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**OFFICIAL REPORT  
(HANSARD)**

**Tuesday, October 2, 2001**

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**THE HONOURABLE DAN HAYS  
SPEAKER**

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

## **CONTENTS**

(Daily index of proceedings appears at back of this issue.)

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## THE SENATE

Tuesday, October 2, 2001

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

Prayers.

### SENATORS' STATEMENTS

#### QUESTION OF PRIVILEGE

##### NOTICE

**The Hon. the Speaker:** Honourable senators, pursuant to rule 43(3) of the *Rules of the Senate of Canada*, the Clerk of the Senate received earlier today notice of a question of privilege from Senator Cools. In accordance with rule 43(7), I will now recognize the Honourable Senator Cools.

**Hon. Anne C. Cools:** Honourable senators, pursuant to rule 43(7) of the *Rules of the Senate of Canada*, I give oral notice that I will rise later this day to address a question of privilege.

It is my intention to raise a question of privilege with respect to certain actions and words in the Senate debate of Thursday, September 27, 2001, which, as honourable senators will recall, was a debate on the question of privilege regarding particular statements made by the Minister of Citizenship and Immigration, Elinor Caplan.

Honourable senators, I will be asking the Speaker of the Senate to make a *prima facie* ruling, and if he so does, I am prepared this day to make a substantive motion for a debate on the subject matter.

**The Hon. the Speaker:** Pursuant to rule 43(8), consideration of whether the circumstances constitute a question of privilege shall take place not later than eight o'clock p.m. or immediately after the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first. I now continue with statements by senators.

[Translation]

#### INTERNATIONAL YEAR OF VOLUNTEERS

**Hon. Marisa Ferretti Barth:** Honourable senators, the year 2001 has been declared the International Year of Volunteers by the United Nations, a full year, which is a clear sign of the measure of our appreciation of volunteers.

As I see it, volunteerism is an act without restrictions. Indeed, it is a gift from the heart, a gift of oneself. It is surpassing oneself personally to contribute to a cause, or causes that are important to us. Volunteering is first and foremost an act of love.

There are 175,000 volunteer organizations in Canada and 7.5 million volunteers. Did you know that volunteers devote more than 1 billion hours to their fellow human beings and to their communities? This represents approximately 578,000 full-time positions.

Volunteerism is a significant sector, a sector that is often highly visible. Think of the brave first-aid workers who gave of their time during the September 11 tragedy.

Volunteers are indispensable to community organizations that meet the growing needs of the community and institutions that are all too often overburdened. Volunteers give of their time and energy in order to improve the welfare of others in their community.

It is vitally important to recognize the invaluable contribution of all those who work to improve their communities. Unfortunately, all too often their contributions go unacknowledged. Let us not forget that volunteers are a silent force in our society. We must learn to recognize the true value of their contributions.

• (1410)

I should like to offer my sincerest thanks to all volunteers for their dedication and their contributions for a better world. I invite all those who have yet to experience the joys of volunteering to do so. It will add a new dimension to their lives and they will learn that you get back so much when you give.

[English]

#### THE LATE CAROL ANNE LETHEREN

**Hon. J. Trevor Eyton:** Honourable senators, earlier this year Canadian amateur sports lost one of its most competent and passionate supporters. I am speaking here of Carol Anne Letheren, who, at the time of her death, was Chief Executive Officer of the Canadian Olympic Association.

Looking at her resumé, as I had occasion to do recently, I was struck by just how much Carol Anne had done during her lifetime. She was what we call a mover and a shaker; one of those people who make a difference in whatever they do.

The list of Carol Anne's accomplishments and activities is impressive. In her youth, she was a student body president, an Ontario badminton champion, and later a world-class gymnastics judge. In 1988, she was appointed Chef de Mission for Canada's 1988 Olympic team. I should note that Carol Anne was the first female Chef de Mission in the history of the Olympic games. She was also the person who, during those same Olympics, had the task of telling Ben Johnson that he had been disqualified and then had to ask him to return his gold medal.

In addition to sports, Carol Anne Letheren left her mark in the fields of academia and business. She held bachelor's degrees in arts and physical education, a master's degree in business administration, and an Honorary Doctorate of Laws. For many years, she was a distinguished member of the faculties at the Universities of Toronto and York. Later, she went into business as senior partner and co-owner of a Toronto marketing company.

Sports was always Carol Anne's primary life interest. She was a member of the International Olympic Committee, Vice-President of the Commission for the International Olympic Academy and Olympic Education and a member of the Coordinating Commission for the 2002 Winter Games in Salt Lake City. She also sat on the Site Evaluation Commission for the 2004 Olympic games to be held in Athens. All of this, in addition to being involved on numerous sports-related boards and committees, holding various coaching and officiating positions and receiving a host of awards, from Official of the Year to induction into the University of Toronto Sports Hall of Fame.

At the time of her unfortunate death, the then President of the Canadian Olympic Association, Bill Warren, characterized Carol Anne as the personification of excellence, respect, fairness, teamwork, leadership and, most important — especially for those who knew Carol Anne — fun. The association's current president, Michael Chambers, echoes those sentiments.

Honourable senators, it can be fairly said that with the death of Carol Anne Letheren, Canada has lost a truly remarkable citizen who, by her deeds, continues as a glowing inspiration for us all, and especially young women.

## MOTHERS AGAINST DRUNK DRIVING

**Hon. Marjory LeBreton:** Honourable senators, this past weekend I participated in the national chapter leadership conference of MADD Canada. The horrific events of September 11 in New York, Washington and Pennsylvania had particular relevance to the attendees who, because of their own personal experiences as victims, felt a particular bond with the totally innocent victims of that great tragedy in the United States. Many told me that the shock of the death of their loved ones came back in ways they had not expected. Within this foreboding atmosphere, we were faced with the reality of dealing with what is still Canada's number one tragedy: innocent people being killed by people who drive while impaired.

Honourable senators, impaired driving remains the leading criminal cause of death in Canada, claiming over three times as many lives per year as all other forms of homicide combined.

[ Senator Eyton ]

Canada lags far behind most comparable democratic countries in reducing alcohol-related traffic deaths and injuries, even though many have a far higher per capita rate of alcohol consumption. Those countries have succeeded to a far greater extent in impelling their populations to refrain from drinking and driving. Their laws are deterring impaired drivers and protecting the public while ours deter police and prosecutors and often protect impaired drivers from criminal sanctions.

Millions of Canadians continue to drink and drive. In the 1999 national opinion poll on drinking and driving, 19.3 per cent of licensed drivers said that they had recently driven within two hours of drinking. In the author's words, when applied to the entire population of licensed drivers, it shows that over 4 million Canadians admit to driving after drinking. Moreover, an estimated 2.3 million Canadians drove in the past year, when they themselves thought they were over the legal limit. Thus, there are tens of thousand of impaired drivers on Canadian roads each night, and very few ever come to police attention. It has been estimated that only one in every 445 impaired driving trials in Canada result in a criminal conviction. The prosecution of impaired driving cases has become extremely challenging. We only have to read our newspapers every day to know this. While holding the police and prosecutors to exacting standards of proof, the courts have interpreted the law to unduly narrow the offences, and recognized defences appear to lack any air of reality.

Figures from the Canadian Centre for Justice statistics indicate that, depending on the offence, only 23 to 61 per cent of impaired driving charges between 1994 and 1998 resulted in a guilty disposition. To make matters worse those charged with the most serious offences are the least likely to be convicted. While the conviction rate for driving with a blood alcohol concentration above 0.08 was 61 per cent, the rate dropped to only 33 per cent for impaired driving causing bodily harm and 23 per cent for driving causing death. The government, as we all know — since we in the Senate were part of it — amended the Criminal Code in 1999 and 2000. These amendments focused exclusively on increasing penalties, but, unfortunately, we ignored proposals to lower the Criminal Code blood alcohol levels to 0.05, to enhance police enforcement powers, to clarify and redefine some offences and to rationalize sentencing.

Honourable senators, without substantive reform of the Criminal Code, the annual toll of alcohol-related traffic deaths and injury will continue unabated. Responsible Canadians will continue to be exposed to needless risks that are unacceptable to most of our counterparts in the international community. Consequently, MADD Canada, and I believe most of us, believe that the 1999 and 2000 amendments must be viewed as only the beginning of the process of reforming federal impaired driving laws.

## RESPONSE OF GOVERNMENT TO TERRORIST ATTACKS ON UNITED STATES

**Hon. David Tkachuk:** Honourable senators, last night, I watched the Prime Minister on film clips on CTV news say that we will have to sacrifice some of our sovereignty to achieve security. He was referring to the need to harmonize our border security with that of the United States so that our mutual border can be safely open for business and trade. The next film clip showed Joe Clark asking questions in the House of Commons and trying vainly to understand the new security committee announced by the Liberal government and chaired by the only Liberal cabinet minister to speak cogently about the repercussions of the September 11 act of war, Foreign Affairs Minister John Manley. The Prime Minister dismissed Mr. Clark's questions with his usual, "The opposition is trying to take advantage of the terrorists' actions for political gain." Both these occasions made it clear to me why the Liberal government has been acting in such a strange manner in the wake of what clearly was an act of war by terrorist groups.

Honourable senators, I do not think the Prime Minister of our country understands the consequences of what happened when four planes bound for points west turned sharp east to wreak their havoc. Our weak response showed that we have already suffered serious loss of our sovereignty. Our neglect of our military and our Coast Guard and our rather insensitive reaction to the tragedy was laid bare for the country and the world to see. I am not proud of this.

Strengthening our border security, clarifying our policy on refugees and working with our neighbours to the south to keep out people who do not share our values is the act of a nation that increases its sovereignty not, as the Prime Minister said, decreases it. Not being safe, not feeling safe and not trusting our institutions to protect us are signs of a nation losing its abilities to govern itself. When citizens feel that way or think that way, they look elsewhere for someone to provide the safety and trust. Canadians realize this and, despite the many talking heads to the contrary, remain sympathetic to the U.S. position calling for a war on terrorism and of using military power to achieve the goal of winning that war. We are, in the main, allies, and we understand that this act cannot be explained in a rational manner. This was an act of terrorism and Canadians knew it five minutes after it happened. They did not need time to issue a response. Their hearts and heads were in sync and our government's was and is not.

## ROUTINE PROCEEDINGS

### CITIZENSHIP AND IMMIGRATION

#### LETTER FROM MINISTER TABLED

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a copy of the letter from the Minister of Citizenship

and Immigration to which I referred at the last sitting of the Senate.

[Translation]

## OFFICIAL LANGUAGES

### SECOND REPORT OF JOINT COMMITTEE— GOVERNMENT RESPONSE TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table the government response to the second report of the Standing Joint Committee on Official Languages, entitled "Broadcasting and Availability of the Debates and Proceedings of Parliament in both Official Languages," as introduced in the Senate on May 2, 2001.

## ADJOURNMENT

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

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, October 3, at 1:30 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

## BUSINESS OF THE SENATE

### ROYAL ASSENT BILL—MOTION TO WITHDRAW ADOPTED

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, we have had discussions with the leadership on the other side. The government is prepared to introduce a bill relating to the procedure for Royal Assent. I am ready to introduce the bill today if the Leader of the Opposition would be inclined to seek the withdrawal of his bill. That would help us to avoid confusion and maintain a coherent Order Paper.

**The Hon. the Speaker:** Honourable senators, I will call on Honourable Senator Lynch-Staunton with a request for leave.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I never thought I would be the unwitting co-author of a government bill, but then, in this life, the unexpected can be more the expected.

I will resist any comments except to say that, with leave of the Senate and notwithstanding rule 58(1)(f), I move, seconded by Senator Kelleher:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be discharged from considering Bill S-13, An Act respecting the declaration of Royal Assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament; and

That the said Bill be withdrawn.

I hope the government leader will also agree that if I am dissatisfied with the bill she tables, she will give me the same consideration and withdraw her bill so I can reintroduce mine.

**Senator Carstairs:** Honourable senators, I must say at the outset that Senator Lynch-Staunton has been so cooperative that I am sure he will get anything he wants.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill withdrawn.

## ROYAL ASSENT BILL

### FIRST READING

**Hon. Sharon Carstairs (Leader of the Government)** presented Bill S-34, respecting Royal Assent to bills passed by the Houses of Parliament.

Bill read first time.

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

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

## ACCESS TO CENSUS REPORTS

### PETITION

**Hon. Lorna Milne:** Honourable senators, I have the honour to present 877 signatures from Canadians in the provinces of B.C., Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Newfoundland and Nova Scotia who are researching their ancestry, as well as signatures from 148 people from the United States and 8 from Ireland who are researching their Canadians roots. A total of 1,033 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of the Statistics Acts since

[ Senator Lynch-Staunton ]

1906, to allow release to the Public after a reasonable period of time of Post 1901 Census reports starting with the 1906 Census.

These signatures are in addition to the 10,677 I have presented in this calendar year. I have now presented petitions with 11,710 signatures to this Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this very important matter of Canadian history.

## QUESTION PERIOD

### THE SENATE

#### HASTE OF HEARINGS OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON IMMIGRATION AND REFUGEE PROTECTION BILL

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I must get up and test the government leader's generous sentiments of just a few minutes ago.

While testifying before the Social Affairs Committee yesterday, the assistant deputy minister for policy from the Department of Citizenship and Immigration indicated that proper implementation of Bill C-11, the immigration bill now before the committee, will require regulations that are not expected to be in final form before the spring of 2002 at the earliest. Will the minister not agree that this removes any urgency which was invoked to force the committee to compress its hearings into only four days when, under normal circumstances, a bill of such importance — certainly an importance given by the government — would require some four weeks to allow the proper, meticulous examination the Social Affairs Committee gives to every piece of legislation? The committee is being forced into an unseemly schedule to meet a deadline that is at least six months away, by the admission of a government official herself. Will the government release the committee of the obligation imposed upon it to hasten hearings in such a manner that they be completed before the end of this week?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I thank the honourable senator for that question. I must say that I was disturbed and somewhat shocked to read the newspaper accounts of the committee hearing. I think all of us recognize that there was a certain amount of pressure to get this bill through as quickly as possible. I spoke with the Minister of Immigration this morning. I asked her why we are being asked to pass this bill as quickly as we possibly can when it seems that it will not come into force and effect until May. Some witnesses, I understand, even said July of 2002. The response I received is the following: The regulations are presently being drafted and I am assured they are being drafted with some speed.

• (1430)

However, when the bill is passed and receives Royal Assent, the regulations will then need to go through the normal regulatory process; they will need to be published in the *Canada Gazette*. In other words, we will need to reach out to the stakeholders and ask those stakeholders if, in fact, the regulations meet not only the letter of the law but the spirit of the law as they see it, and that will take a number of months. The longer we delay the bill in this chamber, the longer it will take for those regulations to go through the normal regulatory process. If we delay the bill by a month, then the implementation of the full bill will be delayed by an additional month. It is, therefore, incumbent upon us to act as quickly as we can.

**Senator Lynch-Staunton:** Honourable senators, that tends to contradict the testimony given yesterday by Ms Atkinson, the assistant deputy minister. She said:

Work is ongoing on the drafting of regulations.

Therefore, they do not need the bill to draft the regulations.

At the same time, we are also working on our implementation planning. We hope to be able to have regulations ready for prepublication before the end of the calendar year.

Therefore, our spending another month or another day on this bill will not affect the timing of the process through which the regulations must go.

She then continued:

That will allow for a prepublication period and consultation, the tabling of regulations in both Houses and for a consideration of those regulations early in the new year.

Nothing we do here, such as allowing two to three weeks more of hearings on this bill, will delay that part of the schedule.

The implementation planning continues ...

This timetable, given by the official responsible for it, would allow the committee to give much more careful hearing to the witnesses. This afternoon, I believe there are six or seven witnesses, if not more, who will be given a very short period each, and perhaps some should be allowed twice or three times as much time. I maintain that, given the testimony yesterday by the official directly responsible for the regulations procedure, the committee should be given all the time needed, and that that would not conflict with the schedule as outlined.

**Senator Carstairs:** Honourable senators, the individual ultimately responsible for not only the bill but the regulations is the Minister of Immigration. The minister will be appearing before the committee on Thursday morning. Questions would

best be put to her at that time as to the way in which this piece of legislation, which I think is a valuable piece of legislation, can be brought into full force and effect as quickly as possible.

POSSIBILITY OF REFERRING IMMIGRATION AND  
REFUGEE PROTECTION BILL TO LEGAL AND  
CONSTITUTIONAL AFFAIRS COMMITTEE

**Hon. John Lynch-Staunton (Leader of the Opposition):** The minister has indicated that she does not need the bill in order to implement the policy, so I do not know how valuable her testimony will be in seeing that we follow proper procedure.

Since we will have much more time than was indicated only a few days ago, will the government at least allow this bill, once out of the Social Affairs Committee, to go to the Legal and Constitutional Affairs Committee, which is where it should have gone originally? Yesterday, and I believe again this morning, although I have not seen the testimony from this morning, much of the testimony was based on questions relating to the Charter. These are matters with which the Social Affairs, Science and Technology Committee is not as well equipped to deal. However, the Legal and Constitutional Affairs Committee is. Once out of the one committee, I think it would be more than appropriate to send the bill to the Legal and Constitutional Affairs Committee in order to gain a complete understanding of it and its ramifications on individuals in relation to the Charter. Again, since we now have the time to do this, I hope the minister will agree that that is the way in which we should proceed.

**Hon. Sharon Carstairs (Leader of the Government):** First, I do not accept the position that we have more time. I have asked the honourable senators on that committee to put that question before the Minister of Citizenship and Immigration and let her lay out an exact timeline for them.

As to whether this bill needs to go to a second committee, honourable senators, the Charter is not simply a matter for the Standing Senate Committee on Legal and Constitutional Affairs; the Charter belongs to every single Canadian, and that includes every single senator sitting in this chamber. I am not a lawyer. However, I have strong views about the Charter. I believe that there are members on the Standing Senate Committee on Social Affairs, Science and Technology who have the expertise and knowledge to deal with Charter issues. I do recognize that perhaps the greatest expert on the Charter is Senator Beaudoin, and Senator Beaudoin can share his expertise by attending any committee of the Senate when it is in session, as indeed can any senator.

**Hon. Gérald-A. Beaudoin:** Honourable senators, it is true that the Constitution belongs to every citizen, as does the Charter, which is part of the Constitution. However, the objective of the Standing Senate Committee on Legal and Constitutional Affairs is to ask questions and to improve legislation, and we normally refer to that committee bills that involve constitutional law.

I was at the meeting of the Social Affairs Committee this morning because a delegation from the Canadian bar was appearing there. We spent two hours discussing questions of legality and constitutionality. They raised three sections of the Charter, section 7 and section 12, and section 15, and they suggested six amendments. I thought I was in the Legal and Constitutional Affairs Committee, because obviously we were dealing 100 per cent with legalities.

That is all I have to say for the moment. I am in favour of referring this bill to the Standing Senate Committee on Legal and Constitutional Affairs. I understand that the Leader of the Government has already answered my question.

**Hon. A. Raynell Andreychuk:** On a supplementary matter, I was not able to attend the committee meeting this morning, but I certainly tried yesterday, and I will continue to look at this whole question. Some fundamental issues that are legal questions balance the rights and freedoms of individuals against security issues and societal issues. Some of the questions embedded in that bill, certainly, are not being answered because the witnesses called to this point have been those individuals who either obviously knew very quickly how our process works here and monitor us, or were looking at more philosophical public policy issues.

This bill raises some deeply troubling questions about the Constitution, about the Charter, and about interpretation, and I think only legal and constitutional experts could answer these questions. There are two ways of handling the situation: We could bring those experts before the Social Affairs Committee for a proper analysis of the bill or, alternately, we could turn the bill over to the Standing Senate Committee on Legal and Constitutional Affairs. My preference, as is Senator Beaudoin's, would be that it go to the Legal and Constitutional Affairs Committee because that committee has the collective memory and expertise to deal efficiently with issues of constitutionality. The time that they would take on such issues would be considerably shorter than that spent in trying to bring other senators up to speed. I know from my own experience with taking part in other committees that it takes me a while to get to know the topics and to get to know the issues, even though I may have previously had an interest in the area.

Therefore, since the time is being requested, I would want the Leader of the Government's opinion on whether it would be more efficient to continue study of this bill before the Social Affairs Committee or more expeditious to have those tight legal questions answered by the Legal and Constitutional Affairs Committee.

**Senator Carstairs:** Honourable senators, the Standing Senate Committee on Social Affairs, Science and Technology specifically lists immigration as one of its mandates.

It was, therefore, perfectly rational that this bill went to the Social Affairs, Science and Technology Committee. I did not

[ Senator Beaudoin ]

draft the witness list. The witness list was prepared by the steering committee of the Standing Senate Committee on Social Affairs, Science and Technology, of which a member of the opposition side is deputy chair. I would suggest that if additional witnesses are required, then the steering committee of the Social Affairs Committee should make that decision. That should not be my decision to make.

• (1440)

**Senator Andreychuk:** Honourable senators, I understand the leader to say that those legal questions must be answered but should be answered within the Social Affairs Committee. My only thought is that the leader is saying that because this committee has immigration as one of its mandates, we cannot move the study of the bill to another committee. However, we have often moved the study of legislation due to various committee workloads and perspectives. I understand why the bill went first to the Standing Senate Committee on Social Affairs, Science and Technology — because the minister had characterized the bill as public immigration policy. However, in the study — and this is why witnesses were called on public policy issues — it has become apparent that the real issue to be studied is not the public policy issue, but the legal consequences of such public policy and what they mean. Therefore, the suggestion is that the study of the bill be moved to the Standing Senate Committee on Legal and Constitutional Affairs.

**Senator Carstairs:** Honourable senators, it is not only lawyers who understand the law. I used to chair the Standing Senate Committee on Legal and Constitutional Affairs, and I take great pride in the fact that I am not a lawyer.

It is not essential to be a lawyer to deal with the law. It is essential, however, that witnesses be heard on all aspects of this bill. That is exactly why, as I understand, the steering committee decided that the Canadian Bar Association should appear before this committee. That is exactly why the Canadian Council of Refugees, which raised Charter issues, was asked to appear before the committee. This committee has an extensive list of witnesses and is doing an excellent job of examining this legislation. I look forward to the committee's report to this chamber.

**Senator Andreychuk:** Honourable senators, the fact that the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs is not because committee members are lawyers; rather, there are legal issues. I take great pride that our chair is not a lawyer and that our chair and other committee members have become well versed on legal matters. My point of view has nothing to do with putting the bill in the hands of lawyers. It has everything to do with putting the bill in the hands of valuable senators who have gained expertise and who may or may not be lawyers.

Honourable senators, I will not pursue this issue any further.

**Senator Carstairs:** Honourable senators, the bill is in committee and is receiving a thorough review. All senators are welcome at all times to appear. If they have questions, I urge them to raise them in the committee so they can get answers from the appropriate personnel.

**Hon. Roch Bolduc:** Honourable senators, many people talk about the law, but most of the time lawyers do a little better. They know the law a little better.

**Senator Carstairs:** With the greatest respect to Senator Bolduc, I think it depends on whether we are talking about living or income.

### PRIME MINISTER'S OFFICE

#### RESPONSE TO TERRORIST ATTACKS ON UNITED STATES— STATUS OF CANADA

**Hon. J. Michael Forrestall:** Honourable senators, the Secretary-General of NATO has stated that they have seen the evidence gathered by the United States in the aftermath of the September 11 terror attacks and that:

...the facts are clear and compelling. The information presented points conclusively to al-Qaeda and the Taliban regime in Afghanistan.

The NATO Secretary-General has announced that NATO is invoking Article 5 of the Washington treaty, which states that an attack on one member state is an attack on all member states. Prime Minister Blair of the United Kingdom has said that the Taliban's time to hand over Osama bin Laden and dismantle al-Qaeda is up, and that the Taliban will be held responsible for their complicity and that military action is inevitable.

Is Canada now at war? What action will the Government of Canada now take with regard to al-Qaeda, the Taliban and the Taliban control of the state of Afghanistan?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, Senator Forrestall has raised this afternoon the briefing and meetings that took place with the NATO Secretary-General this morning, in which he did indeed make the statement that the United States has presented clear and compelling facts regarding the role that Osama bin Laden, al-Qaeda and the Taliban have played in the incident. The answer to his specific question "Is Canada now at war?" is no. War can only be declared by an individual country, and war has not yet been declared, to my understanding, by any country.

**Senator Forrestall:** Honourable senators, I would ask the minister to give us a clear indication of Canada's position with respect to Article 5. Can she tell the Senate and help clarify in the minds of Canadian citizens in what position we now find ourselves? The United States has declared war and we are

obliged under that treaty article to support them. Can the Leader of the Government in the Senate help us out in this dilemma?

**Senator Carstairs:** Honourable senators, I will begin by saying to Senator Forrestall that I am not of his view that the United States has declared war. The United States has indicated that it will be taking action. To my knowledge, and I could be wrong, they have not made a formal declaration of war, which, of course, is necessary for war to be, if you will, declared.

Canada supported the NATO statement originally on September 12. It has also concurred with the sharing of the information that has been made available today. We are now awaiting from our NATO partners, including the United States of America, what their requests will be of us and, therefore, what will be our participation.

**Senator Forrestall:** Honourable senators, I understand that the Leader of the Government in the Senate is telling us that Canada, for the time being, has no position with respect to what action we as a country may take with respect to those who support bin Laden and that we are now waiting for the United States to make a formal declaration. I believe I have heard President Bush declare war a dozen times and he invoked Western justice a dozen times. I have heard the comments that what happens to one nation happens to another nation, and I find it strange that we do not seem to have a position but continue to wait and see what will happen. Am I correct in drawing that inference from what the minister has said?

• (1450)

**Senator Carstairs:** No, honourable senators, Senator Forrestall is not correct. The United States has formal processes; we have formal processes. The United States has, I would suggest, in the last several weeks moved away from the war rhetoric. It is very true that in the first several days the word "war" was used a great deal of the time. Now we hear it less and less from the President of the United States, from the Secretary of State, and even from the Secretary of Defence.

I want to make it perfectly clear to members of this chamber that Canada will undertake its full obligations as a member of NATO and, therefore, what is requested of us under Article 5 we will do.

**Senator Forrestall:** Honourable senators, I find that this is getting to be a little absurd. I hope rational thought is being applied throughout this piece.

Should the Prime Minister of Great Britain take up arms later today or tomorrow, or in the next week, against the Taliban — and I am not speaking hypothetically — would Canada construe that act as one requiring us to state a clear and unequivocal position with respect to our support of the United States? It seems to me that we are equivocating unnecessarily.

**Senator Carstairs:** Honourable senators, I do not think there is any equivocation here. It is very clear that we do not know, other than Osama bin Laden and his group of terrorists, just how broad the net is. Certainly, in my view, it is not the Afghani people. I would be very reluctant to see us declare war against the Afghani people, who have already suffered great tragedies with regard to their human condition.

Whether we will in fact join in actions against a group of terrorists will be determined when we are asked to do so by our NATO partners. I think all have agreed that the leadership of this particular engagement should be the United States, as she is the nation that has suffered the most grievous damage.

**Hon. David Tkachuk:** Honourable senators, I want to follow up on that statement. If the act that was committed against the United States is seen by NATO as an act against all of us, which means against Canada as a partner in that organization, what position is our government putting forward as to what we think should be done? Have we simply said, "Well, whatever the United States wants?" Are we putting a position forward to NATO as to what should be done following this act?

**Senator Carstairs:** Honourable senators, I thank the honourable senator for using the word "attack," because that is the critical word here. In Article 5, the resolution very clearly says that an attack against one shall be considered to be an attack against all. These are all of our NATO partners. It does not mention the word "war." It talks about an attack. I think that strategically, together we are planning what best result we can achieve to rid us of terrorist attacks. That is why so much of the leadership has been left in the hands of the United States. That is exactly why, when our Prime Minister met with the President of the United States, he offered our support and help, but he clearly stated to the United States President that "We are looking to you to ask what it is you would like us to do."

**Senator Tkachuk:** That is not what NATO countries are doing. France has stated its position, whatever that position is. Prime Minister Blair has this morning clearly stated his country's position. We have not yet stated our position. Opposition parties in the other place are very frustrated because they cannot determine Canada's position. I think we are becoming the same way here.

What position are we as a country putting forward as to what should be done against this attack on one of our friends and allies, where over 6,000 people were killed? Surely we must have a position as to what we would like to see done.

**Senator Carstairs:** Honourable senators, we have a very clear position. Our clear position is that we are NATO partners. We accept the obligations under Article 5, as do all NATO partners. We have stated clearly we will undertake all obligations as a result of Article 5. I am not sure what else we should do at this time in evolving our policy. Suffice it to say that Minister

Manley has been put in charge of a cabinet committee to develop a strategy, to develop policies, and even to develop laws, if necessary, in order to meet not only this terrorist threat but terrorist threats in the future. We are willing to fulfil our obligations.

Prime Minister Blair was certainly rather hawkish today in terms of his statements to the meeting of his political party. Perhaps it was the setting that brought that out in him.

## FOREIGN AFFAIRS

### TERRORIST ATTACKS ON UNITED STATES—EFFECT ON PEOPLE OF AFGHANISTAN—PARLIAMENTARY APPROVAL OF INCREASE IN AID

**Hon. Donald H. Oliver:** Honourable senators, in response to questions earlier today, the honourable Leader of the Government in the Senate referred to humanitarian aid. I should like to build on a set of questions posed to the Leader over the last two weeks regarding the extent to which the non-governmental community would be a beneficiary of funding allocated by our federal government for disaster relief in Afghanistan.

I was heartened by the Leader of the Government's responses, which demonstrate a good appreciation of the humanitarian needs of the Afghan refugees.

Following a meeting with the United Nations Secretary-General, Kofi Annan, in New York, the Prime Minister announced that Canada's contribution to humanitarian assistance in Afghanistan had been increased from \$1 million to \$5 million on September 29, 2001. As the government leader knows, we are all quite pleased that the government has recognized its obligations to the world's civilians. However, can the government leader explain in what way Parliament was consulted in approving that increased spending? Considering that \$4 million is a considerable contribution to this worthy effort, and notwithstanding arguments that funding for this initiative was already built into the February 2000 budget, should not the issue have first been raised in Parliament and not the national media?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let me begin by saying that my briefing note says it was, in fact, an additional \$5 million, bringing the aid package to \$6 million, and bringing the total aid package to the Afghani people to \$18 million for this fiscal year.

In addition, that is well within the budgetary provisions of CIDA, the Canadian International Development Agency. CIDA has money to use at its discretion to be spent in areas that it identifies in greatest need, and that is where that particular budget allocation falls.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to the question raised by Senator Kinsella on May 17, 2001, concerning the Immigration Act.

## CITIZENSHIP AND IMMIGRATION

### SPECIAL VISA PRIVILEGES FOR MEMBERS OF PARLIAMENT AND SENATORS

*(Response to question raised by Hon. Noël A. Kinsella on May 17, 2001)*

The *Immigration Act* authorizes the Minister of Citizenship and Immigration, at her sole discretion, to grant Minister's permits where she considers that extenuating circumstances exist.

Both Senators and Members of Parliament, irrespective of political affiliation, may make representations to the Minister of Citizenship and Immigration concerning immigration and visitor visa files if they believe that extenuating circumstances exist. There is no numerical limit to the number of requests for Minister's Permits that a Senator or a Member of Parliament may present to the Minister. Representations from Senators are treated in the same fashion as those made by Members of Parliament.

The Minister of Citizenship and Immigration will examine and weigh the information provided by a Senator or a Member of Parliament. The Minister will then decide whether to exercise her discretion to grant a Minister's Permit.

The Minister of Citizenship and Immigration is accountable for the exercise of her discretionary authority when granting Minister's Permits.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

### ATTORNEY GENERAL—BRIAN MULRONEY CASE

**Hon. Fernand Robichaud (Deputy Leader of the Government)** tabled the answer to Question No. 15 on the Order Paper by Senator Lynch-Staunton.

### CRIMINAL CODE—STATUS OF OFFICIAL LANGUAGES

**Hon. Fernand Robichaud (Deputy Leader of the Government)** tabled the answer to Question No. 16 on the Order Paper by Senator Gauthier.

## LIBRARY OF PARLIAMENT OFFICIAL LANGUAGES SCRUTINY OF REGULATIONS

### MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that the following message had been received from the House of Commons:

*Ordered,*—That the Standing Joint Committees be composed of the Members listed below:

### Library of Parliament

Members: Bélanger, Bennett, Bertrand, Catterall, Gagnon (Champlain), Hill (Prince George—Peace River), Hill (MacLeod), Hinton, Karygiannis, Lavigne, Lill, Pickard, Plamondon, Saada, Stinson, Telegdi—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Benoit, Borotsik, Breitzkreuz, Brison, Burton, Cadman, Casey, Casson, Chatters, Clark, Cummins, Davies, Day, Doyle, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Grey (Edmonton North), Hanger, Harris, Hearn, Herron, Hilstrom, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, Mackay (Pictou—Antigonish—Guysborough), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schmidt, Skelton, Solberg, Sorenson, Spencer, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

### Official Languages

Members: Bélanger, Bellemare, Binet, Bulte, Drouin, Gagnon (Québec), Godfrey, Godin, Goldring, Harris, Herron, Lavigne, McTeague, Reid, Sauvageau, Thibault—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Benoit, Bergeron, Borotsik, Breitzkreuz, Brison, Burton, Cadman, Casey, Casson, Chatters, Clark, Comartin, Cummins, Day, Doyle, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Gouk, Grewal, Grey (Edmonton North), Hanger, Hearn, Hill (Prince George—Peace River), Hill (MacLeod), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Manning, Marceau, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Nystrom, Obhrai, Pallister, Pankiw, Penson, Peschisolido, Plamondon, Rajotte, Reynolds, Ritz, Schmidt, Skelton, Solberg, Sorenson, Spencer, Stinson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Tremblay (Rimouski-Neigette-et-la Mitis), Vellacott, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

### Scrutiny of Regulations

Members: Barnes, Bonwick, Carignan, Comuzzi, Cummins, Gouk, Grewal, Guimond, Knutson, Lanctôt, Lee, Macklin, Myers, Nystrom, Pankiw, Wappel, White (North Vancouver)—(17)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bachand (Richmond—Arthabaska), Bailey, Bellehumeur, Benoit, Borotsik, Breitzkreuz, Brison, Burton, Cadman, Casey, Casson, Chatters, Clark, Day, Doyle, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Grey (Edmonton North), Hanger, Harris, Hearn, Herron, Hill (Prince George—Peace River), Hill (MacLeod), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lebel, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Manning, Mark, Martin (Esquimalt—Juan de Fuca), Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penson, Peschisolido, Rajotte, Reid, Reynolds, Ritz, Schmidt, Skelton, Solberg, Sorenson, Spencer, Stinson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Venne, Wayne, White (Langley—Abbotsford), Williams, Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

*ATTEST:*

WILLIAM C. CORBETT,  
*The Clerk of the House of Commons.*

[English]

### QUESTION OF PRIVILEGE

COMMENTS BY MINISTER OF CITIZENSHIP AND  
IMMIGRATION—SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, on Thursday, September 27, the Leader of the Opposition, Senator Lynch-Staunton, raised a question of privilege with respect to Bill C-11, dealing with immigration and the protection of refugees, that is now before the Senate, and certain remarks made recently by the responsible minister, Elinor Caplan, a member of the other place. On September 26, according to Senator Lynch-Staunton, the minister made comments to a journalist that suggest that the minister was already implementing provisions of the bill even though it is not yet law. This position, he said, seemed to contradict earlier statements of the minister who had then claimed that her department could do nothing until Bill C-11 was passed into law. The senator found these more recent statements to be offensive. In his view, such

[ The Hon. the Speaker ]

remarks demonstrated a contempt for Parliament and a breach of the privileges of all senators as they anticipated passage of the bill by the Senate and Royal Assent. As the Leader of the Opposition put it when he gave oral notice of his question of privilege, "Ministers of the Crown cannot act without parliamentary authority. They are not above the law."

The issue of the minister's statements to the media had already been the focus of the Opposition Leader's question to the Leader of the Government, Senator Carstairs, the day before, Wednesday, September 25. At that time, Senator Lynch-Staunton had reserved the right to raise a question of privilege, which he did on Thursday. Forewarned by what had happened on Wednesday, Senator Carstairs contacted the minister and obtained from her a letter that was read out at the outset of Question Period on Thursday, before the debate on the *prima facie* merits of the question of privilege. The letter explained, according to Senator Carstairs, that the media comments had not accurately reflected the minister's wishes. The letter described that the minister was intensifying security screening actions to keep out undesirable immigrants or refugees already authorized under the current law. In closing, the minister also regretted any confusion caused by the reports of her actions.

[Translation]

Debate on the *prima facie* merits of this question of privilege followed at the end of the Orders of the Day. At that time, Senator Lynch-Staunton spelled out the nature of his complaint against the Minister of Immigration and Citizenship. In presenting his case, the senator was emphatic in declaring that it was the public statements of the minister that constituted a contempt of Parliament.

[English]

In reply to an explanation offered by the Leader of the Government, Senator Lynch-Staunton dismissed it. He stated:

The question before His Honour is not whether the minister is acting under parliamentary authority or not. The question is whether she said that she would exercise some of the powers that would be granted to her if Bill C-11 were passed...

Several other senators then participated in the debate. During the course of her remarks, Senator Cools offered an analysis of the minister's statements to the media and suggested that the minister be offered a proper opportunity to explain what she meant. The senator urged the Senate not to rush to any judgment on the matter. In her view, it appeared to be a "political problem."

Senator Nolin then spoke. He suggested that at this stage in the proceedings the only real question to be determined was whether the minister, in light of her conversation with a journalist, had breached the privileges of the Senate.

Citing the British parliamentary authority, Erskine May, Senator Taylor asked me, as Speaker, to consider two questions: whether the Senate can assert privilege when it involves the action of a member from the other place and whether the Senate has a case of constructive contempt based on the comments made by the minister.

By way of reply, Senator Rompkey then referred to a citation from Beauchesne's, a Canadian parliamentary authority, asserting that a question of privilege cannot be based on statements by a member made outside the House. This seemed to prompt another intervention by Senator Carstairs who reiterated the point raised by Senator Rompkey after noting again that, according to the minister's letter, the actions of her department are legal under the current immigration law.

This point was then challenged one more time by Senator Lynch-Staunton who was supported by Senator Murray, who suggested that Beauchesne's might not be entirely relevant to this case since the minister is not a member of this house.

Finally, Senator Andreychuk reminded the Senate that not so long ago a *prima facie* question of privilege was admitted by the Speaker in a recent ruling based on a newspaper account.

Following these contributions, I agreed to take the matter under advisement. At that time, I expressed a desire to review the authorities that had been cited in order to determine if there is a *prima facie* question of privilege. I have now done this and I am prepared to rule on this question of privilege.

[Translation]

As I have been reminded by senators, and as I fully acknowledge, my role as Speaker is limited. It is to find whether or not, in this case, there is a *prima facie* question of privilege; that is to say, whether or not the matter appears either to involve a breach of the privileges of the Senate, as a parliamentary body, or to constitute a contempt against its authority.

[English]

Senator Lynch-Staunton brought his question of privilege to the attention of the Senate under the provisions of rule 43 of the *Rules of the Senate*. In order for the question of privilege under rule 43 to be accorded priority over all other business, it must meet certain tests. There are four specific tests listed in the rules. The first is that of earliest opportunity. The second is that the matter must directly relate to the privileges of the Senate, its committees or any senator. The third is that it must seek a genuine remedy within the powers of the Senate for which no other parliamentary process would be as satisfactory. The fourth, and the last, is that the question of privilege must be raised to correct a grave and serious breach. It is my obligation, as Speaker, to determine whether the alleged question of privilege satisfies these requirements.

First of all, I am satisfied that the alleged question of privilege was raised at the earliest opportunity. Senator Lynch-Staunton indicated that he had first seen recent statements of the minister last Wednesday, when he put some questions about them to the Leader of the Government. At that time, he reserved the right to raise this matter as a question of privilege since it had not been possible to provide the necessary three hours' notice on Wednesday as required under rule 43(3).

I find that the remaining three criteria that must be assessed to determine a *prima facie* case are not quite as simple to evaluate. For example, the second criterion under rule 43 requires that the matter must directly relate to the privileges of the Senate. In other words, have the statements of the minister impeded the ability of the Senate to deal with Bill C-11? No one has indicated that it will not now receive a thorough study in committee as a result of the minister's comments. For this reason, I do not accept the notion that Senator Taylor raised with respect to "constructive contempt." No evidence was presented that the minister's remarks to the media have obstructed the Senate in the performance of its functions by diminishing the respect due to it. There has been no substantial interference in our debate on Bill C-11.

As a related point, Senator Taylor also raised the question about the authority of this house over the actions of a member of the other place. According to Erskine May, "Since the two Houses are wholly independent of each other, neither House can claim, much less exercise, any authority over a Member...of the other." This seems to touch upon the question of whether or not there is a real remedy that is within the authority of the Senate. While it is an option for the Senate to express its objection about the behaviour of a member of the other place given the appropriate circumstances or provocation, I am not persuaded that the present case is sufficiently egregious to merit such a step. This conclusion, of course, relates also to the fourth criterion — whether the complaint involves a grave or serious breach. It is relevant to point out that the Leader of the Government has read a letter from the minister stating her position. While it did not amount to a direct apology, the letter explains that the minister has no intentions of acting without the necessary parliamentary authority. It also expresses regret for any confusion caused by her comments.

• (1510)

[Translation]

All of us are well acquainted with the common misunderstanding about the role of Parliament in general and the functions of the Senate in particular. In the end, it cannot do our parliamentary system any good to undermine, even if inadvertently, its fundamental authority and its bicameral composition.

[English]

## ORDERS OF THE DAY

### CARRIAGE BY AIR ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Ross Fitzpatrick** moved the second reading of Bill S-33, to amend the Carriage by Air Act.

He said: Honourable senators, it is my privilege to rise today to speak to Bill S-33, a short but important bill to amend the Carriage by Air Act. This act is Canada's enabling legislation to give lawful effect to a global regime of common rules known as the Warsaw System, which limits carrier liability for the injury or death of a passenger and the damage, loss or delay of baggage or cargo during international air transportation.

The Warsaw System is comprised of the 1929 Warsaw Convention and its amending instruments, namely, The Hague Protocol of 1955, the Guadalajara Supplementary Convention of 1961 and the Montreal Protocol No. 4 of 1975. The last two were considered when last amending this act in 1999.

Bill S-33 amends the act so that Canada can join other states, including the United States and our other major trading partners, in a united attempt to ratify the 1999 Montreal Convention to consolidate and modernize the Warsaw System.

Honourable senators, our consideration of this bill is also timely, given the horrific events of September 11 carried out by terrorists through the perverted use of commercial passenger aircraft. Thousands of lives were lost in those attacks and countless more have been changed forever. I submit that it is now important to do what we can to help bring about closure. This bill will help to do just that.

Permitting Canada to ratify the Montreal Convention would move the world a step closer to a new global regime for carrier liability that has the potential to reduce litigation and expedite the settlement of claims. The Montreal Convention preserves certain redeeming features of the Warsaw System, including, for example, the unification of laws relating to the international carriage by air, which has been and continues to be of vital importance to management of international air transport. Without such unification, complex conflicts of law could arise and the settlement of claims would be unpredictable, costly, time consuming and possibly uninsurable. Jurisdictional conflicts could also arise, which would further aggravate the settlement of claims.

Time and socio-economic developments have outdated the Warsaw System in other ways. The Montreal Convention

addresses these antiquities by introducing new features, one of which will permit international passengers to choose their own local system of law when making claims. This is an entitlement which is consumer friendly. Another new feature will establish in law a two-tier system of carrier liability, described as follows: In the first tier, the carrier will assume absolute liability for claims on actual damages to a certain threshold; in the second tier, the carrier reserves its entitlement to limited legal defences for claims exceeding this threshold. Importantly, there is no limit on the value of a claim for actual damages. The Montreal Convention will bring effect to a form of unlimited, instead of limited, carrier liability to international passengers.

It is important to note that, since 1997, international airlines, including Air Canada and our international charter operators, in recognition of the outdated limitation on carrier liability, have voluntarily put into effect this two-tiered regime while continuing to observe all other requirements of the Warsaw System. Moreover, the Montreal Convention strongly complements policies advanced by the Minister of Transport in the area of scheduled and charter all-cargo international air services that are designed to promote those services by Canadian carriers.

The Montreal Convention has been signed by 66 nations, including the United States, as well as all of Canada's other major trading partners. In fact, 11 of 67 signatories have since ratified the Montreal Convention. A quorum of 30 nations must ratify the Montreal Convention before it can have international force and effect. The Montreal Convention will continue to set out clear rules regarding carrier's liability in situations where one carrier is operating for another carrier.

The authority for Canada to adhere to the Montreal Convention is provided by adding references to a new Schedule VI, which is to be annexed to the Carriage by Air Act. The development of the Montreal Convention involved extensive consultations in which the Canadian government, alongside Canadian industry, assumed a key role. It has the support of the Canadian aviation industry as well as all aviation-related organizations in Canada.

It is necessary, honourable senators, that we ensure that Canadian travellers, Canadian carriers and Canadian shippers have the benefit of a modern liability regime that reflects the reality of today's aviation industry.

Honourable senators, the amendments proposed to the Carriage by Air Act are aimed at ensuring that Canada recognizes and adopts as law what will become the globally recognized legal instrument dealing with international air carriage of passengers and cargo.

On motion of Senator Stratton, debate adjourned.

[Translation]

## OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Jean-Robert Gauthier** moved the second reading of Bill S-32, to amend the Official Languages Act (fostering of English and French).

• (1520)

He said: Honourable senators, the wording of the bill amends the Official Languages Act to clarify the scope of section 41 of that act in the manner most apt to ensure the attainment of its object.

The concept of linguistic rights is closely related to that of the collective rights of minorities. In Canada, referring language rights to the courts is a relatively recent phenomenon. Since 1982, French and English have enjoyed the same legal recognition — guaranteed under the Canadian Constitution — at the federal level. Through this recognition, the Canadian Parliament wanted to strengthen national unity by creating a legal balance between two linguistic communities and thus ensure social peace.

The Canadian state would probably not have recognized language rights if it had not previously recognized the principles of diversity and pluralism in its vision of Canadian society. Indeed, multilingual arrangements within a state must invariably include the recognition of collective rights.

Most language rights must be protected through legal guarantees. At the federal level, the language rights structure is essentially based on two legislative documents. They are the Constitution Act, 1982, and more specifically sections 16 to 23, and the Official Languages Act, adopted for the first time in 1969 and reviewed in 1988 in the context of the new constitutional order resulting from 1982.

I agree that there are significant nuances and even differences of opinion regarding the concepts of individual and collective rights.

In her presentation entitled “Democracy and Rights: a Canadian Perspective” (January-February 2001), the Chief Justice of the Supreme Court of Canada, the Right Honourable Beverly McLachlin, said:

Collective rights are the cornerstone on which Canada was built. Without the guarantees provided to groups and minorities, it is unlikely that peoples as different as those of the Upper and Lower Canada would have united to form a country.

In a recent case, the Attorney General of Canada argued that Part VII of the Official Languages Act does not include an

obligation for the federal government to always take measures to promote Canada’s francophone and anglophone minorities, to support their development and to foster the full recognition of the use of French and English in Canadian society.

I will tell you that I am not surprised by the position of the Attorney General of Canada, because this is the position taken by all Ministers of Justice I have known since the passage of the new law in 1988. It is a minimalist interpretation the Department of Justice has held for 13 years. I think it is high time it be changed.

Today, I received a reply to a question I asked the government last May about this section. I was not surprised to read, at page 4, that:

Part VII of the Official Languages Act contains a commitment and not legally enforceable obligations and thus does not provide legal recourse.

The current minister, the Honourable Anne McLellan, wrote to me in October 1999, confirming pretty much what I read in her response today. According to the *Petit Robert* dictionary, “declaratory” means “establishing intent.” The Department of Justice’s interpretation is minimalist, to say the least, and puts the government on the track of good intentions, but in no way compromises its position of minimal effort. Accordingly, we are marking time, and section 41 continues to be ambiguous.

I want to give this law some teeth. I would like section 41 to be clearly enforceable. I want minorities to be protected by a watchdog, not a lap dog.

I could make a long presentation on the issues relating to the interpretation of section 41. I am neither a lawyer nor a constitutional expert. I am simply a senator and a former member of Parliament who has worked in this area for a long time and who has an opinion on the issue. My opinion has not changed since the beginning of the debate that started in 1988.

I sincerely believe that, with section 41, the government was pledging to ensure the promotion, development and vitality of official languages communities. In the dictionary *Le Petit Robert*, it is said that a commitment is not an obligation. Again, I will tell you what the intention of the legislator was in 1988 when this section was adopted.

Why am I in the Senate today with a bill to amend section 41 of the Official Languages Act? Because I believe that the atmosphere is better. I think that the government will have a better understanding. I think that it is possible today to strengthen section 41 and to make it binding.

Honourable senators, linguistic groups are threatened by an insidious assimilation process and they are slowly losing the battle. Francophone communities outside Quebec have a serious problem. Financial support for Ontario’s francophone communities has dropped significantly in recent years.

The Department of Human Resources Development sent me a huge file on the funding of francophone communities. I did not have time to read it in detail, but I would say that financial support has been dropping constantly over the past five or six years.

In Quebec, the anglophone presence in the public service, both federal and provincial, is minimal and a cause for concern. Quebec anglophones feel threatened, and their numbers are continually on the decrease. Some anglophone Quebecers feel that their rights have been jeopardized, that they are being deprived of them.

We must take action “in the Canadian manner,” both in Quebec and everywhere else in the country. We must bring things back up to speed. We have two official languages and we must respect and promote them.

The Supreme Court of Canada has never brought down a decision on the scope of section 41 of the Official Languages Act. I have tried to encourage it to do so, and heaven knows the price I have paid. Until the present time, the Supreme Court has not seen fit to listen to any arguments on the scope of section 41.

Because of the minimalist interpretation the Minister of Justice has given to section 41, the federal government has not seen fit, since 1988, to substantially reinforce the regime for application as set out in sections 42 through 45, despite favourable case law since 1996, with a broad and liberal interpretation of language rights and having the Official Languages Act subject to the same rules of interpretation under the Canadian Charter of Rights and Freedoms, 1982. I refer to the decision handed down in *Beaulac*. This is exactly what Bill S-32 proposes: subjecting the Official Languages Act to the court decisions that have been handed down since 1988.

• (1530)

Under the terms of the Official Languages Act, the Minister of Canadian Heritage has sole responsibility for coordinating interdepartmental activities for the purpose of enforcing section 41, and has no coercive means to ensure that its spirit and purpose are strictly enforced and implemented in all government departments and agencies. Speak to officials. They pay no attention to it! Section 41 has no teeth! Nothing, or almost nothing, is happening. This is not right.

However, numerous annual reports by the Official Languages Commissioner — which have furthermore been tabled in this chamber — have commented on the government’s overall lack of commitment to official languages communities.

Since March 2001, Minister Dion has been responsible for coordinating interdepartmental activities. He told us in committee that he had no action plan with clear and specific objectives to propose.

[ Senator Gauthier ]

He told me that section 41, as interpreted by the Minister of Justice, was the government’s position. So I decided to do something about it. If that is how things are, we will take a strong stand, initiate a debate and see where it leads. I hope that this will be constructive and that section 41 of the act will be amended.

The main objectives of Bill S-32, the purpose of which is to give section 41 some teeth, are as follows: first, to clarify the federal government’s commitment to official language minorities; second, to force the federal government to review its implementation system as provided for in Part VII of the Official Languages Act, sections 42 to 45; and, third, in accordance with the *Beaulac* ruling, to submit section 41 of the Official Languages Act to the rules of interpretation of the Canadian Charter of Rights and Freedoms, as defined by the Supreme Court of Canada. All this would afford better judicial control, among other things.

As things now stand, Part VII is exempt from any legal recourse. Even the Official Languages Commissioner may not go before the courts and say that the federal government is not committing sufficient funds to encourage and foster the development of minority official language communities.

For me, section 41 does not constitute any new rights that have been created, but is more of a directive to the government in connection with its spending powers to foster the development and promotion of minority official language groups.

What was the desire of legislators when Bill C-72 was being studied in 1988? I will review a few facts from that time, if I may.

On March 22, 1988, before the legislative committee of the House of Commons mandated to examine Bill C-72 on official languages, the Honourable Ray Hnatyshyn, then Minister of Justice and Attorney General of Canada, said the following:

This part of the bill (Part VII) is based on the Charter (par. 16(3)) relating to the principle of progression toward equality of status or use for French and English, as recognized by the Supreme Court in a number of significant decisions.

On July 20, 1988, when he appeared before the Senate committee mandated with examining the bill, the Honourable Lucien Bouchard, then Secretary of State for Canada, said the following:

The importance the federal government attaches to the communities is expressed most particularly in Part VII of Bill C-72, the application of which is the responsibility of the Secretary of State. Clause 41 sets out the entire extent of the government’s intentions. It allocates to the federal government the obligation to foster the development of language minorities, to support their development, and to promote full recognition of the use of French and of English.

I purposely emphasized the word “obligation.” This is not just wishful thinking here; those are the words of a minister. This was back in 1988. Lucien Bouchard also said:

This notion of the development of language minorities is being referred to in a clause within a bill for the first time...That clause (41), and all the others within this bill that support it, confers a legislative basis to this objective we have set for ourselves to have full participation by minority language groups in the life of our country.

In conclusion, it is high time for section 41 to be strengthened. It is imperative to clarify the ambiguity in its wording, based on subsections 16(1) and 16(2) of the Constitution Act, 1982, replacing the words “the Government of Canada is committed to” by “the Government of Canada takes the necessary steps to enhance the vitality of the English and French language minority communities in Canada and to support and assist their development.”

Canada’s language minorities need parliamentarians to restore their confidence in their country’s future. Part VII of the Official Languages Act, section 41 in particular, is excluded from any recourse to the courts. Why is this the case in 2001? It is time for a change. The Parliament of Canada must assume its obligations and responsibilities. I trust that this bill will be passed, eventually.

[English]

**Hon. Sheila Finestone:** Honourable senators, I would address a few remarks to the Honourable Senator Gauthier.

We all appreciate the work and effort that Senator Gauthier has put into bringing before us the evolution of the Official Languages Act and, in particular, Part VII of that act. As I listened to his presentation, I had a sense of acute disappointment and also found myself wondering why, after committees meet and undertakings are given, the results are as Senator Gauthier has described them here today.

I was once the joint chair of the Standing Joint Committee on Official Languages, along with the Speaker *pro tempore*. I recall clearly that the then Treasury Board chair, the Honourable Marcel Massé, gave very particular undertakings regarding Part VII and section 41. He had received some fine reports from a series of excellent researchers. That research indicated a forward move with the application of section 41. The Treasury Board had been mandated with certain responsibilities.

Senator Gauthier gave us a very interesting chronology. He spoke about the roles and responsibilities of the Minister of Canadian Heritage and of the Minister of Intergovernmental Affairs, Stéphane Dion. The Treasury Board is responsible for the administration of the public service and the business of

government, and for the individuals who work in the public sector. What happened to the Treasury Board’s interpretation of Part VII and sections 41 through 45? That was well on its way two to three years ago, when we were looking at it, with about five books’ worth of studies.

• (1540)

**Senator Gauthier:** I thank the honourable senator for her question. It gives me the occasion to recall certain other incidents. In 1976-77, Pierre Trudeau, who was the Prime Minister at the time, asked Pierre Juneau to coordinate the difficulties that we were having with the application of the new Official Languages Act, which had been adopted in 1969. Seven or eight years later, we were having difficulties with the application of the law in the public service, in the private sector and with minority groups. Juneau did a good job.

Recently, when Mr. Dion was named as coordinator, I said, “Well, history repeats itself. I hope he does a good job.” We asked him, “Do you have a plan?” He said, “No.” We asked him, “Do you have clear objectives?” He said, “Not yet.” We asked him, “Do you have any money?” He said, “No.” We said, “Heritage, Human Resources and Justice have funds.” He reminded me that the Department of Justice is the senior department in terms of legal interpretation. Treasury Board is there for public servants, but it does not have the same power nor the same convincing definitions of what section 41 actually means.

The answer I received today from the Department of Justice states that Part VII of the Official Languages Act contains a commitment but no legally binding obligations, and therefore cannot lead to legal remedies.

**Senator Finestone:** Smoke and mirrors.

**Senator Gauthier:** You and I have to accept that section 41 is a pious offering. It is a commitment but it is not, in my view, enough. Justice says, “You cannot go to court on that, and therefore we will interpret that as being not strictly an executory but a declaratory article.”

I know the honourable senator was chair of that committee. The committee looked at section 41. In fact, we spent a year and a half looking at it. We had all kinds of good advice. Nothing happened. I asked questions in the committee. Nothing happened. What do I do? I come to the Senate and I say, “Perhaps I will be able to trigger a debate here that will finally bring us to a conclusion of some kind of executory character to section 41 to give it some oomph or some teeth.” If we do not get to that, I will go home and say, “Game over.”

**Hon. Lowell Murray:** Honourable senators, I do not want to participate in the debate right now. However, I would like to reserve my right to do so at some later date.

I found the honourable senator's speech extremely interesting. The question I would like to ask is whether the Deputy Leader of the Government would undertake to have the government supply some honourable senator on that side with a considered response on behalf of the government to the arguments that have been put forward today by Senator Gauthier. In particular, I would like to see a report from the government on the performance under section 7 of the Official Languages Act since that section was proclaimed. I would like to see what the government has to say about that.

The only question I had for my friend Senator Gauthier concerned his statements to the effect that anglophone minorities in Quebec and francophone minorities elsewhere are poorly represented in the federal public service. I wonder how his amendment would improve their lot. It seems to me that if they are poorly represented, it is because very specific provisions of the existing act are not being respected and not being enforced. I hope my memory is not playing tricks on me, but I am sure there are provisions of the Official Languages Act respecting the equitable representation of both anglophones and francophones in the federal public service. Perhaps the question we should be asking is why these provisions are not being respected and enforced.

**Senator Gauthier:** I thank Senator Murray. Some years ago, he and I co-chaired the Official Languages Committee and tabled a report — No. 5, I think it was — which touched on the issue of equitable representation. Section 41 is such a vague and contentious article of the law that it has literally no impact on the public service of Canada and has little impact on the promotion of the equality of English and French across this country. It has no guts to it. It needs to be executory. It needs to be applied.

The provinces should be involved in this, because section 43 deals with the provinces. The Constitution of Canada is for all Canadians. It binds the government. It binds the Parliament of Canada. It also places obligations on provincial authorities. In Quebec, we all know that the percentage of English-speaking individuals in the public service of Quebec is minimal. We are having a hard time in the federal public service. I am no expert on that, but I know from my reading and from testimony I have heard that out west, for example, it is a question of a decimal percentage of public servants who are French-speaking. Bilingual positions are usually left to people who sometimes do not have any knowledge of the second language. The position is designated bilingual but the individual who is occupying the position does not have the qualifications either to speak English or to speak French, and that is unacceptable today, 30 years after the adoption of the Official Languages Act.

We must get our act together and tell public servants that, yes, Canada has a population that has two official languages. I will be frank with you: I am frustrated with this concept that I hear regularly that Canada is a bilingual country. There is nothing like that in the Constitution. The word "bilingual" does not appear in our Constitution. We have two official languages. That is a

[ Senator Murray ]

different concept, and we must respect both official languages across the land.

I am trying to put the thing into context. We must get rid of some of these myths and get on to the real floor where the action will be, and that is here in the Parliament of Canada.

• (1550)

**Senator Murray:** I thank the honourable senator for his response. However, I do not want to let the Deputy Leader of the Government off the hook. Will he send forward a message to the government indicating that some of us should like to hear a considered reply by an honourable senator on behalf of the government to the arguments that have been made by Senator Gauthier and, in particular, an historic assessment of the operation of Part VII since it was proclaimed?

[Translation]

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, that a question do now be put to Senator Robichaud?

**Hon. Senators:** Agreed.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, Senator Murray is well aware that the Deputy Leader of the Government in the Senate may certainly not reply and give a commitment for the government. However, I assure you that we will follow the debate closely. Questions will be raised and certain senators from our side will rise to speak. We will see what responses are given as we go along and we will try to enlighten honourable senators as much as possible.

**Hon. Jean Lapointe:** Honourable senators, I wish to point out to Senator Gauthier that, in my view, Bill S-32 is an important one and that I admire his courage in coming back with this issue. I got to know the francophone community in Northern Ontario and I think it needs more help. I wish to assure Senator Gauthier of my complete support.

[English]

**Hon. Joan Fraser:** Honourable senators, like Senator Gauthier, I have heard successive ministers and civil servants explaining that Part VII is not executorial. However, I have never heard an explanation of why the government so adamantly refuses to consider that it might be executorial. Does the honourable senator have any indication why the government, over successive years, has taken this position? Is it simply out of fiscal caution, or is it because the government is afraid of federal-provincial hassles or perhaps of finding itself constitutionally invading provincial jurisdiction? What on earth is the reasoning of the government for a position that every member of a language minority finds impossible to understand or justify?

**Senator Gauthier:** I thank the honourable senator for her question. It touches a point that I have been trying to find answers to for the last 13 years.

[English]

The minister responsible at that time told us that this created obligations on the government. Ever since, the Department of Justice has told us that there is no obligation, that it is all in our minds. Yet, I know. I was there, as was Senator Murray. There was no political will to go ahead with the obligation. They wanted it to be simply pious wishes.

I totally disagreed with that interpretation. I wrote to every minister I could think of, and they responded that the Minister of Justice says that section 41 is declaratory. This means that one cannot go to court on it and cannot ask the judicial authorities what they think about it, even though since 1998 there have been a series of judgments of the Supreme Court saying exactly what I am saying — that is, that the object of the law must be followed and respected. God only knows why they do not do it. I do not know. Maybe we should ask the minister when she comes to committee.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, with leave of Senator Gauthier, I would like to ask him a question. It is obvious that a number of honourable senators will want to speak to Bill S-32 in order to indicate their support. I intend to do so myself eventually.

Has Senator Gauthier had the time to consider the following question: To which committee will this bill be referred for study after second reading? Will it be referred to the Standing Joint Committee of the Senate and the House of Commons on Official Languages, to an already existing or as yet to be created Senate committee, or to a Senate Committee of the Whole?

**Senator Gauthier:** Honourable senators, I have given this some thought. I definitely do not want the bill referred to the Standing Joint Committee on Official Languages. Two years ago, I asked that there be a Senate Committee on Official Languages because I felt that the Standing Joint Committee on Official Languages was ineffective. I have often said so in this chamber.

I hope that Bill S-32 will be referred to the Senate's Standing Committee on Legal and Constitutional Affairs, where senators will have a chance to have a serious discussion while, in the joint committee, party politics will prevail and the various parties will not agree. I want an intellectual discussion to set clear and specific objectives. We want a country that respects both official languages and that recognizes that every citizen has the right to express himself in English or in French when addressing a parliamentary institution.

On motion of Senator Comeau, debate adjourned.

## DEFENCE AND SECURITY

### BUDGET—REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Defence and Security (budget—release of additional funds) presented in the Senate on September 25, 2001.—(*Honourable Senator Kenny*).

**Hon. Colin Kenny** moved the adoption of the report.

He said: Honourable senators, I should like to take this occasion to comment on both this report and the previous one by the Rules Committee. There was some discussion in this place a week ago today, and I think it would be worthwhile if I addressed some of the questions and put in context some of comments that were made then.

• (1600)

One way to accomplish that is to run briefly through the sequence leading to the origin of this committee, in order to bring us up to date and make sure that all honourable senators are on the same page. There were some questions last week about whether the committee had an order of reference, or budget or authority to travel, and by running through the sequence I can address those questions.

On June 22, 2000, the Standing Committee on Privileges, Standing Rules and Orders studied the issue relating to new committees and issued a report recommending that a committee on defence and security be established to deal with matters relating to defence and security generally, including veterans affairs.

On February 20, 2001, a notice of motion to create a committee on defence and security was given by the government, again, referring to a mandate of matters relating to national defence and security generally, including veterans affairs.

On March 15, 2001, the Defence and Security Committee was created by this chamber on a motion moved by Senator Robichaud. On May 29, there was a motion regarding the order of reference for the name change. On May 31, the Defence and Security Committee received an order of reference, which stated:

That the Standing Senate Committee on Defence and Security be authorized to conduct an introductory survey of the major security and defence issues facing Canada with a view to preparing a detailed work plan for future comprehensive studies;

The committee chose such a reference because this is a new committee. This is not a committee that has been around before; it does not have a corporate memory as have so many other Senate committees.

Members of the committee recognized some issues that were of immediate interest. Maritime helicopters was one issue, the National Missile Defence issue was another. After a considerable amount of discussion, the committee members concluded that it would better serve the Senate, and Canadians, if the committee made an effort to learn as much as possible about the various topics relating to the work of the committee. In other words, we came to the conclusion that we had best do our homework first and start looking at issues afterwards.

The committee undertook to meet the key players in the various agencies to which it related, it undertook to examine the important policies and the legislation that empowered those organizations and it undertook to determine how the different organizations worked or functioned together. The committee members felt it was important to be seen to be doing that, and to be seen to be doing it in the areas where these organizations were functioning. I will get into that in more detail in a moment.

On May 31, a motion to change the name of the committee was referred to the Rules Committee. On June 13, 2001, the Rules Committee examined the name change, and it is worth going back to the minutes of that meeting to discuss them briefly. This is June 13 and, at that time, I was asked to comment on the organizations that related to the so-called mandate of the committee.

As an aside, honourable senators, I should point out that "mandate" is not a Senate word. It does not appear in the *Rules of the Senate*. It is however used in the other place. We tend to use "reference" as in reference from the Senate. However, it is worthwhile pointing out that rule 86(1) goes on to define in a general way the matters that should be referred to that committee. Notwithstanding that, all honourable senators know the chamber has the capacity to refer any matter to any committee when it so chooses, but there is a general description of what constitutes the work of most committees.

At the Rules Committee meeting of Wednesday, June 13, when I was asked what areas aside from the Department of Defence were included when someone talked about security generally, I replied that it included the Communications Security Establishment, the Defence Science Advisory Board, the defence department ombudsman, the Reserves, cadets, benevolent funds and, of course, veterans affairs, which are mentioned in the motion establishing the committee. Also included was the Solicitor General, only as it related to the National Security Directorate; and the RCMP, as it related to national security issues and the protection of the state; the Canada Customs and Revenue Agency, only as it related to secure borders and people penetrating the borders, and the relationship customs and immigration has with police and sometimes the Department of Defence. It was in that context that those other departments were related. The work of the committee really related to the defence of the country.

Honourable senators, if I can go on with the sequence, on June 20, the Rules Committee examined the name change again.

[ Senator Kenny ]

At that time it concluded it would report to the Senate that it was appropriate to change the name. Honourable senators have the report, which was tabled on behalf of Senator Austin by Senator Stratton on September 19.

The chamber debated the report on September 25, and during that time a series of questions arose. I should like to try to deal with them individually. Senator Murray raised the point that his copy of the *Rules of the Senate* had no mandate set out for the committee. That is understandable because the last reprint of the *Rules of the Senate* was in February 2001 and, of course, the committee has been established since that time. That would explain the absence of the committee in the listing.

The next question was a question that I believe is perhaps more fundamental and it had to do with whether this committee interfered with the mandate of other standing committees. I have discussed the issue with a variety of colleagues in the Senate. I have been in touch with all of the chairs of committees that might in any way overlap with this committee. I believe that coordination and cooperation between committees is of considerable importance.

As everyone in the chamber knows, defence issues have been removed from the mandate of the Standing Senate Committee on Foreign Affairs and placed with the Defence Committee. As a result, I had a discussion with Senator Stollery. We have also discussed the desirability of ensuring that we cooperate and communicate on the work of the committee to endeavour to minimize or eliminate duplication. I did not talk to the Chair of the Standing Senate Committee on National Finance, who is here in the chamber, but I will comment on his committee later.

• (1610)

I spoke to Senator Bacon regarding the Standing Senate Committee on Transport and Communications. We had a discussion of the work that the committee is undertaking as it relates to ports and ports security. When I comment further on the budget in a moment, I will point that out in terms of whom we are meeting and whom we are seeing.

I have had communications with Senator Milne. I have spoken to her twice. In fact, she came back to me as recently as today commenting on an issue that related to her committee. She does not see any conflict at this time. We undertook to continue to talk about the matter.

Interestingly enough, the Standing Senate Committee on Banking, Trade and Commerce is responsible for customs and excise. I have been in touch with Senator Kolber. His interests in customs and excise has to do with how high taxes are and how often they are imposed. He has indicated that he does not see any conflict with us being concerned about customs officers being the first line of defence when people are coming into the country. They are the first people who are doing the interviews. He does not foresee the Banking, Trade and Commerce Committee examining that question within its mandate.

Finally, I wish to refer to the Standing Senate Committee on Social Affairs, Science and Technology. I should note for the benefit of honourable senators that responsibility for the Veterans Affairs Committee has been transferred from the Social Affairs, Science and Technology Committee to the Defence and Security Committee by way of motion. The other area of possible overlap is immigration. Our interests have nothing to do with the size of immigration, family reunification or issues like that. They have to do with questions that come up in relation to terrorists who might immigrate here, and whether the system is secure and safe.

I also asked the Library of Parliament to go back to the second session of the 34th Parliament, which dates back to April 3, 1989, to review all the committee work that might in any way conflict with the mandate that the committee we are discussing has. Their examination appears to be thorough. They noted that in the first session of the 37th Parliament, the National Finance Committee took a look at the Canada Customs and Revenue Agency. They noted that the Foreign Affairs Committee took a look at the changing mandate of NATO in the second session of the 36th Parliament. In the first session, they also noted that the National Finance Committee looked at Canada's emergency and disaster preparedness.

Then there was Senator Kelly's special committees which had a fairly significant overlap with the work of this committee. In fairness, he was looking at terrorism, and that inevitably relates to this situation. However, that was a special committee which no longer functions.

The Standing Senate Committee on Foreign Affairs in that Parliament also had a reference to look at the changing mandate of NATO, as well as Bill S-22, an act authorizing the United States to pre-clear travellers and goods into Canada with Revenue Canada. They also undertook a study of the growing importance of the Asia-Pacific region, which included the Department of National Defence. The Standing Senate Committee on Legal and Constitutional Affairs examined Bill C-18 to amend the Customs Act.

In the 34th Parliament, there was a report on matters relating to national security by the Standing Senate Committee on Foreign Affairs. The final reference was to the National Finance Committee in the second session of the 34th Parliament, which looked at the Supplementary Estimates of the Department of National Defence.

That takes us back a little over a decade in terms of what work might have come close to what the Senate has decided will be the mandate in a general sense.

**The Hon. the Speaker:** I regret to advise Senator Kenny that his allotted time has expired.

**Senator Kenny:** Honourable senators, might I have leave to continue?

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

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, could Senator Kenny indicate how much time he needs to finish his comments?

[English]

**The Hon. the Speaker:** After I put the question as to leave, there was a request for an explanation.

**Senator Kenny:** Honourable senators, I will be a further five to ten minutes at the maximum.

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

**Senator Robichaud:** Honourable senators, let us say seven minutes, which is between five and ten.

**The Hon. the Speaker:** We need to be more precise, Senator Robichaud. Is it five or ten?

**Senator Robichaud:** I said seven.

**Senator Kenny:** I will take seven, honourable senators.

The next question relates to a comment made by Senator Murray. He said, "However, I saw in the Halifax press only a couple of weeks ago that this committee was expected to travel to Halifax to commence a study on national security matters consequent upon the events of September 11, 2001 in New York." That simply is not the case. I have before me all of the press clippings that we have been able to collect through our collection organizations. They are accurate. I also have a copy of the press release that we issued in advance of the trip. As well, I have a copy of the notice of cancellation of the trip.

I might add that all of the press coverage has words to the effect that I express the hope that the visit could be rescheduled sometime in the near future when the department had less pressing concerns to deal with. That was in both the French and English coverage of it. I would be happy to make this coverage available to any interested senator. We have done an exhaustive search. I can assure honourable senators that there was no press release or report that we can find anywhere suggesting that we were undertaking a study of the events of September 11.

There were other questions that came forward in relation to the terms of reference. I have already cited the reference that we have. There were questions about whether we had authority to travel, which we did when the committee received its budget. That took place on May 28. The budget was reviewed by the Defence and Security Committee on June 5. It was examined by the Subcommittee on Budgets of the Internal Economy

Committee. On June 7, it was approved by the entire Internal Economy Committee. On June 7, it was also reported to the chamber. It included the powers to travel, together with the first tranche of the budget. The first report was approved and adopted on June 11. The second report is before honourable senators now, and that is what I am speaking to now.

I should like to speak briefly to the value of travelling. If I point out what we learned on our trip to Halifax, honourable senators will get a better sense of what the committee is about. The program reflects quite well not only how we are trying to go about our work but why it is important to travel. The first event we had was a briefing on Maritime Forces Atlantic by Admiral MacLean. It included an update on the fleet status, the command structure, the deployment strength, and underwater intelligence-sharing. We also had a briefing on sea-to-shore ratio, drug-alcohol abuse, family violence, support mechanisms for families, women at sea and women in submarines. We then had a briefing from Brigadier General Mitchell on land forces in the Atlantic region and a briefing on the quality of life issues as they affected land forces.

• (1620)

We then visited the frigate HMCS *Toronto*. Our first event on the frigate was to have lunch with other ranks. The committee was to break up into groups with one or two of the junior ranks and lunch with them in their mess to hear about their concerns directly.

There was then a visit to HMCS *Summerside*, a marine coastal defence vessel. Our concern there was the reserves and how they were working in the navy. We had a tour of the fleet maintenance facility and then visited HMCS *Victoria*, a new submarine, had a tour of the dockyard and then conducted informal discussions into the evening with senior officers and senior enlisted men.

The next day we were going to the naval forces operation school where we were to look at the NAV trainer and the operational refresher team. We were then to go to the rescue centre and then on to Shearwater, where we were to have lunch with other ranks, followed by a Sea King familiarization flight. We were then to have a static tour of the Aurora with the squadron, and visit with the squadron personnel.

The next morning, we were meeting with Chief Superintendent Atkins of the RCMP; Chief David MacKinnon of the Halifax police; and Mr. John Feagan, Director of Intelligence and Contraband, Atlantic Region, Canada Customs and Revenue Agency, for a briefing on port security. We were to visit the security wing of the port and the police office and look at information maps, charts, the warehouse and the container dock.

That afternoon, we were meeting with retired admiral Murray and his staff on Veterans Affairs to get a briefing on their department, the clientele, the health care for traditional veterans,

[ Senator Kenny ]

the elderly, health care for emerging Canadian Forces veterans, First Nations veterans and commemoration issues.

We were then going to Gagetown to look at the combat training centre, to visit the infantry school and the artillery school, to have a briefing on quality of life issues, to have lunch with junior non-commissioned officers and to have a discussion with two RCR soldiers who have recently returned from Ethiopia and Eritrea. We were then to look at the new light armoured vehicles. We were to finish our visit by looking at the new Griffin helicopters that have been supplied to our Armed Forces.

Honourable senators, that recitation has taken me longer to go through than most of you want but it accurately reflects both the work and the interest that the committee has. I would be happy to address any further issues that might come forward.

**Hon. Lowell Murray:** Honourable senators, I should like to intervene at this point. I have some concerns about this matter. I want to voice them and then ask you to take them into consideration before we proceed much further.

This is the place to voice those concerns. It is in this chamber, in the Senate as a whole, that we create committees. This is the body that defines the role of the various committees. This is the body that grants them a budget to operate. If I have any reproach to offer, it is to ourselves here in the Senate because I believe that we have let this matter get somewhat out of hand, beginning with the creation of the committee.

The honourable senator has put something of a chronology on the record. I thank him for that. I will have to refer to it again if only because I do not draw the same conclusions from those facts as he does. It was on March 15 that we created the Defence and Security Committee. We did so by adding a new subsection, rule 86(1)(r). As the chairman has pointed out, we simply created a Standing Senate Committee on Defence and Security composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

I think honourable senators will appreciate that that statement of the role of the committee — I call it a mandate — is rather sparse, compared to the provisions that are found elsewhere in our rules with regard to committees. You have only to look at rule 86(1)(h) concerning the Foreign Affairs Committee; or rule 86(1)(j) for the Standing Senate Committee on Transport and Communication; or rule 86(1)(k) on the Legal and Constitutional Affairs Committee; or rule 86(1)(l) on the Banking, Trade and Commerce Committee, to see that in all these cases, and in the case of social affairs, agriculture, and so on, there is a lengthy and detailed list of matters — much more detailed and much more precise than the rather sparse and general description of the role of this committee. Perhaps that is why we may be getting into some difficulty with this committee.

As the chairman has pointed out, on May 31 there were four motions before us in the name of the chairman concerning this committee. Two of those motions might be considered rather routine, one having to do with the engagement of staff and the other with regard to possible electronic coverage of its proceedings. There were two other motions, however, to which I want to refer. One was the motion to change the name of the committee. At that point, the chairman of the committee, Senator Kenny, told the Senate, as reported on May 31, 2001, that:

The purpose of the change is to more accurately reflect the work and mandate of the committee.

There is that word “mandate” again. Senator Kenny continued by saying that the committee would:

— study issues such as terrorism further to the work that was carried on by our former colleague, Senator Kelly. The committee’s mandate also includes matters relating to police services and emergency preparedness. It was the feeling of the committee that this descriptor better fits the work the committee is doing.“

That motion to change the name of the committee went over to the Rules Committee and is back here now. The debate has been adjourned in the name of Senator Stratton. I simply make the point here that the statement I have just read from Senator Kenny, referring twice — at least twice — to the “mandate” of the committee and outlining issues that are included in the “mandate” of the committee, is considerably more expansive than the new rule 86(1)(r).

I fast forward now, honourable senators, to a meeting of the Rules Committee on June 13. This is where I woke up to this issue. On June 13, toward the end of the day, we were considering this very motion to change the name. Senator Kenny said that:

The committee felt that the suggested name would more accurately reflect the work of the committee. We feel that the ambit of national security more accurately describes the work that the committee envisioned, and that we assume this committee —

— and by that he meant the Rules Committee —

— envisioned when it put forward its initial report.

• (1630)

A little later, he said:

We anticipate connections with the following organizations: the Communications Security Establishment; the Defence Science Advisory Board; the Department of Defence Ombudsman; reserves; cadets; benevolent funds; Veterans Affairs; the Solicitor General, as it related to policing; the National Security Directorate; the Department of the Solicitor General; the RCMP, as it related to national security issues and the protection of the state; Canada Customs and Revenue Agency as it related to secure borders

and people penetrating the borders, and the relationship that customs and immigration has with the police and, sometimes, with the Department of Defence.

Again, that is even more expansive than the statement that my friend had made here on May 31.

I identified four or five other committees whose mandates — dare I use the word — would be affected by my friend’s interpretation of the work of his committee.

I am glad to hear that he has been in touch with the chairmen of these committees. That is a start. They will speak for themselves, no doubt. I will be interested to hear what they have to say. However, I hope I can say, without being offensive, that committees are not fiefdoms belonging to their chairmen. It is the Senate as a whole that decides on the role of a particular committee. It is up to the Senate to decide whether, for example, parts of Solicitor General issues, which ordinarily would be under the Standing Senate Committee on Legal and Constitutional Affairs, or parts of Customs and Excise that would be somewhere else, or Immigration issues that would be somewhere else, ought to be taken away from those committees and referred to a new committee. If that is to be done, then let us do it, but let us do it after proper consideration and debate in this place.

The other motion that Senator Kenny had before us on May 31 was the one to which he referred a few minutes ago to authorize the committee to conduct an introductory survey of major security and defence issues facing our country, with a view to preparing a detailed work plan for future comprehensive studies.

So far, so good, I guess, although I do find it extraordinary that we should have created a new committee with skeletal terms of reference and then told the committee to, as my friend said, do its homework as to what the role of the committee is to be. It seems to me that we have somehow reversed the proper process. If we want a new committee, we should decide what the role of the committee will be, incorporate it into our rules, give them a budget and let them go ahead. We seem to be going about it in somewhat reverse order, I believe.

An introductory survey, in any case, is an extraordinary way to go about it. The proposal is that the committee will do some homework and come back to us with a proposal on its program. That is fine as far as it goes.

Senator Forrestall, when he spoke here on September 25, said, at page 1296 of the *Debates of the Senate*:

In the beginning, the essential consideration with respect to the use of the term “security” was security as it pertained directly or, on occasion, indirectly to the activities of the Canadian Armed Forces and the requirements of Canada’s Armed Forces by the Government of Canada and as dictated by other requirements, such as aid and the direction of government itself. When we have completed our first round, which is a familiarization exercise as much as anything else, the question of mandate in future would then be far better discussed than it would be at this point in time.

I would agree with Senator Forrestall as to the interpretation of that motion on the introductory survey, but I say that it is considerably less expansive than the view that Senator Kenny took here in the Senate in June before the Rules Committee and, indeed, today as to what his committee will be about.

Finally, I come to today's motion. Someone will correct me if I am wrong about this, but I see that it says in the second report:

On June 11, 2001, the Senate approved the release of \$100,500 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Then we have Appendix (B) to the report asking for the release of additional funds to a total amount of \$95,500. Am I reading that correctly? Is the \$95,500 in addition to the \$100,500 voted, or is the \$95,500 part of that \$100,500? Does anyone know?

**Senator Kenny:** It is in addition.

**Senator Murray:** Honourable senators, let us look at this. We have spent \$196,000 so that the committee can figure out what to do. I do not think this is a sensible way to proceed. I think this is excessive, senators. I really do. This is \$196,000 for the committee to, as my honourable friend said, do its homework. I was as impressed as I am sure all senators were with the lengthy and varied program that they were proposing to conduct on their trip to Halifax, but for a committee that says it does not have the sufficient mandate it requires to do its homework, this is going quite far afield. This is really quite expansive and expensive.

I wanted to put those concerns on the table for honourable senators to consider. I do not want to be harsh with the committee, least of all with its chairman. I think the problem lies with ourselves. From the beginning, we have let this matter get out of hand. I do not know how we will get it back in hand, but I do know that before we vote on the adoption of this report, some serious consideration should be given to our direction. What are we trying to accomplish with this committee? What direction do we want to give to it in terms of our rules and in terms of mandate? What should the cost be?

**Hon. Tommy Banks:** Honourable senators, I am not now a member of the committee. Can the Honourable Senator Murray tell us which questions he is referring to in respect of the purview of the committee? I am not referring to the money now. When the idea for this committee was being first bootled about and then as the committee was created, it seemed that the Senate consciously set out to create a committee to deal with questions of defence. We knew we were dealing with defence in the traditional sense of the word and security in what we knew even then was a different sense of the word and in what has since become an even more different sense of the word.

[ Senator Murray ]

Senator Murray raised questions about including aspects of the operations of the Solicitor General as they apply to CSIS, for example, or the CCRA as they apply to the importation of questionable goods or correspondence between persons of interest. Which of those issues does the honourable senator think could reasonably be removed from an examination of national security?

• (1640)

**Senator Murray:** My problem, honourable senators, is that we do not find in the rule that we adopted in creating the committee the following more expansive view, or different view, as you put it, that we are taking of security: the Standing Senate Committee on Defence and Security, to which may be referred bills, messages, et cetera, relating to national defence and security generally, including Veterans Affairs. It is only later, after this rule has been passed, that Senator Kenny tells us that the mandate is emergency preparedness, police services, terrorism and all these other issues. The last time that we had occasion to discuss security in the sense that Senator Banks is discussing it was when we set up special committees under former Senator Kelly to study the rather more expansive view of security.

Senator Forrestall's interpretation of the other day was more in line with my interpretation and more in line with what I thought we were doing back then when we created the committee. In talking about national security, it was national security in the sense of defence-related security and the role of the Canadian Armed Forces in that respect. I have no objection to going further afield if that is what we decide to do, but it seems to me that we have not created a committee with that mandate. We have created a committee with a more limited mandate, and before that committee goes out and creates its own mandate, we must have a serious debate here.

**The Hon. the Speaker:** I am advised by the people who keep time that the 15-minute time period for Senator Murray's intervention, comments and questions has expired. Is there leave to allow him to continue?

[Translation]

**Senator Robichaud:** Honourable senators, I am prepared to grant another seven minutes, as we did with the previous speaker, in order to allow Senator Murray to answer questions and finish his remarks.

[English]

**The Hon. the Speaker:** Leave is granted.

**Senator Banks:** Honourable senators, I would respond to Senator Murray by saying that there seems to be a different interpretation of what is meant by "security generally." I always understood "security generally" to mean security generally, and "generally" is an expansive word.

**Senator Kenny:** Honourable senators, I have two questions for Senator Murray. First, he has twice now mentioned the question of emergency preparedness. Is he aware that this function has been transferred to the Department of Defence and is now called the Office of Critical Infrastructure? Second, would he care to define for the chamber what he considers security to be, please?

**Senator Murray:** In answer to the first question, yes, of course I am aware of it. As my friend has mentioned, the Standing Senate Committee on National Finance, before my time, had undertaken a study of that matter in connection with the Estimates.

No, I would not care to define off the top of my head what I mean by “security.” That is exactly why I want some consideration to be given by the Senate as a whole to a proper, detailed and specific mandate for my honourable friend’s committee. That is why we need a debate here.

**Hon. Pat Carney:** Honourable senators, my intervention is in the form of a question. It is based on the fact that mandates in the Senate, in my 11 years’ experience, are usually quite specific, if only to keep within budget constraints, and it is important that committees do not go beyond their mandate. In this case, since without a doubt the definition of “security” before September 11 and after September 11 has changed, at least in our minds, is it not reasonable to ask the Honourable Senator Kenny to possibly change his motion to more properly define the scope of the security that we face now after September 11? We would be more comfortable, would have a clearer mandate and would accomplish more if my friend’s plans and procedures would accommodate events after September 11. It will not unduly delay the situation, but the definition and the responsibility and necessary work of the committee would be clearer.

**The Hon. the Speaker:** Senator Carney has put a question to Senator Kenny. It would be in order to ask the question of Senator Murray because he has seven minutes, less whatever has been used, of his time.

Is leave granted, honourable senators, for Senator Carney to put a question to Senator Kenny.

[Translation]

**Senator Robichaud:** Honourable senators, I am prepared to have a completely open debate in order to allow senators to express themselves. Senator Murray had the floor. Questions and comments must be put to Senator Murray. If we allow questions to be asked of other senators, then Senator Murray will lose the time he had left to answer questions, and we will end up with a difficult debate.

[English]

**The Hon. the Speaker:** I take it leave is not granted. Perhaps Senator Murray wishes to comment.

**Senator Murray:** I agree with what Senator Carney has said. My problems with this report are two. One is that what is being proposed goes, in my view, well beyond the rule that we adopted when we created the committee. We need a broader discussion of that before we proceed so that the rule is more expansive.

My second problem, and it is serious, relates to the budget. It is quite expensive. We are talking about \$196,000 for a committee that we have just created to go figure out what its mandate and role is to be. I think that is excessive.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, I thought I understood during the course of the debate that we were adding issues of terrorism to the concept of security. As Senator Carney says, if we include it here, it is precise and restrictive. Could the senators who are members of the Foreign Affairs Committee debate the aspects of foreign policy arising from terrorism? If terrorism is examined by the Committee on Security, the Foreign Affairs Committee will not be able to touch it, whereas, in my opinion, most of the problems related to terrorism are matters of foreign policy.

**Senator Murray:** Honourable senators, we must reflect before proceeding with this motion. We must debate it in the Senate. The respective roles of the Foreign Affairs Committee and of Senator Kenny’s new committee must be clarified.

[English]

**Hon. Laurier L. LaPierre:** Honourable senators, if logic prevails and if we have a committee on defence and on security, surely all the institutions and bodies Senator Kenny has mentioned are part of the process of determining what the issues are all about. With all due respect, should we continue to fiddle while Rome is burning?

• (1650)

**Senator Murray:** Honourable senators, it is not I who am fiddling. The committee itself proposes to do its homework at a cost of \$196,000 before embarking on something more substantive, at which point one assumes they will be into real money.

**The Hon. the Speaker:** I regret to advise that Senator Murray’s time has expired.

**Hon. Jack Wiebe:** Honourable senators, I get the feeling that for some reason we are using the request for additional funds to open up an area of concern about what the committee should or should not be doing in the future. I think that is very wrong.

The committee is acting under the mandate given to it by this chamber. This chamber agreed to allow the committee to “conduct an introductory survey of the major security and defence issues facing Canada with a view to preparing a detailed work plan for future comprehensive studies.”

Our first work is to conduct that survey and present a detailed plan. I am sure that all members of the committee from both sides of the house believe strongly that the work of this committee is essential. Things may have changed in view of September 11, but that should not detract from the mandate that this chamber has given. If members of this chamber have concerns about which committee should be studying what, let those members introduce a separate motion to deal with that issue. Let us not cloud the issue with two or three different things. The committee is working and following the mandate given to it by this chamber. I suggest we allow it to do its work and make its report. If there are members who believe that this committee should not be studying certain issues, but that other committees should instead be studying them, let them move a motion accordingly.

**Senator Carney:** Honourable senators, I have just returned from a week of talking to British Columbians. They believe that the government has done very little to cope with the reality of September 11; that the Liberal response to the events of September 11 has been meagre, to say the least.

I endorse Senator Murray's concerns about this matter. I think that to proceed with Senator Kenny's motion to set the terms of reference for a situation that is viewed by Canadians, if not the government, as extremely serious would not be in our interest. There should be some recognition of reality. Senator Kenny and his committee might wish to take into account the sage wisdom of Senator Murray and proceed on the basis that they will be dealing with the concerns of Canadians rather than just setting out an expensive work plan to define an agenda. Every Canadian that I know of knows what the agenda is and what their concerns are. They would like to see the government, including the Senate of Canada, address those concerns.

On motion of Senator Stratton, debate adjourned.

[Translation]

## TRANSPORT AND COMMUNICATIONS

### MOTION TO AUTHORIZING COMMITTEE TO STUDY MEASURES TO ENCOURAGE FRENCH-LANGUAGE BROADCASTING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of Senator Gauthier, seconded by Senator Gill,

That the Standing Senate Committee on Transport and Communications be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in

[ Senator Wiebe ]

francophone minority communities across Canada.—(Honourable Senator LaPierre).

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I have permission from Senator LaPierre to take part in the resumption of the debate on the motion by Senator Gauthier, which stood in his name. It is agreed that the motion will stand in the name of Senator LaPierre.

Honourable senators, I support Motion No. 65 introduced by Senator Gauthier on September 19.

My support for this motion is partly based on the CRTC's report entitled "Achieving a Better Balance." This report mentions the numerous concerns of various francophone communities in Canada. These communities not only condemned the inequality of service and the difficulty of having access to French-language broadcasting services, but also deplored the lack of content reflecting their own realities. Various associations and individuals expressed their concerns about this inadequate reflection of the communities in which they live. As you know, these communities are often small and located in rural areas. This is why, in its 2000-2001 annual report, the Fédération des communautés francophones et acadienne du Canada condemned the following:

The first request seeks to free small Class 3 (2,000 subscribers or less) cable companies from a whole set of obligations to the CRTC and the public, including exempting these companies from the broadcasting licence renewal process.

Senator Gauthier also mentioned it in his September 19 presentation:

The other request seeks to broaden the definition of a Class 3 (2,000 subscribers or less) cable company, which would significantly broaden the scope of the first application.

Of course, the FCFA is opposed to these applications and it has asked the CRTC to reject them because, among other reasons, the renewal process is a unique opportunity to examine the behaviour of a cable company.

In the 2000-2001 report, the Commissioner of Official Languages says the following, and I quote:

In 2000-2001 the CRTC handed down certain decisions that were inconsistent with the government's commitment to enhance the vitality of official language minorities and advance the equality of English and French in Canadian society.

It should be pointed out that the CRTC rejected TVOntario's request asking that the broadcasting of its French-language network (TFO) in Quebec be guaranteed.

The CRTC also refused to deliver a broadcasting licence to a French-language community radio project in Toronto. Yet community radio allows minority communities to be informed and to communicate in their own language. It is an excellent tool to break the isolation of these communities.

Honourable senators, as a senator from New Brunswick, I endorse the concerns and representations of the FCFA, of the Commissioner of Official Languages and of many Canadians.

We want to have an accurate picture of the realities of the various francophone and Acadian communities across the country. We want to have access to a larger number of broadcasting services and quality programs in French, and we want a better reflection of our communities by conventional public and private broadcasters in the education, specialized and community sectors.

• 1700)

I sincerely hope that the discussions that will take place at the Standing Senate Committee on Transport and Communications will lead to proposals that will be carefully reviewed to make sure that they help the promotion and economic development of francophone and Acadian communities.

On motion of Senator LaPierre, debate adjourned.

[English]

## THE NATIONAL ANTHEM

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy calling the attention of the Senate to the national anthem.—(*Honourable Senator Spivak*).

**Hon. Mira Spivak:** Honourable senators, I am pleased to speak to the motion and in support of the change to our national anthem that Senator Poy is proposing. I will be brief because previous speakers have advanced much of the case.

During our summer recess, there has been considerable public debate about the proposal to change the few words in our anthem that strike many Canadians as being antiquated and exclusionary of women. The news media has carried scores of items about the proposal, each of them prompting letters to the editor, both in favour and opposed to the legislation.

Polls have been conducted. The results do not appear to show that a majority of Canadians see the need to replace the words “in all thy sons command” with words that clearly include women, but it is young women who feel most strongly that it is a time for change. That is significant.

As one might expect, those in favour of the status quo are those who have sung the words for decades without thinking that they reflect a society in which the roles, responsibilities and opportunities for women were very different from that what they are today. It is young women who recognize and feel the anomaly. They know that Canada has matured into a nation where women are full partners in our society, in the professions of law and medicine, commerce and finance, in the functioning of our institutions, including those of the federal government and our work here in Parliament, and the military. They feel that to sing the words that suggest only “sons” build and defend our country is a bit strange.

The letters from young women and newspaper columns written by young women are persuasive. I should like to quote one of them.

Catherine Clark, daughter of the Leader of the Progressive Conservative Party, in her first column in *The Toronto Star* this summer wrote:

I was 14, sitting on Parliament Hill in the presence of Her Majesty the Queen on a sunny 1992 Canada Day, when I realized that my national anthem left me out...

...the lyric “in all thy sons command”...didn’t refer to me, or to anyone of my gender. When it was first written, the verses made sense, because it was how people thought and spoke at the time. But it didn’t make much sense to me as a teenage girl reading it in the last decade of the 20th Century....

It’s not a matter of being politically correct, it is a matter of realizing that almost a century has gone by since the anthem was first written. Just as we would reinforce the foundation of an aging house to keep it standing, we need to reinforce the meaning of “O Canada,” to make it relevant to all Canadians.

Honourable senators, we need to ponder these thoughts and consider whether this small but significant change to the words of our anthem can do more good than harm.

Of course, most recently, we have the event of the tragic and horrific suicide bombings of the World Trade Center in New York and the Pentagon in Washington. As so many have said, the world has changed.

One of the small changes was evident here on Parliament Hill in the sombre ceremony on September 14, when 100,000 people gathered quietly to mourn and to show support for our American friends. Two anthems were sung at that brief ceremony — our own and the *Star Spangled Banner*. Both moved many people in that assembly to tears, as no doubt they did for many of the millions of Canadians who watched the ceremony on television.

The words in our anthem that rang as clear as the bell of the Peace Tower were not the words we are considering in this motion. The words “glorious and free” touched the hearts of Canadians, reminding us of what we hold so dear and what we now fear is threatened. It was a striking reawakening of the power of the national anthem to give voice to our values, to move our hearts and to unite our diverse people in our deepest hopes and prayers.

In happier times, when the anthem is played as a Canadian athlete wins an Olympic medal, for example, it evokes not just national pride but kinship. For a brief moment, Canadians can feel one with the joy of the man or the woman who competed as a member of the Canadian team.

An anthem is more than inconsequential words and a tune to hum along, as some have suggested. It is an expression of who we are, of what we stand for and of our desire to stand together. If a few antiquated words exclude half our population and are felt as exclusionary, particularly by young women, I am sure that we can be mature enough to make that small change.

On motion of Senator Cools, debate adjourned.

## CABLE PUBLIC AFFAIRS CHANNEL

CLOSED-CAPTIONING SERVICE—INQUIRY—  
DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the current negotiations on the renewal of the broadcasting agreement between the Senate and CPAC (the Cable Public Affairs Channel) to ensure that they include the closed-captioning of parliamentary debates authorized for television, and that the renewal of this agreement reflect the commitments made by CPAC on services for the hearing impaired.—(*Honourable Senator Kroft*).

**Hon. Richard H. Kroft:** Honourable senators, my remarks today on this inquiry will be brief. I do, however, want to take this opportunity to make a few points clear to this chamber.

Your Internal Economy Committee is seized of this matter and serious negotiations are underway with CPAC concerning a wide range of issues, including closed-captioning.

In conducting these negotiations, the committee and officials are very mindful of the obligation the Senate has to communicate with all Canadians, and particularly of the recommendations of the Standing Joint Committee on Official Languages contained in its report of May 2001.

[ Senator Spivak ]

Beyond the specific point of closed-captioning, your Internal Economy Committee is working with the administration of the Senate to explore a wide range of new technologies, with a view to enhancing communication within the chamber, within committees and with Canadians broadly. Senators should be aware that the Senate is the leader in the transmission and translation of debates, and we are seeking every opportunity to put this capacity to the service of the Senate and to the public.

Honourable senators, I undertake to keep the chamber advised of our progress and, to that end, would ask to adjourn the debate in my name for the balance of my time.

On motion of Senator Kroft, debate adjourned.

## QUESTION OF PRIVILEGE

**The Hon. the Speaker:** Honourable senators, we have now come to the point in our proceedings where, under rule 43(8), we take up consideration of the Question of Privilege of which Senator Cools gave notice under Senators’ Statements as required under the *Rules of the Senate*.

• (1710)

**Hon. Anne C. Cools:** Honourable senators, that I shall not be proceeding, I think is obvious to most senators at this point in time. I had given written notice this morning as per the rules. During Senators’ Statements I gave the required oral notice. I indicated at that time that I would be speaking.

I must say now to honourable senators that I will not be speaking as I had indicated, mainly because Senator Hays’ ruling has overtaken my question of privilege. One could say events here in the chamber have overtaken my question of privilege. I had intended to raise some questions that, essentially, His Honour has ruled on.

I had hoped, in the circumstances of my notice, that perhaps His Honour could have waited an hour or two before he ruled on Senator Lynch-Staunton’s question of privilege. It would have given me more scope. However, under the circumstances, since he has ruled on some of the matters that I had wanted to raise, it would be better to proceed on another day, at another time.

Even so, honourable senators, perhaps I shall rethink whether I wish to proceed under this particular rule at all or whether I wish to proceed, with notice, under other rules that provide for the giving of notice and then the moving of a motion under another set of circumstances.

Honourable senators, I shall not be proceeding under this rule today.

**The Hon. the Speaker:** We will now proceed with the balance of our Notice Paper.

## INTELLECTUAL PROPERTY RIGHTS OVER PATENTED MEDICINES

INQUIRY—DEBATE ADJOURNED

**Hon. Sheila Finestone** rose pursuant to notice of June 14, 2001:

That she will call the attention of the Senate to three diseases which are sweeping the developing world and which draw many to ask whether intellectual property rights over patented medicines haven't taken precedence over the protection of human life.

She said: Honourable senators, imagine that you are living in a developing country where you have barely enough money to feed yourself, let alone buy expensive prescription medications from the West. Imagine that a member of your family is gravely ill. What would you do?

For billions on our planet, this is not a theoretical consideration. Here are the facts about three major diseases that are decimating the developing world, namely, tuberculosis, HIV-AIDS and malaria. Most of the statistics I am about to share with honourable senators come from the World Health Organization, but much of it is from a visual understanding, having visited some of these countries.

Every year, tuberculosis kills 2 million people throughout the world, with another 8 million new cases developing each year. As unbelievable as this may sound, it is estimated that 2 billion people in the world are infected with TB, out of which almost 200 million will develop the disease. What is most disturbing is that medical experts are beginning to see the rise of a virulent drug-resistant strain of TB, thanks in part to both the impaired availability and the improper use of the antibiotics required.

What is particularly worrisome is that, unlike HIV-AIDS, which is transmitted through the exchange of infected blood or semen, tuberculosis, as some know, is transmitted through proximate airborne contact.

Let us consider HIV-AIDS. In the last two decades, it has killed 22 million people — a little more than 1 million people a year worldwide. Ninety per cent of the cases are found in the Third World. In Africa, the disease has orphaned 12 million children. In light of what has taken place recently, these figures are stunning. They bring the changes that have taken place in the world into better focus.

In South Africa, one of the continent's most developed countries, one out of every five adults is infected. However, unlike tuberculosis, there is as yet no cure for the disease, only prohibitively expensive life-prolonging drugs.

Malaria is a medical health problem in more than 90 countries, home to 2.4 billion people or 40 per cent of the world's population. Of this population, 500 million become infected or are reinfected with malaria each year. More than 1 million

people die from one of the four strains of the disease per year. Of this group, 700,000 are children under the age of five. In fact, malaria kills one child every 30 seconds — a death toll that far exceeds the mortality rate from AIDS.

The average African child under five gets malaria six times a year. Some children die less than 72 hours after developing symptoms. In those who survive, malaria drains vital nutrients, serving to impair their physical and intellectual development. Malarial sickness is also one of the principal reasons for poor school attendance.

When stacked together, tuberculosis, HIV-AIDS and malaria kill 4.1 million per year. In just eight years that represents the entire population of Canada being wiped off the face of the earth.

While our government has earmarked \$204 million to combat each of these diseases through a variety of initiatives, I wish to draw to the attention of honourable senators that, excluding HIV-AIDS, less than 1 per cent of current research and development is producing drugs aimed at combating tropical diseases.

In June of this year, the *Financial Post* reported on the clash that was unfolding between the WTO's African members and transnational pharmaceutical giants over the WTO's current intellectual property agreements. Their main complaint was the dramatic and continual rise in drug prices, a rise which they feel is driven by existing patent protection guarantees. Not surprisingly, the pharmaceutical industry states that patents are not the problem.

While it is true that the WTO's Trade-related aspects of Intellectual Property Agreement, or TRIPS, makes allowance for a patent override when an exceptional health crisis exists, the World Health Organization maintains the patent override provision is simply not being used. Why?

Agencies such as Oxfam and Médecins Sans Frontières say it is due to the WTO's introduction and stringent application of patent protection for drugs to developing countries since the year 2000. This, in turn, has pushed patent drug prices through the roof. Because rising drug prices reduce access to treatment, this, in turn, causes tropical disease rates to rise in the developing world.

When it comes to the spread of disease, there are no borders. Let us consider the West Nile virus. In just two years, it migrated from New York City to Toronto. Can malaria or other tropical diseases be far behind?

Illegal immigration from developing nations to Europe, Australia, the United States and Canada is also of great concern. Canadian health officials have twice gone on high alert in recent years. The first such case was when several Tibetan refugees from India were found to be carrying a drug-resistant strain of TB. More recently, a woman from Africa was thought to be infected with the highly contagious Ebola virus.

Recent events in New York and Washington, and recent news of the possible use of crop-dusting planes to spread dangerous biological agents, has added a new wrinkle. I suggest that it is just a matter of time before a kamikaze terrorist, deliberately pre-infected with a highly contagious virus, arrives on North American soil.

As far back as 1970, a WHO committee estimated that if 50 kilograms of a bug called *Francisella tularensis* were released into the air over a city of 5 million people, 250,000 would be incapacitated, of which 19,000 would choke to death. The emergency rooms of our hospitals, which are already overtaxed, would become a nightmare. To learn more, senators should refer to a short *Toronto Star* article on bio-terrorism found in its September 16 edition.

• (1720)

What we need to realize is that the West's preoccupation with the development of medications tailored to North American afflictions, such as impotence, has left us vulnerable to tropical diseases that we, in our complacency, seem to have ignored.

In Dickens' *A Christmas Carol*, Scrooge sees two children flanking each side of the ghost of Christmas future. Scrooge asks what they symbolize and is told that one is "want" and the other "ignorance." "Beware them both" says the Spirit, "but beware this boy called ignorance, for on his brow is written doom, unless the writing is erased."

In February of 1844, soon after *A Christmas Carol* was first published, Dickens delivered a speech at a Birmingham university. In it, he said:

Now there is a spirit of great power, the Spirit of Ignorance, long shut up in a vessel of obstinate neglect, with a great deal of lead in its composition, and sealed with the seal many, many Solomons... Release it in time and it will bless, restore and re-animate society; but let it die under rolling waves of years, and its blind revenge at last will be destruction.

Have we inadvertently become party to a great sin of omission? What about our current laws on intellectual property? What about their relation to prescription drugs? What are the impacts of our support of the pharmaceutical industry on the Third World? Twenty years. Remember that?

Do we believe the TRIPS agreement is serving humanity as well as we had hoped, or have we sown the seeds of ignorance and want in lands far away, seeds whose fruits called "doom" have almost ripened?

As I alluded to earlier, even at home, we Canadians are beginning to feel the sting of our policies in terms of rising

[ Senator Finestone ]

health costs. The Patented Medicine Prices Review Board reports that in the four years from 1995 to 1998, sales of patent drugs as a percentage of total drug sales rose from just under 44 per cent to 55.1 per cent of total health-related spending. Health Canada reports that in 1996 — and that is my latest available figure — a whopping 45.8 per cent of Canada's medical expenditures came in the form of prescription drugs. From 1999 to 2000, the cost of patent medicines increased 16.7 per cent, and this at a time of low inflationary pressure. Sales of patented drugs in the year 2000 topped \$6.3 billion, or 63 per cent of all drug sales for human use in Canada.

According to the August 2001 edition of the *Canadian Medical Journal*, pharmaceuticals represent the fastest growing component of Canadian health care costs, showing growth rates three times the annual rate of inflation. No wonder we hear of seniors on fixed incomes having to make a choice between food and medicine! But again, imagine how much more challenging it must be for those living in the developing regions of the world.

Ironically, Canada continues to have the lowest prices for patented drugs in any of the industrialized nations, thanks largely to the Patented Medicine Prices Review Board.

Why, then, is there a rise in drug prices? A CMA official stated that it is a by-product of the longstanding R&D effort in medical science, spurred on by discoveries from the human genome project. Because new discoveries at the leading edge of science come with a price, it is a trend that is likely to continue. However, that is little comfort to the developing world, where TB, malaria and HIV-AIDS continue to decimate their world.

Médecins Sans Frontières has recommended a multi-prong, five-track approach. Track one would implement an "equity pricing" policy worldwide. Track two calls for the institution of various "Regional Procurement Authorities." Track three would allow for the entry of generic competitors into specific jurisdictions. Track four would force patent drug manufacturers to "license" local drug producers to make a specific range of drugs to combat high-threat diseases. Track five would enforce the TRIPS agreement safeguards.

While I doubt that I have time to elaborate on each of the five tracks mentioned, in what time I do have, let me sketch a quick picture.

Track one deals with implementing an equity pricing policy worldwide. Simply put, equity pricing — also known as differential pricing or market segmentation — looks at adjusting patent drug prices to the national economy in which they are used. For example, if the price of a particular antibiotic used in treating TB represents a single day's pay at minimum wage here in Canada, then the same principle would apply in the developing nation in question.

The downside of this approach is that to this point it has been purely voluntary on the part of transnational drug makers. What history has shown is that this has only worked after tremendous international public pressure was brought to bear on drug makers, pressure that began to tarnish the otherwise good name of these companies. Only then did the companies “voluntarily” adjust their prices. One fear is that lower priced patent drugs will fall into the hands of corrupt officials and find their way onto the black market.

In track two, “Regional Procurement Authorities” would negotiate a price for a particular range of patent drugs on behalf of an entire region such as Africa in exchange for granting a supplier access to a high-volume market.

Track three allows the entry of “generic competitors” in specific jurisdictions. This is a big hurdle because it flies in the face of existing intellectual property rights agreements to which developed nations have adhered. It could result in the “product leakage” across contiguous borders, destroying local market stability.

Track four would force patent drug manufacturers to “license” local drug producers to make a specific range of drugs to combat specific high-risk diseases. On the positive side, we are able to share technological know-how with various developing countries. On the downside, should a corrupt regime seize political power through undemocratic means, corrupt officials would again be in a position to pilfer supplies or, worse, divert drug-making capacity to the development of biological and chemical weapons.

Finally, we come to track five, enforcement of the TRIPS agreement safeguards. These provisions require patent drug

makers to either license or allow the parallel importation of generics into particular markets when a medical crisis warrants. This is where Canada comes in: We can help ensure that TRIPS agreements safeguards are not being ignored. We can do this by extending the mandate of Canada’s own Patented Medicine Prices Review Board to include specific developing regions of the world where a particular medical crisis is deemed to exist. The review board could be empowered to work with parallel agencies among the G8 to ensure that a common approach was adopted by all developed nations in addressing TB, malaria and HIV-AIDS.

Another approach is to link the patents for new drugs to the adoption of new and R&D efforts in tackling specific tropical diseases. Drug companies would have to allocate a reasonable percentage of all profits stemming from new drugs to research on a targeted disease.

I could go on, honourable senators, but the important point is that we recognize the following: We now live in a world where the borders to diseases like the West Nile virus, Ebola, TB and possibly even malaria and many other horrors are beginning to disappear thanks to modern international air travel, illegal immigration, climate change and even terrorism. In this sense, we are all in this together. If we choose to ignore these considerations, then I fear that we have already given rise to the child of ignorance upon whose brow is written doom, a boy whose wrath, as Dickens prophesied, may well result in our own destruction.

On motion of Senator Poy, debate adjourned.

The Senate adjourned until Wednesday, October 3, 2001, at 1:30 p.m.

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## **APPENDIX**

**Officers of the Senate**

**The Ministry**

**Senators**

**(Listed according to seniority, alphabetically and by provinces)**

**Committees of the Senate**

**THE SPEAKER**

THE HONOURABLE DANIEL P. HAYS

**THE LEADER OF THE GOVERNMENT**

THE HONOURABLE SHARON CARSTAIRS, P.C.

**THE LEADER OF THE OPPOSITION**

THE HONOURABLE JOHN LYNCH-STANTON

---

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

PAUL BÉLISLE

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

GARY O'BRIEN

**LAW CLERK AND PARLIAMENTARY COUNSEL**

MARK AUDCENT

**USHER OF THE BLACK ROD (ACTING)**

BLAIR ARMITAGE

**THE MINISTRY**

According to Precedence

(October 2, 2001)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Brian Tobin	Minister of Industry
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Foreign Affairs
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Ronald J. Duhamel	Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie)
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)
The Hon. Rey Pagtakhan	Secretary of State (Asia-Pacific)

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

(October 2, 2001)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Winnipeg, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.

## ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Chestermere, Alta.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Jim Tunney	Ontario	Grafton, Ont.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.

# SENATORS OF CANADA

## ALPHABETICAL LIST

(October 2, 2001)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finestone, Sheila, P.C.	Montarville	Montreal, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib
Johnson, Janis G.	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib

## SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James.	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Chestermere, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Tunney, Jim	Ontario	Grafton, Ont.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.	Ind

# SENATORS OF CANADA

## BY PROVINCE AND TERRITORY

(October 2, 2001)

### ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C. ....	Pakenham .....	Ottawa
2 Peter Alan Stollery .....	Bloor and Yonge .....	Toronto
3 Peter Michael Pitfield, P.C. ....	Ottawa-Vanier .....	Ottawa
4 Jerahmiel S. Grafstein .....	Metro Toronto .....	Toronto
5 Anne C. Cools .....	Toronto-Centre-York .....	Toronto
6 Colin Kenny .....	Rideau .....	Ottawa
7 Norman K. Atkins .....	Markham .....	Toronto
8 Consiglio Di Nino .....	Ontario .....	Downsview
9 James Francis Kelleher, P.C. ....	Ontario .....	Sault Ste. Marie
10 John Trevor Eyton .....	Ontario .....	Caledon
11 Wilbert Joseph Keon .....	Ottawa .....	Ottawa
12 Michael Arthur Meighen .....	St. Marys .....	Toronto
13 Marjory LeBreton .....	Ontario .....	Manotick
14 Landon Pearson .....	Ontario .....	Ottawa
15 Jean-Robert Gauthier .....	Ottawa-Vanier .....	Ottawa
16 Lorna Milne .....	Peel County .....	Brampton
17 Marie-P. Poulin .....	Northern Ontario .....	Ottawa
18 The Very Reverend Dr. Lois M. Wilson .....	Toronto .....	Toronto
19 Francis William Mahovlich .....	Toronto .....	Toronto
20 Vivienne Poy .....	Toronto .....	Toronto
21 Isobel Finnerty .....	Ontario .....	Burlington
22 Jim Tunney .....	Ontario .....	Grafton
23 Laurier L. LaPierre .....	Ontario .....	Ottawa
24 .....	.....	.....

## SENATORS BY PROVINCE AND TERRITORY

**QUEBEC—24**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber . . . . .	Victoria . . . . .	Westmount
2 Charlie Watt . . . . .	Inkerman . . . . .	Kuujuuaq
3 Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal
4 Roch Bolduc . . . . .	Gulf . . . . .	Sainte-Foy
5 Gérard-A. Beaudoin . . . . .	Rigaud . . . . .	Hull
6 John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville
7 Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec
8 Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal
9 W. David Angus . . . . .	Alma . . . . .	Montreal
10 Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec
11 Lise Bacon . . . . .	De la Durantaye . . . . .	Laval
12 Céline Hervieux-Payette, P.C. . . . .	Bedford . . . . .	Montreal
13 Shirley Maheu . . . . .	Rougemont . . . . .	Ville de Saint-Laurent
14 Lucie Pépin . . . . .	Shawinigan . . . . .	Montreal
15 Marisa Ferretti Barth . . . . .	Repentigny . . . . .	Pierrefonds
16 Serge Joyal, P.C. . . . .	Kennebec . . . . .	Montreal
17 Joan Thorne Fraser . . . . .	De Lorimier . . . . .	Montreal
18 Aurélien Gill . . . . .	Wellington . . . . .	Mashteuiatsh, Pointe-Bleue
19 Sheila Finestone, P.C. . . . .	Montarville . . . . .	Montreal
20 Raymond C. Setlakwe . . . . .	The Laurentides . . . . .	Thetford Mines
21 Yves Morin . . . . .	Lauzon . . . . .	Quebec
22 Jean Lapointe . . . . .	Saurel . . . . .	Magog
23 . . . . .	. . . . .	. . . . .
24 . . . . .	. . . . .	. . . . .

## SENATORS BY PROVINCE—MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C. ....	The Highlands .....	Sydney
2 Michael Kirby .....	South Shore .....	Halifax
3 Gerald J. Comeau .....	Nova Scotia .....	Church Point
4 Donald H. Oliver .....	Nova Scotia .....	Halifax
5 John Buchanan, P.C. ....	Halifax .....	Halifax
6 J. Michael Forrestall .....	Dartmouth and Eastern Shore ..	Dartmouth
7 Wilfred P. Moore .....	Stanhope St./Bluenose .....	Chester
8 Jane Cordy .....	Nova Scotia .....	Dartmouth
9 .....	.....	.....
10 .....	.....	.....

## NEW BRUNSWICK—10

THE HONOURABLE		
1 Eymard Georges Corbin .....	Grand-Sault .....	Grand-Sault
2 Brenda Mary Robertson .....	Riverview .....	Shediac
3 Noël A. Kinsella .....	Fredericton-York-Sunbury ....	Fredericton
4 John G. Bryden .....	New Brunswick .....	Bayfield
5 Rose-Marie Losier-Cool .....	Tracadie .....	Bathurst
6 Fernand Robichaud, P.C. ....	Saint-Louis-de-Kent .....	Saint-Louis-de-Kent
7 Viola Léger .....	New Brunswick .....	Moncton
8 .....	.....	.....
9 .....	.....	.....
10 .....	.....	.....

## PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter .....	Prince Edward Island .....	Charlottetown
2 Catherine S. Callbeck .....	Prince Edward Island .....	Central Bedeque
3 Elizabeth M. Hubley .....	Prince Edward Island .....	Kensington
4 .....	.....	.....

## SENATORS BY PROVINCE—WESTERN DIVISION

**MANITOBA—6**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak .....	Manitoba .....	Winnipeg
2 Janis G. Johnson .....	Winnipeg-Interlake .....	Winnipeg
3 Terrance R. Stratton .....	Red River .....	St. Norbert
4 Sharon Carstairs, P.C. ....	Manitoba .....	Victoria Beach
5 Richard H. Kroft .....	Manitoba .....	Winnipeg
6 .....		

**BRITISH COLUMBIA—6**

THE HONOURABLE		
1 Edward M. Lawson .....	Vancouver .....	Vancouver
2 Jack Austin, P.C. ....	Vancouver South .....	Vancouver
3 Pat Carney, P.C. ....	British Columbia .....	Vancouver
4 Gerry St. Germain, P.C. ....	Langley-Pemberton-Whistler ..	Maple Ridge
5 Ross Fitzpatrick .....	Okanagan-Similkameen .....	Kelowna
6 Mobina S.B. Jaffer. ....	British Columbia .....	North Vancouver

**SASKATCHEWAN—6**

THE HONOURABLE		
1 Herbert O. Sparrow .....	Saskatchewan .....	North Battleford
2 A. Raynell Andreychuk .....	Regina .....	Regina
3 Leonard J. Gustafson .....	Saskatchewan .....	Macoun
4 David Tkachuk .....	Saskatchewan .....	Saskatoon
5 John Wiebe .....	Saskatchewan .....	Swift Current
6 .....		

**ALBERTA—6**

THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i> .....	Calgary .....	Calgary
2 Joyce Fairbairn, P.C. ....	Lethbridge .....	Lethbridge
3 Nicholas William Taylor. ....	Sturgeon .....	Chestermere
4 Thelma J. Chalifoux .....	Alberta .....	Morinville
5 Douglas James Roche .....	Edmonton .....	Edmonton
6 Tommy Banks .....	Alberta .....	Edmonton

## SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND—6

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

## NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston .....	Northwest Territories .....	Fort Simpson

## NUNAVUT—1

THE HONOURABLE		
1 Willie Adams .....	Nunavut .....	Rankin Inlet

## YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen .....	Yukon Territory .....	Whitehorse

# ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of October 2, 2001)

\*Ex Officio Member

## ABORIGINAL PEOPLES

**Chair: Honourable Senator Chalifoux**

**Deputy Chair: Honourable Senator Johnson**

**Honourable Senators:**

Carney,	Christensen,	Johnson,	Pearson,
*Carstairs (or Robichaud),	Cochrane,	Léger,	Sibbeston,
Chalifoux,	Gill,	*Lynch-Staunton (or Kinsella),	St. Germain,
	Hubley,		Tkachuk.

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

*Carney, \*Carstairs (or Robichaud), Chalifoux, Christensen, Cochrane, Cordy, Gill, Johnson, \*Lynch-Staunton (or Kinsella), Pearson, Rompkey, Sibbeston, Tkachuk, Wilson.*

---

## AGRICULTURE AND FORESTRY

**Chair: Honourable Senator Gustafson**

**Deputy Chair: Honourable Senator Wiebe**

**Honourable Senators:**

*Carstairs (or Robichaud),	Gustafson,	*Lynch-Staunton (or Kinsella),	Tkachuk,
Chalifoux,	Hubley,	Oliver,	Tunney,
Fairbairn,	LeBreton,	Stratton,	Wiebe.
	Léger,		

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

*\*Carstairs (or Robichaud), Chalifoux, Fairbairn, Fitzpatrick, Gill, Gustafson, LeBreton, \*Lynch-Staunton (or Kinsella), Milne, Oliver, Stratton, Taylor, Tkachuk, Wiebe.*

---

## BANKING, TRADE AND COMMERCE

**Chair: Honourable Senator Kolber**

**Deputy Chair: Honourable Senator Tkachuk**

**Honourable Senators:**

Angus,	Hervieux-Payette,	*Lynch-Staunton (or Kinsella),	Poulin,
*Carstairs (or Robichaud),	Kelleher,	Meighen,	Setlakwe,
Furey,	Kolber,	Oliver,	Tkachuk,
	Kroft,		Wiebe.

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

*Angus, \*Carstairs (or Robichaud), Furey, Hervieux-Payette, Kelleher, Kolber, Kroft, \*Lynch-Staunton (or Kinsella), Meighen, Oliver, Poulin, Setlakwe, Tkachuk, Wiebe.*

---

**DEFENCE AND SECURITY**

**Chair: Honourable Senator Kenny**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator Forrestall**

Atkins,	Forrestall,	LaPierre,	Pépin,
*Carstairs (or Robichaud),	Jaffer,	*Lynch-Staunton (or Kinsella),	Wiebe.
Cordy,	Kenny,	Meighen,	

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

*Atkins, \*Carstairs (or Robichaud), Cordy, Forrestall, Hubley, Kenny,  
 \*Lynch-Staunton (or Kinsella), Meighen, Pépin, Rompkey, Wiebe.*

---

**VETERANS AFFAIRS****(Subcommittee of Defence and Security)**

**Chair: Honourable Senator Meighen**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator Wiebe**

Atkins,	Kenny,	*Lynch-Staunton (or Kinsella),	Meighen,
*Carstairs (or Robichaud),		Pépin,	Wiebe.

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**ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES**

**Chair: Honourable Senator Taylor**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator Spivak**

Adams,	Christensen,	Kelleher,	Sibbeston,
Banks,	Cochrane,	Kenny,	Spivak,
Buchanan,	Eyton,	*Lynch-Staunton (or Kinsella),	Taylor.
*Carstairs (or Robichaud),	Finnerty,		

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

*Banks, Buchanan, \*Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty,  
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**FISHERIES**

**Chair: Honourable Senator Comeau**  
**Honourable Senators:**

Adams,  
 Callbeck,  
 \*Carstairs  
 (or Robichaud),  
 Comeau,  
 Cook,  
 Hubley,  
 Johnson,

**Deputy Chair: Honourable Senator Cook**

\*Lynch-Staunton  
 (or Kinsella),  
 Mahovlich,  
 Meighen,  
 Moore,  
 Robertson,  
 Watt.

*Original Members as nominated by the Committee of Selection*  
*Adams, Callbeck, \*Carstairs (or Robichaud), Carney, Chalifoux, Comeau, Cook,*  
*\*Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Molgat, Moore, Robertson, Watt.*

---

**FOREIGN AFFAIRS**

**Chair: Honourable Senator Stollery**  
**Honourable Senators:**

Andreychuk,  
 Austin,  
 Bolduc,  
 Carney,  
 \*Carstairs  
 (or Robichaud),  
 Corbin,  
 De Bané,

**Deputy Chair: Honourable Senator Andreychuk**

Di Nino,  
 Grafstein,  
 Graham,  
 Losier-Cool,  
 \*Lynch-Staunton  
 (or Kinsella),  
 Setlakwe,  
 Stollery.

*Original Members as nominated by the Committee of Selection*  
*Andreychuk, Austin, Bolduc, Carney, \*Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein,*  
*Graham, Losier-Cool, \*Lynch-Staunton (or Kinsella), Poulin, Stollery.*

---

**HUMAN RIGHTS**

**Chair: Honourable Senator Andreychuk**  
**Honourable Senators:**

Andreychuk,  
 Beaudoin,  
 \*Carstairs  
 (or Robichaud),  
 Cochrane,  
 Ferretti Barth,  
 Finestone,

**Deputy Chair: Honourable Senator Finestone**

Kinsella,  
 \*Lynch-Staunton  
 (or Kinsella),  
 Poy,  
 Watt,  
 Wilson.

*Original Members as nominated by the Committee of Selection*  
*Andreychuk, Beaudoin, \*Carstairs (or Robichaud), Ferretti Barth, Finestone,*  
*Kinsella, \*Lynch-Staunton (or Kinsella), Oliver, Poy, Watt, Wilson.*

---

**INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION**

**Chair: Honourable Senator Kroft**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator**

Atkins,	De Bané,	Kenny,	Milne,
Austin,	Doody,	Kroft,	Murray,
*Carstairs (or Robichaud),	Forrestall,	*Lynch-Staunton (or Kinsella),	Poulin,
Comeau,	Furey,	Maheu,	Stollery.
	Gauthier,		

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

*Austin, \*Carstairs (or Robichaud), Comeau, De Bané, DeWare, Doody, Forrestall, Furey, Gauthier, Kenny, Kroft, \*Lynch-Staunton (or Kinsella), Maheu, Milne, Murray, Poulin, Stollery.*

---

**LEGAL AND CONSTITUTIONAL AFFAIRS**

**Chair: Honourable Senator Milne**  
**Honourable Senators:**

**Deputy Chair: Honourable Senator Beaudoin**

Andreychuk,	*Carstairs (or Robichaud),	Grafstein,	Moore,
Beaudoin,		Joyal,	Nolin,
Buchanan,	Cools,	*Lynch-Staunton (or Kinsella),	Pearson,
	Fraser,	Milne,	Rivest.

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

*Andreychuk, Atkins, Beaudoin, Buchanan, \*Carstairs (or Robichaud), Cools, Fraser, Grafstein, Joyal, \*Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson.*

---

**LIBRARY OF PARLIAMENT (Joint)**

**Chair: Honourable Senator Bryden**  
**Honourable Senators:**

**Deputy Chair:**

Beaudoin,	Cordy,	Oliver,	Poy.
Bryden,			

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

*Beaudoin, Bryden, Cordy, Oliver, Poy.*

---

## NATIONAL FINANCE

**Chair: Honourable Senator Murray**  
**Honourable Senators:**

Banks,	Comeau,
Bolduc,	Cools,
*Carstairs (or Robichaud),	Doody,
	Ferretti Barth,

**Deputy Chair: Honourable Senator Finnerty**

Finnerty,	Murray,
*Lynch-Staunton (or Kinsella),	Stratton,
Mahovlich,	Tunney.

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

*Banks, Bolduc, \*Carstairs (or Robichaud), Cools, Doody, Finnerty, Ferretti Barth, Hervieux-Payette, Kinsella, Kirby, \*Lynch-Staunton (or Kinsella), Mahovlich, Murray, Stratton.*

---

## OFFICIAL LANGUAGES (Joint)

**Chair: Honourable Senator Maheu**  
**Honourable Senators:**

Beaudoin,	Gauthier,
Fraser,	LaPierre,

**Deputy Chair:**

Maheu,	Setlakwe.
Rivest,	

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

*Bacon, Beaudoin, Fraser, Gauthier, Losier-Cool, Maheu, Rivest, Setlakwe, Simard.*

---

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

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**Honourable Senators:**

Andreychuk,	Di Nino,
Austin,	Gauthier,
Bryden,	Grafstein,
*Carstairs (or Robichaud),	Joyal,

**Deputy Chair: Honourable Senator Stratton**

Kroft,	Pitfield,
Losier-Cool,	Poulin,
*Lynch-Staunton (or Kinsella),	Robertson,
Murray,	Rossiter,
	Stratton.

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

*Andreychuk, Austin, Bryden, \*Carstairs (or Robichaud), DeWare, Di Nino, Gauthier, Grafstein, Hervieux-Payette, Joyal, Kroft, Losier-Cool, \*Lynch-Staunton (or Kinsella), Murray, Poulin, Rossiter, Stratton.*

---

**SCRUTINY OF REGULATIONS (Joint)****Chair: Honourable Senator Hervieux-Payette****Deputy Chair:****Honourable Senators:**

Bryden,

Finestone,

Kinsella,

Nolin.

Hervieux-Payette,

Moore,

***Original Members agreed to by Motion of the Senate****Bacon, Bryden, Finestone, Hervieux-Payette, Kinsella, Moore, Nolin.***SELECTION****Chair: Honourable Senator Rompkey****Deputy Chair: Senator Stratton****Honourable Senators:**

Austin,

Corbin,

Kinsella,

Robertson,

\*Carstairs

Fairbairn,

LeBreton,

Rompkey,

(or Robichaud),

Graham,

\*Lynch-Staunton  
(or Kinsella),

Stratton.

***Original Members agreed to by Motion of the Senate****Austin, \*Carstairs (or Robichaud), Corbin, DeWare, Fairbairn, Graham, Kinsella  
LeBreton, \*Lynch-Staunton (or Kinsella), Mercier, Murray.***SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****Chair: Honourable Senator Kirby****Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

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Fairbairn,

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Roberston,

Cook,

Keon,

Roche.

***Original Members as nominated by the Committee of Selection****Callbeck, \*Carstairs (or Robichaud), Cohen, Cook, Cordy, Fairbairn, Graham, Johnson,  
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**ON THE PRESERVATION AND  
PROMOTION OF A SENSE OF CANADIAN COMMUNITY**

**(Subcommittee of Social Affairs, Science and Technology)**

**Chair: Honourable Senator  
Honourable Senators:**

\*Carstairs  
(or Robichaud),

Cook,  
Cordy,

**Deputy Chair: Honourable Senator**

Kirby,  
LeBreton,

\*Lynch-Staunton  
(or Kinsella),  
Roberston.

**TRANSPORT AND COMMUNICATIONS**

**Chair: Honourable Senator Bacon  
Honourable Senators:**

Adams,  
Bacon,  
\*Carstairs  
(or Robichaud),

Eyton,  
Finestone,  
Fitzpatrick,  
Gill,

**Deputy Chair: Honourable Senator Oliver**

Gustafson,  
LaPierre,  
\*Lynch-Staunton  
(or Kinsella),  
Morin,

Oliver,  
Poy,  
Spivak,  
Taylor.

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

*Adams, Angus, Bacon, Callbeck, \*Carstairs (or Robichaud), Christensen, Eyton, Finestone,  
Fitzpatrick, Forrestall, \*Lynch-Staunton (or Kinsella), Rompkey, Setlakwe, Spivak.*

**THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS**

**Chair: Honourable Senator Nolin  
Honourable Senators:**

\*Carstairs  
(or Robichaud),

Kenny,

**Deputy Chair: Honourable Senator Kenny**

\*Lynch-Staunton  
(or Kinsella),  
Maheu,

Nolin,  
Rossiter.

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

*Banks, \*Carstairs (or Robichaud), Kenny, \*Lynch-Staunton (or Kinsella), Maheu, Nolin, Rossiter.*

# CONTENTS

Tuesday, October 2, 2001

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		Senator Andreychuk . . . . .	1340
<b>Question of Privilege</b>		Senator Bolduc . . . . .	1341
Notice. Senator Cools . . . . .	1335	<b>Prime Minister's Office</b>	
<b>International Year of Volunteers</b>		Response to Terrorist Attacks on United States—	
Senator Ferretti Barth . . . . .	1335	Status of Canada. Senator Forrestall . . . . .	1341
<b>The Late Carol Anne Letheren</b>		Senator Carstairs . . . . .	1341
Senator Eyton . . . . .	1335	Senator Tkachuk . . . . .	1342
<b>Mothers Against Drunk Driving</b>		<b>Foreign Affairs</b>	
Senator LeBreton . . . . .	1336	Terrorist Attacks on United States—Effect on People of	
<b>Response of Government to Terrorist Attacks on United States</b>		Afghanistan—Parliamentary Approval of Increase in Aid.	
Senator Tkachuk . . . . .	1337	Senator Oliver . . . . .	1342
		Senator Carstairs . . . . .	1342
		<b>Delayed Answer to Oral Question</b>	
		Senator Robichaud . . . . .	1343
<b>ROUTINE PROCEEDINGS</b>		<b>Citizenship and Immigration</b>	
<b>Citizenship and Immigration</b>		Special Visa Privileges for Members of Parliament and Senators.	
Letter from Minister Tabled. Senator Carstairs . . . . .	1337	Question by Senator Kinsella.	
<b>Official Languages</b>		Senator Robichaud (Delayed Answer) . . . . .	1343
Second Report of Joint Committee—		<b>Responses to Order Paper Questions Tabled</b>	
Government Response Tabled. Senator Robichaud . . . . .	1337	Attorney General—Brian Mulroney Case.	
<b>Adjournment</b>		Senator Robichaud . . . . .	1343
Senator Robichaud . . . . .	1337	Criminal Code—Status of Official Languages.	
<b>Business of the Senate</b>		Senator Robichaud . . . . .	1343
Royal Assent Bill—Motion to Withdraw Adopted.		<b>Library of Parliament</b>	
Senator Carstairs . . . . .	1337	<b>Official Languages</b>	
Senator Lynch-Staunton . . . . .	1337	<b>Scrutiny of Regulations</b>	
<b>Royal Assent Bill (Bill S-34)</b>		Membership of Joint Committees—	
First Reading. Senator Carstairs . . . . .	1338	Message from Commons. The Hon. the Speaker . . . . .	1343
<b>Access to Census Reports</b>		<b>Question of Privilege</b>	
Petition. Senator Milne . . . . .	1338	Comments by Minister of Citizenship and Immigration—	
		Speaker's Ruling. The Hon. the Speaker . . . . .	1344
<b>QUESTION PERIOD</b>		<b>ORDERS OF THE DAY</b>	
<b>The Senate</b>		<b>Carriage By Air Act (Bill S-33)</b>	
Haste of Hearings of Social Affairs, Science and Technology		Bill to Amend—Second Reading—Debate Adjourned.	
Committee on Immigration and Refugee Protection Bill.		Senator Fitzpatrick . . . . .	1346
Senator Lynch-Staunton . . . . .	1338	<b>Official Languages Act (Bill S-32)</b>	
Senator Carstairs . . . . .	1338	Bill to Amend—Second Reading—Debate Adjourned.	
Possibility of Referring Immigration and Refugee Protection Bill		Senator Gauthier . . . . .	1347
to Legal and Constitutional Affairs Committee.		Senator Finestone . . . . .	1349
Senator Lynch-Staunton . . . . .	1339	Senator Murray . . . . .	1349
Senator Carstairs . . . . .	1339	Senator Robichaud . . . . .	1350
Senator Beaudoin . . . . .	1339	Senator Lapointe . . . . .	1350
		Senator Fraser . . . . .	1350
		Senator Corbin . . . . .	1351

PAGE

PAGE

**Defence and Security**

Budget—Report of Committee—Debate Adjourned.

Senator Kenny .....	1351
Senator Robichaud .....	1353
Senator Murray .....	1354
Senator Banks .....	1356
Senator Carney .....	1357
Senator Bolduc .....	1357
Senator Murray .....	1357
Senator LaPierre .....	1357
Senator Wiebe .....	1357

**Transport and Communications**

Motion to Authorizing Committee to Study

Measures to Encourage French-Language Broadcasting— Debate Continued. Senator Losier-Cool .....	1358
--	------

**The National Anthem**

Inquiry—Debate Continued. Senator Spivak .....	1359
--	------

**Cable Public Affairs Channel**

Closed-Captioning Service—Inquiry—Debate Continued.

Senator Kroft .....	1360
---------------------	------

**Question of Privilege**

Senator Cools .....	1360
---------------------	------

**Intellectual Property Rights Over Patented Medicines**

Inquiry—Debate Adjourned. Senator Finestone .....	1361
---	------

<b>Appendix</b> .....	i
-----------------------	---



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