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(HANSARD)**

Wednesday, October 24, 2001

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**THE HONOURABLE DAN HAYS
SPEAKER**

CONTENTS

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

OFFICIAL REPORT

CORRECTION

Hon. Lorna Milne: Honourable senators, on a point of order, I should like to correct an error in yesterday's Hansard when I was speaking on the Canada-Taiwan Parliamentary Friendship Group. On the last page of Hansard, page 1456, the second last-paragraph of my speech, I said "cross-strait" and not "prostrate."

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THE SENATE

Wednesday, October 24, 2001

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

Prayers.

[*Translation*]

THE HONOURABLE LÉONCE MERCIER

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs (Leader of the Government):

Honourable senators, I should like to say a few words in tribute to the Honourable Léonce Mercier, a good friend and colleague, on the occasion of his retirement.

I have had the privilege of working with him as both Deputy Leader and as Leader of the Government. However, other leaders before me have had the pleasure of working on a number of projects with Senator Mercier as government whip. If I may speak on their behalf, we have all found him professional, conciliatory and easy to get along with.

Senator Mercier started out in politics in the Saguenay—Lac-Saint-Jean region, in northern Quebec, a region known for its rugged terrain, its lakes and — of course — its blueberries. He worked many years in his part of the country to gain support for the Liberal Party of Canada. Nowadays, his region is known for its independentist tendencies and was long represented by the Honourable Lucien Bouchard. How could we possibly blame this on a colleague who has always defended his country with pride?

In 1995, Senator Mercier was in charge of the Action Canada campaign in his region. Its success is one of the numerous milestones in his thirty-plus year career in politics. He has chaired the selection committee and was assistant director and then director general of the Liberal Party of Quebec from 1978 to 1985.

In the late 1980s, he worked very hard in Quebec for the election of our mutual friend and present Prime Minister to the leadership of the Liberal Party. Before he was appointed to the Senate, Senator Mercier was a businessman and consultant, as well as being a commissioner of Quebec's Régie des alcools, des courses et des jeux.

His activities did not slow down with his appointment to the Senate, and he sat on numerous standing committees of the Senate: Scrutiny of Regulations, Internal Economy, Budgets and Administration, National Finance, Social Affairs, Science and Technology, Transport and Communications, and two important subcommittees: Transportation Safety and Veterans Affairs.

Senator Mercier has had frequent opportunities to put his organizing talents to good use since his appointment as Government Whip in 1996. His allegiances are clear and firm.

He respects his colleagues, and that respect is returned by them all, on both sides of the Chamber.

[*English*]

However, in my mind, the quality that most represents the Honourable Senator Mercier is his friendliness and lack of pretension. Since his appointment to the Senate in 1996, he has become known for his congeniality and sense of humour. Senator Mercier has made allies and admirers of many of us here in the Senate, not only among his colleagues but also among Senate staff who have served him and among other staff who have been fortunate to make his acquaintance, most of all my staff.

[*Translation*]

Many of us, I know, will miss Senator Mercier and I wish him a happy retirement. I hope he will have many pleasant memories of his former Senate colleagues.

• (1340)

Hon. Jean-Claude Rivest: Honourable senators, I, in turn, wish to pay tribute to the Honourable Léonce Mercier. I feel him getting a little more nervous as I rise. I have known Senator Mercier for over 30 years. I met him when I was very young. I worked with him in the Liberal Party of Quebec, but never in the Liberal Party of Canada. There is an old expression in Quebec to the effect that red in Quebec often means red in Ottawa. Let us just say that my political path is somewhat more rainbow-coloured than that of my friend, who has been loyal to the Liberal Party of Quebec and of Canada throughout his life, with a passion, determination and loyalty worthy of recognition.

Senator Mercier's skills as an organizer and leader have been cited. Those who have been in politics recognize that the major reforms by the politicians who controlled the destiny of Canada and Quebec, their great achievements, would not have happened — whether we are talking about Mr. Chrétien, Mr. Trudeau or Mr. Bourassa, all of whom had the solid support of Senator Mercier — had they not been able to count on the cooperation, support and help of people like Léonce, the party faithful. We tend not to notice the extent of the contribution made by the thousands of Canadians and Quebecers, who, like him, become involved in political action and give their time, talent and energy in support of their political leaders. His career and his devotion give us the opportunity to recognize the value of the contribution made by all Canadians to political action. Léonce sets a fine example.

I met Léonce during Mr. Lesage's leadership campaign. Later on, he became one of Robert Bourassa's strongest supporters in the Saguenay—Lac-Saint-Jean region. At the time of the leadership convention, Léonce had helped Mr. Bourassa win a great victory in that region. This enabled Mr. Bourassa to accede to Quebec's highest political office.

When we attended political meetings with Léonce in arenas and overheated rooms, at the end of the leader's speech — and I am sure this happened with the Liberal Party of Canada — we could hear the crowd yelling its enthusiasm and its appreciation of the leader's speech. In fact, we could hear the crowd and Léonce's voice. No crowd at a partisan meeting was ever able to drown out the voice and enthusiasm of Léonce Mercier.

With his innate sense of communications, Mr. Bourassa preferred to address the radio audience, particularly in very important speeches. He did not want to shout because this was unpleasant to them and they were far more numerous than those in the room. He was very concerned that journalists might say that his speech was more or less well received in the room, that people had shown polite appreciation. So, we would always tell Mr. Bourassa not to worry, that Léonce was there. At the end of the speech, even if people did not find the leader really dynamic, the first one to get up would be Léonce. He would applaud with the generosity and spontaneity that were his trademarks. Then the people in the room thought they had misunderstood, that the speech was probably very good and everyone would get up and express his or her satisfaction.

We all appreciated this enthusiasm, this fervour and this generosity during Léonce's too-short stay among us. Apart from all these political activities, what stands out most about him is his personality, his generosity, his respect and his great humanity towards those with whom he works. His success in the politics of the Liberal Party of Canada and the Liberal Party of Quebec is due to the trust and esteem he inspired in people. We remember his talents as an organizer, his undeniable efficiency. Success for those who become involved in politics does not stem from material things. It stems from human qualities. Those of Senator Mercier were appreciated by everyone.

As for Senator Mercier's future, after he leaves the Senate, with these qualities, this fervour and this generosity, he will be able to go on making a great contribution to Canada. I could very well see Léonce Mercier occupying the position of Governor General of Canada. He would bring great energy to this position. I could not suggest it to the Prime Minister of Canada, for fear of damaging the future career prospects of my friend Léonce.

Hon. Lucie Pépin: Honourable senators, as Senator Rivest so aptly put it, Senator Léonce Mercier was the perfect embodiment at the federal and provincial levels of what is the most noble, the most honest and the most generous: the career of a political organizer.

History records and passes down the names of heads of state, generals, artists, sports figures and even infamous villains from generation to generation. However, there is one category of persons that play a major role in the operation of our democracies, and who are oft forgotten, or worse yet, only mentioned when the media report that they have committed some reprehensible, or even illegal, act during an election. This profession has often acquired a pejorative connotation, as though it were some shameful disease. Honourable senators, in case you

[Senator Rivest]

have not yet figured out the profession to which I am referring, and which a number of you have practiced and continue to practice, I am talking about the profession of political organizer, something to which our good senator devoted much of his life.

It is important to remember that no political party can aspire to play a role in government or even win an election without the essential and fundamental contribution of thousands of volunteers like our dear Léonce.

Léonce was a loyal person who never kept track of his time and who was prepared to work 24 hours a day to win an election.

The Honourable Léonce Mercier spent decades in the shadow of many members of Parliament and ministers who owe a part of their success to his staunch loyalty and limitless enthusiasm. You should have seen him at work during election campaigns, encouraging the troops with his unflagging optimism, regardless of the polls; he often managed to transform into victory what at some point or other appeared to be a rather precarious situation. Admittedly, his stentorian voice, which we have all heard resonate in the Senate, gave him an advantage over more timid and reserved voices.

• (1350)

Despite his unwavering commitment to the Liberal Party, Senator Mercier has always maintained excellent relations with representatives of other political parties and, amazingly, I do not think he has any enemies. This is because everyone has recognized his complete honesty, his total lack of pretension and his limitless generosity.

Another important side of Senator Mercier is his well-known joie de vivre. Léonce is a very convivial person, considerate of everyone. He brings out the sunny side of people. Everywhere he goes, people's faces brighten. He is a grassroots politician, a naturally very outgoing person who often managed to bring us around when we were digging in our heels.

We will miss you, Léonce, but rest assured that there will always be a spot for you in each of our offices and remember, now that you are bilingual after learning English at the age of 73 at Bishop's University, that you are a role model for most of our colleagues in the Senate who wish to learn French and for our young people who want to make up the next generation in politics!

My dear Léonce, I will conclude by telling you how much we appreciated your unfortunately all-too-brief stint with us in the Senate. I join with all my colleagues in wishing you good health and a new career that is everything you want it to be.

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to pay tribute to a colleague whom we all, without exception, hold in great esteem: Léonce Mercier. In recent years, Senator Mercier was my neighbour. We exchanged opinions, always in the best of spirits.

As has been pointed out, his voice really carries. Dynamic, enthusiastic, optimistic, Senator Mercier is really a character in his own right. A brilliant organizer, a clever strategist, he is also a great federalist; a solid federalist who contributed in his own way to the two victories of the “no” side in the May 1980 and October 1995 referendums.

I have seen him at work in various associations, such as the Canada-France Inter-Parliamentary Association. He is very easy to get along with and always has a positive outlook. His career as a senator was unfortunately too short, lasting only five years, from 1996 to 2001, and he spent the last three of them as whip, no easy job. We will miss him very much, and I wish him perfect health and a very long life with his family.

Hon. Bill Rompkey: Honourable senators, what a pleasure it is for me to be here in the Senate to say thank you to Léonce Mercier.

Léonce worked generously for all senators. He could be described as a man with his heart on his sleeve and a permanent smile. Who could forget his laugh? Who could forget his warm, firm handshake? Léonce, good luck in the future! The door to the office of the Whip will always be open to you.

Hon. Pierre Claude Nolin: Honourable senators, Léonce, I will enlighten the majority of our colleagues on our political relationship. These five years were too short. It seems to me that we had some great projects in common, but for the benefit of our colleagues, I must say that there were also some political projects we shared. Despite what those who have listened to us may think, yes, we were adversaries, but unknown adversaries. When I learned that you had been appointed, I said to myself: “I think I am going to get along with that fellow.” Everyone is convinced that you and I had some great plans. For the benefit of my colleagues, they should know that I won out on two of them, and you one, but you won the main one, that is the one which brought you here.

Five years is too short a time, too short, because I would have liked to include you in my plans for the next 25 years. So here is my invitation. Do not wait to be called. Call me and I will always be pleased to include you in my projects.

So long, and happy retirement.

Hon. Aurélien Gill: Honourable senators, there is a time for everything in life, including tributes, since we leave our mark by living. This deep imprint is important for those around us.

Léonce is indeed an impressive man. His qualities have become rare in a world where humanity has lost its primacy: old values, such as those of friendship, work, solidarity and loyalty above all. In a sense, life is one long trial in which we all have a chance to prove ourselves.

Léonce has proven himself and has shown to all who know him that life may be won rather than lost. This is an homage to life. Bitten by the politics bug, he chose to work behind the

scenes with those who ensure that things get done. This is the domain of the éminences grises.

In this often ungrateful world, where gloom can so easily prevail, he chose good humour without fail, charm and seduction. In politics, the ability to dance is a prerequisite, as are the abilities to convince and bring people together, and create harmony where cacophony could otherwise reign.

In politics, it is very easy to step on toes. Léonce Mercier is a player and a witness. He is a living encyclopedia of federal and provincial politics over the past 40 years. From the Quiet Revolution to events of today, he was there. Age and time have brought him wisdom. It is not easy for a charmer to become a sage, but Léonce applied his talent to bringing people together, exercising persuasion and raising political courage. Had he been Abenaki or Montagnais, we would have called him “the dancer,” in the best sense of the term, in the sacred sense of he who leads us in the difficult dance of life.

Léonce, thank you and good luck.

[English]

Hon. J. Michael Forrestall: Honourable senators, I have not been to university to perfect my French, although I have been learning to read it for 35 or 45 years now in these august halls.

I am reminded of a lesson I learned from a former Speaker of the House of Commons who was former Minister of Fisheries and who now serves on a distinguished advisory group to the Minister of National Defence and the Prime Minister on military matters. He was telling me about addressing the chamber. He said he turned his back, as was the wont of the Right Honourable John Diefenbaker, and said, “They, my colleagues, are our enemies. We must be always on guard.”

• (1400)

“I want to tell you something, sir,” I reminded the honourable gentleman, some thirty years ago now: “No, sir, I know what you are trying to say, but, believe me, they are our friends. They are our partners in Canada. It is these fellows behind you who are your enemies.”

I come to my feet today because I am reminded of when Senator Mercier joined the Transport Committee, during its study on transportation safety and security. We enjoyed his counsel. I know what Senator Gill means when he says Senator Mercier is a dancer. He led us in taking seriously the issues before us, long before those issues became so popular — issues like airplane security and safety.

Thank you, Senator Mercier, for your help in those years with what was then such a dull subject, particularly in making sure that we had a full quorum. In your retirement, Senator Mercier, please relax, enjoy yourself.

I keep going to a certain restaurant in Sainte-Foy as I travel between Dartmouth and Ottawa. Frequently I have been pleasantly surprised with a glass of wine from the senator.

Hon. Vivienne Poy: Honourable senators, I rise today to bid farewell to Senator Mercier. When I first met Senator Mercier three years ago, he struck me as a very kind person despite his title of “whip” of the Senate’s Liberal caucus. As someone with no experience in the political arena, that title was daunting to me. During my first year in the Senate, I struggled with my staff as they were spread out in two separate offices on different floors of the Victoria Building. My researcher had to work in a cubicle in an open office that did not afford her enough room or privacy for her work, not to mention the inconvenience of running up and down between floors when we needed to discuss issues.

Senator Mercier helped me to obtain part of the room next door, which meant knocking through a wall to enlarge my space. My staff and I owe Senator Mercier a debt of gratitude.

Each time I walk into my office, I think of you, Senator Mercier. I have no doubt that you will be offering a helping hand to others wherever you go, but we will miss you here.

Hon. Shirley Maheu: Honourable senators, Mrs. Mercier and family members, today is a very special day. Today we recognize the wonderful work of one of our own. We say a special thank you for Senator Léonce Mercier’s contribution and we sadly say “au revoir.”

[*Translation*]

Senator Mercier, if humour had not already existed you would have invented it. Your cheerfulness and dynamism brought a smile to the most sullen and austere faces on many occasions. I remember, among other things, the good time that our Canada-France friends had during their visit to Canada. They still talk about it.

All of us here have, at one time or another, benefitted from your great wisdom and your vast life experience. The summits that we have reached are evidence of your competence and experience.

Senator Mercier, your departure will leave a big void. We will miss your support, your serenity and your strength. As a favour to all your colleagues here, please keep in touch.

Senator Mercier, your going through the Senate doors for the last time must not mean the end of your years at the service of our country. My fervent wish — and I am convinced that others here will also express it — is that it will symbolize the beginning of another brilliant career very close to here, among people you know well.

So long, dear friend.

Hon. Marie-P. Poulin: Honourable senators, I want to express full agreement with the kind words and good wishes for the Honourable Léonce Mercier heard in this chamber today. I do this not only on my own behalf, but also on behalf of French Ontario. The Honourable Senator Mercier has always recognized and supported French, whether in the Eastern Townships, his own region, or in Northern Ontario. Honourable senators, we in French Ontario need champions in Quebec. We need people who

are involved, respected and admired, people like the Honourable Léonce Mercier. We need such people, such champions to talk about us as full-fledged members of the beautiful French Canadian family.

Honourable Senator Mercier, we salute your pride, your enthusiasm and your generosity. We thank you. We also salute and thank Mrs. Mercier for having lent us Léonce so often over the past five years.

Hon. Raymond C. Setlakwe: Honourable senators, Léonce Mercier and I have known each other for many years. We were both with the Liberal Party of Quebec and I remember in particular a memorable leadership campaign, that of 1978, when Léonce and I supported the candidacy of Raymond Garneau. That was our first and last defeat at a leadership convention. I dare say that, had we won, the history of Canada and Quebec would have been quite different.

• (1410)

We would have won the election that followed, and would not have had the referendum that followed that election. I will go even further. Senator Rivest might have been appointed by a Liberal Prime Minister and would today perhaps be sitting on our side of the Senate.

With our shared experience, Léonce and I then worked hard together within the federal Liberal Party and were very actively involved in the 1984 and 1990 leadership campaigns. We lost a second time, but we won in 1990, with the great result we have today.

I must admit that, in politics, even with friendships that go as far back as ours does, circumstances may arise that create personal differences. I have had mine with Léonce, and he with me. Today, however, I acknowledge my friend Léonce Mercier to be a man of great political scope, a man of great loyalty to his country and his province.

I would like to tell you, Léonce, and Madame Mercier, just how grateful we are to you.

[*English*]

Hon. Nicholas W. Taylor: Honourable senators, when Senator Mercier first came to this chamber, we were seatmates. I think the former whip, Senator Hébert, thought the longest serving Quebec organizer should be sitting with the longest serving Alberta organizer. After discussing ancient history for a day or two, we discovered neither of us could speak the other’s language. We then made a vow that he would teach me French and I would teach him English. His Alberta version of English was coming along quite well, but then they promoted him to whip of the house so he did not get the opportunity to learn my Alberta drawl. We will work on that later.

I was not all that envious of Senator Mercier’s facility with French. I was more envious of his ability on the dance floor. There is no one lighter on his feet than Senator Mercier. When he leads a conga line, God knows where it will end.

All in all, it was a great pleasure to serve with Senator Mercier. I will use my French to say:

[Translation]

Good luck, and a very happy retirement.

[English]

Hon. Wilfred P. Moore: Honourable senators, I rise to join in the tributes in recognition of the Honourable Léonce Mercier. I have known him for nearly 20 years. Over that time, I have observed him in action as a most astute political organizer, and I have had the pleasure of working with him on numerous campaigns. He was always courteous, always energetic, always loyal and always fun.

He brought those strengths to the Senate during his service to Canada in this place, and those strengths and his generous nature equipped him well to serve as a most congenial government whip.

We shared many laughs and successes over the years, and I shall miss him. I thank him for his friendship.

“Bonne chance, mon ami,” to you and your family in the years ahead.

Hon. Jeremiah S. Grafstein: Honourable senators, my dear friend Senator Mercier, I have a public *mea culpa* to make. At times, I did not make Senator Mercier's life as a whip easy. I parted with him on votes and abstentions on some contentious issues where he had a direct interest in his responsibility as whip. Yet not once did he hold this against me. At all times, I explained to him my position in advance, and he quickly understood. He even called me a gentleman, which I took as the greatest of all compliments, especially coming from my dear friend Léonce.

Honourable senators, when we are appointed to the Senate, we automatically have the word “honourable” prefixed to our name. In my mind, Léonce will always be remembered as an honourable man, a politician, and above all a gentlemen.

Léonce, I will not say goodbye; I will say “au revoir.” God grant you good health, and “bonne chance” in everything you undertake.

Hon. Anne C. Cools: Honourable senators, I join colleagues on both sides in tribute to our dear friend Senator Léonce Mercier on the occasion of his retirement from this Senate.

Senator Mercier has been here only since 1996. His time of service here was very short, but in that short time he touched many of us very deeply. Senator Mercier is many things, but first and foremost, he is a lovely fellow. He is a lovely person and a fine human being. I hold him in deep esteem.

Senator Mercier, as I look up at you in the gallery, I thank you for holding me in deep esteem. I also thank you for your very just dealings with me on every front that we have ever engaged. I thank you very much for that.

Honourable senators, I thank Senator Mercier for his service and his deep commitment to Canada. It is not known well enough how deeply committed this man was and is to Canada.

In concluding, I should like to read a short verse from the King James' version of the Book of Philipians, 4:8:

Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

I want to say goodbye to Senator Mercier using those words.

In June 1984, Prime Minister Pierre Elliott Trudeau retired. At the last National Liberal Caucus with Mr. Trudeau, the then Liberal caucus dean, being the eldest person in service of the Liberal National Caucus, Senator David Kroll, was called upon and asked on behalf of caucus to say goodbye to Mr. Trudeau. Senator Kroll spoke, and he spoke beautifully. The important thing he said that day was that saying goodbye is difficult, but that the Jewish people have a beautiful word for saying goodbye. At the end of his speech, he looked up and said to Mr. Trudeau, “Shalom, Mr. Trudeau.”

• (1420)

I should like to say that to you, my dear friend and colleague Senator Léonce Mercier, Shalom. I wish you, your wife, Micheline, and your family and friends the finest and the happiest retirement possible. I also hope that you do all the things that you have always wanted to do but were not free enough or did not have sufficient time to do. Shalom!

[Translation]

Hon. Marcel Prud'homme: Honourable senators, like many of you, I have known Léonce Mercier for a long time.

When he was appointed to the Senate, he was kind enough to reveal something that I would never have dared to say. When he was secretary general of the Liberal Party, when Dalia Wood was president, there was an issue of a contract to be signed.

At the time, I was a member of the Elections Commission, and I turned to Léonce Mercier, and said: “Do not trust anyone, sign a contract.” An excellent contract was signed. As you know, honourable senators, promises are often made and are sometimes broken. So, we did not take any chances, we asked for a contract, which is how our friend became the secretary general of the party. Subsequently, thanks to the Youth Commission, which was eligible to vote, Léonce became the head organizer.

I would like to share a secret about him. Senator Mercier has the appearance of a convivial, happy person with many friends, yet he has many qualities you may not know about. He has always had a keen eye for encouraging the next generation of leaders. Thanks to his encouragement, there are four women on the municipal council in the ward in which I live, and I fully support them. I have an indirect message for the Prime Minister of Canada. There are not enough women in politics. We must reach parity in the Senate. Léonce endorsed a young woman for municipal council. I believe that she will likely be elected next week since she is our protégé and we have hopes for her becoming a member of Parliament.

Léonce the charmer has always encouraged young people, always sought them out saying, “He’s a quick one, let’s grab him quick,” and then later, it became, “She’s a quick one, let’s grab her quick.”

Then, because of the unfortunate era of Meech Lake — a time that many people would rather forget — some of those young people took a different road than we would have liked. Léonce never gave up on them. Believe it or not, almost every one of them has come back to the fold. They have come back for what we stand for, and for what he stood for. Many senators have trouble understanding this notion. Léonce is a real Canadien français du Québec. I put it this way because it cannot really be translated into English.

[English]

He is a real “Canadien français du Québec.” That is what is important in the Senate: a true voice.

[Translation]

I see his good friend Michel Biron, our new senator and friend. The good humour you have enjoyed in Léonce Mercier you will find in Senator Biron as well. Make him a friend. He shares the same feelings and good nature, although in a somewhat more discreet fashion.

Léonce, thank you for all you have done for the country. You have said I did not take advantage of our friendship to get you to have me appointed to the Foreign Affairs Committee. You could have, because you know my presence on this committee is vetoed. I did not want to embarrass you by using our friendship. I am welcome on other committees. For example, in consideration of Bill C-36, I am taking part in the deliberations, although I am not a member.

Léonce, thank you. I will be less shy about going to visit you. With the important position you held, the real purpose of a visit was never clear. I will now be able to make a friendly call to talk about good times in the past. If we are lucky enough to see our mutual friend Jean Chrétien, we will call it the group of the true. Have a good rest and pay us a visit. My key is at your disposal in my quiet little space down below.

[Senator Prud’homme]

ROUTINE PROCEEDINGS

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, Thursday, October 25, 2001, at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE—
ANNUAL MEETING OF PARLIAMENTARY ASSEMBLY,
JULY 6-10, 2001—REPORT OF CANADIAN DELEGATION TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association, OSCE, to the Organization for Security and Co-operation in Europe Parliamentary Assembly Annual Session held in Paris, France, from July 6 to July 10, 2001.

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

ECONOMIC AND SECURITY COMMITTEE MEETING,
JUNE 11-15, 2001—REPORT OF CANADIAN
DELEGATION TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table the sixth report on the meeting of the committee on economy and security of the NATO parliamentary assembly, held in Washington and Boston, in the United States, from June 11 to June 15, 2001. The Canadian delegation was represented by Léon Benoît, MP.

• (1430)

MEETING OF SUBCOMMITTEE ON FUTURE
SECURITY AND DEFENCE CAPABILITIES, JUNE 25-29, 2001—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table the seventh report on the meeting of the subcommittee on the future of security and defence capabilities of the NATO parliamentary assembly, held in Germany, from June 25 to June 29, 2001. The Canadian delegation was represented by David Price, MP.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

OPERATION APOLLO—ORDER IN COUNCIL PLACING TROOPS ON ACTIVE SERVICE

Hon. Michael A. Meighen: Honourable senators, my question is for the Leader of the Government in the Senate. As the minister will know, the HMCS *Halifax* has passed through the Suez Canal and is now in the Red Sea. Honourable senators will remember that the USS *Cole* was attacked by al-Qaeda in Yemen, which is adjacent to the Red Sea.

When will the government issue an Order in Council placing Canadian Forces personnel on active service for Operation Apollo? What will the area of duty or service be? What benefits can our service personnel and families expect?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I am not sure that an Order in Council is required; but I will get back to the honourable senator with that information.

Senator Meighen: Honourable senators, I thank the minister for undertaking to do that. My information, however, is that an Order in Council is required. I would be grateful if she could determine that because it has an impact on our serving personnel's pensions, life insurance and, of course, the preference that is accorded to them in public service competitions for jobs.

Senator Carstairs: Honourable senators, I undertook to take the honourable senator's first question as notice. I will do that in the fulsome of the question asked by Senator Meighen.

FINANCE

EFFECT OF RECENT EXPENDITURES ON BUDGET SURPLUS

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It is regarding the surplus, which we know was shrinking dramatically even before September 11. Even the Minister of Finance concedes that the books could soon be in the red again.

We are told that neither tax cuts nor increased health spending announced last fall are in jeopardy, but that other spending will have to be cut to pay for new spending priorities. So far, beyond the \$280 million announced late last week for increased security, we have seen the outflow of \$160 million to compensate airlines for the business they lost last month, and a multi-million dollar Air Canada bailout is looming on the horizon. Canada has given Pakistan \$447 million in debt relief, at an annual cost of \$16

million. We have donated \$6 million to help the Afghan refugees. Our military contribution comes not with just a potential human cost but with a question mark beside the price tag.

Has the government begun to identify exactly what programs it is likely to scale back or which election promises it will have to break if it is to keep its books balanced?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. He has put a number of figures before us this afternoon. One happens to be erroneous. I will give him the latest update on the contributions to the Afghan refugee problem. It is now not \$6 million but \$16 million because the government announced last week an additional \$10 million in aid.

There have been a number of announcements with respect to defence and security, all of which will be presented in the economic update, or the budget, which the Finance Minister will table soon.

Senator Stratton: Honourable senators, I am concerned ultimately about the fiscal position of the government as a result of such expenditures. I feel that all Canadians are becoming increasingly concerned.

The Department of Indian Affairs and Northern Development is still pumping out grants, such as the \$2 million given on September 28 to construct a native-run golf and country club. The Canadian International Development Agency has announced a new project that involves \$16 million to fight desertification in the Nile Basin. ACOA, Industry Canada, Public Works, the Economic Development Opportunity Fund and HRDC are carrying on with new commitments, announcing \$50,000 one day and \$200,000 the next. My concern is that there appears to be no slowdown in spending. Have any instructions gone out from the government to the various departments to stop spending money?

Senator Carstairs: Honourable senators, the monies that are being spent by the various departments of government were all included either in the last budget or in the economic update. They were accounted for. In the last fiscal year we know the government paid \$17.1 billion on the debt. A budget surplus was forecast for this fiscal year. I think the government has planned its fiscal future extremely well and has taken into consideration issues and provided for contingency funds for extra expenses, such as September 11 has brought upon us.

Senator Stratton: Honourable senators, can I assume from the minister's statement that all is well in the financial world of the government and that there will not be a deficit announced in the next budget? A number of people are saying that we are now in recession. Indeed, can I assume that the Minister of Finance is taking all this into consideration and, despite the economic downturn, we will be fine?

Senator Carstairs: The honourable senator can assume that when the economic statement and/or budget is provided to him, all will become clear.

[Translation]

CITIZENSHIP AND IMMIGRATION

IMMIGRATION AND REFUGEE PROTECTION BILL— POSSIBILITY OF REFERENCE TO SUPREME COURT TO DETERMINE CONFORMITY WITH CHARTER OF RIGHTS AND FREEDOMS

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate and concerns Bill C-11. Several witnesses, and particularly the Canadian Bar Association and lawyers specializing in immigration law, have questioned the constitutionality of Bill C-11 and its lack of respect for the Canadian Charter of Rights and Freedoms.

Is the government prepared to refer the matter to the Supreme Court to ensure that Bill C-11 is valid and respects the Charter?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is not the intention of the government to submit a bill that has not yet passed this house or received Royal Assent. The Standing Senate Committee on Social Affairs, Science and Technology reviewed this bill very carefully. The committee heard from additional legal witnesses at the request of the opposition. The committee has reported to this chamber, indicating its wish to proceed with this bill without amendment.

[Translation]

Senator Nolin: Again with respect to Bill C-11, a number of witnesses mentioned the administrative problems of the old Immigration Appeal Board and new Immigration and Refugee Board. It would have been only natural if, as part of Bill C-11, the government had expressed its intention to reform this board, whose mandate has been broadened. The board is experiencing serious administrative problems, both because of the cases it must rule on and because of the legal questions addressed to it. Why was consideration not given to reforming the board when Bill C-11 was being drafted?

[English]

Senator Carstairs: Honourable senators, the bill deals specifically with immigration and refugee questions.

With respect to the commission, there have been additional dollars in the hope that the backlog can be cleared.

• (1440)

With respect to the overall immigration policy, Senator Roche asked me yesterday if I would be in favour of a full study on immigration policy. I indicated that if that was the will of the Senate, I would have no objections.

TREASURY BOARD

PUBLIC SERVICE COMMISSION—ANNUAL REPORT 2000-01— POSSIBILITY OF BECOMING A DEPARTMENT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. I wish to follow up on my question of October 17, when I questioned the minister concerning the 2000-01 annual report of the Public Service Commission.

At page 58 of the report, honourable senators will recall that I read a surprising statement to the effect that the Public Service Commission spent time on the organizational renewal of the Public Service of Canada as a department. The Leader of the Government in the Senate told me that a task force was mandated to look at all statutes that govern human resources management.

I am quite aware that the task force chaired by Mr. Ranald A. Quail is looking at options to restructure the Public Service of Canada. I was disturbed to hear that the task force is examining all options. I quote the minister from Hansard of October 17:

...one of the options that it is apparently prepared to review is having the Public Service Commission become a separate ministry.

Honourable senators, this matter is not of minor consequence. The answer is very important to thousands of public service people in Canada. I am not talking about Mr. Quail and his task force. The merit principle equated the elimination of patronage with efficiency in government. In other words, no more patronage inside or outside the Public Service of Canada would influence appointments. That is the purpose of the Public Service Commission. I am convinced that the Public Service Commission made a mistake in that statement from its annual report. I would ask the minister to confirm with her cabinet colleagues that there is no discussion at this time either in government or in the task force to put in place a department or a ministry of the Public Service of Canada.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure the honourable senator that no minister has indicated to me a desire to see that happen. However, the task force was created to examine the legislative and structural changes necessary to ensure that Canada's public service maintains its reputation as one of the best in the world. They are not hamstringing the task force in any way, shape or form.

CUSTOMS AND REVENUE AGENCY

EQUIPPING AND TRAINING STAFF TO DEAL WITH HAZARDOUS MATERIALS

Hon. Consiglio Di Nino: Honourable senators, during committee deliberations on Bill C-11 on Monday, the Customs Excise Union expressed frustration with the current lack of proper computer equipment, lack of training, chronic understaffing and other problems, which were also clearly identified in the Auditor General's report of April 2000.

In light of the death of two postal workers in the U.S. due to anthrax, I asked the Customs Excise Union what training they received or are receiving vis-à-vis the handling of anthrax or other dangerous substances. I should like to quote their reply. The representative said:

...I believe there was a document issued last week. It was discussed over the weekend by our health and safety committee....Basically, there is some training at our college in Rigaud. It is very limited and was not specific to anthrax or to the current set of circumstances.

How can the government allow the front-line workers of our security system, those charged with protecting all Canadians, to continue to operate without proper training and/or resources during a time of serious bioterrorism threats?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the senator was also undoubtedly told in committee, additional monies have been given to customs and to immigration. Part of that amount includes money for additional training. The memo that went out last week that is now being reviewed by the union's health and safety group, which is always the custom when we deal with public servants, has that in hand. This is another example of trying to keep on top of a fast-moving file as quickly as we possibly can.

Senator Di Nino: Honourable senators, it has been six weeks since September 11. The witness appeared before us on Monday, five weeks after this horrible incident. Considering the severity of this issue for people most at risk on the front line, I do not think that is a good enough answer.

Would the minister undertake to ensure that adequate resources and training are made available to all workers, particularly those on the front line who are most at risk, to safeguard their health and maybe their lives?

Senator Carstairs: Honourable senators, I thank the honourable senator for his question, but it has not been six weeks since the spectre of bioterrorism became an issue. The government has responded by obtaining medication, which the other side did not quite approve. However, I can assure the honourable senator that I will take his concerns to my cabinet colleagues.

Senator Di Nino: Would the leader report to us the results of her consultation with her colleagues?

Senator Carstairs: As the honourable senator knows, I can make references to my colleagues, and they make announcements in due course.

[Translation]

BIOTERRORISM

RESPONSE OF GOVERNMENT TO REPORTS OF SPECIAL SENATE COMMITTEE ON SECURITY AND INTELLIGENCE

Hon. Pierre Claude Nolin: Honourable senators, the Senate struck a special committee to examine the issues of terrorism and

security in Canada. In fact, it was the third in a series. Its report was approved unanimously by our institution less than two years ago. This report specifically mentioned bioterrorism. Why was it necessary to wait a few weeks? I understand from your answer to Senator Di Nino that anthrax is quite a new reality. We need to get moving and spend more money. Why was nothing done when the special Senate committee tabled its report in 1999?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the monies to the various departments were announced prior to the anthrax incidents in the United States; but, having said that, the special committee that was chaired by Senator Kelly did excellent work in terms of alerting the government to the pressures and the needs, some of which have been addressed. I think that the special committee now studying the anti-terrorism bill should ask the witnesses before them what further steps the various ministries have in place.

• (1450)

FOREIGN AFFAIRS

AFGHANISTAN—REQUEST TO HALT BOMBING TO PROVIDE AID TO REFUGEES

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, speaking here in the Senate, the Leader of the Government said this in the debate on the consequences of September 11: "We are not targeting the innocent." In light of the question to come, I want the leader to know that I accept that statement completely.

However, the unintended consequences of the bombing in Afghanistan, now in its seventeenth day, are growing out of control. The United Nations said today that 70 per cent of the population of the three large cities in that country have fled the bombing. The United Nations Children's Fund, UNICEF, has warned that the crisis is affecting the lives of millions of women and children and that 1.5 million children may not make it through the winter. Other aid officials estimate that up to 7.5 million Afghans are now threatened with starvation.

In light of the magnitude of this human crisis that is exacerbated by continued bombing, I ask the Government of Canada to now take the lead in calling a halt to the bombing so that those who are suffering so much can have aid delivered to them.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As usual, it is a very thoughtful one.

It is true we are not targeting the innocent, but I would be the last one to stand here and say that the innocent will not suffer. The innocent have been suffering for decades in the country of Afghanistan. Their poverty and their inability to provide themselves with the basic necessities of life are not, quite frankly, merely as a result of the activities taking place over and sometimes in their country at the present time.

Canada has tried to take leadership on this issue. That is why we announced \$1 million long before the UN asked. We then increased it by an additional \$5 million. We increased it by a further \$10 million last week.

Canada is on the forefront in this matter. As to your specific question on whether we will take the leadership in halting the bombing, the coalition will make a decision when it is the right time to end the present hostilities. I suggest it will be after the terrorists have been caught.

Senator Roche: Honourable senators, I thank the minister and I concur with her that this is a very sensitive and delicate subject. I compliment the Government of Canada for its aid to Afghanistan, but that is really not the issue here. Sufficient aid cannot reach the people because of the continuation of the bombing and the consequent migrations.

Has the government taken note of the efforts of U.S. Secretary of State Colin Powell to get this military campaign wrapped up immediately? Has the government not thought that Colin Powell is asking for help in warding off the more recalcitrant elements in his own administration who see bombing as the only solution to get terrorists? The Government of Canada, because of its credentials, may well be able to support Secretary of State Powell and may well be able to support the United Nations and Kofi Annan in their efforts. Perhaps this is a time for Canada to stand up for its values for human life that go beyond just giving aid.

Senator Carstairs: Honourable senators, I think Colin Powell is doing a very important job but I would suggest that he is representing the administration of the United States. He is one member of that administration and he is clearly a very influential member of that administration as Secretary of State and one who, as a former military chief of staff, knows full well both sides of war, both the hitting of specific targets and also the suffering of innocent victims.

I think it is fair to say that the Honourable John Manley, Minister of Foreign Affairs, our equivalent Secretary of State, has worked closely with Colin Powell and the two are very much singing from the same hymn book.

HEALTH

PURCHASE OF ANTI-ANTHRAX DRUG—ACQUISITION PROCESS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. I know some of my friends opposite have been seeking the rising stars to whom they might attach their wagons, but some of those stars have recently fallen like a rock.

Can the minister tell us how much the Minister of Health is paying per pill in Canada for the antibiotic Cipro, and how much the American government is paying for their supply of Cipro?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge and certainly

[Senator Carstairs]

to the best of my support, we have a Prime Minister and there is no leadership race in the Liberal Party of Canada.

In terms of price, we are paying Apotex \$1.50 per pill and we are paying the Bayer group, when and if we purchase medications, \$2 per pill. I have no idea, nor do I think I could obtain information, on what the American government is paying.

APPROVAL OF CIPRO AS ANTI-ANTHRAX MEDICATION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, yesterday my colleague Senator Kinsella called Cipro an anti-anthrax pill. I hesitate to correct him but I understand Health Canada has not approved any medication as an anti-anthrax medication. Is that correct or incorrect?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it has generally been found, according to my information, that a great many antibiotics will treat anthrax, particularly anthrax which is found on the skin, and that Cipro is just one in that family of antibiotics. Skin-related anthrax is a much less serious disease than anthrax that is inhaled. Certainly investigations have indicated that while ampicillin and erythromycin will work well on those weaker forms of anthrax, Cipro seems to be the physicians' drug of choice with respect to inhaled anthrax.

Senator Lynch-Staunton: Honourable senators, my question is not whether Cipro is effective or not; my question is whether or not Health Canada has, after testing, officially approved Cipro to be prescribed and advertized as an anti-anthrax drug?

Senator Carstairs: Honourable senators, Cipro, like many other antibiotics, is not prescribed for a specific disease. It is within that group listed as antibiotics.

Senator Lynch-Staunton: Honourable senators, my question again: Has Health Canada approved Cipro, or any other drug for that matter, as an anti-anthrax medication, yes or no?

Senator Carstairs: Honourable senators, I am not sure that Health Canada ever does approve a particular drug for a specific treatment, other than to indicate the general area of help that it might provide. I will ask the Department of Health specifically what they have done with respect to anthrax.

• (1500)

NATIONAL DEFENCE

OPERATION APOLLO—PROVISION OF MEDICATION TO TROOPS ON ASSIGNMENT

Hon. J. Michael Forrestall: Honourable senators, could the minister indicate to us whether or not any treatment was placed aboard the five Canadian vessels now proceeding to the Middle East? Will there be treatments placed aboard the sixth vessel and, if so, has the treatment to go on board those vessels been approved by health authorities in this country?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure you that our troops who left previously from Halifax and most recently from Victoria left fully quipped, and I would assume that that includes an up-to-date medicine chest.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

The Honourable Fernand Robichaud (Deputy Leader of the government): Honourable senators, it is my pleasure to table a delayed answer to the question raised by Senator Tkachuk on September 26, 2001, on the subject of foreign affairs, changes to regulations on relations with Afghanistan.

FOREIGN AFFAIRS

CHANGES TO REGULATIONS ON RELATIONS WITH AFGHANISTAN

(Response to oral question raised in the Senate on September 26, 2001 by the Honourable David Tkachuk.)

The *Regulations Amending the United Nations Afghanistan Regulations* (the “*Afghanistan Amendments*”) were published in the *Canada Gazette* on March 14, 2001, which is the standard way for communicating to the Canadian public the existence of new regulations. Financial institutions as a matter of practice keep abreast of changing legal developments.

The Department of Foreign Affairs and International Trade (“DFAIT”) also maintains a website (at <http://www.dfait-maeci.gc.ca/trade/sanctions-e.asp>) which sets out all of Canada’s economic sanctions, including links to the specific text of those regulations. The *Afghanistan Amendments* were posted on that website. Financial institutions regularly consult with DFAIT regarding sanctions regulations which have financial impacts. Those sanctions include the original *United Nations Afghanistan Regulations*, the *Afghanistan Amendments*, the *United Nations Angola Regulations*, the *United Nations Iraq Regulations*, and the *United Nations International Criminal Tribunal for Yugoslavia Regulations*.

Other governmental departments have also played a role in the dissemination of this information. For example, the Department of Industry maintains a website which lists various regulations affecting Canadian businesses, which also includes a reference to the sanctions against Afghanistan. The Privy Council Office lists all Orders in Council on its website, and links to an electronic version of the *Canada Gazette*. As with most criminal offences, any violation of the *Afghanistan Amendments*, would be investigated by the Royal Canadian Mounted Police if information came to its attention suggesting that there was a violation.

The *Afghanistan Amendments* did not require financial institutions to confirm that they were complying with the

regulations. This was in keeping with the then practice for sanctions which limited itself to the freezing of funds (other examples are set forth above). Recently, on September 28, 2001, the United Nations Security Council passed Resolution 1373 (2001) which provided a broad mandate for the fight against terrorism. In response to that broader mandate the *United Nations Suppression of Terrorism Regulations* were made which provide that all Canadians must report information on any frozen assets in their possession.

[English]

ORDERS OF THE DAY

IMMIGRATION AND REFUGEE PROTECTION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Jane Cordy moved the third reading of Bill C-11, respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

She said: Honourable senators, it is a great pleasure to be opening the debate on third reading of Bill C-11, the Immigration and Refugee Protection Bill. It has been a long and at times bumpy road to get to this place, but it was a road worth travelling.

Honourable senators, I thank all my colleagues who participated in the committee process and took the time to listen to over 50 witnesses and the constitutional panel that gave its opinions on Bill C-11. It was a long process, but it insured that this very important piece of legislation received a thorough examination.

When Bill C-11 was introduced, the minister stressed the need for balance. The government wants to strengthen our immigration and refugee protection programs while at the same time continuing Canada’s commitment to protect refugees, strengthening family reunification and supporting immigration of the skilled workers Canada needs to grow and prosper in the future. As well, Bill C-11 will assist our national authorities to stop those who would abuse Canada’s generosity. People who wish to come to Canada with criminal intent will have to go elsewhere.

Honourable senators, Bill C-11 respects our obligations to extend protection to those in genuine need, both in Canada and abroad. These obligations are found in the 1951 Geneva Convention, but most importantly, in our own Charter, a document that is the very embodiment of the humanitarian values Canadians hold dear. The bill also provides the government with the necessary tools to make refugee determinations quickly. This streamlined process consolidates decision-making at the Immigration and Refugee Board, which has become a model to countries around the world.

It is with Canadian traditions and values and new global challenges and threats in mind that the government has sought to introduce a balanced package of immigration reforms, a package which maximizes opportunities for social integration and economic growth on the one hand while ensuring public confidence in the system on the other.

Honourable senators, Bill C-11 is the result of extensive consultations with Canadians, stakeholders and representatives over the last five years, including, I might add, significant amendments made by the House of Commons Standing Committee on Citizenship and Immigration last spring.

Like the current Immigration Act, Bill C-11 is framework legislation. It contains the provisions affecting fundamental rights and the important core principles that govern Canada's immigration and refugee protection programs. While we recognize that specifying procedures and practices in regulation will allow the government to quickly and proactively respond to changes in a fast-paced and increasingly complex world, we have also heard concerns about the framework structures of the bill. It is pleasing to see, therefore, that the legislation was amended to require the minister to table these regulations before each House of Parliament. Each House will be able to refer them to the appropriate committees for consideration.

The events of September 11 have had a profound impact on all of us — in the United States, around the world, and in Canada. It is clear that we need to take the necessary steps to protect public security. The government recognizes that while the immigration department has a role to play in this regard, terrorism is an international problem requiring coordinated work among departments and among nations. As the minister has said, the most effective strategy against terrorism is to stop terrorists before they reach our borders, but if they should reach our borders, Bill C-11 gives the government the right variety of tools to deal quickly and firmly with them. International and unpredictable threats to public health and safety are and will continue to be taken seriously. Bill C-11 gives us the modern system we need to deal with changing circumstances and with the global movement of people.

Concerns have been raised about the way in which Bill C-36, the government's new anti-terrorism legislation, will impact on Bill C-11. In particular, we have heard questions pertaining to the proposed definition of "terrorism." My colleagues on the Standing Committee on Social Affairs, Science and Technology commented in our observations that working definitions do exist and that the United Nations Convention on the Suppression of Financing of Terrorism may be a good place to start. Bill C-11 provides authority to include such definitions by regulation. In our observations, the committee urged that a definition of terrorism should be considered in the regulations to accompany Bill C-11.

Also raised at our committee was the question of clause 64, the provision that removes the right to appeal for serious criminals

[Senator Cordy]

and those who pose a threat to Canada. The government's position is that it will not go beyond our Charter obligations in providing due process to those convicted in Canada of serious crimes. Bill C-11 streamlines the process for removing serious criminals who are not Canadian citizens from Canada as quickly as possible, while maintaining the discretion for immigration officers to take individual circumstances into account.

One of the main issues the Senate committee heard about in its review of this bill was the issue of resources. The minister has recently made some important announcements in that regard.

• (1510)

To help strengthen resources at Canada's borders, the government has just announced that it will invest approximately \$49 million to strengthen Citizenship and Immigration's enforcement initiatives. This new money will go toward fast-tracking the new permanent resident card for new immigrants by June 2002, the implementation of front-end security screening of refugee claimants, increased capacity for detention and deportation activities and the hiring of up to 100 new staff to enforce security at our ports of entry.

Some witnesses and senators have said that Bill C-11 offers us no new tools for enforcement activities. This is not correct. Bill C-11 provides important new legislative tools that will further strengthen our ability to ensure public safety and to prevent abuse of our immigration and refugee protection programs. These include: the ability to pull someone out of the refugee determination process if security concerns arise later on in the process; stronger authority to arrest and to detain criminals, people who pose security concerns and those whose identity is in doubt; and broader grounds for denying entry to Canada for reasons of fraud, misrepresentation or involvement with organized crime.

I think the minister is quite right when she says that this bill is measured and balanced and takes into account that Canada has objectives that exist alongside the need to combat international terrorism. There is a global competition to attract persons with skills and talent. Bill C-11 and its accompanying regulations will provide the government with the tools to position Canada to take advantage of this global movement of people.

Proposed regulations for the selection of skilled workers as permanent residents will allow Canada to choose those who have flexible and transferable skills rather than focusing on those in a particular occupation. Bill C-11 continues to emphasize family reunification as a cornerstone of Canada's immigration policy.

While Bill C-11 deals firmly with those who pose a threat to national security, it also reaffirms Canada's tradition of openness to receive legitimate immigrants and refugees who have so much to offer to our country. Now, more than ever, Canadians need the reassurances, efficiencies and protection afforded in this new legislation.

Honourable senators, Canada is a nation built on immigration. Our country has a long history of opening its arms to immigrants and refugees who come to Canada looking to make a new life for themselves and their families. It is our openness that makes Canada the great multicultural society that it is today.

Hon. Consiglio Di Nino: Honourable senators, I wonder if Senator Cordy would take some questions?

If I may, I should like first to congratulate the leadership on the government side for resisting the pressure from the minister to rush this bill through. We were allotted three days to look at the bill and have some consultation, although I think we could have used more time. I want to thank them for that courtesy and recognize the fact that it is a small victory for the Senate.

Senator Cordy made some interesting comments, particularly about the number of witnesses the committee heard. However, she did not say that everyone who appeared before us, with the exception of the officials, condemned this bill or disagreed with this bill in one form or another. I should like to deal with some of the questions and issues that she raised in her comments.

First is the issue of regulations. The minister, through the sponsor of the bill, Senator Cordy, wants us to take the content of the bill on its face value. However, most of the real meat will be through regulation. My concern, and the question I have for my colleague Senator Cordy, is how do we know what will be in this bill until such time as we see the regulations?

Senator Cordy: Honourable senators, the regulations are being developed as we speak, but it would be unusual for regulations to appear before us prior to the bill being passed by the Senate.

Senator Di Nino: The Canadian Bar Association and many others have said that this goes way beyond the normal practice of regulation, that this is extensive rather than normal.

Honourable senators, Senator Cordy also commented that the regulations would be laid before both Houses for referral to the appropriate committees. Again, Senator Cordy omitted two things. First, we will have no input and will just have to accept what the regulations say. Second, one of the provisions of the bill states that if regulations are amended or changed at a later time, there is no obligation on the part of the government to present these regulations to us for review and, I would hope, for approval. Do I understand this correctly? Does the honourable senator agree?

Senator Cordy: Honourable senators, framework legislation is not a new phenomenon with this bill. In fact, the current bill is framework legislation. Fortunately, there was amendment in the House of Commons that the regulations would be brought before both Houses. The minister has agreed to meet again with the committee to provide an update on the implementation of Bill C-11. In addition, we will talk about the implementation of the regulations.

Senator Di Nino: Honourable senators, would my colleague not agree that it would be fairer, if there were changes to the regulations, to have an opportunity to view them before they are implemented? We should be asking the minister to do that rather than come here and tell us to live with the regulations.

Senator Cordy: Honourable senators, because of the amendment in the House of Commons, the regulations will go before our committee for review. If we have recommendations to make to the minister, we can do so.

Senator Di Nino: Honourable senators, I have more questions, but I know my colleagues wish to speak. I should like to return to the debate at an appropriate time.

Hon. Pierre Claude Nolin: Honourable senators, my question will focus on the commission, clause 151. I have not gone through the entire report because it is quite lengthy. I understand there are many concerns highlighted in that report.

Has the honourable senator examined how the commissioners are appointed and the control of the quality of the commissioners who will be appointed to take care of the workload of the commission?

Senator Cordy: The committee has talked about the importance of all staff within immigration being competent and well trained. That question came up earlier today during Question Period.

Senator Nolin: I understand that it came up during Question Period, but I want the precise answer from Senator Cordy. The minister was not privy to the discussion in front of the committee.

First, the mandate of the commission will be augmented; do we agree to that? Yes. Therefore, we will need new commissioners. Has the honourable senator questioned the witnesses on the type of commissioners needed to ensure that the commission will operate properly and not with a backlog of 34,000 cases?

• (1520)

Senator Cordy: Honourable senators, I cannot give specific references that witnesses made before our committee, but we did talk about resources. The minister has told us that a fairly substantial amount of additional funding will be provided to the department to hire people, which was mentioned earlier. It is a concern of all honourable senators that the people be well trained.

Senator Nolin: Let us assume that they are well trained. Perhaps the honourable senator has asked that question of the officials or of the various witnesses that the committee has heard. Is she able to confirm that the commission will perform a quasi-judicial function?

Senator Cordy: I am not sure of the answer to that question.

Senator Nolin: The answer is "yes."

Now that we are agreed on the answer, is the honourable senator satisfied that because the commission is to perform a quasi-judicial role, the people who have rights arbitrated by that commission also have rights under the Charter? We all agree to that, I am sure, and I am certain Senator Cordy was informed of that during the course of the committee's examination. Was the committee concerned about the level of independence of the commission?

Senator Cordy: There was some discussion that the commissioners be at arm's length from the minister. I cannot recall exact conversations that took place, but I will review the proceedings and obtain that information for Senator Nolin. I cannot recall specific submissions that witnesses provided to us.

Senator Nolin: Honourable senators, I wish to ensure that the courts and the judiciary are totally independent of the executive because this is not a tribunal protected by a variety of processes and procedures. We have entered a grey area and that is why I ask these questions. It is actually a quasi-tribunal. The commissioners will make decisions, issue rights, confirm rights and decline rights to people who have rights.

These commissioners do not constitute a tribunal. Will they be independent when they perform their tribunal or quasi-judicial function?

It is not up to me to check the record. We must be informed and convinced that, yes, they will be in total freedom to make their decisions independently under the authority given to them in Bill C-11.

Senator Cordy: Honourable senators, it is my understanding that these commissioners will be at arm's length of the minister.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I listened to Senator Cordy's fine presentation in which she made reference to Bill C-36. It is around that bill that I would ask for clarification.

Could Senator Cordy review that part of her presentation? What is the relationship of Bill C-36 to Bill C-11? For example, this morning, in the special committee on anti-terrorism, we heard testimony from one witness who recommended that the definition of "terrorist activities," which is the only definition provided in Bill C-36, should be included in Bill C-11. If I listened accurately to the senator's presentation, she spoke of the definition of "terrorism." Could she clarify that for us?

Senator Cordy: Honourable senators, we had a fairly lengthy discussion at the committee level in terms of determining a definition for "terrorism."

My understanding is that Bill C-36 has a definition of "terrorist act," and this definition would be provided for in the regulations. It was the opinion of the committee that a definition be placed in the regulations. In fact, in the observations attached to the report from our committee, the committee believes that a definition should be placed in the regulations.

Hon. Douglas Roche: Honourable senators, although I do not like the way the government has pushed Bill C-11 through the Senate, I wish to compliment Senator Cordy for the manner in

[Senator Nolin]

which she exercised her responsibilities in shepherding the bill through the process.

That brings me to the observations that Senator Cordy just mentioned are attached to the report on Bill C-11 that has come back to the Senate for third reading. What is the responsibility of Senator Cordy with respect to carrying forward the observations?

Perhaps the Leader of the Government in the Senate could be of help in this domain. Is it the responsibility of the senator who carries the bill through? Do those responsibilities terminate when the bill is given third reading? If so, who then takes the responsibility for ensuring that the observations, which are some 13 pages in length and contain many detailed points that the committee wanted to impress upon the government, will be afforded serious treatment by the government such that those carefully crafted observations, in lieu of amendments, will not drift off into the mist, never to be heard of again?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with your permission, I shall respond to the honourable senator's question.

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

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I have the responsibility to take the report forward, as I have taken forward other committee reports of this chamber.

The Hon. the Speaker: Honourable senators, in an effort to comply with the rules, the Honourable Senator Roche has the floor.

Senator Roche: Honourable senators, I thank the Leader of the Government in the Senate for clarifying that matter. I understand that the questions we have concerning the observations will be directed to her in due course.

Does Senator Cordy recall the testimony given by the Minister of Citizenship and Immigration for the Government of Ontario that extensive consultation was not done and that the Government of Ontario was not consulted? That point was made in the context of Ontario being the largest recipient by far, with some 60 per cent of all immigrants to Canada coming to Ontario. If the immigration and refugee process is to be successful, Ontario is the place where it must work. If the government did not consult with Ontario on the way into this bill, in what manner can we be assured that the implementation of this bill will carry with it a consultation process with Ontario?

Senator Cordy: Honourable senators, when the minister spoke before us, she spoke to the fact that there were five years of consultation. We can only believe that the witness who appeared before us unfortunately was not one of the people consulted. Having said that, five years of consultation took place.

• (1530)

Lawyers, I believe from Ontario, appeared before us and told us that they had been consulted. It was unfortunate that this gentleman was not part of the process. Having said that, there were five years of consultations before this bill came to be.

Hon. Marjory LeBreton: Honourable senators, with respect to the consultation process, it is a sad state when one of the persons not consulted was the Minister of Immigration for the Province of Ontario.

Another person who was not consulted, but freely offered his advice, as shown by the testimony before the committee, was the former Deputy Minister of Citizenship and Immigration, who tried to offer his advice not only to the present minister, but the previous minister and the Prime Minister, and did not receive a reply from anyone.

Honourable senators, I have a question for Senator Cordy. I was listening to her remarks, and, of course, I will acknowledge that both of us sat through many long hours of compelling testimony. In her remarks today, she characterized Bill C-11 as a bill that would — and I did not copy her words exactly — stop those who abuse our generosity. I think those were her words. Then the honourable senator went on to say that within recent days the minister had earmarked \$49 million for enforcement initiatives. As I was listening to her, I was wondering — and perhaps it is something she as the sponsor of this bill should ask the minister — whether this effort to stop those who abuse our generosity also applies to the some 4,000 individuals who were granted ministerial permits by this minister, overriding the decisions of the officials of the Immigration Department?

Senator Cordy: Honourable senators, I agree that this bill strikes a good balance. In the terms the minister used, we open the front while we close the back door. It is important for honourable senators to realize that most of the people who come into this country, whether as refugee claimants or as immigrants, come for the right reasons. They want nothing more than to be part of this great country. Unfortunately, there are the few people who make the headlines of newspapers because they are abusing the system. They do a disservice to all of the good people who have come here in the same way our ancestors came here.

Senator LeBreton: Honourable senators, my question was this, if I can be very clear: Does this bill put any restrictions on a minister from granting 4,000 ministerial permits? The minister can decide to override the decision of the department, and it is the minister and the minister alone who can decide whether these people are worthy of having citizenship in our country.

Senator Cordy: Honourable senators, the minister should be able to have discretionary power. In this case, the minister has allowed some people to stay in our country.

Senator LeBreton: Honourable senators, we had one witness testify that some ministers in the past exercised this authority judiciously, but there have been a great many more permits under some ministers. Whether we get into a numbers game or not, I am just wondering if the honourable senator could get an answer from the minister since she is the sponsor from the government side, as to whether there is some control over ministerial permits that override decisions already made by officials.

Senator Cordy: I will endeavour to get that information.

Senator Nolin: Honourable senators, my question arises from an answer the honourable senator gave to Senator Kinsella.

If we look at the report at page 871 of yesterday's Journals, the second-last paragraph concerns the definition of terrorism, and it refers to Bill C-36. To make sure that everyone understands my question, it reads, "The Committee recognizes the importance of defining the term terrorism." We all agree with that and support the idea of including such a definition in legislation or in regulation.

Why has the government decided on regulation instead of legislation? The rest of the paragraph mentions the importance of having the same definition in all legislation. Why have you not decided to amend Bill C-11 to use the same wording used in proposed Bill C-36, which uses the words "terrorism activity" instead of pure, simple "terrorism"? Why have you decided on regulation, and, second, why have you not decided to amend Bill C-11 to at least do what you are recommending, to have the same definition in all legislation?

Senator Cordy: We had a discussion at the committee level about whether we would have a definition of the term "terrorism." We are saying we would like to have the definition of terrorism in the regulations. If, in fact, Bill C-36 comes up with a definition of terrorism, possibly that is the definition that would be used. We cannot pass Bill C-11 and say perhaps it will be a definition based on another bill that is still before the House of Commons. It is our intent, by red flagging this point, that the department and minister look at putting a definition in the regulations.

Senator Di Nino: Just for clarification, and you can read it as well as I, honourable senators, that observation does not say that we have agreed as a committee to put the definition of "terrorism" in the regulation. We are saying it should be in legislation, but failing that, it may have to be considered being in regulation, just for clarification.

I have one question with respect to one of the greatest concerns we had on both sides of the committee. The minister was quite forceful in her demands that this bill be passed immediately because it was necessary to do all the things she pronounced publicly. It was a big surprise, during the first day of hearings, when we found out that this bill will not see the light of day until probably next summer, principally because the regulations have not yet been written. As we speak, they have not been written. Can Senator Cordy give us a date as to when to expect those regulations to be laid before the Senate?

Senator Cordy: Honourable senators, the minister has clearly stated on a number of occasions that the development of the regulations is being done as we speak. As I said earlier, it would be highly unusual to have the regulations appear before us before the bill is passed. No one would be happy to see that.

The department has already begun drafting the regulations, and they will be ready as soon as possible after Bill C-11 passes. Again, I want to congratulate the minister on her proposal to bring the regulations before the Senate and the House of Commons committees, and I am sure they will go through a thorough public debate there.

• (1540)

As I said earlier, the minister has agreed to appear before the committee to update us on the regulations.

Senator Di Nino: I thank the honourable senator for carrying out a tough task and for her honesty in answering.

On motion of Senator Di Nino, debate adjourned.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn and that all items on the Order Paper that have not been reached stand in their place.

The Senate adjourned until Thursday, October 25, 2001, at 1:30 p.m.

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