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**OFFICIAL REPORT  
(HANSARD)**

**Wednesday, October 31, 2001**

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**THE HONOURABLE DAN HAYS  
SPEAKER**

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## THE SENATE

Wednesday, October 31, 2001

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

Prayers.

### SENATORS' STATEMENTS

#### UNITED NATIONS

WOMEN, PEACE AND SECURITY, RESOLUTION NO. 1325

**Hon. Lois M. Wilson:** Honourable senators, Canada was on the UN Security Council when it unanimously adopted Resolution 1325 on Women, Peace and Security just one year ago today, October 31, 2000. The resolution is the first of its kind to deal exclusively with issues of women, peace and security, as a result of intensive years of work by governments, NGOs and UN agencies. It sets out a comprehensive agenda that includes the need for full and equal participation of women in peace processes and peace building, and gender-sensitive training for personnel involved in Peace Corps operations. The UN has asked Canada to play a coordinating role in bringing the UN, its member states and the NGOs together to help implement the resolution. Next spring, two significant reports on the impact of armed conflict on women, one by the Secretary-General of the UN and the other by UNIFEM, will be released just prior to the G8 foreign ministers' meeting.

While it is true that women are often primarily the victims of today's conflicts, we want to ensure that Canada's focus is not restricted to the problem of the victimization of women but encompasses also the positive contributions that women can make. Canada has, therefore, struck a committee on Resolution 1325 made up jointly of parliamentarians, government officials from six departments and agencies, NGOs and academics. It has identified the following priority issues.

The first is appropriate training in gender sensitivity of civilians and military in peacekeeping missions, based on the existing Gender Training Initiative currently used by the Department of Foreign Affairs.

The second is advocacy, which would advocate the possibility of the UN appointing a special assistant for the purpose of monitoring and implementing its own resolution.

The third is capacity building, which will develop a roster of Canadian women who could be appointed to key posts on negotiating teams internationally, since currently so few women enjoy these appointments. We will also press for appointments of women from countries with which Canada has partnerships.

The fourth is legal affairs and peace negotiations, which would ensure that a gender perspective is part of international human rights law.

Senators and MPs will be involved in this important process. If any senator wishes to become more involved, please speak to me afterwards. We will keep the Senate updated as this important work progresses.

#### THE HONOURABLE PEGGY BUTTS

CONGRATULATIONS ON RECEIVING HONORARY DEGREE FROM  
MOUNT SAINT VINCENT UNIVERSITY

**Hon. Gerard A. Phalen:** Honourable senators, I am pleased during my first intervention in this chamber to pay tribute to a fellow Cape Bretoner, the Honourable Sister Peggy Butts.

In recognition of her commitment to social justice, to women's and children's issues, to public policy and for years of work with the poor, Mount Saint Vincent University of Halifax, Nova Scotia, recently conferred on Sister Peggy Butts the honorary degree of Doctor of Humane Letters.

I have known for many years that Sister Peggy was a remarkable woman, with an amazing number of accomplishments. Sister Peggy Butts earned a Ph.D. from the University of Toronto. She taught political theory and Canadian government for 18 years at the University College of Cape Breton. She was a founding member of the Cape Breton Transition House, a women's shelter, and a founding member of the Eastern Regional Health Board of Nova Scotia. Sister Butts was appointed to the Senate of Canada and, through it all, she has been a tireless advocate for the disadvantaged, for women and children, and for social justice.

• (1340)

When I heard recently about Mount Saint Vincent honouring Sister Peggy, I knew this was just the most recent in what I am sure will be many acknowledgements of her contributions to our country.

It is regrettable that this place was blessed with Sister Peggy for such a short time. Although our times in the Senate did not coincide, I am fortunate to have been associated with Sister Peggy and consider myself to be one of her many friends.

Please join me, honourable senators, in commending Mount Saint Vincent University for bestowing this most deserved recognition and in congratulating the Honourable Sister Peggy Butts.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before continuing with Senators' Statements, I should like to draw your attention to the presence in the gallery of Dr. Win Hackett and the students of Rothesay Collegiate School, Netherwood, New Brunswick.

On behalf of all honourable senators, I bid you welcome.

### THIRTIETH ANNIVERSARY OF MULTICULTURALISM ACT

**Hon. Sheila Finestone:** Honourable senators, I should like to complete my observations on the statement of the thirtieth anniversary of the Multiculturalism Act delivered last Thursday, October 25, 2001.

I am sure honourable senators will recognize the important role that some of you and your predecessors played, particularly Pierre Elliott Trudeau, Brian Mulroney, and the Honourable Stanley Haidasz who in 1972 was the first Minister of State for Multiculturalism, charged with the implementation of its many programs.

As Senator Haidasz stated during the Senate debate of June 7, 1990:

From the dawn of history of this vast land that we now call Canada there existed cultural diversity.

He went on to say:

This policy of multiculturalism was made in response to the recommendations found in Volume IV of the Royal Commission on Bilingualism and Biculturalism...to expand the royal commission's mandate to include the contributions of other ethnic groups in the development of Canada.

He further said:

...the reality of multiculturalism has always existed in Canada, beginning with the diversity of native peoples, followed by the arrival of explorers from various countries and reinforced by waves of immigrant settlers around the world.

Honourable senators, we are a unique, evolving, post-modern experiment that, however far from completion, holds the promise of greater achievement in the exercise of those democratic and humanistic values we hold so dear and that builds the unity of our country.

As Dr. Dyane Adam, Commissioner of Official Languages, recently stated:

...with globalization, the importance of being open and to understand other cultures is of growing importance...Canada is just starting to see the kind of benefits that come from having two official languages, both of which are world languages...

Indeed, the achievement of the Multiculturalism Act endorsed by and for Canadian people is clearly reflected in our bilingualism and social pluralism. With our cultural mosaic, where unique parts fit together into the unified whole, ethnicity, diversity of traditions, customs and mores, ancestral beliefs, religions and creeds, saris, kimonos, kippot and hijabs do not undermine or fragment the Canadian identity. Rather, they are the Canadian identity, since multiculturalism is woven a priori into the fabric of our Canadian life.

### ROUTINE PROCEEDINGS

#### MISCELLANEOUS STATUTE LAW AMENDMENT PROPOSALS

REPORT OF LEGAL AND CONSTITUTIONAL  
AFFAIRS COMMITTEE PRESENTED

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

Wednesday, October 31, 2001

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

#### NINTH REPORT

Your Committee, to which was referred the document entitled "Proposals to correct certain anomalies, inconsistencies, and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal an Act and certain provisions that have expired, lapsed or otherwise ceased to have effect" (*Proposals for a Miscellaneous Statute Law Amendment Act, 2001*) has, in obedience to the Order of Reference of Tuesday, June 5, 2001, examined the said Proposals and now reports the same, with the following comments:

#### The MSLA Process

The Miscellaneous Statute Law Amendment Program (MSLA) was initiated in 1975 to allow for minor, non-controversial amendments to federal statutes in an omnibus bill. Since then, nine sets of proposals have been introduced and nine Acts have been passed. The 2001 Proposals are thus the tenth series of proposals in the program.

Requests for amendments are forwarded to the Legislation Section of Justice Canada, primarily by federal departments and agencies, although anyone can propose an amendment if it meets the program's criteria. To be included, the proposed amendments must meet certain criteria. They must:

- not be controversial;
- not involve the spending of public funds;
- not prejudicially affect the rights of persons;
- not create a new offence; and
- not subject a new class of persons to an existing offence.

The proposals are tabled in the Senate and the House of Commons, and referred to the Standing Senate Committee on Legal and Constitutional Affairs and the House of Commons Standing Committee on Justice and Human Rights. If any member of either Committee objects to a proposal, for any reason whatsoever, that proposal is withdrawn. The tenth set of proposals was tabled in the Senate and referred to this Committee on June 5, 2001.

After the two Committees have studied the proposals, a Miscellaneous Statute Law Amendment bill is prepared, omitting any clauses to which a member of either Committee objected. It is generally expected that this bill will receive speedy passage through Parliament, since any potentially offensive clauses have been removed.

The 2001 Proposals contain 115 individual clauses, affecting over 40 Acts. Four clauses were withdrawn at the request of the initiating department (clauses 33 to 34, which would have amended the *Canadian Environmental Protection Act*, and clauses 72 to 73, which would have amended the *National Capital Act*). Your Committee objected to seven proposals, which will be withdrawn. A detailed description of the clauses to which your Committee objected and the reasons for the objection are contained in Appendix "A".

Your Committee was concerned about the relatively large number of proposals that were potentially controversial. For example, several proposals suggested the removal of an approval requirement, either by Governor in Council or by Treasury Board, for matters involving the public purse. Another proposal would have repealed a reference to a Parliamentary review of an Act when it could not be substantiated that the review had taken place. In a number of instances, specific information came to your Committee's attention only during the hearings on the proposals.

An example of the difficulties experienced by your Committee can be found in the proposals to amend the *Nuclear Safety and Control Act*, proposals which your Committee ultimately approved. Two of these proposals would eliminate the requirement for Treasury Board approval of various expenditures, and on the face of the information available when the proposals were tabled, appeared potentially controversial. A third proposal would give the Commission legislative discretion to authorize the return to work of an employee who "may have" received an excessive dose of radiation, raising issues of safety and employee rights. Initially, several members of your

Committee expressed concerns that these proposals appeared controversial.

However, the Canadian Nuclear Safety Commission made available to your Committee several senior expert witnesses who were in a position to fully explain the background and circumstances. These witnesses explained in detail why the agency felt that the proposals were non-controversial. They also provided your Committee with a package of background information, including a series of Orders in Council delegating to the Commission and its predecessor the powers technically exercised by Treasury Board over employees. This enabled your Committee to make a determination that the proposed amendments did indeed fall within the framework of the Miscellaneous Statute Law Amendment Act (MSLA) process.

Unfortunately, your Committee dealt with a number of other potentially controversial proposals for which the same quality of information was simply not available. While testimony from the Department of Justice is invariably helpful, your Committee often requires the in-depth knowledge of the sponsoring department to fully assess whether the various proposals fall within the framework of the MSLA process. Your Committee feels that an explanatory presentation by senior officials from the sponsor of the proposal serves the interests of both the Committee and the sponsoring department or agency.

Your Committee has been following the MSLA process closely for many years. Overall, we have been heartened by the extent to which the Department of Justice has respected the recommendations of your Committee. We take satisfaction in the major impact that the reports of this Committee have had on improving the MSLA process. However, we feel that the approach to this most recent set of proposals gives cause for concern.

In our report on the 1990 proposals (36<sup>th</sup> report, 34 Parliament, 2<sup>nd</sup> Session, 28 February 1991), your Committee made the following recommendation:

"The Proposals deal with two different types of amendments:

- non-substantive anomalies, inconsistencies, archaisms, errors, and the repeal of spent enactments;
- miscellaneous amendments and repeals of a non-controversial and uncomplicated nature...

"Most of the contentious proposals fall within the second category, and are initiated by the department administering the legislation rather than by the Department of Justice itself. This category requires closer parliamentary scrutiny, since it can easily contain amendments that are substantive rather than technical. What appears non-controversial and uncomplicated to the department administering the legislation may appear both controversial and complicated to members of the public affected by the amendment.

“For these reasons, your Committee recommends that in future the Proposals be divided into two Parts: one to deal with the true anomalies which should not be substantive; and the other to deal with miscellaneous uncontroversial amendments and repeals, which might be substantive as long as they otherwise meet Justice criteria.”

Your Committee suggests that the time may have come to revisit this recommendation. While the majority of the present proposals are non-substantive and non-controversial, there was insufficient information available to your Committee in advance of the hearings to properly deal with those proposals that were substantive. While the explanatory notes provided by the Department of Justice were appreciated, your Committee feels that substantive proposals, even if they are uncontroversial, should be accompanied by background information prepared by the sponsoring department. More specifically, we make the following recommendations:

1) Any proposals that involve the removal of an approval requirement should be considered potentially controversial, particularly where public monies are involved, and Parliamentary Committees should have all of the relevant information at the time the proposals are tabled.

2) Where spent enactments are to be repealed, a witness from the sponsoring department should be available to explain the background, and confirm that the enactment is indeed spent.

3) References to a parliamentary review of legislation should not be repealed unless there is written documentation that the review has indeed taken place.

### Appendix “A”

Clauses objected to and withdrawn

#### **ACT: *Atlantic Canada Opportunities Agency Act***

**Clause 5**, amending section 6(2), would have eliminated the requirement that the Governor in Council approve agreements between the Minister of Industry and one or more of the Atlantic provinces.

**Clause 7**, amending section 13, would have allowed the Atlantic Canada Opportunities Agency (ACOA) to enter into arrangements with the Enterprise Cape Breton Corporation (ECBC) allowing the Corporation to exercise the powers of the Agency, “including the power to enter into agreements that commit moneys appropriated by Parliament for the purposes of the Agency.”

**Clause 8**, amending section 19(1), would have replaced the requirement that the Board of ACOA meet at least every three months with a requirement that they meet at least once a year.

Your Committee objected to these three clauses on the grounds that they were substantive in nature and controversial.

#### **ACT: *Energy Monitoring Act***

**Clause 59**, repealing section 42, would have repealed the section requiring that the Act be reviewed by a Committee of the House of Commons.

Your Committee felt that references to a parliamentary review of legislation should not be repealed unless there is written documentation that the review has indeed taken place.

#### **ACT: *National Energy Board Act***

**Clause 74**, amending the definition section, would have transferred certain responsibilities with respect to navigable waters from the Minister of Transport to the Minister of Fisheries and Oceans.

Your Committee felt that there was insufficient information before them to deal with this clause.

#### **ACT: *National Film Act***

**Clause 75**, amending section 13(4), would have repealed the requirement that the appointment of staff with a salary over a certain amount, set by Governor in Council, be approved by the Governor in Council.

Your Committee felt it should uphold the principle that, over some level, public representatives ought to be approving the spending of public money.

#### **ACT: *Yukon First Nations Self-Government Act***

**Clause 108**, amending section 10(6), would have amended the French version of the section to bring the two linguistic versions into conformity.

Your Committee was not convinced that the proposed change improved the Act. This section deals with an important and sensitive policy issue, the nature of enactments by First Nations as a subordinate or parallel authority. A clearer explanation would be required to justify the proposed change.

Respectfully submitted,

LORNA MILNE  
*Chair*

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

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

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

**Hon. Senators:** Agreed.

Motion agreed to.

### NATIONAL HORSE OF CANADA BILL

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE  
PRESENTED

**Hon. Leonard J. Gustafson**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Wednesday, October 31, 2001

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

#### SIXTH REPORT

Your Committee, to which was referred Bill S-22, An Act to provide for the recognition of the *Canadien* Horse as the national horse of Canada, has, in obedience to the Order of Reference of Monday, June 11, 2001, examined the said Bill and now reports the same with the following amendments:

1. *Page 1, long title:* Replace the long title with the following:

“An Act to provide for the recognition of the Canadian horse as the national horse of Canada”.

2. *Page 1, preamble:*

(a) Replace line 1 with the following:

“WHEREAS the Canadian horse was in-”;

(b) Replace line 6 with the following:

“WHEREAS the Canadian horse in-”;

(c) Replace line 12 with the following:

“known the Canadian horse have made clear”;

(d) Replace line 17 with the following:

“WHEREAS the Canadian horse was at”;

(e) Replace lines 24 and 25 with the following:

“re-establish and preserve the Canadian horse;”;  
and

(f) Replace line 28 with the following:

“the Canadian horse in the history of Canada;”.

3. *Page 2, Clause 1:* Replace, in the French version, lines 1 and 2 with the following:

“1. Loi sur le cheval national du Canada.”

4. *Page 2, Clause 2:*

(a) Replace, in the French version, the heading preceding clause 2 with the following:

“LE CHEVAL NATIONAL”; and

(b) Replace lines 3 and 4 with the following:

“2. The horse known as the Canadian horse is hereby recognized and de-“.

Respectfully submitted,

LEONARD J. GUSTAFSON  
*Chair*

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

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

[*Translation*]

#### 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, November 1, 2001, at 1:30 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[*English*]

#### LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING  
SITTING OF THE SENATE

**Hon. Lorna Milne:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:30 p.m. today, Wednesday, October 31, 2001, for the purpose of its examination of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.



• (1350)

**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?

Motion agreed to.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### REPLACEMENT OF SEA KING HELICOPTERS—UNBUNDLED PROCUREMENT PROCESS—DELIVERY SCHEDULES

**Hon. J. Michael Forrestall:** Honourable senators, my question is to the Leader of the Government in the Senate. Had we had access yesterday to the Chief of the Defence Staff, these questions might have been put to him. However, since he was busy talking to the press, editorial boards and whatnot, I will have to return to my favourite source for information.

Why did the government decide to proceed with an unbundled procurement process to replace the Sea King fleet when the government knew two months prior to announcing the Maritime Helicopter Project that the Sea King fleet would not be replaced until late 2009 or early 2010?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, with the greatest respect to the honourable senator, that was not the information we were given yesterday. We were informed by the excellent witnesses who appeared before us that all efforts would be made to get the first helicopter in place by 2005, and that the other helicopters would be arriving on a month-to-month basis thereafter.

**Senator Forrestall:** Why did the Ministers of Public Works and National Defence announce that they would start replacing the Sea King fleet in 2005 when the government's own documents, the Maritime Helicopter Project schedule options, BV and MS scenarios, dated June 15, 2000, states that the first delivery of a prime mission vehicle will not take place until September 2007 and the last in December of 2009?

**Senator Carstairs:** Honourable senators, the information we were given yesterday was the most up to date on the procurement strategy. That strategy is hoping for a procurement that will begin on or about the year 2005, and every effort will be made to deliver the first aircraft in 2005.

**Senator Forrestall:** As a final supplementary question, can I assume or draw from what the Leader of the Government in the Senate has indicated to us that the documents I have referred to and the schedules I have referred to were schedules outside of the government's capacity to fulfil?

**Senator Carstairs:** Honourable senators, I will repeat — and one does not like to do that very often in this chamber — that every effort will be made to secure the first aircraft in the year 2005, and that proviso will be part of the whole process of the bidding and the interaction between government and the ultimate supplier.

**Senator Forrestall:** Will you apologize if that does not happen?

#### REPLACEMENT OF SEA KING HELICOPTERS— UNBUNDLED PROCUREMENT PROCESS— CONTRACTS FOR CANADIAN COMPANIES

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. It relates to helicopters, again.

The government has stated that the reason it decided to proceed with the unbundled procurement was to allow Canadian companies a chance for greater participation. Why does the Maritime Helicopter Project Procurement Options Impact Analysis of April 12, 2000, prepared by Public Works and Government Services Canada, state otherwise and list only foreign companies for airframe and mission systems?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, again, we received a good explanation yesterday when Ms Jane Billings — I think it was Ms Billings but it may have been Mr. Williams — indicated that companies would be functioning in Canada. She did not necessarily indicate they would be Canadian companies, but they would be companies operating on a significant basis in this country.

**Senator Stratton:** I guess that is the clarity case that Canadians need to know. For example, why do Public Works and Government Services' "Questions and Answers, Maritime Helicopter Acquisition," dated June 23, 2000, list only foreign companies for both airframe and mission systems?

**Senator Carstairs:** Honourable senators, one must clarify what is meant by "a foreign company." If that company has significant operations in Canada, then we consider it to be an important contributor to the economic activity, particularly regional economic activity, in this country.

**Senator Stratton:** Honourable senators, under the original EH-101 helicopter contract given out by the previous government, Winnipeg, for example, was to get a \$400-million contract. I have forgotten the number of man-years that would have been created as a result of that contract. That is the issue that concerns Canadians. That is the issue as well that was concerning members on the leader's side throughout the questioning yesterday in Committee of the Whole. At least three or four senators asked that specific question. How do we come to the conclusion that the process the government is carrying out right now will lead to the awarding of a contract of \$400 million to a Winnipeg company and guaranteed jobs for Winnipeggers for 10 years?

**Senator Carstairs:** Honourable senators, if it were not an unbundled contract, then all of it would go to non-Canadian corporations without any significant operational activity in Canada. The fact that it is unbundled means there are more companies with strong economic activity bases in this country that will have the opportunity to bid.

**Senator Stratton:** If the last procurement under the previous government could provide such opportunity to Canadian companies with a single contract, could the leader tell me what has changed so dramatically since then where the government cannot do the same? I fail to see that answer as sufficient.

**Senator Carstairs:** With the greatest of respect to the honourable senator, the biggest change that has happened is that Canadians have been fortunate enough to have a Liberal government rule for the past eight years.

**Senator Stratton:** That is a good answer.

## AGRICULTURE AND AGRI-FOOD

### PRINCE EDWARD ISLAND—AID FOR DROUGHT-STRICKEN FARMS

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the agricultural sector.

As Senator Gustafson has brought to the attention of honourable senators on many occasions, the farm sector in Canada is in crisis, through drought, flooding, burden of border crossing problems and appropriate market price for product. Today, honourable senators, my question relates to a recent report that Prince Edward Island Federation of Agriculture will be lobbying the federal government for financial assistance for farmers who suffered from last summer's drought. The executive director of the P.E.I. Federation of Agriculture, Doug Leclair, estimates that the total cost of drought-related crop failures to farmers is \$62 million. About \$50 million of this crop failure is among potato farmers. Farmers will not know what the final total numbers will be until their crops are harvested in a number of weeks from now. Could the Leader of the Government in the Senate please advise us what the government plans to do to help these farmers who have been stricken with drought?

• (1400)

**Hon. Sharon Carstairs (Leader of the Government):** There are a number of initiatives underway already, honourable senators. That applies not only to Prince Edward Island farmers but to farmers in each and every one of the provinces and wherever farming exists in the territories as well. The first and foremost of those initiatives is crop insurance.

It has been interesting to note that in the province of Saskatchewan this year, crop insurance is compulsory in order to qualify for some other benefits, which led to 72 per cent of the farmers actually joining up.

Unfortunately, Canadian farmers have not taken advantage of crop insurance in the past as often as I think they should. That is simply one program. The other, of course, is NISA, the accounts of which have been building up over a great number of years and in which there is now \$3.2 billion. Of that \$3.2 billion, \$1.3 billion is available just for this crop year. I must say that to date over \$216 million of that amount has been withdrawn by the farmers of this country. It is important for us to understand that the program was put into place for exactly this kind of emergency.

Monitoring is continuing between the Department of Agriculture and farm groups, such as the Prince Edward Island agricultural producers, to see if further help is needed.

### GOVERNMENT RESPONSE TO FARM CRISES

**Hon. Leonard J. Gustafson:** Honourable senators, I was pleased to hear the Leader of the Opposition mention that in addition to the Maritimes and Prince Edward Island, the situation in the Prairies is very serious. The Leader of the Government in the Senate mentioned earlier in regard to helicopters that we have been fortunate to have eight years of Liberal government. These eight years of Liberal government have struck a pretty serious blow to farmers and to agriculture. If the government were to put back in the same amount of money as it took out to balance the books, agriculture would be in pretty good shape.

Crop insurance, at least in Saskatchewan, does not cover the extensive losses. A farmer can insure probably 14 bushels in "continuous cropping" and that does not cover the input costs.

I do not blame entirely the Minister of Agriculture for the problems that are not being solved. This negligence is bigger than just the Minister of Agriculture. The Government of Canada has not been looking at the situation seriously.

In their discussions, are the cabinet and the Prime Minister looking at this situation as a national crisis?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I think it is clear from the number of programs with which the federal government has responded in the past that the agricultural community and the rural communities that depend on that agricultural community have been a concern of this government.

I do not suggest, nor do I believe for one minute that the member opposite is suggesting, that we should return to the \$44-billion deficit that we were running in this country in 1993 when this government came to power and which it has managed to eliminate.

**Hon. Terry Stratton:** Thanks to the surplus and thanks to Canadians.

**Senator Carstairs:** Yes, that had an impact on farmers. It had an impact on a lot of Canadians. That is why the Canadian people deserve credit for the fact that the books in Canada are in much better shape today than they were then.

As to the honourable senator's question, let me assure him that the concerns of farmers in this country are regularly discussed at the cabinet table and in cabinet committee.

**Senator Gustafson:** Honourable senators, is the government aware, through the Leader of the Government in the Senate, that the agricultural fallout, especially the loss of young farmers, will be very significant?

We lost 22,000 farmers last year in Saskatchewan alone. That fallout is small compared to what will happen this year after the drought. Many of the remaining farmers will not survive, which will have national implications. Farmers spend money; they create jobs; they buy machinery. They do the things that help this country to maintain a labour force. I wonder if the government is really looking seriously at the situation and at how great the fallout will be.

**Senator Carstairs:** Honourable senators, we have been losing farmers at a fairly rapid rate for a long period of time. I do not think Senator Gustafson would argue. The last statistic I saw — and he may have a more recent one — stated that the average farmer in this country is now 57 years old. He is quite right when he talks about the fact that young farmers are not coming on stream as they were 30 or 40 years ago.

This is no longer a rural society, senators. It is an urban society. Having said that, Canadians value the work that is performed by our agricultural producers. They know it is important to our lifestyle as Canadians. The government is also aware of that.

**Senator Gustafson:** Honourable senators, I am very pleased to hear the minister acknowledge that fact, because farmers, some of whom are in their 60s and 70s, are telling us that they have never worked harder in their lives to try to maintain the farm. In family after family, the young people have left the farm for other occupations because they have no other choice. They leave because they do not see any hope or any vision for the future. Can the country afford to let this happen, or will this situation become a national crisis?

We have been talking in the last few days about terrorism. We must deal with that issue. National security is very important, but food is also a national security issue. It is very important to Canada and very important to the world.

**Senator Carstairs:** Honourable senators, I thank Senator Gustafson for those comments because I agree with every one of them. I can assure him that those comments are represented at the cabinet table. I believe in them as he believes in them.

The reality today is that most children think food comes from the grocery store. They do not understand the dynamic of what farmers are doing.

The honourable senator is quite right. When the average age of our farmers is 57, there are many farmers in their 60s and their 70s who do not have the same capacity to do what they did when they were 25 or 30. That dynamic is being discussed, and I can

assure the honourable senator that I will make continued representations to the cabinet on this issue.

## SECURITY AND INTELLIGENCE

### LIST OF TERRORISTS AND TERRORIST GROUPS

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, it appears that the Solicitor General has not learned a lesson from another era, that, "Loose lips sink ships." Yesterday, in the other place, he stated:

Let there be no illusion, there are people in this country who belong to terrorist groups.

Not wanting the minister to follow in the steps of his predecessor with loose lips, if he wishes to make these kinds of statements, he should realize that they place a cloud over many Canadians.

My question is: How many people in this country, according to this government, belong to terrorist groups?

- (1410)

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator asks a very important question. We would be naive in the extreme if we did not accept the fact that there are probably some terrorists among our communities from coast to coast. That is why we have organizations like the RCMP and CSIS monitoring the activities of certain Canadians who are suspect. That is why there have been some arrests made across the country.

However, it would be wise for all Canadians to be very careful about making inaccurate statements or statements that might lead to an inaccurate forecasting of the number of terrorists among us.

**Senator Kinsella:** When the Solicitor General says that there are people who belong to terrorist groups in Canada, does he consider Sinn Fein a terrorist group?

**Senator Carstairs:** As far as I know, the Sinn Fein, as it exists now, is a political party. It has not been placed on the terrorist list. The honourable senator knows that various groups at various times have had various incarnations throughout the world. Individuals sometimes called terrorists are later greeted as great national and international heroes. To answer the specific question, Sinn Fein is not considered a terrorist group at this moment.

**Senator Kinsella:** Is the IRA on the list? Is it considered a terrorist group?

**Senator Carstairs:** The IRA is not considered a terrorist group.

**Senator Kinsella:** Can the minister tell us whether the Solicitor General believes that the provisional wing of the IRA is a terrorist group?

**Senator Carstairs:** To the best of my knowledge, there has been no such listing of the provisional group, but I stand to be corrected on that. I will try to obtain that information for the honourable senator.

[*Translation*]

**Senator Kinsella:** Is this list available to members of the cabinet, or is it available to members of Parliament? Where is this list? Who is the guardian of the list?

**Senator Carstairs:** Honourable senators, my understanding is that CSIS is the guardian of this list. I have not seen such a list. Therefore, I could not make such a list available to the honourable senator.

#### LEGALITY OF COMPILING LIST OF TERRORISTS AND TERRORIST GROUPS

**Hon. A. Raynell Andreychuk:** I have a supplementary question, honourable senators. The minister has been referring to a list. Can she tell us under what legal provision a list would be contemplated and kept before Bill C-36 is given effect?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senator, historically, as I understand it, CSIS and the RCMP have kept lists of suspected terrorist groups. The questions about the lists, as you know, came from Senator Kinsella. In terms of my understanding, however, it is within the purview of the RCMP and CSIS.

**Senator Andreychuk:** Under what regulation, policy or act can these lists, pursuant to the RCMP and CSIS, be given to the public?

**Senator Carstairs:** To my knowledge, senator, they cannot be given to the public.

#### LIST OF TERRORISTS AND TERRORIST GROUPS

**Hon. Consiglio Di Nino:** Honourable senators, in answer to Senator Kinsella's specific questions on a number of organizations and whether they were or were not on the terrorist list, the minister gave specific replies. Subsequently, she said that she had not seen the list. I wonder if the leader could tell us, because I am confused, how she would know that the IRA or the IRA provisional wing or other organizations that Senator Kinsella asked about were or were not on the list when she had never seen it.

**Hon. Sharon Carstairs (Leader of the Government):** That is exactly why I said nothing about the provisional wing and indicated so to the honourable senator. Sinn Fein, as honourable senators know, is a political party and is recognized as a political party not only by the Irish but by the United Kingdom and Canada. Therefore, I must say I am making an assumption that it is considered a political party.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, we would first like to consider the report of the Standing Committee on Legal and Constitutional Affairs, presented earlier by the Honourable Lorna Milne. We will then return to orders of the day.

[*English*]

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** I rise simply to make an appeal to my honourable colleague. My copy of the ninth report has just landed on my desk. I have been known to rapid-read and miss many points. I would want to read this a little more carefully and try to catch a few of the salient points. It is four pages. I need an hour. Could we move this item to later this day?

**Hon. Sharon Carstairs (Leader of the Government):** Absolutely.

[*Translation*]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, since we are still trying to satisfy all senators, including those in opposition, we will do everything to ensure they are given time to read this report. We would then like to begin with Bill C-11.

**Senator Kinsella:** Honourable senators, I thank the Deputy Leader of the Government, who is always open to good opposition suggestions in this house.

## IMMIGRATION AND REFUGEE PROTECTION BILL

### THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator LaPierre, for 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,

And on the motion in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator Cochrane, that Bill C-11 be not now read a third time, but be read a third time six months hence.

**Hon. Gérald-A. Beaudoin:** Honourable senators, I merely wish to support the initiative of my colleague Senator Andreychuk, in moving a six-month hoist of Bill C-11.

I have attended several of the meetings of the Senate Committee on Social Affairs, Science and Technology, which studied Bill C-11. A number of witnesses and experts raised some interesting and worthwhile questions. This bill is most certainly a controversial one. Among other things, it addresses the various rights and obligations of permanent and temporary residents, detention and release, right of appeal, and judicial review, as well as the protection of refugees.

All of these issues have an impact on the Canadian Charter of Rights and Freedoms, particularly section 7. Moreover, the Supreme Court of Canada has given a broad and generous interpretation to that section. A careful examination of the impact of Bill C-11 in terms of the Canadian Charter of Rights and Freedoms is therefore warranted.

This bill makes considerable use of regulatory powers. This is a point I wish to emphasize particularly. We all know that there has been a tendency in the past few decades for Parliament to pass what is called framework legislation and to leave considerable leeway for regulations. We are living in an age of "regulatory power." A huge amount of legislative power is left to the Governor in Council, or to ministers, and that power is constantly on the increase. I have always believed that bills had to contain the basic principles and that the Senate and the House of Commons had to jealously guard their legislative power.

• (1420)

It goes without saying that we really need an act on immigration and refugee protection. This is a very important area. However, we must take time to adjust it to current circumstances and needs.

In my opinion, the bill leaves way too much discretion to the Governor in Council and the minister.

Moreover, the regulations will not be ready for several months. We will have to wait. It would have been better to include in the act itself several issues that will be dealt with in the regulations.

A number of experts, including David Matas, raised these issues. Mr. Matas stated that Bill C-11 presents a lot of problems. It deserves and requires an in-depth review. The situation has changed a lot since September 11. We must consider the immigration system from a different perspective. The Senate can do it, said Mr. Matas, provided it has time to do so.

I think we have run out of time. Incidentally, the bill does not define terrorism. That is left to the regulations. I really wonder whether we can delegate such power to the Governor in Council. I do not think so, and this opinion is shared by a number of constitutional experts. Terrorism must be defined in the act itself. The bill should be reviewed. I doubt very much that a series of amendments would be enough.

Therefore, honourable senators, I am asking you to support our colleague's proposal to hoist this bill for six months.

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

[English]

**Hon. Consiglio Di Nino:** Honourable senators, I, too, rise in support of Senator Andreychuk's amendment. I will not add extensively to the valuable contributions made by honourable senators on both sides on the debate of this issue. However, it may be worthwhile to review a few points.

From the inception of Bill C-11, the minister has suggested to us that this bill was necessary in order for her to conduct the necessary business, particularly after September 11, to deal with security and border issues presented by those horrible events. The vast majority of the witnesses who came before the committee — those on the front lines, the immigration officers and those who have been involved in this area for a long period of time — assured us that the minister had all of the authority, all of the power and all the law that she required to be able to do the things that she wanted without Bill C-11.

As a matter of fact, I reminded honourable senators, during my presentation in this chamber at third reading, that the minister herself, in effect, admitted as much when she informed the media that she would go ahead with certain measures even though the legislation had not yet been passed. After a certain amount of questioning, particularly by the Leader of the Opposition in the Senate, as to the adequacy of that statement by the minister, she admitted that, in effect, the measures she was authorizing were measures that she could take under the current legislation. Therefore I believe that particular argument went by the wayside.

As well, during the hearings we heard many witnesses criticize the speed with which the government was asking us to deal with this important issue. The concerns about the adequacy of time was a recurring theme, and nearly universal among those who appeared before the committee, particularly because of the importance of this critical subject and the impact it would have on Canada and Canadians.

Honourable senators were also reminded that this bill was passed by the other place months before the events of September 11. The minister's pronouncements, in effect, probably had no basis. The issues raised by the events of September 11 would include such things as border security, screening of refugees and potential immigrants, detention and deportation of those to whom we did not wish to grant asylum or landed status, and it particularly raised the issue of the definition of terrorism, as well as a number of other related matters.

We then saw the introduction of Bill C-36 in the other place, which was rightly applauded by all in this chamber. That piece of legislation is currently being studied by one of our own special committees. As I understand it, Bill C-36 will address a number of the issues I have just listed, and will also deal with remedies for the problems or the questions those issues will raise.

When Bill C-36 is dealt with by the other place and by our chamber, I believe that a number of changes to the immigration and refugee legislation, particularly the definition of terrorism or terrorist acts, will be required.

Finally, honourable senators, I have noticed a refreshing trend among all of our colleagues in this chamber. The trend seems to be a willingness to assert the Senate's independence and value as a place of thorough and thoughtful analysis of matters and issues of importance to Canadians.

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

**Senator Di Nino:** I am supporting Senator Andreychuk's amendment for a number of reasons, but, in particular, it is important for all honourable senators to look at this as a unique opportunity to defend our independence and relevancy in the parliamentary system. We have to defer the passage of this bill until we have had at least the opportunity to review the recommendations of our colleagues who have been studying Bill C-36, as those recommendations will have consequential effects on the legislation we are dealing with today. I suggest, with the analysis and review of Bill C-36, that amendments to Bill C-11 will likely be required.

• (1430)

My recommendation and my hope is that everyone in this chamber will agree to tell the government that we have not completed our study and analysis of Bill C-11, particularly as it relates to the potential amendments that will reflect the work done by our colleagues in their study of Bill C-36. Therefore, I recommend that all honourable senators join in supporting Senator Andreychuk's amendment.

[*Translation*]

**Hon. Roch Bolduc:** Honourable senators, I did not intend to speak to this bill. However, I have been listening carefully to what people have been saying for the past week. I wonder whether there is not some exaggeration of the discretionary powers given to the governor in council and to the minister.

Framework laws are not part of the British parliamentary philosophy. Honourable senators, you know that there was a very strong British influence on the 1958 or 1959 French Constitution. The French accepted part of the British model. We see their influence in Canada in the form of framework laws, which give certain authorities to the Governor in Council or the minister.

It seems to me that the government is getting off track. It is claiming that the situation is urgent, but this bill has been around for a year. It is not before us because of the events of September 11. The bill was already under consideration. So the events in question could not have had an impact on the drafting of the bill. Furthermore, the bill does not define terrorist acts.

This is what worries me. This framework approach is indicative of a sort of unwillingness on the part of officials and of ministers to take the trouble to define things clearly in law. The basic definitions should be in the bill. The basic principles should be in the bill. They cannot be in the regulations. This is a ridiculous way of doing things. We must protest.

[ Senator Di Nino ]

A clause is defined one way, and then, three months later, another bill is introduced, and it is the same thing all over; it is sheer laziness. Officials and ministers do not want to set clear limits in legislation. Our system does not allow the government to do just anything. It states that the government may do nothing unless authorized by Parliament. That is the system we have, not the opposite. According to our system, people may do anything, except that which is prohibited by law. That is the foundation of our system. There are not 50 principles. The rule of law is based on two or three general principles. First, people are free to do what they wish, except that which is prohibited by law, and second, the government may not do anything, except that which is permitted by law.

What we are trying to do here is tell the government that there are no specific limits, only broad markers, in this bill. The government will do whatever it wants. It makes no sense. It is too much. The officials and ministers are being lazy. It is unacceptable.

I cannot support this bill. At some point, we have to say no. If it is not this bill, then it will be the next one or another one. It seems to be the trend. If this keeps up, we will end up like they have in Europe, with 80,000 pages of regulations. What an achievement. Apparently, they are proud of this. They seem to be happy. They remind me of those who think that an 88-page constitution is better than a 3-page one.

Some form of protest must be made. I am not referring merely to the opposition. This is no partisan battle; it is for you on the other side of the house as well. The Senate has to make it clear to Parliament. We are the only group that can say what we think. In the other place, the party machine takes precedence, understandably; it is the British system. I will not belabour the point. The party system forces members to take sides. You are on one side or the other.

In the Senate, our allegiance is looser, and this is a good thing. If the Senate always agreed with the government, if the government majority in the Senate agreed, we would basically be indicating that we are irrelevant. We must react and protest vigorously.

Especially since, in the bill, there is the act and enforcement of its provisions. From what we can understand, enforcement of its provisions is a real mess. This does not surprise me particularly, because immigrants come from all over, through the front door or the back. Afterwards, they ask for permission to stay, and permission is denied. And these people have as many rights — people who have just arrived — as those who have been here for 40 years. That makes no sense.

Do you know where that is taking us? We are going to end up not knowing the whereabouts of a large number of new immigrants. There are 35,000 out there somewhere. We do not know where they are. They have been denied refugee status, but they are still here. This is worrisome. According to the report of the Security Committee, probably 99.5 per cent of them are decent people. They are not the problem.

The minister wants discretionary powers in addition to that. Honestly, the entire house should protest against this ridiculous system. This is a golden opportunity. Basically, this legislation is already a year old. The minister will not be speaking to us about it. In fact, she is occupied with the Americans and will present other amendments next week, in three months or in four months. This is the time to say no to her. Enough of this foolishness. I therefore support my colleague.

[English]

**Hon. Lois M. Wilson:** Honourable senators, I wish to speak in support of the amendment to hoist Bill C-11 in the interests of crafting a better bill. Before I was appointed a senator, I worked on the Immigration and Refugee Board and therefore have an intimate knowledge of what goes on there and of what needs to be changed.

I know that we live in a climate of fear and hysteria, but that does not excuse the expediency of the Senate opting out of being a chamber of sober second thought. When I was negotiating with the Prime Minister's Office on whether I would accept an appointment as senator, I was told that the Senate goes beyond partisan lines. I am very disappointed that, in this particular instance, it does not seem to. I know that we work on the party system, but this is a matter of grave concern to the public, and I think that in this instance there should be more cohesion.

I have received more comments on this bill than on any other matter since I was appointed to the Senate. Most of the comments have been from people in agencies working on the ground in the refugee process, all of whom have difficulties with certain parts of the bill.

I sat in on the committee hearings on the bill when I could and, when asked by the chairman, suggested some points for committee observations, only to discover that the observations are merely filed and make no difference to the legislation. Therefore, I look upon that as a make-work project and am sorry I engaged in that charade.

I have numerous concerns with this bill but will mention only one, although it has already been mentioned, and that is that there is no definition of terrorism and therefore no coordination with the definition of terrorist activities in Bill C-36 which, as you know, is still under discussion. That tells me that we need coherence in government policy. That would be very helpful, but it will not be possible if we pass this bill without amendment.

I would hope for more time to further review the bill and give it further sober second thought, which is our function. If the bill is put to a vote without amendment, I will certainly vote against it and speak against it publicly in Canada.

**Hon. Edward M. Lawson:** Honourable senators, I wish to make only a few brief comments as a practical man looking for simple solutions.

I support the motion to delay the passage of this bill in order that we can have another look at it.

People who get on airplanes in other countries must have documents in order to board, yet, when they arrive here, they do not have their documents. Has no one considered taking their documents when they board the plane and returning them when they arrive at immigration at the end of their flight? In that way, they could not fill the toilets of the aircraft with documents.

Why is it that you can destroy documents and you can burn the flag, but God help you if you cut the tag off a mattress? Any homemaker will tell you that they are nervous when they turn their mattresses because they might tear the label, which threatens life imprisonment or some such penalty for doing so. However, people can destroy or forge documents.

I attended a meeting of the police commission in Vancouver last week. The officer responsible for dealing with counterfeiting passed around some Canadian and American one-hundred-dollar bills. I happened to have a Canadian hundred-dollar bill myself, although that is a rare occasion, being a poor senator on a small fixed income. I put my hundred-dollar bill beside the counterfeit bill and, had I not been holding on to mine, I would not have been able to tell them apart. The officer then told us, "Those are the second-tier counterfeit bills. The better ones you cannot tell apart, U.S. or Canadian."

• (1440)

In the face of that, the next thing I read is that we have a new identification card. The minister, along with everyone else, has been told that it is already obsolete. The American card relies upon fingerprints. We do not have that. It is already obsolete because it is easy to forge — even easier than it was to forge and resell before. In the face of that fact, why would we not delay and get one that works and is not obsolete?

I saw in the newspaper where President Bush ordered top U.S. officials on Monday to "promptly initiate negotiations with Canada and Mexico to assure maximum compatibility of immigration, customs and visa policies." When will we do this, this afternoon, before the bill is voted on?

Why would we not take the time and meet with the Americans, as they are requesting, and have a similar card, if necessary, or even an identical card? No one dares suggest as much because the minister says that will affect Canadian sovereignty. Just put a Canadian flag in the top corner of it. In my view, protecting sovereignty is working with the Americans on as efficient and secure a basis as possible to get those trucks and all the goods and services moving back and forth and creating jobs. That is how we protect sovereignty, not by this silly nonsense that we have to be different. We can still be different, but why not be as good? Why not give as much protection? Instead of having teamsters sitting at the border waiting for eight hours, why not allow them to make two or three more trips, creating more revenue and generating more taxes for the country?

Those are just a few of my concerns, honourable senators, and why I think it is timely to meet with the Americans and work out these negotiations. Let us make it the best it can be, without offending our sovereignty.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have listened with great interest to many of the comments that have been put forward. I must suggest that I have serious problems with each and every one of them.

**Some Hon. Senators:** Oh, oh!

**Senator Carstairs:** I am sure that does not surprise honourable senators opposite, but I am willing to give you my reasons as to why I have problems with each and every one of them.

Senator Di Nino speaks about the issue of the conflict that he sees between Bill C-11 and Bill C-36. Honourable senators, there is no conflict. Bill C-11 is a bill on immigration; it is an administrative measure. Bill C-36 is a Criminal Code amendment for the most part. They are very different forms of law, one being administrative and one respecting the Criminal Code.

Honourable senators, we need to ask ourselves very clearly this afternoon: Have we given this bill sober second thought?

**Senator Kinsella:** No.

**Senator Carstairs:** The honourable senator says “no.” Quite frankly, you all agreed to have the vote today, other than Senator Prud’homme who stood and said, “On division.” The reality is we have had this bill since June 14. This bill did not land on our desks just two weeks ago.

Because I was concerned that we would move too quickly on the bill, I did not ask Senator Cordy to give her second reading speech until we had had time to study the bill over the summer months. If senators did not avail themselves of that opportunity, then that is unfortunate, but the opportunity was there for them to do so.

Senator Cordy gave her second reading speech the very first day we came back from the summer recess in September. The bill remained in this chamber for two weeks. The other side chose not to speak to it for a number of days. Eventually, however, it went to committee. It remained in committee for a month. It then came out of committee last week.

Senators then began third reading debate. Senator Cordy spoke last Wednesday, after which debate was adjourned. Senator Di Nino spoke on Thursday, after which debate was adjourned. Senator Roche spoke on Tuesday, after which debate was adjourned. Honourable senators, if this had been the kind of pressing bill that you are now trying to persuade us that it is, then why were we not engaged in active consideration of this bill since June 14?

Senator Wilson has raised the point that a number of people who work with immigrants and refugees in this country have concerns about this bill. Quite frankly, I take their concerns more seriously than I do members of the bar who represent immigrants and refugees, and I will tell honourable senators why. It is in a

lawyer’s best interest to not have a tougher system, because then they have more arguments to use before the courts in order to delay, delay, delay and delay.

**Senator Kinsella:** What is wrong with that?

**Senator Carstairs:** Senator Wilson does not speak about those particular individuals. Senator Wilson speaks about the individuals who work with refugees and immigrants on a daily basis. She knows of the refugees who come without documents, not because they ripped them up on the plane, Senator Lawson — and some do, I do not disagree — but because they have never had any documents.

**An Hon. Senator:** How did they get on the plane?

**Senator Carstairs:** The reality is that this bill has been in the process of development not for one year, not for two years, not for three years, not for four years, but for five years.

**Senator Kinsella:** Why so long?

**Senator Carstairs:** This bill has gone across the country. There have been discussions on it. It has had debate. It has had changes. It has had resolutions.

Honourable senators, what we are being asked to vote on today is a bill that has had not only a thorough study in this chamber, but a thorough study in the other chamber, and thorough debate from coast to coast to coast.

Honourable senators may well argue, and I would certainly be of that view, that the events of September 11 have given us all a sense of heightened concern about our security. However, I remind honourable senators that Bill C-11 was written not in the heat of the moment, but in order for Canada to have the best immigration and refugee protection system possible, with the clear light of reason and without the pressure of addressing questions of Canadian values.

It is Canadian values that I think are of the most importance in this bill. We want to strike a balance with all Canadians in terms of accepting and welcoming immigrants and refugees. Most of us do not have to go back too far to see from where we came. That is our heritage in this country. It is our future in this country. We are, after all, a country of immigrants. Thus, we want to preserve that.

On the other hand, many Canadians, including myself, do not want people in this country who are guilty of criminal acts, who are guilty of terrorist activity, who have misused and abused the system that depends on the gentility and generosity of Canadians, to be put in a good light.

• (1450)

None of us like the fact that sometimes these processes take two, three, four or five years before we are able to deport those individuals.



Canadians are looking to us for reassurance. They do not expect us to abandon core values, but they want us to ensure that we have a secure and safe community that continues to welcome immigrants and refugees.

Honourable senators, this legislation is very tough on those who pose a threat to public security and those who do not respect our laws. However, it is also legislation that affirms the importance of immigration and refugee protection to Canada's future. We know that without immigrants in this country, our population will go into a state of decline. That is the reality. I would suggest, if for no other reason than our own self-interest, since many of us are entering that golden age, that we may well want to have individuals come to this country who will ensure that our benefits programs remain in place, be it health care or a form of Canada assistance.

We have to have a balanced program of reforms including tough, targeted enforcement measures as well as concrete steps to welcome skilled workers, families and refugees. Skilled workers are the key to our future prosperity. Families are the cornerstone of Canada's immigration policy and our communities, and refugees are those who are genuinely fleeing prosecution and terror and genuinely in need of our protection.

The events in New York and Washington on September 11 have made us all more concerned, and to alleviate those concerns, Bill C-11 contains comprehensive measures that will further strengthen national security and public safety. We already have a range of security provisions in place under the current law, but Bill C-11 streamlines them and gives us the powers and tools we need to get rid of security threats more quickly. It makes it possible to remove those who pose a security threat from the refugee determination process more quickly than under the present law. This bill contains new and important measures that are both critical and urgently needed.

In my view, and in the view of the government, it is not necessary to amend Bill C-11 to include a definition of terrorism. If greater clarity is needed, it is possible to adopt a definition by regulation in the future that will mirror Bill C-36, if that is what is required. Bill C-36 complements the tools we have in Bill C-11 for dealing with terrorists and security threats. It gives our law enforcement partners better tools for investigating and prosecuting terrorists.

The objectives of Bill C-11, however, are quite different. The job of the immigration and refugee protection system is to detect, deter, detain and deport terrorists and those who pose a security threat. Bill C-36 proposes changes to the Criminal Code so that terrorists can be dealt with under the criminal justice system, where requirements are much different than under the immigration administrative law.

Let me take this opportunity, honourable senators, to address some of the other concerns that have been raised by other speakers about the process of removal of persons who are reputed to be involved with terrorist organizations listed under Bill C-36, the new anti-terrorism act. The list of terrorist organizations in Bill C-36 would assist immigration officers in

making a case to an independent immigration and refugee board adjudicator that a person is inadmissible on security grounds. However, it is important to note that the presence of an organization on such a list would not in itself be sufficient or conclusive evidence of such a finding for the adjudicator to determine inadmissibility. A person found inadmissible by an adjudicator would also have the possibility of seeking a judicial review of that decision by the Federal Court of Canada. Let us be clear on this point. The process provides independent oversight of administrative decisions as well as the possibility of judicial review.

Bill C-11 was amended by the House of Commons to take into account concerns related to the issue of consultations on the regulations. The usual pre-publication process would, of course, occur. However, both the appropriate Senate and House of Commons committees would be notified and provided with the regulations by law to allow them to provide the government with their advice before full gazetting.

Some have also questioned the approach to provincial consultations. I can state that consultation on immigration matters with provinces and territories remains a key component of the new legislation. Immigration is an area of shared jurisdiction, and this responsibility is taken seriously by the government. Consultations on legislative reforms with the provinces and territories and other key stakeholders in communities across the country were launched four years ago. These consultations are ongoing and will be pursued in the development of regulations. In fact, Minister Caplan recently met with her Quebec colleague to discuss and consult on immigration issues, including Bill C-11. These principles of consultation are specifically enshrined in the new act.

Bill C-11 deals harshly with another global problem, the trafficking of human beings for profit and gain. These operations are global in scope and covert in nature. If our laws are to function with integrity and maintain the confidence of Canadians, our laws must have the teeth to enact justice on the perpetrators. Bill C-11 calls for tough penalties for those engaged in human traffic and smuggling, up to life imprisonment and up to \$1 million in fines. It allows the court to order forfeiture of money and other property seized from traffickers and smugglers. It puts penalties for human trafficking in line with those for drug trafficking and allows us to send a strong message to our courts.

The bill creates a new category of inadmissibility for those who commit fraud or misrepresentation on immigration applications. It streamlines the refugee determination process and allows us to exclude serious criminals, security risks, human rights violators and members of organized crime from the process altogether, by suspending or terminating their claims.

Bill C-11 strengthens and clarifies the provisions for detention. It extends the power to arrest and detain refugee claimants when we have serious concerns about their identity and they are uncooperative in providing assistance. The regulations accompanying Bill C-11 will include the factors that have to be considered when deciding to release someone from detention. The result will be a more transparent and safer process.

These new provisions will also ensure that the system is fair and administered evenly across the country. The bill provides for suspension of the refugee determination process if someone is found to be a security risk later in the process. This is not possible under the current act and is an important new provision to help remove security threats from Canada. Under Bill C-11, security risks and threats to the safety and security of Canadians will be barred from the system. There will not be lengthy delays at the beginning of the process, as in the past. This measure not only provides better protection for Canadians; it is also more humane for those fleeing persecution and seeking our protection.

Some have questioned whether the department has sufficient resources to implement these new increased security measures. Let me point out that the Government of Canada has just announced that it will invest \$49 million to strengthen Citizenship and Immigration's ability to move quickly on key enforcement initiatives. These initiatives include fast tracking the permanent resident card for new immigrants by June 2002, front-end security screening of refugee claimants, increased detention capacity, increased deportation activity and hiring up to 100 new staff to enforce upgraded security at ports of entry. These resources are in addition to the \$90 million annually that CIC and other federal departments obtained in Budget 2000 for the implementation of immigration reform. This \$139 million in total, honourable senators, is to strengthen security under the Immigration and Refugee Protection Act.

• (1500)

Bill C-11 will strengthen Canada's refugee determination system, making it fairer, more efficient and effective. Approximately 130 million people are estimated to be on the move. The need for protection of people fleeing war, civil strife or persecution continues to grow. Canada will continue to do its share to ease global pressures. Bill C-11 will help us to do the job better.

Some have questioned the Immigration and Refugee Board appointment process, claiming that the process is inadequate. In fact, the IRB is recognized internationally for its fairness and its integrity. Members are appointed by the Governor in Council on the recommendation of the minister, after a comprehensive selection process administered by a ministerial advisory committee. I can assure you that this selection process is rigorous and includes a detailed screening, a written test, an oral interview and professional reference checks. The candidates must demonstrate that they possess analytical reasoning and problem-solving skills, decision-making abilities and judgment skills, communication and interpersonal skills, as well as professional ethics. Rest assured, honourable senators, that we can be proud of the excellent men and women who serve on the IRB.

Let us look at the provision of Bill C-11 that will enhance Canada's prospects for economic growth and prosperity. To grow and prosper in the future, Canada needs dynamic, well-educated, skilled people. Immigrants and refugees have built our

[ Senator Carstairs ]

communities and woven a rich cultural tapestry and a diverse social and economic fabric that is one of our great sources of strength in a competitive global economy. Our social cohesion and tolerance is the envy of the world but our population, as I indicated earlier, is aging and having fewer children.

Currently, over three-quarters of Canada's labour force growth comes from immigration. In just 10 years or so, immigration will account for all of Canada's labour force growth. In just 20 years, all of Canada's population growth will be from immigration. Canada is not alone in this demographic crunch. There is emerging a vigorous global competition to attract the world's best and brightest. Bill C-11 and its accompanying regulations will allow Canada to maintain its competitive edge and secure the people we need to continue to make Canada one of the best places in the world in which to live.

Bill C-11 will introduce a new points grid to shift the current focus of skilled worker selection from experience in a particular occupation to more of a focus on flexible and transferable skills. The new regulations will allow for skilled tradespersons as well because Canada needs these new people.

Bill C-11 reaffirms yet another cornerstone of Canada's immigration tradition: the reunification of families. The bill provides specific measures to speed up family reunification. It creates an in-Canada landing class and simplifies applications for spouses, partners and children already in Canada legally, who will no longer have to leave the country to apply.

There have been suggestions in committee hearings of the House of Commons and the Senate that clause 64 of the bill, dealing with permanent residence, is too harsh. In cases involving serious criminals, human rights abusers, organized crime members and threats to Canadian security, it is the minister's responsibility to ensure that issues of safety and security are paramount. These are the people who are not entitled to an appeal, and these are the people who will be dealt with harshly under Bill C-11. Of that there is no doubt. However, the decision to remove a long-term permanent resident under these circumstances is not taken lightly.

The government's amendment in the House of Commons was to ensure that these removal orders are issued only by an independent adjudicator of the IRB and at an admissibility hearing. This amendment was adopted and is now in clause 44 of Bill C-11. Before referral to the IRB, CIC officials will consider personal circumstances such as family ties, attachment to the culture and language of the home country, immigration status, and length of time in Canada. The nature of the crime will also be considered.

In addition, honourable senators, procedural changes are being made to ensure that long-term residents who came to Canada at a young age are given more consideration than they are in the current act. Comprehensive guidelines will be put in place to ensure that every person is treated fairly and equitably.

The current Immigration Act is too complex, difficult to understand and not flexible enough to respond quickly. We need a modern act with modern regulations to respond to a new global reality that allows Canada to maximize the benefits of immigration and maintain our humanitarian traditions, while managing access to the country, and while protecting safety and security.

Bill C-11, honourable senators, will provide us with this coherent, modern legislation. It deals with much of the same subject matter as the current act but in a much more accessible way. It regroups provisions into four main parts — immigration, refugee protection, enforcement and the Immigration and Refugee Board — making the new legislation clearer, simpler and easier to use.

Honourable senators, I hope that you will not accept the motion from the Honourable Senator Andreychuk to hoist this bill for six months but will pass it today in the firm belief that it will give to the Government of Canada, and therefore to the people of Canada, modern, new tools that will maintain not only our values and our sense of tradition, but also ensure that the best stay and those whom we do not want are gotten rid of quickly.

**Senator Di Nino:** Would the Honourable Senator Carstairs take some questions?

**Senator Carstairs:** Of course.

**Senator Di Nino:** First, for the record, let me correct some of the comments made by the minister. I never used the word “conflict” when I was suggesting that Bill C-36 may have an impact on Bill C-11. That was the honourable senator’s word, and if she will check the record, I believe she will find that to be the case.

The minister also said that the response from this side to the Honourable Senator Cordy’s speech on second reading was two weeks. Let me again put the record straight. The bill was introduced on June 14, the last sitting before the summer recess. It would have been very difficult to respond at that time. The minister left the impression that we sat on our hands throughout the summer doing nothing. That is absolutely incorrect. I, for one — and I am sure some of my other colleagues and those limited staff members that we have as senators — worked throughout the summer trying to analyze and make some sense out of this bill.

The response from this side took three days — not two weeks — from the time that Senator Cordy made her speech. She spoke on Tuesday, September 18. I replied on the following Tuesday, September 25, which is three sitting days after her speech.

Further, for the record, I should like to inform honourable senators that on Wednesday, September 26, Senator Robichaud introduced a time-allotted motion that gave us until September 27 to complete the debate on second reading of the bill.

I make these remarks so that we may have the correct information on the record.

I now wish to ask the minister some questions.

Near the end of her remarks, I believe I heard the honourable senator say that long-term residents, and particularly young people, would be dealt with differently. I believe she mentioned some regulation.

• (1510)

The legislation as it now stands means that if someone comes to Canada as a child — three months old, a year and a half — and later on in their life commits a serious crime, the right to appeal deportation is denied them because they are not Canadian citizens, even though they have been residents all their lives and are a product of this country. Before I ask the question, perhaps the senator could clarify that.

**Senator Carstairs:** Honourable senators, we can have an argument about the timing, but we certainly do not have any argument about when this bill came to the Senate. It came to the Senate on June 14. We have no argument about when Senator Cordy spoke. Quite frankly, we have had the bill for almost three months, and I would have expected the opposition to have responded either that day or the next day. In reviewing the tradition in this chamber when we were in opposition, that was in fact the case. Having said that, it took until September 27 before this bill went to committee. It then took a period until October 23 to get a committee report, and it is now October 31.

There has been no speedy progress for this bill. There has been, I suggest, considered progress of this bill. I have heard statements made outside this chamber that this was a “hurry up” job. Quite frankly, the leadership on the other side came to me saying that they wanted extra days of hearings, and we provided those extra days. We have been very cooperative with the other side in terms of this legislation.

As to the specific comment that the honourable senator raises, I must say that this has been a serious concern of mine for a very long time. We may have a child who is born, or almost born, in this country or who arrived in this country at two or three months of age. At the age of 22, let us say, he commits a criminal act. We choose to then deport him to his country of origin, his country of birth. It seems to me, then, that we in this country have produced a young person who is perhaps not in sync with all the laws and the social values of this country, but it is we who have done that. We cannot blame that on another country.

My understanding is that this bill makes that interpretation of his time in the country very admissible before the refugee hearing, and quite frankly it has not been up to this point. It is that admissibility which I think is significant. The immigration board making the determination with respect to that young individual should know the length of time that the individual has been in this country and that he is a product of our social fabric and not that of a foreign country.

**Senator Di Nino:** Does my honourable friend agree, though, that if that person is ordered deported, notwithstanding that he may have been here when he was two years old or three months old, that he should have no right of appeal? As I said, I thought the leader made a comment in her speech that dealt with some regulation that may change that situation. That is the question I had. Does the leader agree that if it is felt that the individual will not be allowed to remain and is deported, notwithstanding that he is a product of this country, that he should not have a right of appeal? Does the leader think that is correct?

**Senator Carstairs:** I said in my comments — and I repeat it because I know I said many things — that, in addition, procedural changes are being made to ensure that long-term residents who came to Canada at a young age are given more consideration than they are in the current act. Comprehensive guidelines will be put in place to ensure that every person is treated fairly and equitably.

**Senator Di Nino:** Thank you for that because it actually gives me a little bit of comfort, although I am not sure I like to see that.

Madam Minister, this is one of the problems with government by bureaucracy. We have seen this kind of legislative initiative, as Senator Bolduc said a moment ago, and it is becoming ridiculous. Parliament will become irrelevant and we will let the bureaucrats decide. Why must we accept from governments, whatever stripe they may be, the exclusion of Parliament from very important decisions such as the one honourable leader has just mentioned?

**Senator Carstairs:** Honourable senators, the regulations will be submitted to both the Senate and the House of Commons for our approval. I happen to think that these are significant changes. Frequently, and Senator Bolduc knows this well, regulations come into force after the fact and, as parliamentarians, we never see them. The fact is that we will see these regulations as part of the act. By law, we must see these regulations and we must evaluate these regulations. That is a significant and positive change.

**Senator Di Nino:** Before I forget, did I hear the minister say that the regulations will come before us for our approval? That was not my understanding. Could she verify that, please?

**Senator Carstairs:** I did not, Senator Di Nino, say that they would be coming to you for your approval. If I did, I certainly did not mean to. They are coming “before you.” They will be referred to an appropriate committee. The honourable senator can raise his concerns with the Honourable Minister for Citizenship and Immigration.

Honourable senators, it can be argued, and certainly has been argued with some effectiveness, particularly by Senator Bolduc, that we are becoming more and more a regulation-oriented society. It is true. Our legislation is becoming more and more complex. There is no question about that. It used to be that first reading meant that the clerk would stand up and read the bill in its entirety because the bill was only one page or a page and a

half long. We now have bills like the Bank Act of last year that was some 900 pages long. There is no question that the world has become more complex and regulations have become more complex.

What is our answer to that? I think it is twofold. It is to insist on more of these regulations being presented to Parliament for our input on what we think is the effectiveness of the regulations or their negative impact. I also think that we should consider seriously beefing up our Scrutiny of Regulations Committee. By that, I mean that we should give them the staff and the authority to look at regulations in a very serious way. Those regulations, as many senators know very well, are becoming as important as the law itself, in some cases perhaps even more important.

**Senator Di Nino:** Let me ask another question. I have a number of them, but I will defer to my colleagues, having regard to time.

Minister, you indicated that we are getting tougher on those who traffic in humans, and I totally agree. I think we should do things to them that I cannot talk about in the Senate.

The legislation raises the financial penalty to \$1 million. The current penalty is \$500,000. We asked the officials how often the \$500,000 penalty has been imposed since it became law. The answer? Never.

- (1520)

Honourable senators, our concern is that this government has a tendency to rely on rhetoric, as stated by the representative of the Chiefs of Police. When it comes to action, it is just not enough to have a maximum penalty and never use it. My question to the minister is: Why raise the penalty to \$1 million? Why not raise it to \$10 million or \$140 million if we will never use it, just as we have never applied the half-million-dollar penalty that is there now?

**Senator Carstairs:** Honourable senators, with the greatest of respect, it is not the government that imposes the penalty. Many in this room would agree that if the range of fines is from zero to \$10, rarely do they use the \$10. If the range of fines is from zero to half a million, rarely will they use the half million. If the range, however, is from zero to \$1 million, then maybe they will start assessing fines at the half million dollar range or the three-quarters of a million dollar range. The maximum will not be reached but the range will become greater.

What is more important, Senator Di Nino, is that the penalty can be life imprisonment.

[*Translation*]

**Senator Bolduc:** Madam Minister, you told us that the bill had been five years in the making and that a lot of work had been done, including meetings with experts. So this was a very long process that lasted five years and the Senate received the bill on June 24.

Why is it that the regulations were not with the bill? If the process lasted five years, it seems to me that, at least during the last year, they could have drafted regulations, as we do with financial statements.

The 30,000 public servants working for this department had the whole summer, from June 24 to the end of October — that is four additional months — to draft those regulations. I simply cannot believe that they were unable to do so.

[English]

**Senator Carstairs:** Senator Bolduc, in this business you are sometimes damned if you do and damned if you don't. If the government had come forward with all of its regulations before this Senate had received the bill, or before the Senate had passed the bill, the hue and cry from some senators — not you, Senator Bolduc — on the other side would have brought the roof down.

The government did distribute a document on the regulation development process that I believe was entitled Policy Framework. That was distributed at the committee hearings, as it had been distributed to the House of Commons committee. I would be naive to tell that you that the regulations are in fact in an ongoing draft state at the present time, but in this parliamentary tradition the bills come first and the regulations come second.

**Hon. A. Raynell Andreychuk:** Honourable senators, I would certainly like to pursue that point because the tradition was always to have the draft regulations so that one could have some assurance of the direction they are going. In fact, during the review of the DNA bill recently in the Standing Senate Committee on Legal and Constitutional Affairs, the draft regulations were there and they were very helpful. Therefore, I do not know why the government has gone off that process. If there have been complaints perhaps there were not enough to take into account, and that is being used as an excuse not to file them.

The problem with the regulations for Bill C-11 is not simply that they are not there, but that the most fundamental principles will be put into regulation, fundamental principles that are not usually found in regulations. Does the leader not find it rather unusual that the right to appeal will not be a right of law, but a right of the regulations at the discretion of the minister? People who are permanent residents are loyal to this country and have valid reasons to continue to be permanent residents. They are people who, for example, came from Uganda. They were driven out of that country and came here but wanted to continue to work in that country, and in many cases they must have a passport of that country to work there. They are committed to this country and are permanent residents of this country. Why do they not have a right of appeal, a right that is so well known in our society, one given by law, protected by law and not at the discretion of the minister?

Can the leader state why the regulations have gone so far that the minister becomes in effect the rule of law?

**Senator Bolduc:** The rule of men.

**Senator Carstairs:** Thank you, Senator Andreychuk, for that question.

The right of appeal has in fact been removed. The honourable senator is quite right and knows the law. It is not there for some situations. However, I will give a classic example. Is the honourable senator suggesting to me that someone who has been convicted of having participated in the genocide of 6 million people, or some of those 6 million people, should continue to have right of appeal after right of appeal? I am sorry, I say no. When it has been proven that that person is in fact guilty of the most heinous crime, it is time to say, "Goodbye, you are not welcome in this country."

**Senator Andreychuk:** Honourable senators, that would be good if in fact that were the case. However, we passed Bill C-19 to have the authority to refer such cases to the International Criminal Court for prosecution, cases of war criminals, et cetera.

Unfortunately, no one would argue with what the leader is saying, but we are not trapping the war criminals. This legislation traps people who could be convicted of a driving offence or impaired driving once in their life. They should be punished. There is no question about that. They should be charged and convicted, but should they be removed from the country because someone might have said that that was a serious criminal activity sufficient to deny them due process and the right to appeal? We are not saying they should not be deported, but they should have due process and the right to an appeal.

**Senator Carstairs:** The honourable senator and I will have to disagree because I think they have due process. They have a number of avenues of which they can take advantage through the immigration appeal process, and also through the ministerial appeal process. I do not believe they need to have appeal before a court of law and I think Senator Andreychuk's example, quite frankly, is wildly over-exaggerated. It is very clear that if someone committed a traffic offence, no immigration review panel will say the person should be deported. We do not have that kind of legal or semi-judicial process in this country.

However, to those people who lie when they enter this country and then, 20 years later, when they are caught out, say, "I should not have done that," I say, "Sorry, a lie is a lie."

**Senator Andreychuk:** Honourable senators, I will not take this point further because people certainly do lie to get into this country when they do not have papers and when they are afraid, and that is fundamental in our refugee program. The point is whether the lie is fundamental or whether it is a small lie to cover an identity so that the traces of terrorism from which they escaped cannot follow them. There are many reasons and we have gone through them.

I have another question. The Leader of the Government in the Senate stated that money has been released, for which I think Canadian citizens are extremely grateful, to provide for the pre-screening process in the existing act, as well as the process in Bill C-11. We have released phenomenal resources to do what we should have been doing through the Immigration Act because of terrorism. It should have been done earlier. However, it is being done now and that is appropriate.

• (1530)

What measure is there in Bill C-11 that is not in the present act that will protect Canadians from the type of terrorism that occurred on September 11?

**Senator Carstairs:** Honourable senators, let me make it clear that some money has been released since September 11, but the vast majority of money going to the Department of Citizenship and Immigration for the processing and settling of immigrants and refugees was released in the 2000 Budget. The money has been there for some time and is not just as a result of the activities of September 11, although the amount has been increased since then.

Although I cannot give the honourable senator a written guarantee, tighter immigration policies, better procedures at the border and better screening procedures have been put in place to tighten the process. Although those things were done before September 11, it is to be hoped that they will make procedures in this country more effective.

**Senator Andreychuk:** Honourable senators, to repeat, what measure is contained in Bill C-11, that is not in the present act, that will protect Canadians against the type of terrorism that occurred on September 11?

**Senator Carstairs:** The bill provides the ability to deal with the process more quickly, as well as providing for additional screening.

**Senator Andreychuk:** Honourable senators, can the Leader of the Government in the Senate point to a specific clause of the bill? The witnesses who appeared before us said that the refugee process will be infinitely longer, rather than shorter.

**Senator Carstairs:** That is certainly not the intention of the government and it is not the government's interpretation of the bill.

**Hon. Douglas Roche:** Honourable senators, when the committee reported the bill back to the Senate, it was accompanied by an annex entitled "Observations," which contains 13 pages of observations. I spoke at length yesterday on those observations and will not repeat now what I said then.

Those observations went a long way toward addressing the concerns that many have raised about Bill C-11. What kind of assurance can the Leader of the Government in the Senate give us that the observations will be taken seriously by the government?

[ Senator Andreychuk ]

I was impressed that the observations reflected the unanimous view of the committee. Does the fact that they reflect unanimity on all sides of the committee cut some ice with the government?

**Senator Carstairs:** Honourable senators, it has been my experience in the seven years that I have been in this chamber that bills have an amazing way of coming back to the chamber. The Young Offenders Act, for example, is back in another incarnation known as the Youth Criminal Justice Act. It seems to me that we dealt with that not too long ago in the Standing Senate Committee on Legal and Constitutional Affairs.

Bill C-11 is not the last bill that we will ever see on immigration. It is the duty and responsibility of members of this upper chamber of sober second thought to be vigilant and to ask questions. When officials of the Department of Citizenship and Immigration appear before the committee on the regulations attached to this bill, it is up to us to ask what is being done about all these issues. If we do not do that follow-up, we will be as guilty as the government should it not do that follow-up.

I can tell the honourable senator that the department already has the annex to our report. I am sure that, if they are the intelligent people I think they are, they will have already read it and taken the concerns of senators into account.

I wish to clarify something that the Honourable Senator Roche put on the record yesterday. He said:

The claim that Bill C-11 is needed to stop terrorists from entering Canada is bogus. The current Immigration and Refugee Act already provides authorities with the power to arrest, detain and remove persons who constitute a security risk to Canada. Surprisingly, this power has never been used.

In the year 2000-01, over 8,700 persons were detained pursuant to the Immigration and Refugee Act. Some of those were detained for security reasons, as they posed a danger to the public. Others were detained due to health risks and various other reasons. Let me assure honourable senators that this section of the act has been used quite a number of times.

**Senator Roche:** I thank the honourable leader for that correction. I was quoting witnesses, but I am glad to have the point clarified.

The minister said that this will not be the final bill, that there will be more legislation in the future, and that we should ask questions to ensure that the observations of the committee are being considered. I agree with that, but senators do not have the opportunity to ask too many questions. I believe that it is incumbent on the government to ensure that the observations are implemented.

The observations recommend that the Senate do an in-depth study of all aspects of Canada's immigration and refugee system and that such a study should define the fundamental issues in order for Canada to remain a just and welcoming society.

How can the proposal for such a study be furthered so that the concerns of senators reflected in the observations can be dealt with in order to produce an immigration and refugee system of which we can all be proud in the future?

**Senator Carstairs:** I wish to make it perfectly clear that I know of no immigration bill that is coming to us in the near future. I merely said that my experience in legislative assemblies indicates that these bills seem to come around time and again.

In terms of the study recommended in the observations, I am often asked whether we will study this, that or something else. That is for the Senate to determine, not for me. I do not even determine the budgets that committees get to do their studies. That is done by the Internal Economy Committee. I do not have that authority.

If senators wish to study particular issues, they make a proposal to the pertinent committee. In this case, that is the Standing Senate Committee on Social Affairs, Science and Technology because that is the committee that presented this report. Alternatively, they can do what Senator Nolin did with regard to his special study on illegal drugs. He asked the leadership if there would be interest in his proposed study. I asked my caucus whether they were interested in the subject. Senator Nolin then had to present his proposal to the chamber, which voted on it. I do not have authority over committee studies.

Having watched this process in the chamber, I must say that I should like the Senate to have an in-depth debate about our priorities for a given year. Chairs of committees appear before the Internal Economy Committee and then present their proposals to the chamber, where they are voted on. However, we never look at the broad picture of what all committees are studying. The result of not doing that is that our work is sometimes very diffused.

• (1540)

It may be better if we concentrate on two or three areas a year and conduct intensive studies, rather than small studies in a variety of areas. That is my view of how we should proceed. However, clearly, it is up to the Senate to decide what the Senate will do.

We are well known for our special studies in particular. I am reminded of the special studies done by Senator Sparrow, which, quite frankly, warranted international acceptance. I think of the study chaired by Senator Neiman on euthanasia and assisted suicide, which is now used in medical schools throughout the world for class discussion of those issues.

We cannot conduct 20 of those studies per year. My suggestion would be that we step back and that this chamber should decide what our priorities ought to be.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, when I was appointed to the Senate after 30 years of service in the House of Commons, I knew full well what I was getting into. The invitation to sit in the Senate was undoubtedly a great honour, even though my stay in the House of Commons could have been extended, since my successors are currently sitting with the majority.

Thanks to my father and mother, I was aware from the very beginning of my political life the importance of immigration. Those with a curious mind may want to look at the newspapers of the time when I celebrated my 25th year as a member of Parliament and read about all the fine things I did with regard to multiculturalism.

A well-known journalist at the time, Mr. LeBlanc, concluded that there are no miracles after all and that "what Mr. Prud'homme is doing is a reflection of what Montreal will be later." And 38 years later, Montreal is precisely that. It has become one of the most multicultural and multi-faith cities, making it a most attractive urban centre for immigrants.

I have always attached a lot of importance to immigration, not for political expediency since my first elections were won in a riding that truly reflected the Montreal of the day. Over time, everything changed with this new interest for Montreal as an international and multicultural city.

When I was parliamentary secretary to the Minister of Immigration, the media unkindly described me as the French-language mouthpiece of the unilingual English ministers I served. At that time, I used to get one minute's notice of a press conference, but I must say that I acquitted myself very well in them nevertheless.

I had always observed with interest the business of the Senate. With 30 years in Parliament under my belt, I never thought I would one day be part of it. My dream was to become a minister, specifically Minister of Foreign Affairs.

Everyone knows how keenly interested I am in foreign affairs. I was therefore appointed to head the Foreign Affairs and National Defence Committee, thanks to Pierre Elliott Trudeau, who always made sure I had no competition for that position.

On arrival in the Senate, I used to explain its role to students and teachers by saying that if some people in Canada, be they journalists or academics, had something against the Senate, that was not my problem.

I respect Canada's institutions. There are two chambers and each has a role to play. I have always said that, starting long before I was in the Senate, back when I was in the House. I said: "If you are not satisfied with the Senate, then do away with it, or change it, but do not attack it."

Honourable senators will see that, throughout my career, I have spoken out on behalf of respecting the Senate. What is its role then?

[English]

My message is mainly to the new senators. What are we doing here? Why did we come here? What is the Senate? Who was our beloved friend, Senator Molgat? What was he asking of us when he requested that we cooperate with him in talking with the professors across Canada about our role in the Senate?

[Translation]

What do we say to university students when we go to speak about the Senate? What is the justification for its existence? We say that the Senate is a place for sober thought, and I believe that. I believe that we are here to examine legislation calmly. As tragic as the events of September 11 were, the Senate is there to see that the legislation that is enacted is what Canadians really want.

As Senator Carstairs said, debate on the Immigration Act is nothing new. Since I was elected to the House of Commons on February 10, 1964, there has been talk of modernizing and broadening the legislation. We have been talking about it for a long time because it goes to the very heart of what brings us together here, which is Canada.

Today, on October 31, Hallowe'en, we are being served up a motley collection of bills which Canadians are going to mix up. I respect the silence imposed on us with respect to the committee's report on Bill C-36, which will be sent to the House of Commons. I attended all the meetings.

Since the events of September 11, we know that Canadians are living in fear. I think it is time we stopped talking about it. In such circumstances, the role of the Prime Minister is to reassure Canadians.

There are members who should go to their ridings and visit the elderly to reassure them. In my riding, there are 28 seniors' residences. The seniors living in them are afraid because they hear politicians saying, on the one hand, that they should go about their normal business and, on the other, that terrorism is on our doorstep.

I comfort them by saying that if I came on foot to see them, the situation is not as bad as all that. The role of a politician is to assume his responsibilities towards Canadians, who are starting to wonder when they sense the nervousness of the politicians in power.

What Canadians want is good bills, not legislation managed by public servants.

• (1550)

They want laws that will let them lay blame on the Prime Minister or the minister. They want to be able to say: You are

[ Senator Prud'homme ]

responsible; you cannot hide behind officials who have already drafted the regulations.

One can learn a lot in travelling. I was in Libya recently. Unbelievable! This is a country that the Government of Canada is now helping.

It is remarkable. You come from Alberta, Your Honour. You would not believe the money that Calgarians can earn in Libya right now. They are still very interested in oil and gas issues. Senator Taylor should look into this and go and see the tremendous developments taking place there. The Canadian government encouraged me to do so.

Honourable senators, I would hope that Canadian voters would punish me if I supported bad legislation. However, I do not wish to be punished by those who enact regulations that have already been drafted and that have hampered us in the past.

One day, a terrible fight erupted between the Minister of Justice and the Minister of Citizenship and Immigration regarding an international conference on organized crime. This was a long time ago. Old-time Liberals may remember it. Senator Gauthier will recall. It divided the national Liberal caucus. A UN conference on organized crime that was supposed to take place in Toronto divided the Liberal caucus for months, because a senior official from the Department of Citizenship and Immigration made a decision. Officials from the Department of External Affairs had a different opinion. The regulations for the Department of Citizenship and Immigration took precedence. The UN conference was to take place at the request of the Government of Ontario. It was cancelled — my colleagues and I would never have accepted it — it did not take place — others would not have accepted it either, including one who now sits in the Senate. Mr. MacEachen, in his great wisdom, asked that the conference that the Government of Ontario wanted to hold in Toronto be suspended.

The role of officials: they write and they are ready. I ask you to consider, honourable senators, what the minister has just said: "No, no, do not underestimate me, but make no mistake about what I have just told you; you will see the regulations, but you will not be there to change them; you will be able to look at them, admire them, comment on them, but you will not be able to change them."

This may be simplistic, but if this is the case, why would we not, in the course of our study of the bill, as men and women who are mature, and who have the tranquillity and ability to be calm, suspend passage of this bill until we can see the regulations? They may change my vote, or that of Senator Bolduc, or Senator Spivak, or Senator Finestone, or others. Why not? We do not know what the regulations will stipulate.

When I travelled recently, I met some young public servants on the plane. I will not name names, for it would mean the end of their careers. They told me that it was obvious that the regulations were already drafted.



When I was at the Vatican, another one reported that I had noted that the Catholic religion could flourish in Tripoli. I wanted to see whether that was true. I reported this to the Vatican and to our ambassador to the Vatican. Public servants have shown a certain trust in me and I will not betray it. They told me that it was obvious that the regulations were already drafted. Another one told me he found it extraordinary that members of Parliament get all upset when a boatload of Chinese turns up on the West Coast. Parliament nearly had to be recalled in a special session as a result of one such incident. He told me that we should see what goes on regularly at Lacolle, a village on the Canada-U.S. border. There is at least one boat a week there.

Honourable senators, the Speaker is a well-read man. He is an intelligent man, as was his father, whom I always respected. I am thinking of the other senators. As you know, I have several items on the Order Paper. I did not think that the events of September 11 would be happening when I said that I would be debating Senator Finestone's question on the horrific treatment of women in Afghanistan. I did not wait for September 11 before speaking. I have not done so since because I was expecting explanations of this tragedy, from women among others.

Another of my speeches will address the CSIS report. When I put that on the Order Paper in May or June, I did not know what September 11 had in store for us. Despite all my so-called connections in the world, I still could not predict that, and that is dangerous. If someone had simply read that report, do you think all these bills would be needed? If the present legislation and regulations were enforced, if the government provided Citizenship and Immigration with the necessary funds to enable it to do its job properly, if the government dealt with the matter of the 20,000 to 25,000 people who never reported back, would we be needing a bill? Would we be needing a new bill to inform us that some people have forged Canadian passports?

Honourable senators will recall my consternation when there was nearly a war between Jordan and Israel and Mossad agents had been found to have Canadian passports. I spoke of that. There are some matters here we are not allowed to address.

Some may claim that Marcel Prud'homme accepts the idea that people may have forged papers. Do I need a bill to inform me that forged passports may be acceptable?

[English]

**The Hon. the Speaker:** I regret to inform the honourable senator that his speaking time has expired. Is leave granted for the honourable senator to continue?

**Hon. Senators:** Agreed.

[Translation]

**Senator Prud'homme:** Honourable senators, Senator Carstairs is entirely correct. The bill was introduced in June.

[English]

I am obliged to bear witness to what I see.

[Translation]

Bill C-7 occupies Senator Beaudoin, Senator Nolin and just about everyone with expertise in this area. Bill C-11, in my opinion, should have been sent to the Standing Committee on Legal and Constitutional Affairs. The senators most interested in these issues should deal with them.

I would not disturb Senator Kolber about the banking system. I will go there soon and give him advance notice. I know nothing about the system. Some senators are prepared to sit on certain committees. This is the way the three main bills are divided. For example, wait until you see the horror of Bill C-36. They want to frighten people. Be on your guard. It will not last long.

In 1970, after bringing in the War Measures Act, the government nearly lost the election in 1972. We were in a minority position, I have to say; we had a one-vote majority. In the polls, we stood at 88 per cent of the popular vote. Let us not get carried away by the heady fumes of popularity.

• (1600)

My father always warned me to be on my guard when people applauded. He told me to close my eyes and to see the same people the next day ready to lynch me. My approach to politics was therefore one of prudence. Applause is as dangerous as alcohol. It can go to your head.

The bill before us is an important bill, but the Minister of Citizenship and Immigration did not appear before the committee studying Bill C-36 on terrorism. She introduced a bill, which we received before September 11. It does not even define a terrorist. So who will decide?

I should not get excited, because of my heart, so keep an eye on me because I have always dreamed of dying on my feet, just like that, in the middle of a speech. I do not ask that you speak either good or evil of me. Just observe a minute's silence, should it happen. It is in my will, in fact.

The Minister of Citizenship and Immigration, Ms Caplan, who will administer this bill, did not even come to explain the contents of the bill and its repercussions. Senators invited her. What incredible snobbishness. The Minister of Justice, Ms McLellan, when she appeared before the committee, took the liberty of explaining the thinking of the Minister of Immigration. I have seen a lot of things in my life, but nothing like that.

I like public servants, I need them and, ultimately, they are not the ones who are responsible. Rather, it is parliamentarians and the government. It is too easy to pass the buck and say: "My officials." The Minister of Justice herself, when she did not want to reply, would turn and say: "Well, I am advised." But the public servant who is advising her will not take any responsibility.

I made the mistake of saying: “What about if we advise you wrongly?” Honourable senators, the minister almost provoked me. When she was talking to Senator Andreychuk, she said to her: “Are you in agreement with the most heinous crimes?” I am not going to discuss this now, but I will tomorrow.

Tomorrow, I will have things to tell you that are not very pleasant. Just look at what is going on with the visit by the Minister of Foreign Affairs, Mr. Manley, and the damage it could cause to us because of certain decisions. Who made these decisions? Not little 80-year-old men who committed heinous crimes or who are accused of having committed such crimes or people who fit the definition of war criminals exactly and are currently living in Montreal, Toronto and Ottawa.

These people are on the RCMP’s list, but they nevertheless were given Canadian citizenship. What are these people doing in Canada? Who is cleaning up — public servants, the minister? Nobody. Tomorrow I will ask the question. This is fair notice to the minister, since I will ask her about this visit by Mr. Manley, who is very embarrassed to have to answer certain questions in Lebanon.

Honourable senators, if for once we wanted to show that the Senate truly has a role to play — and I am not necessarily opposed to the bill, even though I think it should be improved — what would be wrong with hoisting it until we get these regulations?

[English]

Why do we not see the regulations at the same time? The Senate may come to a unanimous decision in less than 10 minutes, if we were to see what we must live with for years to come. That will be decided in “catimini,” as we say in French —

[Translation]

— in secret, by public servants who are not accountable to anyone and who have no authority before Canadians. Why not combine the two? What wisdom could come out of the Senate?

[English]

What a great gesture the Senate could make by saying to the other side, “Wait a minute. We know it is popular. All you need to do at the moment is say, ‘Don’t worry, we will tame these terrorists.’” It is now winter in Afghanistan, honourable senators. Let us not scare the people by saying that the government is taking action and, at the same time, snuggling up to the dreams of bureaucrats, because they will ultimately decide how, from now on, immigration will function.

“Prud’homme,” I tell myself, “be positive.” I try to be positive. I have strong views on this issue. I want to believe that the Senate could accept this. Perhaps we could have unanimous consent to suspend the debate for three months. I know we have the rules to do that. This is not a rejection of the government. Perhaps we should make it four months so that Christmas, New Year and Hanukkah will intervene. That would be a clear signal that the Senate has a role to play.

[ Senator Prud’homme ]

That is why, regrettably, I will vote for the amendment proposed by Senator Andreychuk. I hope I will have the support of at least one senator. I only need one. I lost my dear friend Senator Simard who was always ready to vote on third reading of a bill. I want my vote to be registered because, in a few months from now, I will be happy to look back and say, “Well, it was not popular, but that is what I did, and that is what a lot of senators did.”

**Senator Robichaud:** Question.

**The Hon. the Speaker:** Honourable senators, I see no other senator rising to speak. Thus, I rise to remind those in the chamber that this bill is subject to an order of the Senate adopted on October 4, 2001, that, no later than 5:00 p.m., any proceeding before the Senate shall be interrupted and all questions necessary to dispose of third reading of the bill shall be put. The date on which this is to occur is today.

If, on putting the question, a standing vote is requested, then the bells to call in the senators shall be sounded for 30 minutes. Thus, if a vote is to take place, it will be taken at 5:30 p.m.

I hope that is clear, honourable senators.

We will now proceed with the Order Paper.

## BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I should now like to proceed to the consideration of the report presented earlier today by the Standing Senate Committee on Legal and Constitutional Affairs.

### MISCELLANEOUS STATUTE LAW AMENDMENT PROPOSALS

#### REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Legal and Constitutional Affairs, (*Proposals for a Miscellaneous Statute Law Amendment Act, 2001*)

**Hon. Lorna Milne** moved the adoption of the report.

She said: Honourable senators will be glad to know that I do not have a speech prepared on this report. We finished our deliberations on it after nine o’clock last night, and I had other things to attend to this morning. I think the report itself is quite clear about what precisely has gone on.

• (1610)

The Miscellaneous Statute Law Amendment Program was introduced in 1975. This will be the tenth time that the Standing Senate Committee on Legal and Constitutional Affairs has considered the miscellaneous statutes.

This document was referred to the committee on June 5.

The miscellaneous statute law amendment proposals deal with minor and non-controversial amendments to federal statutes that can be dealt with by way of an omnibus bill.

The conditions that must be met are that the amendments not be controversial, that they not involve the spending of public funds, that they not prejudicially affect the rights of persons, that they not create a new offence, and they not subject a new class of persons to an existing offence.

The committee met on this for quite some time. Expert witnesses appeared before us.

These proposals are tabled both in the Senate and in the House of Commons at the same time. Our corresponding committee in the other place studied them. If there is any question whatsoever by any person, senator or department that anything in this miscellaneous statute proposal is the least bit controversial, that part of the proposal is immediately withdrawn.

After both committees have studied the proposals, a miscellaneous statute law amendment bill is prepared, omitting any clause that was objected to by anyone in either place. It is generally expected that the bill, when it does come to us, will receive speedy passage through Parliament because all the matters that may be in dispute have been removed before it gets here.

The proposals this year contain 115 clauses, parts of 40 different acts. The various departments withdrew four clauses before we even began our consideration of the proposals. Our committee, after hearing the evidence, objected to seven further proposals, which will be removed. A detailed description of what those seven were is found beginning on page 6 of the report under Appendix A.

We were concerned about the relatively large number of proposals that came before us this time that were potentially controversial. For example, there were several proposals suggesting the removal of an approval requirement either by the Governor in Council or by Treasury Board for matters involving public monies. We removed every single one of those. We do not believe that those proposals should be there.

Another proposal would have repealed the reference to parliamentary review of an act. The witnesses who appeared before us could not substantiate that the review had actually taken place. In a number of instances, specific information was not presented to us in advance so that we could study it. It only came to our attention during the hearings.

An example of the difficulties experienced can be found in the proposals to amend the Nuclear Safety and Control Act, proposals we ultimately approved because the witnesses who appeared before us explained them very well. They made it quite

clear that these proposals were non-controversial and so we approved their inclusion in the omnibus bill.

I must commend the Canadian Nuclear Safety Commission because they sent several senior expert witnesses to appear before our committee. They were in a position to fully explain the background of the circumstances of these requests to remove certain provisions from the act.

Unfortunately, the committee did deal with a number of other potentially controversial proposals for which the same quality of information was not made available to us. General testimony provided by the Department of Justice is all very well as far as it goes, but we believe that, when a specific act deals with a specific department, an expert from that department should appear before the committee to explain why it is non-controversial and why it falls within the parameters of this proposal. An explanatory presentation by senior officials from the sponsor of the proposal serves both the interests of the committee and of the department itself.

Senators on the other side are probably more aware of this than I am, as it happened before I was appointed to the Senate, but in the committee's report on the 1990 proposals — this was the thirty-sixth report of the Thirty-Fourth Parliament, second session — the committee made several recommendations. I should like to refer you to them because I believe we should repeat those recommendations.

The proposals that came before them then, and that came again before us this time, deal with two different types of amendments. The first type consists of non-substantive anomalies, inconsistencies, archaisms, errors and the repeal of spent enactments. There are no problems there at all. The second type, though, is miscellaneous amendments and repeals of a non-controversial and uncomplicated nature. Most of the contentious proposals fall within this second category and are initiated by the department administering the legislation rather than by the Department of Justice. This category, I believe, should receive closer parliamentary scrutiny, since it can easily contain amendments that are substantive, rather than technical.

We agree with the 1990 report of the committee that these miscellaneous statute law amendments should be divided into two portions: those that are definitely non-controversial, and those that are potentially controversial. This would serve the interests of government; it would serve the interests of the department; and it would certainly make it much easier for the committee to do a thorough job of studying them.

The 1990 committee said that, for these reasons, the committee recommends that in future the proposals be divided into two parts, one to deal with true anomalies that would not be substantive, and the other to deal with miscellaneous, uncontroversial amendments and repeals that might be substantive, as long as they otherwise meet Justice criteria.

We feel strongly that the time has come for the committee to revisit this recommendation. To be specific, we want to make the following recommendations: First, any proposals that involve the removal of an approval requirement should be considered potentially controversial, particularly when public monies are involved. Parliamentary committees should have all of the relevant information at the time the proposals are tabled.

Second, where spent enactments are to be repealed, a witness from the sponsoring department should be available to explain the background and confirm that the enactment indeed is spent.

Third, we believe that references to a parliamentary review of legislation should not be repealed unless the committee receives written documentation that the review has actually taken place.

With those specific recommendations, we are presenting to you our ninth report, which does remove seven of the clauses that were presented to us.

• (1620)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have a few comments, and perhaps either the chair of the committee or any of the other members of the committee might provide the information that I am seeking.

As I understand it, and I stand to be corrected, adopting this report is simply accepting the analysis that the Standing Senate Committee on Legal and Constitutional Affairs has done on the report that was prepared by the committee. Therefore, by way of analogy, it is like a pre-study because a bill will come forward, and the bill will probably be drafted based upon the data contained in this report and on the proceedings of our committee.

There are a number of statutes that have provisions whereby a committee of the House of Commons is called upon to do a study or to receive a report but the Senate is left out. Could that error — a value judgment on my part — be corrected through this mechanism of miscellaneous statute adjustment, or would that fall into one of the categories of exclusion?

I refer honourable senators to the top of page 4 of the report, to which the chair drew our attention with respect to the committee having to deal with a number of controversial proposals that did not have the data attached or associated with it that the committee wanted. I take it that no action is being taken in the absence of the data the committee wanted, or has the committee simply made that observation and moved on to recommend, notwithstanding that observation?

**The Hon. the Speaker:** I take it, Senator Kinsella, that you were making a comment and putting a question to Senator Milne, or was it a rhetorical question?

**Senator Kinsella:** I believe I said I would appreciate clarification by either the chair of the committee or any other member of the committee who wants to comment.

[ Senator Milne ]

**The Hon. the Speaker:** Perhaps if the honourable senator were to characterize it as a comment and a question.

Senator Milne, would you like to answer?

**Senator Kinsella:** It is a hybrid.

**Senator Milne:** Honourable senators, one of the criteria is that requests for amendments, such as Senator Kinsella has suggested, sometime in the future, are forwarded to the legislation section of Justice Canada. The request come primarily from federal departments and agencies, but they can be made by any individual. Anyone can do this. I expect it would be deemed to be rather controversial. We have before us in the Senate a private member's bill that is trying to clear up that matter right now.

**Hon. Tommy Banks:** I would draw to the attention of honourable senators the middle section of the report, which I believe we received today. I take note that the condition for consideration of legislative changes requires that the matters be non-controversial. I draw to honourable senators' attention the fact that the Standing Senate Committee on Energy, the Environment and Natural Resources is presently engaged in a study of nuclear safety. The third proposal would give the Nuclear Safety Commission "legislative discretion to authorize the return to work of an employee who 'may have' received an excessive dose of radiation, raising issues of safety and employee rights." Speaking for myself, I do not regard that as a non-controversial matter. It is among the matters presently being considered by the Energy Committee. When the legislation that, I understand, will derive after this report, comes before us, it may be the case that the committee will make recommendations with respect to amendments that have to do with this particular subject.

**Senator Milne:** Senator Banks, thank you very much for the chance to answer that.

**The Hon. the Speaker:** Honourable senators, I should have interrupted a moment ago. The time for Senator Milne's comments has expired. Is leave granted for her to continue?

**Hon. Senators:** Agreed.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Certainly, for Senator Milne to answer the last question that was put to her.

**Senator Milne:** Honourable senators, I would be delighted to give Senator Banks the thick sheaf of information that was given to us on this particular issue because we were very concerned that it might, indeed, affect the safety of individuals. It was pointed out to us that there has been a whole series of Orders in Council delegating to the commission and its predecessor the powers technically exercised by the Treasury Board over employees, and this is in keeping with other legislation.

It has been in place for a long period of time. They spent half an hour describing to us precisely what the safety regulations were and how they were being met, and answered our questions on this particular issue very clearly. I would be delighted to send the honourable senator the information.

**The Hon. the Speaker:** Honourable senators, it was moved by the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

### CANADA SHIPPING BILL, 2001

#### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Bacon, for the third reading of Bill C-14, respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts.

**Hon. Donald H. Oliver:** Honourable senators, it gives me great pleasure to rise on third reading on Bill C-14.

Honourable Senator Forrestall ably handled this bill for our side as Deputy Chairman of the Standing Senate Committee on Transport and Communications. He asked to be relieved of his task so he could concentrate fully on his new role as the Deputy Chairman of the newly minted Standing Senate Committee on Defence and Security. I am, therefore, in the unenviable role of taking over from Senator Forrestall on a transportation bill, a difficult task.

I want to begin by complimenting the Chair of the Standing Senate Committee on Transport and Communications, Senator Bacon, for the way she conducted hearings on the bill. I believe we heard from all interested groups, and they were able to present their views in a way that was unhurried and their points, therefore, were easily understood by all senators. This bill has had a thorough review in committee.

As we all know, one of the benefits of dealing with legislation in Senate committee is that a written report may accompany the bill back to the Senate and form part of our permanent record. The Standing Senate Committee on Transport and Communications availed itself of this procedure and, in its sixth report to the Senate chamber, included its observations on this bill.

I agree with those observations, which bear noting here. The committee is very concerned about pollution of our waterways by cruise ships as well as pleasure craft.

• (1630)

The provisions of the bill concerning pollution are very good but the enforcement jurisdiction is shared between two departments, Transport Canada and the Department of Fisheries and Oceans. I hope that they will be able to coordinate their efforts.

Also, it is important to repeat the words of our report that “all the best written legal provisions are meaningless, unless the enforcement is reinforced by monetary resources.” We all know that Transport Canada is a shell of its former self. Resources must be made available for the implementation of these provisions to be effective.

The committee also wishes to pursue with the appropriate ministers additional measures that can be put into effect to ensure the safety of pleasure craft owners and the ecological integrity of our waterways. We will be having the ministers and department officials before the committee on a regular basis to monitor progress in these areas. As a lawyer, I am particularly concerned with the introduction of the enforcement tool of penalties. While there may be administrative appeals available, I want to be assured that there will still be access to the courts, by way of appeal, to overturn an unjust penalty.

While Bill C-14 is detailed legislation, there is still the authority for the Governor in Council to make regulations. Many senators are becoming more and more concerned with the fact that regulations are really outside the realm of parliamentary scrutiny. In my opinion, they should not be. The committee received an undertaking that regulations would be presented to the committee for review as soon as they are written. I know the committee will be vigilant in requiring this undertaking to be met.

There are two other issues to which I would like to refer that are not set out in the committee’s observations. I mention them here not because I disagree with the committee report, but because they are two areas where we need to pay particular attention as to how the new act is being applied.

The brief submitted to the committee by the Canadian Maritime Law Association is compelling in its comments on the enforcement provision of Bill C-14. There are two ways the department may proceed to seek a remedy for an alleged breach of this bill. It can proceed through civil proceedings with a lower burden of proof, called “on the balance of probabilities”; or it can proceed through the lower courts where the burden of proof is higher, called “beyond a reasonable doubt.” The issue, as pointed out by the Canadian Maritime Law Association, is that the department has the discretion as to which method to use. The law association made it clear in its brief that there should be no substantial advantage to the department in the event it chooses to proceed administratively. In other words, the department should not have the advantage to prosecute weak cases through the administrative system where it can take advantage of a lower and easier burden of proof.

Another issue raised by the Canadian Maritime Law Association is the fact that there is overlapping jurisdiction among a number of statutes for criminal liability for ship-source pollution. Water pollution has given rise to charges being laid with respect to a single circumstance under several different pieces of legislation and, with the adoption of the Canadian Environmental Protection Act, 1999, the list will probably only be lengthened. In addition to the Canadian Shipping Act and the Arctic Waters Pollution Prevention Act, section 40 of the Fisheries Act as well as section 13 of the Migratory Birds Convention Act, 1994, may be used to lay penal charges. Section 12 of the Criminal Code states that an accused is not liable to be punished more than once for the same offence, regardless of the number of acts of Parliament under which proceedings can be taken. A similar protection exists at common law and under section 11 of the Canadian Charter of Rights and Freedoms. The Supreme Court of Canada reviewed the effects of multiple proceedings in *R. v. Cranapple*, 1975, 1SCR p. 729. However, I am concerned that there may be attempts to try the accused under more than one act. It would have been better to have a section in Bill C-14 giving priority to prosecutions under the Canada Shipping Act, 2001, and stating that additional charges would not be laid under other federal acts with respect to the same act or omission. Unfortunately, without such a clause, those being prosecuted would have to rely upon the common law doctrine of *res judicata*, “the thing has been judged upon.”

I was also struck by the brief submitted by the Canadian International Freight Forwarders Association, dealing with Part 15 of the bill, the Shipping Conference Exemption Act. This group’s members are contractual carriers to Canadian exporters and importers on the one hand and buyers or customers of the shipping lines on the other. They want to be able to negotiate confidential service contracts with individual members of a shipping conference. However, they can only do this if there is a definition in Part 15 of Bill C-14, the Shipping Conferences Exemption Act, which legally recognizes freight forwarders as shippers. “Shippers” is defined in the equivalent U.S. act and the freight forwarders are quite willing to accept this definition of “shipper” contained in the Hamburg rules, which states:

Shipper means any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier, or any person by whom or in whose name or on whose behalf the goods are actually delivered to the carrier in relation to the contract of carriage by sea.

It might be worthwhile for the Department of Transport to determine whether this definition could be placed in the regulations. It is important to this group because it would allow the freight forwarders to pool together the individual variants of small- and medium-sized exporters so that the freight forwarders can negotiate an advantageous carrier rate for them so that exporters can maintain competitive rates. This provision is vital to allowing our small- and medium-sized exporters to remain competitive in the world markets.

[ Senator Oliver ]

Honourable senators, in conclusion, the careful treatment of Bill C-14 by the Standing Senate Committee on Transport and Communications is but one more example of the excellent work done in Senate committees. Time is taken in asking probing, difficult questions of witnesses who, I know, in turn, appreciate the fact that they are given time to respond fully to those questions.

**The Hon. the Speaker:** Honourable senators, it was moved by the Honourable Senator Callbeck, seconded by the Honourable Senator Bacon, that this bill be read the third time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

## BROADCASTING ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser, for the second reading of Bill S-29, to amend the Broadcasting Act (review of decisions).—(*Honourable Senator Finestone, P.C.*)

**Hon. Sheila Finestone:** Honourable senators, the purpose of Bill S-29 is to amend the Broadcasting Act in section 28 to extend the powers of internal review of the CRTC. This bill would give the commission the power to review, rescind or vary its decisions and permit it to re-hear any matter before rendering a decision. Bill S-29 would also bring the Broadcasting Act into concordance with the Telecommunications Act, where this power already exists under section 62.

I support Senator Gauthier’s Bill S-29 for several reasons. This proposed amendment deals with the important issue of fairness and balance in decision making by the commission.

• (1640)

With convergence between broadcasting and telecommunications, and the emergence of the Internet, the lines between communications sectors and technologies have blurred.

With convergence, we have seen companies providing a wide range of broadcasting, data and telecommunications services, often with increasing links and sharing of content between different technologies. Takeovers, mergers and corporate expansion are among the factors playing a large role in companies’ convergent activities. These changes, coupled with burgeoning competition, show the ever-growing complexity of the market place.

How content, such as television programming, is produced, distributed and consumed in the market is diverse and dynamic. In the past, with a few networks and local broadcasters providing content, largely through monopoly cable distributors, decisions about licensing and policy were simpler to make. However, changes in the market, such as increased competition, multiple channel technologies, programming diversification and emphasis on Canadian content, demand that our regulatory and policy framework be dynamic and flexible to accommodate both the changing nature of the market place, as well as the needs of consumers.

CRTC decisions can no longer be taken in isolation of convergence, changes in technology or the changing needs of the public. Decisions taken by the commission for one aspect of services cannot help but have implications for other areas. An imbalance in either representation by the public in decision making in any one of these areas or their ability to equally question decisions in any area, whether telecommunication or broadcasting, is no longer appropriate in our converged media system.

Policy, regulation and licensing should not be rigid and fixed, subject to review only once every several years. We must create the opportunity to revise them as the need arises, as circumstances in the industry and the needs of the public change. We must ensure that Canada's communications services remain relevant and benefit the public, whom they are intended to serve.

For these same reasons, it has not been an unusual practice for companies with licences to request that the CRTC revise the licensing terms before their licences are renewed. However, Bill S-29 demonstrates that this opportunity is limited or non-existent as the Broadcasting Act is currently written.

Like the Telecommunications Act, the Broadcasting Act does permit reviews, variances and the rescinding of some types of decisions. In particular, questions of law or jurisdiction are appealable to the Federal Court of Appeal. As well, petitions can be made to the Governor in Council, but — and this is a most important point — this is a narrow right, limited to requesting that the CRTC be directed to review a licence decision.

Honourable senators, issuing licences is just one part of the responsibilities performed by the CRTC under the Broadcasting Act. The commission also formulates policy frameworks, such as television policy and new media policy, and makes regulations, such as those for broadcast distribution undertakings, otherwise called cable television regulations.

With matters of policy or regulation, there is no provision in the Broadcasting Act, such as there is with the Telecommunications Act, to facilitate a review of a decision either by the commission itself or through petition to the Governor in Council. On the other hand, the Telecommunications Act contains the power to review a decision as a whole, as well as only part of a decision.

There are other examples of the problem identified by Senator Gauthier with TFO. For example, four years ago the commission held hearings to change the cable television distribution regulations. As part of these changes, new rules about community cable channels permitted companies to centralize production for these channels, thereby greatly reducing the involvement of local groups and communities, giving companies the option of not providing any community channel.

This policy change could not be appealed, as the power to appeal the CRTC decision was not envisioned in the Broadcasting Act, which is exactly what happened to TFO. However, I would note for the benefit of honourable senators that these exact same powers have existed in the Telecommunications Act since its inception in 1993.

The principle at stake is the same principle that informed Bill S-7. That is to say, in our democratic society, citizens have a right to participate in public issues and decision making to their benefit and to the overall benefit of society. Moreover, when decisions are made by agencies of the Crown, the citizens of Canada should have the right to question these decisions.

While the review of the Broadcasting Act proceeds in the House of Commons, these two amendments — that is, Senator Gauthier's and mine — protecting the right of citizens to be heard and involving concerns of community groups, should be undertaken now and be reflected and supported during their review study.

Bill S-7, my bill, passed by the Senate in June and now being debated in the other place, would allow public interest groups to recoup some of their costs associated with participating in CRTC hearings. The awarding of costs to public and consumer groups is currently only possible under the Telecommunications Act.

In closing, I support Bill S-29 because it corrects an oversight that has the effect of diminishing the rights of the citizens of this country. This involves matters of fairness, the democratic right of participation and natural justice.

I call on honourable senators to think positively and to act on this bill.

**The Hon. the Speaker:** Honourable senators, I wish to inform the Senate that if Senator Gauthier speaks now, his speech will have the effect of closing debate on the motion for the second reading of this bill.

As I see no one else rising, I call on Senator Gauthier.

[*Translation*]

**Hon. Jean-Robert Gauthier:** Honourable senators, Bill S-29, as Senator Finestone pointed out, involves the same principle as Bill S-7, which was passed by this chamber in the spring and which is now under consideration in the House of Commons.

Simply put, Bill S-29 would give the CRTC the same powers it has under the Telecommunications Act, that is, to review its decisions, rethink its approach and perhaps even hear from other witnesses. It would make the process a bit more democratic. It would make things a bit more democratic by allowing a review of decisions taken by the CRTC.

As things now stand, the CRTC cannot review a decision made under the Broadcasting Act, although it can review one made under the Telecommunications Act. All that Bill S-29 would do is level the playing field.

[English]

To make a level playing field, as we say in English, of the Broadcasting Act and the Telecommunications Act, by allowing the CRTC to review its decisions and possibly to hold further hearings.

[Translation]

Honourable senators, pursuant to rule 30, and with leave of the Senate, I move that Motion No. 68 on the Notice Paper be referred to the Standing Senate Committee on Transport and Communications.

**The Hon. the Speaker:** If no other senator wishes to speak, I will put the question.

The Honourable Senator Gauthier, seconded by the Honourable Senator Fraser, moved that Bill S-29 be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Gauthier, bill referred to the Standing Senate Committee on Transport and Communications.

[English]

## AGRICULTURE AND FORESTRY

FARMING CRISIS IN MANITOBA AND WESTERN CANADA—  
REPORT RECOMMENDING COMMITTEE OF THE WHOLE  
TO HEAR MINISTER OF AGRICULTURE AND AGRI-FOOD—  
DEBATE SUSPENDED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Agriculture and Forestry

[ Senator Gauthier ]

(Committee of the Whole to hear the Minister of Agriculture) presented in the Senate on October 18, 2001.—(Honourable Senator Gustafson).

**Hon. Leonard J. Gustafson** moved the adoption of the report.

He said: I rise to speak on this order standing in my name, which requests that the Minister of Agriculture and Agri-Food appear before the Committee of the Whole in the Senate and give an account of the actions of the government. I want to say at the outset that I do not fault the minister alone. While he is the minister in charge, it is obvious that the matter of agriculture has been handled under the direction of the Prime Minister, the cabinet and government as a whole.

• (1650)

Honourable senators, in agriculture there are two major issues. First, in the grains and oilseeds, farmers have been labouring under extremely low commodity prices. That is one problem. Compounding that problem is the fact that drought has now raised its ugly head in Western Canada's provinces and in the Maritimes. It is really a crisis situation. I would say that it is almost as serious as the terrorism threat to Canada because the very livelihood of our farmers are at stake here, and unless I am misjudging the situation, there will be great fallout.

According to the statistics, 22,000 farmers quit last year in Saskatchewan. The sad part of the situation is that the farmers have lost their interest in farming. It is difficult in today's atmosphere to get farmers together for meetings. I have been talking to some of the farm leaders and they say that two years ago they could get thousands of farmers out to a meeting. They cannot get 200 farmers out today. Farmers have lost heart, and they have lost faith in government because the government has failed to help.

Honourable senators, this is a very serious situation. It is especially hard to see young farmers quit. I have two sons on my own farm who are giving up on farming. One went to the oil field, the other one went back to university to study teaching, and we have a fairly large farm. That situation is repeated again and again. We are losing our young people.

According to the statistics given by the Leader of Government in the Senate, 57 is the average age of farmers. Those farmers are working harder than they have ever worked. I have talked to many farmers who have tears in their eyes when they tell me that they put their savings into their farms, and they do not know whether they should continue doing so in an attempt to keep the farm alive.

Honourable senators, the question is a serious one that comes before this body. We are a body of serious second thought. We have an important responsibility concerning agriculture that speaks to the very heart of this country.



I also want to talk about the global situation. I was in a meeting today with parliamentarians who are looking at world trade and the prospect of establishing a parliamentary group to respond to the farming situation. I raised the fact that agriculture is in a new global trade situation, as are many sectors of our economies. In agriculture particularly, the World Trade Organization has come up with recommendations to get countries away from subsidies. On the other hand, our committee went to Washington only to find out that their government had voted another \$171 billion over 10 years in subsidies. We discovered that subsidies are increasing, as we did two and a half years ago when our committee travelled in Europe. I have been around this place for 22 years, and I continue to hear the same old story: "We have to get these countries off the subsidies," only to find out that the subsidies have increased.

Honourable senators, I make the point again: We are into a new global situation in which Canada must take a strong stand. Do we want a strong agriculture industry or not? We know that our agricultural population is below 2 per cent today, so politically we do not have any clout. When it comes to politics and votes, farmers really do not count. However, when it comes to food security, I can tell you we count. As a farmer who knows farming and who farms side by side with my neighbours, we can produce as good as anyone in the world and probably better than most. We can take on the Americans and out-produce them because we have not been spoiled as badly as they have been by subsidies.

Honourable senators, I now seek leave to introduce an amendment to the report that stands in my name.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, we understand that this is strictly a technical amendment and we would be more than prepared to give the honourable senator leave.

#### MOTION IN AMENDMENT

**Hon. Leonard J. Gustafson:** Honourable senators, I move:

That the Fifth Report of the Standing Senate Committee on Agriculture and Forestry be amended to add the following after the words "to hear from Minister of Agriculture" and before the words "on the crisis":

and all other recognized farm groups, including the ones who appeared before us today,

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Hon. Sharon Carstairs (Leader of the Government):** We are willing to adopt the amendment at this point, but not the motion.

**The Hon. the Speaker:** I am sorry; is it your pleasure, honourable senators, to adopt the motion in amendment?

**Senator Carstairs:** No, we are agreeable to the amendment, not to the motion in amendment. We are only agreeable to the amendment that has been introduced, and then we want to return to debate the motion.

**The Hon. the Speaker:** I thought amendments were made by motion.

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

**Hon. Senators:** Agreed.

Motion in amendment agreed to.

**Hon. Jack Wiebe:** Honourable senators, I am extremely pleased that the chairman of the committee has decided to accurately reflect the wishes of those present at the committee when this particular report was moved and debated. My remarks will be considerably longer than the time available between now and five o'clock.

Debate suspended.

## IMMIGRATION AND REFUGEE PROTECTION BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator LaPierre, for 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,

And on the motion in amendment, of the Honourable Senator Andreychuk, seconded by the Honourable Senator Cochrane, that Bill C-11 be not now read a third time, but be read a third time on a day six months hence.

**The Hon. the Speaker:** Honourable senators, it is now five o'clock and it being five o'clock, pursuant to the order adopted by the Senate on Thursday, October 4, 2001, it is my duty to interrupt the proceedings to dispose of third reading of Bill C-11. Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Honourable senators, I believe there is uncertainty. Will those in favour of the motion in amendment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed to the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “nays” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** We will have a standing vote. Call in the senators. The division bells will ring until 5:30.

• (1730)

Motion in amendment negated on the following division:

YEAS  
THE HONOURABLE SENATORS

- |            |                |
|------------|----------------|
| Andreychuk | Kinsella       |
| Beaudoin   | Lawson         |
| Bolduc     | LeBreton       |
| Carney     | Lynch-Staunton |
| Cochrane   | Murray         |
| Comeau     | Nolin          |
| Di Nino    | Oliver         |
| Doody      | Prud’homme     |
| Eyton      | Rivest         |
| Gustafson  | Spivak         |
| Johnson    | Stratton       |
| Kelleher   | Wilson—24      |

NAYS  
THE HONOURABLE SENATORS

- |                  |             |
|------------------|-------------|
| Adams            | Hubleby     |
| Bacon            | Jaffer      |
| Banks            | Joyal       |
| Biron            | Kenny       |
| Bryden           | Kolber      |
| Callbeck         | Kroft       |
| Carstairs        | LaPierre    |
| Chalifoux        | Lapointe    |
| Christensen      | Losier-Cool |
| Cook             | Mahovlich   |
| Cools            | Milne       |
| Corbin           | Moore       |
| Cordy            | Pearson     |
| Day              | Phalen      |
| De Bané          | Poulin      |
| Fairbairn        | Poy         |
| Ferretti Barth   | Robichaud   |
| Finestone        | Roche       |
| Finnerty         | Rompkey     |
| Fitzpatrick      | Setlakwe    |
| Furey            | Stollery    |
| Gauthier         | Taylor      |
| Gill             | Tunney      |
| Grafstein        | Watt        |
| Graham           | Wiebe—51    |
| Hervieux-Payette |             |

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** We are now on the main motion.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Will those honourable senators in favour of the motion will please say “yea”?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say “nay”?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** There will be a standing vote. Pursuant to the order which I have already read, all matters must be disposed of at this time and accordingly the vote will take place now.

Motion agreed to and bill read third time and passed on the following division:

## YEAS

## THE HONOURABLE SENATORS

|                  |             |
|------------------|-------------|
| Adams            | Hubley      |
| Bacon            | Jaffer      |
| Banks            | Joyal       |
| Biron            | Kenny       |
| Bryden           | Kolber      |
| Callbeck         | Kroft       |
| Carstairs        | LaPierre    |
| Chalifoux        | Lapointe    |
| Christensen      | Lawson      |
| Cook             | Losier-Cool |
| Cools            | Mahovlich   |
| Corbin           | Milne       |
| Cordy            | Moore       |
| Day              | Pearson     |
| De Bané          | Phalen      |
| Fairbairn        | Poulin      |
| Ferretti Barth   | Poy         |
| Finestone        | Robichaud   |
| Finnerty         | Roche       |
| Fitzpatrick      | Rompkey     |
| Furey            | Setlakwe    |
| Gauthier         | Stollery    |
| Gill             | Taylor      |
| Grafstein        | Tunney      |
| Graham           | Watt        |
| Hervieux-Payette | Wiebe—52    |

## NAYS

## THE HONOURABLE SENATORS

|            |                |
|------------|----------------|
| Andreychuk | Kinsella       |
| Beaudoin   | LeBreton       |
| Bolduc     | Lynch-Staunton |
| Carney     | Murray         |
| Cochrane   | Nolin          |
| Comeau     | Oliver         |
| Di Nino    | Prud'homme     |
| Doody      | Rivest         |
| Eyton      | Spivak         |
| Gustafson  | Stratton       |
| Johnson    | Wilson—23      |
| Kelleher   |                |

## ABSTENTIONS

## THE HONOURABLE SENATORS

Nil

[Translation]

## TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING  
SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

**Hon. Lise Bacon:** Honourable senators, with leave of the Senate and notwithstanding rule 95(4), I move that the Standing Senate Committee on Transport and Communications have the power to sit while the Senate is sitting today.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

## AGRICULTURE AND FORESTRY

FARMING CRISIS IN MANITOBA AND WESTERN CANADA—REPORT  
RECOMMENDING COMMITTEE OF THE WHOLE TO HEAR  
MINISTER OF AGRICULTURE AND AGRI-FOOD—  
MOTION TO ADOPT DEFEATED

On the Order:

Resuming debate on consideration of the fifth report, as amended, of the Standing Senate Committee on Agriculture and Forestry (Committee of the Whole to hear the Minister of Agriculture) presented in the Senate on October 18, 2001.

**Hon. Jack Wiebe:** Honourable senators, I want to thank you all for the opportunity to have a short break in my remarks in reply to the fifth report of the Standing Senate Committee on Agriculture and Forestry. I want to deal mainly with the report.

In his remarks, the chairman of the committee certainly demonstrated to all of us that there is a very serious situation in the agriculture industry. It is for that reason that in March of this year the Agriculture Committee approached this chamber for an order of reference to study the current and future health of the agriculture industry in this country. I want honourable senators to remember that that was in March of this year.

On April 4 of this year, 38 sitting days ago, one of the very first witnesses to appear before our committee was the Minister of Agriculture. Since then, our committee has invited farm organizations from across the country to appear before it to let us hear their concerns so that we could, in turn, present a knowledgeable report to this chamber.

Honourable senators, if you read the report that is before us today, what does it say? It calls on this chamber to call the Minister of Agriculture and all farm organizations in this country to appear before this chamber. That tells me that the members of the committee who voted in favour of this report have quit. They have given up on the farmers in this country. They have stuck their tails between their legs and have come back to this chamber to ask this chamber to do their job for them.

Honourable senators, I cannot buy that. I believe that by working together this committee can present recommendations on the current health of the agriculture industry in this country, as well as its future.

Honourable senators, that was not the main reason I voted against this report. I want to take a few minutes to tell honourable senators why I did just that. I believe one of the major responsibilities of any standing committee of the Senate when presenting a report is to ensure that the report is well thought out and well documented. Most important, it must not in any way even hint at misleading this chamber, for this chamber is the highest court in the land.

Let us look at the report that was presented to us. Sadly, it attempts to mislead the highest court in the land. It attempts to mislead this chamber. There is an accusation in this report that the Minister of Agriculture cancelled his appearance before the committee on October 18; for that reason, it was important for this committee to bring this report to the chamber.

I have been a member of this committee since April 2000. During the 18 months since, the Minister of Agriculture has on three occasions been invited to appear before the committee. Each and every time, our committee, along with his department, have been very accommodating to find a date convenient for both the minister and the committee. I want to emphasize that the Minister of Agriculture has never refused to appear before this committee, nor has he ever cancelled a date to appear before this committee. That indicates to me the great value that the minister places on the work of the committee. Clearly, it reveals his deep concern for the wellbeing of the agriculture sector of this country.

As I mentioned earlier, the minister last appeared before the committee on April 4 of this year. That is just 38 sitting days ago. On August 29 of this year, the steering committee decided to invite Minister Vanclief to appear before the committee during the month of October and suggested the dates of October 18 or October 25.

Our committee clerk was away from September 3 to September 10. As a result, he did not contact the Parliamentary Affairs Office of Agriculture Canada to invite the minister to appear before the committee until September 12 of this year.

• (1750)

During the following weeks, a few phone calls were exchanged between the clerk and the parliamentary relations officer from Agriculture and Agri-Food Canada to verify the progress of confirming the appearance dates. On October 4, the clerk distributed to the committee members the proposed schedule for October. That schedule clearly indicated on October 4 to all senators who would take the time to read it that the minister had not confirmed any of the dates. I have that report right here. That is what appeared. Each and every senator on the committee received this report on October 4. It shows that on October 16 we were to study Bill S-22. It had been confirmed that representatives of the Canadian Horse Breeders Association

[ Senator Wiebe ]

and Rare Breeds of Canada would appear before us. It had not been confirmed that representatives of the Upper Canada District Canadian Horse Breeders would appear.

This schedule indicates that the Minister of Agriculture would appear on October 18, and beside that it indicates — on the schedule received by every senator on that committee — “not confirmed.” Let me emphasize “not confirmed.”

On October 5, the next day, the clerk was notified that it appeared October dates would not be possible, and a request was made by the minister’s department for this committee to provide alternative dates for the month of November so the minister could appear before this committee.

Honourable senators, that indication by the Minister of Agriculture clearly demonstrates his willingness to appear before this committee, to allow the committee to do its work and to give us an opportunity to do our job.

The accusations against the minister in this report are very serious. They have no basis in fact, and I urge all senators in this chamber to join with me in voting against this report.

In conclusion, I believe sincerely that our committee, by working together, can find the answers to the agricultural crisis in this country. I believe sincerely that we have a tremendous job ahead of us. Let me also sincerely say that we, as a committee, have just as great a job to do to ensure that once again our committee can earn the respect of this chamber in any future reports that we present.

**Hon. Terry Stratton:** Would Senator Wiebe entertain a question?

**Senator Wiebe:** Certainly.

**Senator Stratton:** We on our side appreciate the minister’s willingness to attend the Agriculture Committee on the dates that Senator Wiebe stated. No one is quibbling with that. We are concerned that during this time frame, up to September 11, magnificent surpluses were reported to us by the Minister of Finance, for which the Leader of the Government in the Senate likes to take credit, magnificent surpluses due to good fiscal management. Yet, 22,000 farmers left the business in Saskatchewan last year and 8,000 farmers left the business in Manitoba last year. Is the honourable senator telling us that, given those statistics, he is happy and satisfied that the minister has been effective as an advocate for farmers in Canada?

**Senator Wiebe:** Honourable senators, I cannot speak on behalf of the minister, but I will say first that this is the second time I have heard the figure of 22,000 farmers leaving Saskatchewan this year. Again, I would ask that the honourable senator check his facts before he issues them. The figure of 22,000 includes individuals involved with the agricultural industry in the province who have lost their jobs — that is, people involved with grain buying, trucking, fertilizer, chemicals and so on. The honourable senator left the impression that it was 22,000 actual farmers. That is not the case.

Honourable senators, certainly there is a serious issue out there. The Minister of Agriculture feels that crop insurance is a vital part of the agricultural business in this country. In order for farmers to obtain the cash advances they need, they have to take out crop insurance. As a result, the highest percentage of farmers with crop insurance in this country was in this year. Over 74 per cent of farmers took out crop insurance and will be receiving that insurance as a result of what happened to their crops this year. That is above and beyond the programs that are there now.

The honourable senator realizes, I am sure, that this is October. Many of the claims that have evolved around crop insurance have not yet had an opportunity to be adjusted. Once those adjustments are made and once the final analysis about what happened this year is made, I am confident that the Minister of Agriculture will take a look at the situation as it appears today.

**Senator Stratton:** Honourable senators, the figure is still 22,000 lost jobs in the agricultural sector in Saskatchewan. It is still 8,000 lost jobs in the agricultural sector in Manitoba. Is the honourable senator satisfied with that? Does he think it appropriate in times of a booming economy, in times of magnificent surpluses, to treat the agricultural sector in that fashion?

**Senator Wiebe:** Honourable senators, the best way to answer that question is to go back to what I said in my remarks. Do I feel that this situation is serious? Yes, I do. If I did not feel it was serious, why in the world would I have approached, along with Senator Stratton and other members of the committee, this chamber in March of this year asking for an order of reference to deal with this very issue? That, I hope, answers the question. Yes, I felt the crisis was serious enough to devote an agricultural committee of this chamber to investigate the agricultural sector in this country. I am sure that the other senators on that side felt just as sincere about it as I did.

**Senator Stratton:** Honourable senators, of course, the honourable senator heard me in the committee. When this issue came forward, I became rather angry that we should have another study with respect to agriculture. How many times do we have to do this? How many times do we have to call the same people back to tell us the same stories over and over again — to get nothing? How many times do we have to go through this? We have done it before on more than one occasion. Nothing is happening.

With respect to the 22,000 lost jobs in Saskatchewan and the 8,000 in Manitoba, would the honourable senator tell me what is the purpose of this study when nothing happens? We should not conduct another study unless he can promise and assure us something will happen for the farmers.

**Senator Wiebe:** Honourable senators, the best way to answer that question is with a question. If we are hearing the same thing over and over again, then why did the honourable senator vote for a report that would call on this chamber to invite those farmers to say the same thing all over again?

**Senator Stratton:** Which report was that?

**Senator Wiebe:** The report we are debating now, No. 5 on the Order Paper.

**The Hon. the Speaker:** I am sorry to interrupt, but Senator Wiebe's 15 minutes have expired.

• (1800)

I would draw to honourable senators' attention that it is six o'clock. Is it your wish not to see the clock?

**Hon. Senators:** Agreed.

**Hon. Leonard J. Gustafson:** Honourable senators, I have several questions.

**The Hon. the Speaker:** Senator Gustafson would only be permitted to ask a question on Senator Wiebe's time if his time were extended. It has not been extended.

**Hon. Sharon Carstairs (Leader of the Government):** I wish to speak to the motion.

Honourable senators, I have been in this chamber for seven years. I know some of you are my seniors. However, I have never, ever seen the disrespect to a minister in this chamber that I saw in this particular motion.

If you think I am angry, honourable senators, you are absolutely right. I am very angry. I sit at the cabinet table with the Minister of Agriculture. When I went to the cabinet after this had been tabled in the Senate, I put the question to him directly, "Minister, did you refuse to attend the meeting this morning with the agriculture committee?" He said, "No, I had no meeting this morning."

That, of course, has been absolutely confirmed by what Senator Wiebe has said in his remarks. He had never confirmed his attendance at this particular meeting on October 18 — never.

A report comes to this Senate showing absolute disrespect to a minister of the Crown, and we call ourselves the chamber of sober second thought? There was no sober first thought on this particular proposition. The tragedy of this is that the agriculture community in this country is, indeed, in very difficult circumstances. That is exactly why the committee is conducting this study.

Perhaps it frustrates Senator Stratton, and perhaps others, that not enough of a response comes to their committee's suggestions. We are all frustrated on occasion, honourable senators. I come from a farm province. I can be frustrated about the conditions within the farm and agricultural sector as well.

However, that is no reason, honourable senators, to stand in this chamber and deliberately lay down a motion before this house that gives false information about a minister of the Crown. That is what this motion does.

Honourable senators, on a number of occasions this Senate has not been very happy with the behaviour of ministers. I have supported senators in their comments about certain actions taken by ministers. I have gone to cabinet and knocked a few heads because I think that is appropriate as the Government Leader in this chamber representing your views. However, in this particular case, the Senate owes the Minister of Agriculture an apology.

**Senator Gustafson:** Honourable senators, may I ask the Leader of the Government in the Senate a question?

**Senator Carstairs:** Certainly.

**Senator Gustafson:** The minister may not be aware that at the first steering committee meeting, which was made up of Senator Wiebe and another senator on that side of the house, the decision was taken to invite three ministers: the Minister of Agriculture, the Minister of Trade and Minister Ralph Goodale. Up to that date, not one of them had appeared before the committee. In a phone call, the clerk asked me if I would phone the Minister of Trade to see if a minister would appear before the committee. I did that. I phoned.

A secretary answered and asked, "What has the Minister of Trade to do with agriculture?", to which I responded, "We produce 25 per cent of the trade of Canada, and you ask me that question?" I later received a phone call saying that the Minister of Trade would appear. He had been invited three times and he had turned us down three times.

The decision of the steering committee was that the most important issues before the committee and before the farmers was the crisis in agriculture, and we invited the three ministers.

**Senator Carstairs:** Honourable senators, I am not sure there was a question in that, but if the question was whether I was aware, yes, I was made aware, after the motion was put down. However, I am only aware of the situation as it relates to the Minister of Agriculture, not the Minister of International Trade or the Minister responsible for the Canadian Wheat Board. The Minister of Agriculture appeared on April 4.

You put down another motion indicating that he would not appear on October 18. What I find even more insulting is that the committee was meeting on October 16, 18, 23, 25, 30 and November 1. Did you offer him all of those dates? No. You offered him October 18 or 25. The immediate reply from his office staff was that the October 25 was impossible, and that October 18 would be taken under consideration, and by September 11 they had responded that that date was not possible either, and they asked if they could work out another date.

Then the honourable senator comes into this chamber and says that the minister did not appear on a date on which his own records indicate "not confirmed."

I know the honourable senator did not move this motion in the committee. He was the chair of the committee. Senator Tkachuk moved the motion. He took great pride in coming into the

[ Senator Carstairs ]

chamber that afternoon and saying, in a Senator's Statement, "Look what we did in our committee today, before you even had a chance to table your report."

I still tell you in the strongest possible terms that the Minister of Agriculture deserves an apology.

**The Hon. the Speaker:** We have before us the consideration of the fifth report of the Standing Senate Committee on Agriculture and Forestry. Is the house ready for the question?

**Some Hon. Senators:** Question.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**Senator Stratton:** What are we voting on?

**The Hon. the Speaker:** We are voting on Order Paper Item No. 2 under Reports of Committee, the fifth report of the Standing Senate Committee on Agriculture and Forestry, as amended. Having put the question, and the response being unclear, I will now follow the usual procedure and ask that those in favour of the motion please say "yea."

We put the question on the motion in amendment. The amendment was disposed of several minutes ago. Therefore, we are voting on the motion, as amended.

Will those honourable senators in favour of the motion will please say "yea"?

**Senator Stratton:** Yea.

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

**Some Hon. Senators:** Nay.

**Senator Kinsella:** On division.

**The Hon. the Speaker:** The motion is defeated, on division.

[Earlier]

## NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET  
DURING SITTING OF THE SENATE

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I would ask for the unanimous consent of the house to make a technical intervention regarding the management of our committees.

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

**Hon. Senators:** Agreed.

**Senator Kinsella:** Honourable senators, I move, seconded by Senator Robichaud, that the Standing Senate Committee on National Finance have permission to sit this evening, even though the Senate will still be sitting.

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

Motion agreed to.

## DEFENCE AND SECURITY

### BUDGET—REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore, for the adoption 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 Stratton*).

**Hon. Terry Stratton:** Honourable senators, this issue has been on the Order Paper for six days. There has been an urgency expressed by the chair that this should be dealt with quickly. I am curious to know why. I would ask the chair of the committee whether he will respond to a few queries that I will put forward now.

• (1810)

If honourable senators will look at the Order Paper of today, October 31, they will see that Order No. 3 under Reports of Committees on page 6 has the notation “(six)” beside it. Order No. 4 has the notation “(seven)” beside it. Order No. 5 has the notation “(seven)” beside it. Beside Order No. 6 there is the notation “(nine).”

**The Hon. the Speaker:** Senator Stratton, I should clarify that you are entitled to speak on the motion. However, it may be necessary for us to obtain leave of the Senate to allow Senator Kenny to respond to your questions.

Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

**Senator Stratton:** When we look at those four items, we see that they will be on the Order Paper for anywhere between six to nine days. It is not unusual for a committee report to remain on the Order Paper for quite a number of days. I would ask the chair of the committee to respond as to why there is urgency for this report to be passed at this time.

When we look at the load that the chamber has had recently with respect to Bill C-36 and Bill C-11, we see, especially those

of us on this side, that we are struggling to keep current with the events as they transpire.

I ask again: Why is there this urgency to deal with the issue now? Surely, it could wait for a proper debate as we go down the road.

I turn now to the issue of the committee wanting to travel and spend \$100,000 — at least that is what the report says — to determine what the role or mandate of the committee will be. Again, I ask the question, as I have asked the committee chairman on numerous occasions, once directly and then indirectly through other individuals: Why must the committee travel?

While the Defence and Security Committee was pushing for \$100,000, the Human Rights Committee, which is determining its mandate, had a budget of \$6,000 imposed on it. They will simply spend a few bucks on lunches to determine their mandate. If they took the same approach as the Defence and Security Committee, they would want to travel, of course, and spend \$100,000. The next thing you know, another committee would be doing this. The wheels would then start to come off because we would be out of financial control.

I have served on committees that have wanted to travel and have been unable to do so simply because it was deemed by Internal Economy to be inappropriate. It was said to us that we could and should do the study in Ottawa and call in witnesses from outside Ottawa, which is what the Human Rights Committee is doing.

Again, I ask the question: Why does the committee have to travel when these hearings could be held in Ottawa?

Senator Murray asked Senator Kenny how he would determine the mandate of his committee. The reply was that he would take a little from this committee, a little from that committee and a little from another committee. That, of course, was of concern to Senator Murray. He did not feel his question was answered appropriately.

Having said that, we have asked again on a couple of occasions — and probably more than a couple — for the honourable senator to effect a compromise. His committee should sit down to do a small mandate study here in Ottawa. In all likelihood, having done that, the committee would then receive the budget to travel, which it should do.

Because there was concern expressed on both sides about the way the committee was approaching things, we simply asked: Why does the committee have to travel to determine its mandate? The answer that came back was that there would be no compromise — absolutely no compromise.

We are in a conundrum here as to why there is no compromise and why we cannot ask the committee to do that.

It is important for this chamber to know what the anticipated budget will be, excluding the \$100,000 request, to take us to the end of the fiscal year. It is important for this chamber to know that in order to make a determination as to whether to approve this report.

**Hon. John G. Bryden:** Honourable senators, I rise on a point of order so as to understand the procedure. Senator Kenny is replying to questions. He is not speaking to close the debate, is he?

**The Hon. the Speaker:** Senator Kenny is entitled to close the debate. He would not have to respond to questions. He might choose not to close the debate with a speech. The way we are proceeding is that Senator Stratton has resumed debate. In the content of his presentation, he has raised a number of questions. I intervened to ask leave of the chamber for Senator Kenny to answer the questions. We are not in a normal situation in that at the beginning of Senator Stratton's remarks leave was given for him to put questions to Senator Kenny. Senator Kenny still has the right to respond. Whether he will choose to do so, I do not know.

**Hon. Colin Kenny:** Honourable senators, Senator Stratton has asked me a series of questions. It is fortunate that all of them have been dealt with already.

I refer honourable senators to page 1351 of the *Debates of the Senate* for October 2, 2001. There, honourable senators will see that every question that Senator Stratton has asked has been answered and dealt with in its entirety.

**Senator Stratton:** Honourable senators, is that the honourable senator's complete response, even with the sense of urgency? Normally, we can go 15 days before an item drops off the Order Paper. For example, my Bill S-20 had to be regenerated after 15 days because His Honour was away and we awaited his decision. Why would another two or three sitting days bother the Honourable Senator Kenny in allowing a debate to take place now? We have dealt with Bill C-11 and, hopefully, the terrorism bill. Will we have a chance to open the debate again? That is my fundamental question.

**Senator Kenny:** Honourable senators, I thank the Honourable Senator Stratton. The six days to which he refers are six days he has not had a speaker speak to this item. If it was an urgent and pressing matter, he would have had someone speak to it by now.

**Senator Stratton:** I explained to the honourable senator today why we have not dealt with the issue. I said that our ranks are thinning and we are overloaded. We need time to get the larger issues out of the way and then deal with this issue.

**Senator Kenny:** Honourable senators, I submit to Senator Stratton that he does not have other speakers. Notwithstanding that, if he did have other speakers, he has had an opportunity to bring them forward.

[ Senator Stratton ]

**Hon. Eymard G. Corbin:** Honourable senators, I am not a member of the committee in question. Nevertheless, I question the way we do business around here.

• (1820)

There was a lot of tugging and pulling and hassling about setting up two more committees, including this one. I resisted the idea because, along with other honourable senators, I thought we should set up a third committee. For reasons well known on both sides of the house, that did not occur.

Once we are given a mandate to convene a committee, surely we are entitled to believe that the financial implications of setting up such a committee have also been considered. Otherwise, I think we would be rather foolish to do that. After all the efforts and the talk, back and forth, that went into finally getting this particular committee set up, we must now face the music. Do we still want that committee to be constituted, or do we not?

It so happens that I had two brothers in the Armed Forces, one in the Royal Canadian Navy, as it was then called, and another in the Second Battalion of the Black Watch. I was in politics when they were still members of the Armed Forces. In the other place, I was frequently involved in discussions and examinations of national defence military matters. I would discuss these matters with my brothers when the opportunity arose. It always amazed me that what we heard from the top brass here in Ottawa was not what my brothers understood. They did not see things in the same way because they were on the front line. Both of them were involved in peacekeeping missions, one in Korea and one in Cyprus.

I have always been amazed by the extent of the two sides to the same story. Over the years, I have developed quite a bit of reserve in terms of what I hear here in Ottawa. I do not think that, as has been suggested, bringing witnesses to Ottawa will give us a very good understanding of what is going on in the various wings of the military. I do not think that we will be able to hear what the women and the men who do the footwork have to face every day — they and their families. I know something of those effects as seen in the family of one of my brothers. It is not an easy life.

I do not think much would be gained by hearing testimony in Ottawa. I do not think there would be enough time in one session to glean the amount of information you can pick up by visiting the military establishments across the country. This committee does not want to visit every place in trying to determine its future agenda, but members have carefully picked areas of interest. Indeed, I raised with Senator Kenny the question of why certain locations were not chosen. Of course, he told me that there were some constraints, not only budgetary constraints, but also time constraints.

All this committee is requesting is to be allowed, in the early days and hours of its existence, to get down to brass tacks and to determine how to properly do its job.



This is not the first time a defence committee or a subcommittee of another Senate committee has examined defence matters. I well remember when I first came here in the mid 1980s. I remember Senator Paul Lafond as Chairman of the Standing Senate Committee on National Defence and a number of the reports that his committee tabled. I remember discussing matters of that committee with my late friend and sponsor, Senator Charles McElman.

I have always retained my interest in military and defence matters and, indeed, security matters. I was a member of the famous Kelly committee in the last round. I was deeply involved in those intelligence and security matters. I think I know what I am talking about.

I would like someone in this house to explain to me why it is that we are now stalling. Why are we not allowing this committee to go forward with its work? Are they asking for too much money? Must the budget be pared down? Is there a way to compromise? Can decent, intelligent, civilized people not sit down together and work this out somehow? Are we to start playing little games or will we truly be concerned with the lives and work of the men and women in our Armed Forces and what this country needs for the future? That is the issue here.

The Lafond committee was able to travel *gratis* on many of its missions with the Armed Forces, to our base in Lahr, for example. Unfortunately, that availability no longer exists. I do not think we should go begging, cap in hand.

The Armed Forces are entitled to have serious people look seriously at what is not working right and what needs to change for the proper defence and security of this country. I plead with my colleagues, in the spirit of compromise that has been the hallmark of the Senate in many issues, although perhaps not all, to allow this committee to proceed to do a good job for the men and women, sons, daughters, brothers and cousins, who are committed to doing their jobs well in the defence of this country.

**Senator Bryden:** Honourable senators, I move the adjournment of the debate.

**Senator Kenny:** No.

**The Hon. the Speaker:** It is moved by the Honourable Senator Bryden, seconded by the Honourable Senator Poy, that further debate on this motion be adjourned no the next sitting of the Senate.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** I believe there is uncertainty such that I will go to our process of determining whether or not we require a standing vote.

Will those honourable senators in favour of the motion to adjourn please say "yea"?

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** It is very close. I believe the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** We will have a standing vote. This is a non-debatable motion but, as I read the rules, we must vote accordingly. Call in the senators.

Have the whips agreed on the length of the bell?

**Senator Stratton:** Must we vote now? Can we defer to tomorrow?

**The Hon. the Speaker:** Honourable senators, a vote on a motion to adjourn is not a deferrable vote.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** There is precedent for that.

**The Hon. the Speaker:** Accordingly, we must vote now. The only question is the length of the bell. The bells will ring for one hour, unless there is agreement otherwise.

**Senator Stratton:** Now.

**Hon. Nicholas W. Taylor:** On a point of order, I think His Honour is correct about a motion to adjourn the Senate. To adjourn the debate to the next sitting of the Senate requires a straight vote. I do not think a motion to adjourn debate so that someone else may speak is the same as a motion to adjourn the proceedings of the Senate.

**The Hon. the Speaker:** Honourable senators, Senator Taylor catches me without the rule in hand. If I could seek the patience of the chamber, I will quote the appropriate rule.

The relevant rule, honourable senators, is rule 67(1) which indicates:

After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

The motion we are dealing with is not a debatable motion. Accordingly, the rules for deferral do not apply and, accordingly, we should hold the vote now. We must vote now, and the rules call for a one-hour bell. The whips in the past have commonly agreed to a shorter bell. I would invite them to comment on the length of bell they think appropriate in this case.

**Senator Stratton:** A bell of five minutes.

**The Hon. the Speaker:** Honourable senators, I have just been reminded by the Table that Senator Murray raised a question of privilege when we had a bell shorter than 15 minutes. It related to giving senators from the Victoria Building enough time to reach the chamber in order to vote. I would suggest a 15-minute bell?

**Senator Stratton:** That is agreeable.

**The Hon. the Speaker:** Call in the senators. The bells will ring for 15 minutes.

• (1850)

Motion agreed to on the following division:

YEAS  
THE HONOURABLE SENATORS

|             |                |
|-------------|----------------|
| Adams       | Gustafson      |
| Andreychuk  | Huble          |
| Beaudoin    | Kelleher       |
| Biron       | Kinsella       |
| Bryden      | Lawson         |
| Callbeck    | Lynch-Staunton |
| Carstairs   | Mahovlich      |
| Chalifoux   | Oliver         |
| Christensen | Poulin         |
| Cochrane    | Poy            |
| Comeau      | Robichaud      |
| Di Nino     | Roche          |
| Finestone   | Rompkey        |
| Finnerty    | Stratton       |
| Fitzpatrick | Taylor         |
| Fraser      | Tunney         |
| Gill        | Watt—35        |
| Graham      |                |

NAYS  
THE HONOURABLE SENATORS

|        |          |
|--------|----------|
| Banks  | LaPierre |
| Cools  | Moore    |
| Corbin | Phalen   |
| Day    | Setlakwe |
| Jaffer | Stollery |
| Kenny  | Wiebe—13 |
| Kroft  |          |

ABSTENTIONS  
THE HONOURABLE SENATORS

Grafstein  
Kolber—2

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Before proceeding to the Order Paper, honourable senators, I should like to draw to your attention the presence of a guest in our gallery, the Honourable David Young, the Attorney General for the Province of Ontario.

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

## PRIVILEGES, STANDING RULES AND ORDERS

### FOURTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Callbeck, for the adoption of the fourth report of the Standing Committee on Privileges, Standing Rules and Orders (now called the Standing Committee on Rules, Procedures and the Rights of Parliament) (*name change of the Defence and Security Committee*) presented in the Senate on September 19, 2001.—(*Honourable Senator Stratton*).

**The Hon. the Speaker:** Honourable senators, there is an objection to the standing of this item, and we have just been through the procedure. In the event it is necessary to deal with the objection as a motion if debate is not resumed.

Does the Honourable Senator Stratton wish to move adjournment of the debate?

**Hon. Terry Stratton:** Yes, I do.

**The Hon. the Speaker:** It is moved by the Honourable Senator Stratton, seconded by Senator Kelleher, that further debate on this matter be adjourned to the next sitting of the Senate.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Will those honourable senators in favour of the motion please say “yea”?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say “nay”?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** We will have a recorded standing vote. It is a non-debatable motion, not deferrable. We have a question of the length of bell.

**Senator Stratton:** Fifteen minutes.

**The Hon. the Speaker:** Call in the senators. There will be a 15-minute bell.

• (1910)

Motion negated on the following division:

YEAS  
THE HONOURABLE SENATORS

|            |                |
|------------|----------------|
| Andreychuk | Kinsella       |
| Beaudoin   | Lynch-Staunton |
| Bryden     | Oliver         |
| Cochrane   | Prud'homme     |
| Comeau     | Roche          |
| Gustafson  | Stratton—13    |
| Kelleher   |                |

NAYS  
THE HONOURABLE SENATORS

|             |           |
|-------------|-----------|
| Bacon       | Joyal     |
| Banks       | Kenny     |
| Biron       | Kolber    |
| Callbeck    | Kroft     |
| Carstairs   | LaPierre  |
| Chalifoux   | Lawson    |
| Christensen | Mahovlich |
| Cools       | Milne     |
| Corbin      | Moore     |
| Day         | Phalen    |
| Finestone   | Poulin    |
| Finnerty    | Poy       |
| Fitzpatrick | Robichaud |
| Fraser      | Rompkey   |
| Gill        | Stollery  |
| Grafstein   | Taylor    |
| Graham      | Tunney    |
| Hubley      | Watt      |
| Jaffer      | Wiebe—38  |

ABSTENTIONS  
THE HONOURABLE SENATORS

Adams—1

We will resume the debate on Order No. 6.

**Senator Stratton:** Honourable senators, I should like to speak briefly to this issue.

In order that the chamber understands where members of this side are coming from on this issue, we had originally asked the Honourable Senator Kenny to effect a compromise. As I said earlier, we had asked him to compromise, not just once but repeatedly, both directly and indirectly through intermediaries.

I told him that our side did not feel comfortable in approving the name change until the first issue had been dealt with in a compromise situation. That is exactly what we asked Senator Kenny to do in quite clear terms.

Personally, I do not have a problem with the name change, although I think it should still be Defence and Security. The linkage was to the first issue on the budget. It is that issue that I felt was the critical one that had caught the attention of this chamber. We felt that it should be dealt with in the first instance before dealing with the second issue.

When I participated in the debate concerning the budget of the committee, I asked Senator Kenny what the budget was for the committee to the end of the fiscal year. He sent to me documentation with respect to that. In a cursory glance at that, I did not see what the budget would be to the end of the fiscal year.

Again, with leave of the Senate, I would ask if Senator Kenny would respond to me now so as to clear up the question I still have in my mind with respect to the budget. It is appropriate that he tell this chamber what that budget is anticipated to be at the end of the year rather than referring to a document. It is appropriate for the senator to tell the chamber, in no uncertain terms, what he believes that budget should be. That is a fair question to ask. Since he is the chair of the committee, it is something that he could quite readily provide.

The issue we have concerns tying these two matters together. I believe that it is important for this chamber to allow the first issue to proceed. If that is not done, we will be taken into peril. Allowing that kind of money to be spent to define what this committee shall and shall not do is of great concern to those of us on this side of the chamber. When compared with the Human Rights Committee, this issue is of particular concern. If the Human Rights Committee were to take the same approach, they would ask to go to Europe. They could ask to talk to human rights individuals in Europe, or in the Middle East for that matter. If the Human Rights Committee can do their work here, then the Defence and Security Committee can do its work here. That is why, I reiterate, we have tied the two matters together.

• (1920)

It was for that reason alone that this issue has carried out to the extent it has. With the permission of honourable senators, if Senator Kenny could respond verbally with a figure of his anticipated budget to the end of the this fiscal year, I would appreciate it.

**The Hon. the Speaker pro tempore:** Is leave granted to allow the Honourable Senator Kenny to respond?

[Translation]

**The Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I do not object to our allowing Senator Kenny to answer Senator Stratton's question. However, the question that the Honourable Senator Stratton asked does not come under the subject of Item No. 6 of the Orders of the Day, which we are considering and which deals with the issue of changing the name of the Committee on Defence and Security.

I understand Senator Stratton's concerns. He brought this issue up when we were discussing the motion on additional funding for this committee. I find myself in a difficult situation because, though consent was given, this consent was given for a different question than that which is now before us.

[English]

**Hon. Marcel Prud'homme:** The rules allow chairmen of committees to be asked questions. Furthermore, I will learn the rules with the new senators, who will learn with me, because it goes so fast. There are 15 new senators, and we will learn together. I am of the opinion that asking questions of a senator could have implications. There may be reasons for the committee changing its name, and these reasons may have some financial implications. We do not know. We will only know if we give the chairman permission to answer that question. Perhaps it is totally irrelevant, but I cannot relate that by an act of intellectual gesture. I could relate that directly from Senator Stratton to Senator Kenny, our able chairman.

**The Hon. the Speaker pro tempore:** Is leave granted to allow Senator Kenny to answer the question?

**Hon. Eymard G. Corbin:** It is obvious, as he admitted at the beginning of the last vote, that Senator Prud'homme was not here for the discussion of the previous matter on which we had a vote. I tend to agree with Senator Robichaud that the question is totally remote to the matter now at hand, namely, the changing of the name of a committee.

We dealt with the other matter earlier, and the question by my honourable colleague across the way does not have its place in the study of this current matter at all. It is totally out of order.

**Hon. Tommy Banks:** Honourable senators, further to that point, the question that Honourable Senator Stratton has asked has to do with a debate on the matter of the budget. This house just took a standing vote to adjourn the debate on that question. We must not begin to debate it again.

**The Hon. the Speaker pro tempore:** Let us resume debate on Order No. 6, the motion to change of the name of the committee.

Is the house ready for the question?

**Some Hon. Senators:** Question!

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

Motion agreed to and report adopted.

## CONDEMNATION OF TERRORISM

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator P  pin:

That the Senate:

- Considering Resolutions 1368 and 1373 adopted by the Security Council of the United Nations on September 12, and September 28, supporting initiatives to eradicate international terrorism that threaten peace, security, human rights and freedoms and the political order of the free and democratic society;
- Considering that in its special session of October 2, 2001, the North Atlantic Council determined that "the attack against the United States on 11 September was directed from abroad and shall therefore be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack on one or more of the Allies in Europe or North America shall be considered an attack against them all";
- Condemn unequivocally the use of violence and terrorism to overthrow the democratic order and the elimination of human rights and freedoms;
- Support the decision of the Government calling upon the Canadian Armed Forces on active service to join the international campaign against the perpetrators of the terrorist attacks of September 11;
- Express its preoccupation that humanitarian support be given to the civilians affected by that campaign;
- Express its urgent concern that the authors and supporters of those terrorists attacks are brought to justice accordingly;
- Express its strong belief that it is through negotiation and peace settlement that legitimate claims of the States should be dealt with in the International Order; and

That upon adoption of this motion, the said motion should be deemed referred to the Standing Senate Committees on Foreign Affairs and Defence and Security for study and report back to the Chamber in the next 30 days.—(Honourable Senator Stratton).

**Hon. B. Alasdair Graham:** Honourable senators, with the permission of Senator Stratton, I will speak on this motion. In supporting it, I begin with the obvious. We are all becoming more aware that the war against terrorism is a complex, lengthy and multi-faceted war. We witness daily the most graphic ongoing military application of air power in Afghanistan. Canadians are a peace-loving people whose proud international reputation has been built on a courageous global engagement out of proportion to the size of our economy and our population. No matter what our personal views of this war, most of us lament the deaths of innocents in a country to which the fates have dealt a cruel legacy.

Michael Ignatieff reflected the voice of Canada very well in his new book, *Virtual War*. Now a distinguished professor of human rights at Harvard University, the Toronto-born Ignatieff wrote that central commitments of the world since Auschwitz, since the Universal Declaration of Human Rights, would mean nothing if we had not been prepared to use force in their defence. "War must always be the very last instrument of policy," he said, "but when the sword is raised, it must be used to strike decisively, for only decisive force yields results which can justify its use in the first place."

Honourable senators, the vicious assaults we witnessed against the United States resulted in the deaths of over 5,000 people from 80 countries. The World Trade Center was truly about world trade, and the assaults were meant to silence the dynamic voice of trade, to decimate the normalcy of business, to cripple the international community with fear. Those actions were aimed at the very structure of human values around which the international community is organized. They were carried out by small bands of criminals who seek to undermine civilization itself.

I have often thought of the speech of Sir Winston Churchill to the Canadian Parliament in the dark days of December 1941 as he recounted the words of the disbelievers who had said during the Nazi blitz: "In three weeks, England will have her neck wrung like a chicken." All honourable senators will recall the wonderful remonstrance heard in the other place at that time — "Some chicken! Some neck!"

All of us are looking for the road back to normalcy, to the realization of the broad net of meaningfulness and coherence, which is fundamental to civilized life and society as we have been privileged to know it.

In supporting this motion, I reflected on the idealistic, yet pragmatic, multilateralists who carved out our foreign policy and nurtured the rich, enduring respect with which our country is regarded internationally. Lester B. Pearson and other committed internationalists of his time mapped out the future of a truly global commitment for Canada in the early post-war years. The fine Canadian diplomat John Holmes once wrote, "We are a regional power without a region. In fact our region is the world." Our remarkable commitment to the United Nations stems from that universal sense of Canada's potential and responsibility for

peace making, that peace was a long journey and that there are no shortcuts to freedom.

In the many countries in which I have supported democratic development, I have been often privileged and proud to be able to witness the work of our peacekeepers. These Canadians wearing the blue berets became symbols of hope in countries where hope had been forgotten, where terror and ethnic violence were commonplace, where all semblance of organized life and society had disappeared.

Yes, honourable senators, our region is the world and our international experience is the greatest currency we now hold in what will be a lengthy struggle to eradicate terrorism across the planet.

• (1930)

As we debate the motion before us and reflect upon the content of UN Resolutions 1368 and 1373, adopted by the Security Council, we recall that Canada has already ratified 10 of the 12 anti-terrorism conventions outlined by Resolution 1373. Canada has now undertaken to ratify the remaining two conventions — taking a solid leadership role within the global community on this issue as it already has on the ratification of the International Criminal Court.

Our drafting and international legal expertise must be placed at the full service of the United Nations, particularly with regard to the Secretary-General's call for a comprehensive convention on international terrorism. As Nobel Prize winner Kofi Annan said so well in his address to the General Assembly on Terrorism on October 1 last:

We are in a moral struggle to fight an evil that is anathema to all faiths. Every state and every people has a part to play.

Honourable senators, I might respectfully submit that Canada had already taken the lead in both sponsoring and ratifying treaties controlling and prohibiting weapons of mass destruction. I know we will work very actively and effectively on the diplomatic front in the days ahead to promote closer international cooperation in the long struggle that lies before us — the struggle to eradicate the almost unthinkable scourge of possible future terrorist attacks carried out with such weapons.

The United Nations has a legitimacy that no other political body can bestow in our time. The currency in which it deals is called impartiality. Canada must do all it can in the coming months to ensure that that currency is not devalued, to ensure that tragic Afghanistan is empowered by the will of its own people, not by outsiders imposing their own favoured personalities and groups.

However, in the long term, no matter how the next few months play out, we must remember that there are no sweeping 180-degree turns in the continuing war against terror. In the dark hours of the sombre days that have passed, and the dangerous moments that lie ahead, the faltering short steps may not seem to be enough.

In these times of crisis, we may sense only the danger. We may forget where the opportunity lies. Yet, for all of us, opportunity is close at hand. For each of us, it may appear in different shapes and forms.

For me, they have been clearly etched over the past memorable, moving and fascinating week. I was privileged to be a part, along with Senator Johnson, of the state visit to Germany led by Her Excellency the Governor General of Canada.

While in ordinary times, her great vigour, personal courage, charm and intellect would have an extraordinary impact, in these difficult times the remarkable presence and strength of Her Excellency Madam Clarkson was magnified many times over.

“Our trip is an opportunity to prove the solidarity and the similarity of our two countries in upholding democratic values,” the Governor General said at a state dinner our delegation attended, which was hosted by Johannes Rau, the President of Germany; and so it was. All of us, whether politicians or artists or business people, reflected on the meaningfulness of democracy and freedom in our own ways, sharing conversations with German citizens about the future, about freedom, about business, about the environment, about the strength of federalism, about the strength of multiculturalism, about normalcy and structures and the important road to peace.

We shared conversations that the terrorists hoped would never take place, would be silenced. We planned even closer ties between our nations and our peoples that put a lie to fear. We all, in our own ways, travelled the same values highway with our friends and allies — a country from which close to 10 per cent of Canadians claim ancestral origins.

I am proud to say that Canada was the birthplace of a process which led to German reunification. It was on February 13, 1990, during the Open Skies Conference here in Ottawa, that an agreement was reached between the foreign ministers of the Free Republic of Germany, the FRG; the then German Democratic Republic, the GDR; the then Union of Soviet Socialist Republic, the U.S.S.R.; France; the United Kingdom; and the United States, on the start of the historic “Two-Plus-Four” talks which led to the fulfilment of Germany’s dream to have the country reunited after more than 40 years of division.

To express his gratitude to the Canadian people who had supported the German people in these difficult years, an original piece of the Berlin Wall with a plaque commemorating the Ottawa agreement was unveiled on September 27, 1991, by the former deputy chancellor of the Federal Republic of Germany, foreign minister Hans Dietrich Genscher. That piece of the Berlin Wall, by the way, can be seen in the lobby of the Ottawa Conference Centre.

Now we must apply the full spirit of the partnership we have been privileged to share over the decades to the new scourge of terrorism.

Honourable senators, as I spoke with Germans of all backgrounds and professions, I realized that there would never be

[ Senator Graham ]

any surrender of our way of life to fear and apprehension. As I approached the wonderful locale of the Brandenburg Gate in Berlin, I thought about hope and reconciliation conquering the forces of division and darkness. I thought about the remarkable spirit and work ethic of German people as they set about the enormous challenges of reunification. I thought about the fact that Germany has shown the world many lessons in what is possible with commitment, with determination, with resolve.

I remembered visiting East Berlin in the spring of 1990, shortly after the wall came down, in the company of distinguished colleagues who had been invited to East Germany by the Federation of Protestant Churches. The purpose of those meetings was to meet with the parties contesting the upcoming elections and to speak with them about democracy. At the time, I took my own chunk from the wall with a sledgehammer. I surveyed the names of all those who had died in vain attempts to escape to the West. Among them was the name of Chris Gueffroy, an East German waiter who had been shot as he climbed the wall in February of 1989, hence becoming the last sad statistic in the annals of over 200 dead.

In the wonderful moments of the last week, I returned to the little plaque that was still there in his honour. I thought about courage in the face of brutality and the price we sometimes must pay for freedom. I thought about our children and the sad yet resolute faces of all those who watched their fathers and their mothers set sail with Operation Apollo two weeks ago in Halifax Harbour.

• (1940)

As I watched this sombre yet in many ways beautiful departure — it was, after all, another annal in the miracle of the power of humanity — I thought about the ancient Haida expression that has been part of a belief system for many thousands of years: We do not inherit this land from our ancestors; we borrow it from our children. In the borrowing, we try to build a better world. In the borrowing, we try to nurture free, inclusive, civil societies where no man or woman or child is scorned because of race or ethnic origin or religion. In the borrowing, we try to teach that God may be known by many different names and many different traditions but that God is identified by one consistent feeling, and that is love.

Today, when I think of the miracle of opportunity, I know that I do not have to look very far to find it. It lies in the hearts and the minds and the souls of Canadians.

Honourable senators, the miracle of opportunity and the power of the possible is us. Some chicken. Some neck.

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

[*Translation*]

**Hon. Marcel Prud’homme:** Honourable senators, I have a question for Senator Graham, who spoke with such passion in support of Senator Grafstein’s motion.

[English]

As you know, I supported you as president of the Liberal Party of Canada many years ago. I was a Liberal organizer in Quebec where we won very strongly. My question is, simply: Would you tell me your definition of terrorism?

**The Hon. the Speaker *pro tempore*:** Honourable senators, I regret to advise the time for the honourable senator's speech and questions have expired. Is leave granted to continue?

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, it is agreed that Senator Graham may have leave to respond.

**Senator Graham:** Honourable senators, I am sure there are people much more qualified to answer that question than myself, but the best evidence I could offer would be what happened in New York City and in Washington. If people are asking for definitions, I would say those are examples.

**Senator Prud'homme:** Those are terrorist acts, but what is terrorism?

On motion of Senator Stratton, debate adjourned.

[Translation]

## 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 Corbin.*)

**Hon. Eymard G. Corbin:** Honourable senators, this has been made superfluous by the fact that Motion No. 68 by Senator Jean-Robert Gauthier addresses the same matter. I am pleased, moreover, to note the progress that has been made by the Standing Committee on Internal Economy, Budgets and Administration, as reported to us by Senator Kroft in a debate here a week or two ago. In our opinion, the Standing Committee on Internal Economy, Budgets and Administration seems to be addressing this matter with all due diligence.

On motion by Senator Prud'homme, debate adjourned.

## LA FÊTE NATIONALE DES ACADIENS ET DES ACADIENNES

DAY OF RECOGNITION—MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Léger:

That the Senate of Canada recommends that the Government of Canada recognize the date of August 15th as *Fête nationale des Acadiens et Acadiennes*, given the Acadian people's economic, cultural and social contribution to Canada.—(*Honourable Senator Comeau.*)

**Hon. Gerald J. Comeau:** Honourable senators, I did not want to let slip this opportunity to proudly voice my support of the motion by Senator Losier-Cool, and I invite all senators to follow suit. The Acadians have not had any attention in recent years and so we are obliged to remind the federal authorities of their existence. Evidence of this lack of attention is the fact that to date there has been no recognition of one of our important symbols, the Fête nationale de l'Acadie.

By definition, a nation is a community of persons who share the same culture, traditions, language, history, religion and sometimes — but not necessarily — the same land. An Acadian remains an Acadian in his mind and heart, regardless of where he lives. This sense of belonging is not bound to anything as material as land.

An Acadian maintains his sense of belonging and identity whether he lives in Nova Scotia, New Brunswick, Louisiana or even here in Ottawa. We do not have to form a government on a specific territory to preserve our nationality. This is why you will notice that the most vibrant Acadians are often the strongest advocates of our Canadian nation.

As a nation, Acadians have their own symbols, including their national anthem, the *Ave Maris Stella*, and their national flag, the starred tricolour. They have their Congrès mondial acadien, sacred sites such as Grand Pré and historic events such as the arrival of the first Europeans in 1604, the deportation in 1755, the 1755-63 exile, and their national holiday, the Feast of the Assumption, which is celebrated on August 15.

• (1950)

We have our artists, authors, poets, songwriters, great historical visionaries and heroes of the resistance, such as Beausoleil Broussard. We also have our politicians, Louis J. Robichaud and now Bernard Lord, our actors such as Senator Viola Léger, our post-secondary institutions, namely the Université de Moncton and Université Sainte-Anne where, last weekend, I attended the investiture ceremony for our new rector, André Roberge.

What is the origin of Acadia's national holiday? The first Convention nationale acadienne was held in 1881, in Memramcook, in Southeastern New Brunswick, which is the hometown of the Right Honourable Roméo LeBlanc. It is at that time that the 5,000 Acadian delegates chose August 15 as Acadia's national holiday.

Monsignor Marcel-François Richard addressed the delegates and told them that he wanted:

“...a distinct holiday for our people, since our history is different from that of Quebecers”.

Three years later, in 1884, the delegates to the second Convention nationale, held in Miscouche, Prince Edward Island, adopted the Acadian flag and they also chose the *Ave Maris Stella* as their national anthem.

It is important to encourage Acadians to be proud of their heritage. Canadians, through their government, could contribute to this by recognizing our symbols. The federal government could start by examining its longstanding inaction on this issue for some years now.

Quite recently, in this chamber, I gave examples of the reduction in services in both official languages in Acadian and minority communities in Canada, and I will not repeat them.

There are other examples of oversights. Take the calendar of holidays published by Canadian Heritage, which does not include the Acadians' national holiday. Acadian federal parliamentarians from Nova Scotia were excluded from the Sommet de la Francophonie activities in New Brunswick last year. Also, Statistics Canada's census questionnaire does not include Acadian nationality. The list of ethnic origins includes 25 ethnic groups including Chileans, Somali and Jamaicans, but not Acadians. In addition, let us not forget the government's comments in the last Speech from the Throne with respect to renewing its commitment toward viable official language minority communities, with no mention of the fact that the community is no longer considered viable.

Acknowledging Acadians would compensate for the ignorance of certain politicians — such as Reformers — who want to rewrite the history of Acadia, having recently stated in the other place that Acadians were simply returned to France during the deportation. They talk as though the Acadians, who had settled in the new world a hundred years before the deportation, were simply French citizens with expired visitors visas.

Today the descendants of the first Acadian settlers number in the millions. Quebec alone has over one million of them. Another million are to be found in the New England states and Louisiana, not to mention the hundreds of thousands of Acadians throughout France. In contemporary Acadia, there are over 300,000 of them, still living on land cleared after Champlain's arrival in 1604.

Those with an interest in Acadia are cordially invited to come to the third Congrès mondial acadien in Nova Scotia in 2004 and meet Acadians from the world over.

Come share in our culture, songs, dances and warm hospitality and, on August 15, come to our national holiday for the flag raising. You will not be sorry.

[ Senator Comeau ]

On motion of Senator Robichaud, for Senator Léger, debate adjourned.

[English]

## ASIAN HERITAGE

### MOTION TO DECLARE MAY AS MONTH OF RECOGNITION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Carney, P.C.:

That May be recognized as Asian Heritage Month, given the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian community, and its present significance to this country.—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, like all honourable senators in the chamber, I am mindful of the hour, but I do wish to rise and speak to this motion. I rise to lend my support to the motion of Senators Poy and Carney that the month of May be recognized as Asian Heritage Month.

Honourable senators, the great lady on the throne at the time of our founding as a nation was, as honourable senators know, Queen Victoria, whose name permits the reflection that, since 1867, the victory of Canada has in many ways been our success in building a cosmopolitan society, a society which values the contribution and participation of all peoples in our country's journey of nation building.

The full and equal participation of all Canadians in the life our nation is at the heart of our vibrant and vital body politic. This, honourable senators, is of the essence of Canadian citizenship — a citizenship which, in our land, is the symbol of everything that brings us together: pride, shared values, common rights and attendant responsibilities as citizens of Canada. Having shared values does not, however, mean that we are all cast in the same mould. We are all equal, but we are not all the same.

[Translation]

Honourable senators, having shared values does not mean we are all cast in the same mould. We are all equal, but not all alike.

[English]

Our diversity, honourable senators, is an asset. It is a source of enrichment.



[Translation]

In order to truly benefit from our diversity, we must first and most importantly all try to better understand and respect each other. The development of our society, as we want it, is based on such basic values.

[English]

It is important, therefore, that we should not shy away from any effort to celebrate the various elements of our rich society such as that which is provided for by the present proposal to mark the many contributions of the Canadian Asian community. We ought not forget the challenges and obstacles that narrowness of orientation and prejudicial action forced Canadians of Asian background to face throughout our history. The Chinese head tax and the *Komagata Maru* incident are but two unfortunate examples.

Honourable senators, the courage of Prime Minister Mulroney to bring about the Japanese redress is a happier milestone, as was his government's 1988 Canadian Multiculturalism Act, a measure which was all about our Canadian citizenship being inclusive and not exclusive.

[Translation]

Honourable senators, multiculturalism is therefore no more an end in itself than obtaining a certificate of citizenship is. Both are ways of feeling more like a full member of Canadian society.

[English]

In supporting this motion, I do wish, honourable senators, to underscore a caveat. It is easy to proclaim a month, a week or a day in dedication to Asian heritage or the heritage of any of Canada's peoples. The Web site for Heritage Canada is full of such observances. A proclamation of the month of May or any month as Asian Heritage Month should be coupled with the resources in order to use the proclamation as a springboard to educate Canada's youth as to the history and contributions of Canadians of Asian origin, especially in those regions of our country that have not been the beneficiaries of levels of immigration from Asia.

We should also look at the decades of efforts of other communities such as Canada's Black community in using Black History Month in educating all Canadian youth on the contribution of the Black Canadian community to Canadian society as an example.

I would hope, therefore, that such a proclamation has at its core an intention to educate Canada's youth in such a manner. I note that the motion before us is for the month of May, which is salutary from an education standpoint, for the schools are still in session. The children are in attendance at our schools during that month.

I conclude by reiterating my support for this motion. Asian Canadians have been an integral part of Canada's history and multicultural fabric. With that, honourable senators, I encourage support for this motion.

On motion of Senator Taylor, debate adjourned.

[Translation]

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO STUDY RENEWAL OF BROADCASTING CONTRACT WITH CPAC—ORDER STANDS

On the Order:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on the renewal of the television broadcasting agreement between the Senate and CPAC (the Cable Public Affairs Channel), so that it includes the subtitling of parliamentary debates authorized on television and that the renewal of this agreement follows up on CPAC's commitments concerning services to the hearing impaired.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I seek consent to have this motion, which stands in the name of Senator Gauthier and which has not yet been debated, remain where it stands on the Order Paper until tomorrow so that the senator can move it, because he has had to leave for important meetings and asked me whether he might be granted this privilege.

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

**Hon. Senators:** Agreed.

Order stands.

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

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