.

Honourable senators, the subcommittee recommends that the federal government, in collaboration with the provinces, develop a five-year plan for the implementation of the 1995 unanimous recommendations, and that the federal government prepare an annual report on the progress of this implementation.

Many witnesses before the subcommittee called for an integrated national strategy on end-of-life care, which would include a set of widely accepted core principles. However, there are things that the federal government can do on its own initiative. For example, in the committee report, we call for the federal government to implement income security and job protection for family members who care for the dying. We know that there are massive surpluses in the EI program at the present moment. We have, over the years, moved to provide parental leave. We have moved to provide maternal leave. Why can we not provide the same kind of leave for individuals who are looking after the ones they care for the most, family members who are dying?

We also know that one of the tragedies in our system right now is that in some provinces there is no pharmacare coverage for people who are dying. This means that families will sometimes take their loved one home to die in the home environment, and that they will have to pay for the drugs that were available at no cost if they had allowed their loved one to die within a hospital setting. Surely that is wrong. Surely that is something that we can address.

• (1540)

Equipment costs are sometimes borne in individual provinces by provincial governments; in other places they are not. The federal government has called for the provinces to work with them to establish a national home care program. I think all of us in our committee believe that those programs should be delivered by the provinces, but that is no reason why the federal government cannot provide the dollars for those programs.

Furthermore, the subcommittee recommends that the federal government, in collaboration with the provinces, establish those home care and pharmacare programs necessary for the dying.

Not too recently, in this chamber, I stood and moved the passage of Bill C-13, which established the Canadian Institutes for Health Research to replace the old Medical Research Council. There will be 12 to 15 of these research centres established in Canada. Why can one of them not be directed toward palliative care and care of the dying in Canada? Your subcommittee has recommended that one of these new institutes be established to do just that.

[Senator Carstairs]

Honourable senators, when we reported in 1995, we reported that very few medical schools were training their soon-to-be physicians in pain management. Well, they are still not training their physicians in pain management. If a physician gets an hour or two in their four-year training in pain management, that medical school is doing well because some do not offer it at all.

In this country, there are still no residencies in palliative care. When they appeared before our committee, the College of Physicians and Surgeons indicated that they wished such training to begin. They had tried to establish a program. In fact, four out of 16 medical schools have indicated that they would like to begin that training of residents in the field of palliative medicine. However, neither the provinces nor the federal government have provided the dollars necessary to pay those resident physicians who make, on average, $35,000 a year. Again, it is a question of dollars. The money has simply not been there.

Honourable senators, it was an honour for me to chair this subcommittee. I should like to conclude by expressing my personal thanks to the senators who sat on the committee with me. Senator Beaudoin, who was our deputy chair and who was there all the time, even when the meetings were very early. Senator Beaudoin really does not like early morning meetings, but he came out and participated, like a good soldier. Senator Corbin was with us through each and every one of the presentations we received. Senator Keon and Senator Pépin, who could not join us today, were also there, participating actively in our deliberations. I should like to particularly commend Senator Roche. Senator Roche, as an independent senator, was not technically allowed to be a member of our committee. Well, technical or not, Senator Roche was an active, participating member of our committee. Although he could not be listed in the list of members, we listed him right below that list to indicate how very much we valued his participation in our committee.

Honourable senators, I wish to thank the Senate for allowing this subcommittee to conduct this valuable work. We have, once again, sent out a challenge to the federal government and, hopefully, to the provincial and territorial governments, to respond to the very genuine needs of those dying in Canada. As I pointed out to the one reporter who asked me, I do so now to every one of you: There are many demands on the health care system. There are line-ups at emergency rooms, there are more people wanting MRIs and CT scans. You may not need a MRI or a CT scan, but you will die. I hope that when you do, you do so with quality end-of-life care.

[*Translation*]

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to follow on what Senator Carstairs has just said. The mandate of our subcommittee was to update the progress on implementation of the unanimous recommendations of our 1995 report. You will recall that, in 1995, we had examined a large number of issues relating to life and death, and were unanimous on a good number of recommendations.

This afternoon, we released our report, which comprises two parts, a list of recommendations and three appendixes. The first part of the report is entitled "The Need for a National Strategy — Our Priority." It addresses our vision of end-of-life care, that is quality end-of-life care, improved end-of-life care and the federal role in end-of-life care.

In the second part, we report on the progress made on the unanimous 1995 recommendations made in our 1995 report in the following areas: palliative care, education and training, research, guidelines and standards, advance directives and legislative initiatives.

Essentially, we want better cooperation between the federal government and the provinces in order to improve the quality of end-of-life care. We have also added, in order to facilitate consultation, part of the glossary contained in our 1995 report, that is, the definitions that relate to the report we are tabling today. I still say that a glossary is one of the most important things. If we define the terms at the start, discussions will be shorter. This is very advantageous.

We are making 14 recommendations, but I will quote only five here: that the federal government, in collaboration with the provinces, develop a national strategy for end-of-life care; that the federal government immediately assess the need for home care and pharmacare for the dying and establish, in collaboration with the provinces, the funding required for these programs; that the federal Minister of Health discuss the establishment of a federal, provincial, and territorial strategy on end-of-life care with provincial and territorial counterparts at the next meeting of the Ministers of Health; that the federal Minister of Health discuss with provincial and territorial counterparts appropriate measures for funding of end-of-life initiatives; and that the federal government, in collaboration with the provinces, develop a five-year plan for implementing the 1995 unanimous recommendations.

We paid particular attention to observing federal and provincial jurisdictions here, because health care is a provincial and a federal matter, with each having its respective area. I repeat in closing that this report is unanimous. It is very important. Naturally, we hope that the Senate will quickly pass it and that we may proceed to improve the quality of end-of-life care throughout Canada.

[*English*]

Hon. Douglas Roche: Honourable senators, the report published today, "Quality of Life Care: The Right of Every Canadian," deserves priority action by both the federal and the provincial governments because it touches upon an urgent need in Canada. People have a right to quality end-of-life care when they are dying. Yet only a small fraction of the 220,000 Canadians who die each year have access to good palliative care programs.

• (1550)

Five years ago, the Senate committee report entitled "Of Life and Death" recommended steps to increase palliative care, pain control, sedation, withholding or withdrawing life-sustaining treatment, and advance directives, but little was done. In fact, good end-of-life care today has been compared to the luck of the draw. Therefore, a Senate subcommittee has returned to this subject and examined the unanimous recommendations of five years ago, and the message today is even stronger than before.

The subcommittee found no evidence of dedicated public funding for palliative care services aimed at alleviating the physical, emotional, psycho-social or spiritual suffering of the dying. What palliative care there is today is concentrated on cancer patients, who certainly need it, but only a quarter of deaths in Canada are from cancer. There are high levels of suffering also from chronic obstructive pulmonary disease, AIDS, advanced renal disease and advanced coronary artery disease.

Moreover, the number of institutional palliative care beds has been cut as a result of health care restructuring and cuts in government health budgets. Palliative care costs, in human as well as financial terms, are increasingly assumed by families in home care programs. This has occurred at the very time when the population is aging and the need is increasing.

There is no effective national strategy within Health Canada, little preparation of doctors in medical schools to deal with the dying, and inadequate research into the alleviation of pain. The situation is, as our report says, "inexcusable."

Thus, our report calls for the federal government to take a leadership role in developing a five-year national strategy so that each Canadian would be able to access skilled, compassionate and respectful end-of-life care.

Honourable senators, I hope the report serves as a wake-up call to the federal and provincial governments to give this current need in Canada the attention it deserves.

The subcommittee that authored the report, after hearing from 51 witnesses over a period of four months, has tried to help governments maintain a sharp focus on palliative care needs by staying away from the subjects of euthanasia and assisted suicide. In the 1995 report, the Senate committee blended the unanimous recommendations concerning palliative care with divided views on the efficacy of euthanasia and assisted suicide.

If, in 1995, the focus was not clear on what the Senate committee was talking about, the focus is definitely clear today. With one voice, the 2000 Senate subcommittee is saying that governments must repair the shocking and shameful neglect of the high number of Canadians who need special, compassionate, respectful care as they approach the end of their lives.

Inevitably, as early press reports showed, and even as we saw in the press conference a few moments ago, end-of-life issues do get mixed up with euthanasia and assisted suicide.

Let us be clear on this subject, honourable senators. Euthanasia and assisted suicide are illegal in Canada and should stay that way. We do not have the right to intentionally kill someone, no matter how compassionate the nature of the motivation. Euthanasia and assisted suicide are incompatible with the dignity of each human life, but that very dignity becomes a principal reason why the dying must be accorded the greatest possible care for control and relief of suffering.

Sometimes it is clear that maintaining life-sustaining procedures should not be done because this imposes burdens out of proportion with the benefits to be gained. Good palliative care recognizes that withdrawal of treatment is moral, legal and sometimes advisable, but that is entirely different from taking a step to deliberately end a life.

Sickness, suffering and dying are an inevitable part of human experience. People should be helped through this experience and that is what the provision of good palliative care does.

Yet, even with this emphasis on the need of palliative care for its own sake, we will be confronted by those who demand that the law be changed to permit euthanasia or assisted suicide because some people are suffering excruciating pain. In fact, the cases of people trying to take their own lives or deliberately ending the life of an extremely ill person are used by some to justify a change in the Criminal Code.

Will the provision of widespread palliative care end the calls by some for legalized euthanasia and assisted suicide? Probably not. For those who do not affirm the highest principles of the right to life, recourse to euthanasia and assisted suicide for the terminally ill will likely continue to be attractive.

However, the provision of widespread palliative care is likely to reduce the impression that elective death is necessary to ensure adequate relief of suffering. Research has linked the depression that often occurs with the terminally ill to a desire to hasten death. If there is an absence of competent and compassionate care, the desperation for premature death can increase.

Advocates for euthanasia and assisted suicide make the argument that patients experiencing unbearable suffering should have these options, but this argument can be answered when the pain and the suffering of terminally ill patients are relieved by skilled and effective palliative care, which addresses the physical and psycho-spiritual problems of patients and families. As the *Journal of Palliative Care* points out, further funding to provide reasonable access to expert care would minimize the fears of patients and families regarding physical pain and psychological distress in the setting of a terminal illness. In other words, euthanasia and assisted suicide should never be a substitute for good palliative care.

Also, the *American Journal of Psychiatry* has reported that the desire for death in terminally ill patients is closely associated with clinical depression — a potentially treatable condition — and can also decrease over time. The Canadian Bioethics Society has taken this study a step further and, in a workshop at their 1999 conference, concluded that the desire for euthanasia and assisted suicide originates in a process of deliberation influenced by disintegration and loss of community, resulting in the loss of self. In this context, euthanasia and assisted suicide represent means of limiting the loss of self.

Honourable senators, what is at the root of such a paucity of services by governments for the dying? Perhaps it is the denial of death that permeates our culture. Doctors are trained to cure and make people better. Technology continually provides new means to prolong life. This denial results in inadequate preparations by the living for the inevitability of death and seems to excuse governments from allocating sufficient resources to deal compassionately with the second most important moment in a person's life — death. Inadequate distribution of resources for palliative care appears to be connected to the pervasive denial of death.

Social justice demands governments' priority attention to palliative care. As Dr. Elizabeth Latimer, an expert in palliative care, told the subcommittee:

> I find it almost immoral for us to talk about taking people's lives when we have not done the harder task, which is to have palliative services in place for people.

Honourable senators, let the Senate quickly adopt this report so that there will be no delay in the government getting our unanimous message that urgent steps be taken to develop a comprehensive plan to assist dying Canadians across our country. This is the moral and the right thing to do in addressing a problem that cuts to the heart of the daily existence of many Canadians who are faced, either in their own lives or those of their families, with the overwhelming problems of preparing for death. The government must respond to growing ethical calls for health policies to promote equality of access to services, compassion, effectiveness, and quality in meeting the needs of the dying.

Honourable senators, we must institute effective palliative care programs to promote care in dying. Not only will this step enrich our own society, it will give the global community a model of health care based on the values of human rights that the people of Canada want to promote.

On motion of Senator Corbin, debate adjourned.

[*Translation*]

• (1600)

ADJOURNMENT

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

Hon. Léonce Mercier: 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 tomorrow, Wednesday, June 7, 2000, at 1:30 p.m.;

That at 3:30 p.m. tomorrow, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to adjourn the Senate;

That should a division be deferred until 5:30 p.m. tomorrow, the Speaker shall interrupt the proceedings at 3:30 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred division; and

That all matters on the Orders of the Day and on the Notice Paper, which have not been reached, shall retain their position.

Motion agreed to.

The Senate adjourned until Wednesday, June 7, 2000, at 1:30 p.m.

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Tuesday, June 6, 2000