



Debates of the Senate

1st SESSION

•

37th PARLIAMENT

•

VOLUME 139

•

NUMBER 72

**OFFICIAL REPORT
(HANSARD)**

Thursday, November 22, 2001

**THE HONOURABLE DANS HAYS
SPEAKER**

CONTENTS

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

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

Published by the Senate

Available from Canada Communication Group — Publishing,
Public Works and Government Services Canada, Ottawa K1A 0S9,
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, November 22, 2001

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

Prayers.

SENATORS' STATEMENTS

THE TRAGIC DEATH OF AARON WEBSTER

Hon. Mobina S.B. Jaffer: Honourable senators, I was dumbfounded yesterday when this chamber debated a bill to deny marriage to homosexuals. The debate came at a time when Vancouverites still ache at the horror committed last Saturday. Tragically, Aaron Webster was violently beaten and killed. All Vancouverites were horrified by his murder. This hate crime was committed by young men. These young men had not been schooled in the Canadian value of tolerance.

A crowd of more than 1,500 people gathered on Sunday in shock and anger to call for change. The crowd was reminded by Inspector David Jones of the Vancouver police that Mr. Webster's murder was a hate crime. Inspector Jones also noted it was most probably not the first hate crime committed by Mr. Webster's murderers.

When honourable senators rise in this house to speak in favour of Bill S-9, I remind them that they are giving comfort to those who hate. They are telling more generations of young Canadians that we should not treat homosexuals equally: Homosexuals must not use the word "marriage" to describe their relationships. They are denied the use of this word and the recognition of love in relationships that it conveys to hundreds of thousands of Canadians. They are also teaching that intolerance of homosexuals is both proper and righteous.

Honourable senators, to use religion to justify intolerance is cowardly. It is an attempt to use faith to mask hatred.

The words of the Reverend Martin Niemöller in 1945 are well known to all honourable senators. He said:

First they came for Communists, and I didn't speak up — because I wasn't a communist. Then they came for the Jews, and I didn't speak up, because I wasn't a Jew. Then they came for the Catholics, and I didn't speak up, because I was a Protestant. Then they came for me, and by that time — there was no one left to speak for me.

Honourable senators, we have an obligation and a duty as members of the Senate of Canada to bring honour to this institution. Honour is brought by demonstrations of tolerance. I implore all honourable senators: We must continue to work together.

The Hon. the Speaker: Senator Jaffer, I am sorry, but your speaking time has expired.

WORLD TRADE ORGANIZATION DISCUSSIONS ON AGRICULTURE

Hon. Jim Tunney: Honourable senators, I have two brief messages for this chamber. Both refer to agriculture and to the future of agriculture in this country.

As honourable senators may know — I am sure you do — 142 members of the WTO are about to engage in new trade talks that will go on over the next few years and will wind up in the year 2005. The agreements made there will determine the future of agriculture in Canada, either in a prosperous way or in a very serious and deleterious way. We must at least find ourselves on an even playing field with the United States of America and those countries of the European Community that now are devastating our agricultural markets in grains and oilseeds with their very high government subsidies. We just hope that the outcome of those talks will be of benefit to us because our grain farmers are suffering in a way that they have never known before.

• (1340)

The other issue is more immediate, and it is the outcome of the appeal tribunal decision that will be made within the next few days. A challenge was brought by New Zealand and the United States against our method of marketing dairy products. If that appeal goes against us, it will seriously diminish the amount of milk that dairy farmers in Canada will be allowed to produce. We will see the decline in the number of processing plants in Canada. The diminished volume will result in substantial increases in the price of milk and other dairy products for consumers in Canada.

We have a serious trade issue with the United States. Neighbours of mine, who are in the gallery, produce horticultural products with greenhouses. Right now they are being challenged by the U.S. market and U.S. producers, even though we are supposed to have an agreement on free trade. Dianne and Alfons Casteels are struggling with this very matter today.

ROUTINE PROCEEDINGS

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-33, respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal, and to make consequential amendments to other acts.

Bill read first time.

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

On motion of Senator Robichaud, with leave, bill placed on the Orders of the Day for second reading later this day.

QUESTION PERIOD

THE SENATE

POSSIBILITY OF PRE-STUDY ON PUBLIC SAFETY BILL

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the Minister of Justice is one of many who commended the Senate for its pre-study of Bill C-36. This week, before the House of Commons committee studying the bill, on more than one occasion, she thanked the Special Senate Committee on the Subject-Matter of Bill C-36 for its work. She was no doubt inspired to some extent by that report to propose a number of amendments, thereby putting a government sanction of approval on the concept of pre-study.

Honourable senators, I give that preamble in order to ask the Leader of the Government in the Senate whether the government would entertain pre-study of the Public Safety Bill, which was tabled today in the House of Commons. I think it is deserving of pre-study because, at first glance, it is a much more complex bill than Bill C-36. If the government is so inclined, it can be assured of the same opposition support and cooperation on this bill as it had during the pre-study on Bill C-36.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Leader of the Opposition for his question.

Honourable senators, I think our pre-study report was done extremely well. It was an example of the Senate performing its function in a way that challenged the government to listen to the hearts and minds of the Canadian people, and in particular, to specialists in the various fields. I congratulate the chair of the committee, Senator Fairbairn, and the deputy chair, Senator

Kelleher, and all members who sat on that committee, as well as those members who substituted. There was very active participation in those committee hearings, not only by members but by individual senators who chose to attend on various days.

The Public Safety Bill, which was introduced this morning at 10:00 a.m. in the House of Commons, is indeed, as the Leader of the Opposition said, a very complex bill. It is not as time sensitive as the anti-terrorism bill, where we knew we were under certain time constraints. I will certainly take his suggestion under advisement, and I will discuss it thoroughly with my caucus at our next caucus meeting.

PUBLIC SAFETY BILL

POSSIBILITY OF PARCHMENT ERROR WITH REGARD TO REFERENCES ON HUMAN TRAFFICKING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. The minister just mentioned the Public Safety Bill. It was introduced in the other place with an explanatory note attached. On page 4 of that note from the government, it states, under the heading Penalties for Human Trafficking and Smuggling, that the current Immigration Act does not include an offence of human trafficking. In the bill that we will eventually see, at clause 93, they propose a provision to amend the Immigration Act on human trafficking.

As honourable senators know, we just passed Bill C-11, and gave it Royal Assent. Clause 117 of that bill deals with human trafficking. Is there a parchment error here? Does the left hand not know what the right hand is doing? Perhaps we could help with the pre-study by telling them that they do not have to worry about that section as we already passed it in Bill C-11.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Senate did very good work on Bill C-11, and it certainly is enhancing the roles of those who work in our immigration and citizenship activities in this nation.

• (1350)

With respect to the new bill that is before the House of Commons, it is, in fact, an elaboration, as I understand it, of the offences that are presently in Bill C-11. Perhaps that note is a little exaggeration of what, in fact, the one bill stands for and what the other bill did not. The honourable senator is quite correct. There are references in Bill C-11 to human trafficking.

Senator Kinsella: Honourable senators, would the minister not agree that had her colleague the Minister of Citizenship and Immigration attended the Special Senate Committee on the Subject Matter of Bill C-36, which she refused to do, as pointed out by Senator Kelleher yesterday, she would have learned that in her bill there is this provision? I do not know her record in cabinet, but if she did not advise cabinet when it was looking at the bill that was just introduced this morning, then perhaps it is time for that minister to find another position.

Senator Carstairs: Honourable senators, there are no immigration provisions in the anti-terrorism bill, Bill C-36, which hopefully this chamber will receive next week. Therefore, I see no reason for the Minister of Citizenship and Immigration to appear before that particular committee. However, with respect to the new public safety bill, where significant changes are being proposed to immigration, I would clearly expect the minister to be called and I would expect her to respond.

FOREIGN AFFAIRS

AID TO AFGHANISTAN

Hon. Douglas Roche: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

There are confusing reports about whether aid supplies are actually getting through to the desperate people of Afghanistan. There have been questions such as: Are those supplies subject to control by local warlords? Canada has a great stake in this question because we have made a significant commitment to provide aid and assistance to the people of Afghanistan. Can the minister provide some updated information on the deliverability of this aid?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Roche for his question. First, in watching the news last night, I was very proud when I saw some aid being delivered. When I looked closely at the television screen, it had big letters across it spelling out "Canada" in large red letters. It made me proud as a Canadian that some of our aid is clearly being delivered because my understanding is that this footage was only taken yesterday.

As to the lines of communication that will make all of that work possible now, the honourable senator is quite correct: they are not all up and running. Some resources are getting in, but not nearly enough. Part of the negotiations that went on yesterday in Washington, and, I understand, will continue in Bonn next week, will focus on how we can facilitate the lines of transport so that relief workers are guaranteed safety. Many of the people bringing aid supplies into the country are NGO workers. The focus for any troops sent by Canada will be to ensure that the roads and other lines of transport — airlines, if necessary — are kept open so that our aid and the aid from other nations can be delivered.

NATIONAL DEFENCE

AFGHANISTAN—DEPLOYMENT OF TROOPS TO PROTECT AID SHIPMENTS

Hon. Douglas Roche: Honourable senators, I thank the honourable senator for her answer. She touched on the issue of troops, which I should like to discuss now.

In order to ensure deliverability, is it the view of the government that those humanitarian supplies will need the

protection of armed forces? If so, has a decision been made as to whether Canadian Armed Forces will be deployed for this purpose?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to answer the latter part of honourable senator's question first, no decision has yet been made. The decision that has been made is that their primary function, should they go, will be humanitarian. That is the number one function, although there will also be a security function. Security surveillance may be required to ensure deliverability and that those lines are kept open.

In terms of when those forces may be ready, as I indicated to the honourable senator, some discussions took place yesterday and more are anticipated next week. We are all hopeful that those decisions will be made sooner rather than later so that the innocent victims in Afghanistan, as they return to their communities, can also be assured of an adequate food supply via safe lines of transport.

Senator Roche: Honourable senators, I thank the minister for her response. I am trying to get clear in my head what is the position of the Government of Canada. Are we actively considering sending troops to guarantee aid, or are we waiting for an international decision to be made as to whether armed forces must be required on the ground, in which case Canada would then participate?

Senator Carstairs: We are actively considering it, but we are doing it in combination with discussions with our allies. As to the information I am able to provide to the honourable senator today, as he knows, the issue is very fluid at this time in Afghanistan. We want to ensure that the aid is provided. We know very well that the aid provided by NGOs is most often the one most acceptable to people because there appears never to be any strings attached. It is not only finding the right vehicle to ensure that aid is delivered, but also recognizing that winter is about to set in and that we have to move rather quickly on this matter.

THE ENVIRONMENT

KYOTO PROTOCOL—COMMENTS BY MINISTER OF INDUSTRY—COMMITMENT OF GOVERNMENT

Hon. Mira Spivak: Honourable senators, I should like some clarification, if possible, from the Leader of the Government in the Senate about enigmatic comments by Minister Brian Tobin regarding Canada's commitment to the Kyoto Agreement on Climate Change. In speaking to mining executives, Mr. Tobin stated that there is a strong consensus around the cabinet table and in caucus that Canada must do nothing in competitive terms that would handcuff our capacity to compete around the world and with the United States. He added that there are serious concerns about Kyoto, particularly with the U.S. refusing to participate.

There are two kinds of interpretations, I suppose, to these statements. It could be that the minister is leaving the impression that commitments to reduce greenhouse gases might undermine our long-term competitive position vis-à-vis our trading partners. Of course, he could be following the school of Michael Porter, of Harvard, who long ago said that reducing greenhouse gases is the way to be really competitive and to do nothing would be to damage the long-term health of our economy.

Could the minister find out for us what exactly it is that Minister Tobin meant, and whether his comments are at odds with those of Minister David Anderson? What is he really saying?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am not exactly sure what the Honourable Brian Tobin is saying, but what I can be absolutely sure what the Government of Canada is saying. The Government of Canada is committed to addressing climate change and is committed to the Kyoto protocol ratification process. It is further committed to working with the provinces to effect programs that can achieve the target goals we will have set for ourselves.

Senator Spivak: Honourable senators, let me clarify this response. In other words, the government policy has not changed. Will we sign the Kyoto treaty in conjunction with other nations and not veer from that course?

Senator Carstairs: We are committed to the Kyoto protocol. As the honourable senator knows, there are ongoing negotiations. There have been no changes to the broad structure of the protocol, but there have been some minor humps along the way. The Government of Canada is clearly committed to its obligations under that protocol.

• (1400)

NATIONAL DEFENCE

AFGHANISTAN—SHIPS ASSIGNED TO MIDDLE EAST—ABILITY OF SEA KING HELICOPTERS TO DEFEND AGAINST MISSILES

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is my understanding that the government has yet to dispatch a warship to replace the HMCS *Halifax* in fulfilment of our commitment to the Standing Naval Force Atlantic, one month after the fact. Are we currently in default of our NATO commitment stipulated in this government's own 1994 White Paper on Defence?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, if I understand Senator Stratton's question correctly, it is with regard to the sixth ship and what its assignment would be. It was never determined what the assignment of the sixth ship would be because our agreement with our Allies did not include what exact ship and what category of ship would be required.

It is my understanding that the HMCS *Halifax* is still in the Persian Gulf. Therefore, it clearly has not been replaced. No decision has been made as to what ship, if any, will replace it.

Senator Stratton: Honourable senators, the coalition naval forces are currently searching for al-Qaeda leaders and contraband by boarding freighters and merchant ships leaving Pakistani ports and the Arabian Sea. These ships could be carrying al-Qaeda members armed with highly effective Stinger anti-aircraft missiles for the protection of those leaders.

Can the Leader of the Government in the Senate tell us whether our Sea Kings can protect themselves against potential attack by those Stingers?

Senator Carstairs: As honourable senators know, our defence establishment makes decisions as to what ships and aircraft, including helicopters, are sent. One of the fundamental criteria for the decision of what personnel and equipment to send is threat assessment. That is the overriding factor in determining how to equip our forces abroad.

That assessment was made. The Sea Kings were put on our ships because Canadian military planners have determined that the defence systems with which the Sea Kings are equipped are appropriate to the assessed threat.

Senator Stratton: Honourable senators, it is my understanding that our Sea Kings are without three of the four necessary missile defence suites that defend against missiles. Although I am not asking for an answer today, we need to know whether, if they do not have the proper defence mechanisms, they are at least out of harm's way.

Senator Carstairs: Honourable senators, I can answer that. The risk assessment was made. The defence establishment determined what equipment was required. That equipment is on board the aircraft and the ships that have been sent. The risk assessment test has been met.

[Translation]

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Jean-Claude Rivest: Honourable senators, my question concerns the extremely difficult situation facing thousands of Canadian workers in the softwood lumber industry throughout Canada, as a result of the measures taken by the U.S. government.

In order to facilitate negotiations between Canada and the United States on this important issue, it appears that part of the solution involves the different forestry management schemes in the various parts of Canada.

Yesterday, in Quebec, the Minister for Natural Resources and Forestry indicated that the Government of Quebec was willing to change the Quebec forestry scheme quickly in order to help reach an agreement with the United States.

[Senator Spivak]

There are other forestry set-ups, in particular, the one in force in British Columbia, that are much more complicated than Quebec's. In its negotiations with the U.S. government, is the Canadian government going to allow certain regions of Canada, for instance Quebec, to sign an agreement with the United States as soon as possible, without waiting until the other regions are in a position to reach an agreement with the U.S.?

It would be very beneficial to be able to do this because, particularly in Quebec, there are entire towns that depend on this industry and this is obviously an emergency situation. Could the minister ask her colleague the Minister for International Trade to allow certain regions of Canada that are ready to sign an agreement with the American government to do so very soon, in order to maintain jobs which are absolutely vital to the regions of Quebec and Canada.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there have been ongoing discussions between International Trade Minister Pettigrew and the Quebec Minister of Natural Resources, Mr. Brassard. Minister Brassard has been very cooperative and supportive. He assured Mr. Pettigrew that the Quebec government remains committed to the Canada-United States process for pursuing a long-term, durable solution. He and the representatives of all the other provincial governments involved have agreed to a two-week meeting schedule beginning November 26 in Toronto in order that a Canadian solution can be found to this impending economic problem for many Canadians who work in sawmills throughout this nation.

[Translation]

Senator Rivest: At present, there are different programs in place, and the Atlantic provinces are not affected. So there is one situation that is already resolved. If Quebec is prepared to sign an agreement, why not allow it? Obviously, it would have to be done within a Canadian vision and conception of agreements. I think that the Quebec minister stated quite clearly that he would respect the Canadian government's parameters and policies. The situation is urgent.

The situation in the Maritimes is already advantageous for workers. Quebec seems ready to solve its problem, so we should allow it to do so. Eventually, other regions in Canada will do likewise. I believe this is the message that the Quebec minister wanted to communicate to his federal counterpart.

[English]

Senator Carstairs: Honourable senators, there will never be an absolutely equal system in that timber rights are in the hands of private operators in Atlantic Canada whereas in British Columbia the land is mostly held by the Crown. It is absolutely essential that the provinces work together and with the federal

government in order to find a durable long-term solution for lumber operations in every region of this country.

JUSTICE

ANTI-TERRORISM—INCARCERATION OF PEOPLE FOR SECURITY REASONS—POSSIBILITY OF PERIODIC REPORTS ON NUMBER DETAINED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is about persons being incarcerated in Canada for security reasons. This issue will be with us for some time, unfortunately.

• (1410)

Would it be possible to establish a system whereby the government or its representative in the Senate gives us periodic reports, so that we would not have to always ask the question as to how many persons are in custody for security reasons pursuant to given statutes? For example, today I could ask: Pursuant to the Immigration Act, how many persons are being held in custody for security reasons?

Perhaps the minister could answer that, and reflect upon the larger question of whether or not we in Parliament could learn from the minister rather than getting scattered information through the newspapers.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator realizes, some of that information is not accurate.

We must understand that a great many individuals are detained each and every year. My figures for last year indicate that, in the most recent fiscal year, which I assume ended in March of this year, 9,138 people were held for immigration reasons. Some were held for security reasons, some for health reasons, some for lacking the appropriate documents. The average period of detention was 16 days — and that, frankly, will certainly not diminish, because of the threats that are in existence throughout the world as a result of terrorism.

However, the honourable senator has made an interesting suggestion. I shall bring it forward to my cabinet colleagues.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this house three delayed answers to questions raised in the Senate: the question raised on October 24, 2001, by Senator Lynch-Staunton regarding drugs used to treat anthrax, and the question raised on October 25, 2001, by Senator Tkachuk also regarding drugs used to treat anthrax; and the question raised on November 7, 2001, by Senator Forrestall regarding Order in Council 1989-583.

HEALTH

APPROVAL OF CIPRO AS ANTI-ANTHRAX MEDICATION

(Response to questions raised by Hon. John Lynch-Staunton on October 24, 2001 and Hon. David Tkachuk on October 25, 2001)

At present, ciprofloxacin, doxycycline and penicillin are available on the Canadian market but not specifically approved for the treatment of Anthrax infection in humans.

Although ciprofloxacin, doxycycline and penicillin are not approved by Health Canada for the treatment of Anthrax infection, they are recommended as standard treatments for this infection by leading health authorities including the Centres for Disease Control in the United States, NATO, and the U.S. Army Medical Research Institute of Infectious Diseases.

The use of approved drug products for non-approved medical indications falls within the practice of medicine and is left to the discretion of treating physicians. This practice is common and is often referred to as "off-label use". The quality and appropriateness of medical practice are matters regulated at the provincial level by the various colleges of physicians and surgeons.

Under the current regulatory framework, it is the manufacturer's responsibility to seek marketing privileges for a drug for a given medical indication. Market authorization is sought through the submission of an application which supports the safety, efficacy and quality of drug products for the proposed indications. The decision to seek market authorization is most often based on a market opportunity identified by a manufacturer.

Given that the risk of anthrax infection is normally considered to be extraordinarily low, most manufacturers would not be interested in funding research into the safety and efficacy of drugs given that the expected return on that investment would be accordingly low.

Under the current regulatory framework, Health Canada reviews and considers data submitted by a manufacturer in support of a claim that a particular drug is safe and effective for a particular medical condition. In this way, Health Canada approval to market and advertise a drug is very specific to one or more medical conditions.

The Food and Drugs Act and Regulations prohibits manufacturers from knowingly selling or promoting drugs for "off-label" use.

PRIME MINISTER'S OFFICE

PROCLAMATION OF WAR ON TERRORISM

(Response to question raised by Hon. J. Michael Forrestall on November 7, 2001)

Order in Council P.C. 1989-583 placed all members of the CF Regular Force and Reserve Force on active service when outside of Canada. This Order in Council is still in effect today. Based on legal advice, it was decided to discontinue the practice of issuing operation specific Orders in Council because these would be redundant with the before-mentioned Order in Council.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to draw your attention to the presence in the gallery of a delegation of senior government officials from the Republic of Hungary.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I should like to introduce another visiting page from the House of Commons. Geneviève Côté-Marleau, of Ottawa, is studying political science in the University of Ottawa's Faculty of Social Sciences.

On behalf of all honourable senators, I welcome you to the Senate. I trust that you will find your week with us interesting and informative.

ORDERS OF THE DAY**BUSINESS OF THE SENATE**

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we would like to start with the first two items under "Government Business," and then move to second reading of Bill C-33.

[English]

CANADA-COSTA RICA FREE TRADE AGREEMENT IMPLEMENTATION BILL

THIRD READING

Hon. Jack Austin moved the third reading of Bill C-32, to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica.

He said: Honourable senators, the Standing Senate Committee on Foreign Affairs last week reported Bill C-32 without amendment.

When the committee met on Tuesday, November 20, the only witnesses the committee heard from were Patrick O'Brien, who is the parliamentary secretary to the Minister for International Trade, and a departmental officer, Ms Heather Grant.

In my view, only two areas of discussion focused specifically on the bill itself. The first related to the issue of refined sugar imports. There is provision, as I mentioned at second reading, for imports of refined sugar from Costa Rica on a tariff-free basis after 10 years, to a limit of 40,000 metric tonnes, provided the raw sugar originates in Costa Rica and is refined there.

At the present time, there is no sugar refinery in Costa Rica. At most, the Costa Rican refined sugar could occupy 3 per cent of Canada's domestic market.

By letter dated November 21, which I received by fax that day, one day after the meeting of the Standing Senate Committee on Foreign Affairs, the Canadian Sugar Beet Producers' Association Inc., under the signature of Bruce Webster, general manager, advised that their concern was not with Bill C-32 but with issues generic to the world sugar system. In particular, their concern is:

Our main point for legislators respecting the Canada-Costa Rica Free Trade Agreement is that its features should not be replicated in future bilateral or regional pacts.

Of course, their focus is on the sugar issue.

Simply explained, they see other Central American countries with a major component of sugar growers and with a capacity to refine sugar. The impact of a similar agreement with such countries would be of real significance to the sugar beet industry and to the Canadian sugar refiners.

This leads to the second area of discussion in the Standing Senate Committee on Foreign Affairs. Senators in the committee were quite aware of this pending question. In reply to a question from Senator Bolduc, the parliamentary secretary noted that the committee report in the other place highlighted this concern. Mr. O'Brien went on to say:

The reality is that each of these bilateral agreements stands on its own. While there are many elements that are similar, it is not just a cookie-cutter template that would mean that any future agreement would be entered into on that basis. We certainly understand the concern and it is shared on both sides of the House.

In response to a further question from Senator Graham regarding negotiations with other Central American countries, Mr. O'Brien stated:

There is certainly an anticipation of negotiations with the other countries of Central America. At this time, there are not any underway...

...but we expect that very soon there will be a new set of talks.

As it happens, the *Globe and Mail*, on Thursday, November 22, 2001 — today — reports that Canada will open free trade talks with El Salvador, Guatemala, Honduras and Nicaragua in December. I hope I am not being overly sensitive in remarking that this announcement should have awaited final disposition by the Senate of Bill C-32 and Royal Assent.

In any event, I believe the Senate owes a special duty to the sugar beet industry and the sugar refiners to consider most closely the impact on them of any free trade agreement with those countries.

Honourable senators, Canada is a free trader, and that is not a matter of political partisanship. When it comes to the terms of a free trade deal, we have had and may yet have partisan differences to resolve. However, in strategic terms, we will seek free trade on an international basis, such as the WTO and the Doha round. We seek free trade regionally, such as NAFTA and, perhaps in the future, the FTAA. We seek free trade bilaterally, as in the case of the proposed Canada-Costa Rica Free Trade Agreement before us today.

I trust Bill C-32 will have the support of all honourable senators.

[Translation]

Hon. Roch Bolduc: Honourable senators, I simply wish to point out that we are not opposed to the bill. We mentioned this at second reading. In committee, we pointed out that we have supported free trade for many years. That is clear.

• (1420)

As a representative of the Province of Quebec, I raised a question as to the repercussions this agreement might have on the sugar refineries. I cautioned the Parliamentary Secretary about future agreements with other Central American countries, because there could be problems, particularly with Guatemala. That reservation expressed, I have no objection to this bill.

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

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[English]

AIR CANADA PUBLIC PARTICIPATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill C-38, to amend the Air Canada Public Participation Act.

She said: Honourable senators, I am pleased to rise and speak to Bill C-38, which is being given second reading today.

As honourable senators know, Bill C-38 was first introduced at the end of October in the other place and had a rapid but thorough review there. I understand that there are similar plans for our standing committee, and in advance I wish to thank the committee members who will deal with the bill in detail over the next few days.

The purpose of Bill C-38 is to amend the Air Canada Public Participation Act to eliminate the 15 per cent limit on the holding of voting shares in Air Canada. The bill does not try to resolve any of the other longer-term issues relating to Air Canada.

The proposed legislative changes are intended to provide our national air carrier with one of the key tools it needs as it attempts to regain its financial health that has been severely strained by a number of events over this past year.

Even before September 11, it had become quite apparent that Air Canada would have to make some significant moves to address its weakened financial situation. The carrier's efforts to integrate Canadian Airlines, high fuel prices, declining passenger demand and the severe slowdown in the economy have all had a significant impact on Air Canada.

Taken together, these measures were designed to ensure that individual shareholders could not act in concert to take control of the airline and as a result nullify the concept of a widely held company.

[Translation]

Air Canada has stated publicly that it needs new equity and it has taken, and continues to take, measures to acquire a considerable number of non-voting shares.

However, for those investors who want to have some say in the direction of the company, there has been a legislated limit on voting shares and a companion prohibition on association between the holders of those same voting shares.

These measures were designed to ensure that individual shareholders could not act in concert to take control of the airline and thereby nullify the concept of a widely held company.

A 10 per cent restriction was in place until last year, when Bill C-26, the airline restructuring legislation, came into force on July 5, 2000. Bill C-26 had in it a section that amended the Air Canada Public Participation Act by raising the individual limit on the holding of voting shares to 15 per cent. The prohibition on association was not changed.

[English]

Honourable senators will recall that in the leadup to Bill C-26 in the fall of 1999, both the House of Commons and the Standing Senate Committee on Transport and Communications held extensive hearings to assess the views and concerns of the airline

industry in Canada. In their separate reports, both committees recommended that the limit on individual voting share ownership in Air Canada be raised to 20 per cent. Several members thought that figure should be raised higher than that.

Notwithstanding that, the government agreed that the limit should be raised as a means of encouraging investment in Air Canada, while still preventing a single shareholder from gaining effective control. The government's view at that time was that 15 per cent was the appropriate threshold, and it is this new limit that was entrenched in law.

In deciding to remove the limit, the government has come to believe that any limit can act as a disincentive to an investor with serious intentions of having a say in the management of Air Canada.

The events of September 11, 2001, have had unprecedented consequences for airlines around the world. Passenger traffic has declined more than in any other previous recession. Significant short- and long-term financial difficulties are forecast for the entire industry. Regrettably, Canada 3000, the country's second largest airline, has already declared bankruptcy.

Air Canada has been forced by the effects of the terrorist attacks in the United States to re-examine its entire operation even more profoundly than had been previously announced. Services have been adjusted in response to reduced demand and costs have been cut wherever possible. Extremely difficult decisions have had to be made by Air Canada's management, including notice of layoffs to close to 9,000 employees.

To reduce the layoff impact, the company has been working with HRDC to ensure that its employees can benefit from any existing federal programs, including work-sharing. The carrier has also eliminated some routes from its network and has scaled back on the number and size of aircraft used on other routes.

[Translation]

Air Canada has benefited, along with every other Canadian air carrier, from the government initiatives that were instituted to help the industry cope with the severe economic fallout from the events of September 11.

The government provided an indemnity for third party war and terrorism liabilities for essential aviation service operators in Canada. It took this action, as did other governments around the world, to ensure our carriers would be able to keep operating.

In recognition of financial consequences of the closure of Canada's airspace, the government implemented a \$160-million program to compensate the more than 1,300 businesses providing air transportation for passengers and cargo, and offering specialty air services.

A great many Canadian carriers have already filed their claims under the compensation package and a number of carriers have already received their initial payments, including Air Canada.

[English]

Honourable senators, Ronald Reagan National Airport's unique geographic location has resulted in authorities in the United States imposing more stringent security requirements there than at other American airports. In order to re-establish Air Canada's important flying rights into that airport from Toronto and Montreal, the government has authorized the presence of armed RCMP officers on Air Canada flights to the U.S. capital. It has also made the necessary provisions to allow armed U.S. air marshals on U.S. flights to enter Canada without difficulty.

• (1430)

The decision to amend the Air Canada Public Participation Act at this time is designed to provide additional assistance to Air Canada in its attempts to return to financial stability.

Let me assure honourable senators that the board of directors of Air Canada supports this change. The matter was discussed with the chair, and Air Canada has stated publicly that it supports the government's decision. The government is confident that this measure offers the private sector greater opportunities for investing in Air Canada and can contribute to the successful restructuring of the company. It should attract new capital for the airline. It is also important to note that there have been no objections voiced publicly on the elimination of the 15 per cent limit.

With the enactment of this bill, Air Canada will find itself on the same footing as the rest of the air industry with respect to individual share ownership. There will be no limit except for the 25 per cent limit on voting shares held by non-residents, which is a different issue.

On this point, I must emphasize that Bill C-38 will not in any way result in a change in the government's position on foreign ownership. The government remains committed to ensuring that Canada's airline industry is run in Canada, for Canadians, by Canadians. Consequently, the government's long-standing policy of a 25 per cent limit on foreign ownership of voting shares, which applies to all carriers, and not just Air Canada, shall remain unchanged.

This is a bill, therefore, with only three clauses. The first removes the 15 per cent limit and the prohibition on association; the second renders null and void any other corporate documents that addressed the 15 per cent limit; and the third deals with when the changes will come into force.

The legislative changes that will be enacted as a result of this bill should serve the interests of Air Canada and airline passengers who will benefit from a stronger, more effective and efficient national carrier, which I am sure all honourable senators in this chamber, all parliamentarians and most Canadians will be thrilled to note. I am pleased to introduce this bill and hope we can give it swift passage. The sooner this bill can be enacted, the better.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask a question of the Honourable Senator Finestone. I hope I misunderstood the honourable senator. Under Bill C-36, there is a pertinent provision that the Firearms Act would be suspended to allow U.S. sky marshals to come to Canada armed. I understood her to say that this provision was already in effect. Is that correct?

Senator Finestone: Honourable senators, did I say "already in effect"? I think I said it will come into effect.

Senator Lynch-Staunton: That is what I wish to have the honourable senator reassure us about.

Senator Finestone: I remember discussing it. I remember looking at it. I believe that this bill will put into effect what we have already said we will do. Is that not a good thing?

Senator Lynch-Staunton: I will check Hansard tomorrow. I understood the honourable senator to say that the provision to allow armed sky marshals in the United States or elsewhere was already in effect. I just hope I misunderstood the honourable senator.

Senator Finestone: That would be a good question for the honourable senator to raise tomorrow in committee.

Hon. Lowell Murray: Honourable senators, will Senator Finestone tell us whether this is the sum total of the government's policy in terms of restoring or creating a competitive air industry in Canada?

Senator Finestone: I do not believe so. I think I stated at the outset that this is one of the major steps that will be required to ensure or to rebuild the health of that company. I can think of other steps that are not in this bill, as can Senator Murray.

Senator Murray: Do any of them have to do with Mr. Milton?

On motion of Senator Tkachuk, debate adjourned.

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Willie Adams moved the second reading of Bill C-33, respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal, and to make consequential amendments to other acts.

He said: Honourable senators, I rise today to speak to Bill C-33. The Nunavut Land Claims Agreement came into effect on July 9, 1993. I think all honourable senators will remember that Prime Minister Brian Mulroney went to Iqaluit to come to an agreement on a land claims settlement in 1993. At that time, we had a big celebration in Nunavut. After 1999, we developed a Nunavut government.

Honourable senators, I wish to speak in my native language, Inuktitut. Senator Watt will be my interpreter.

[Editor's Note: The honourable senator continued in Inuktitut — Translation follows]

Honourable senators, many years of negotiations were spent in developing these claims, and it was something Inuit felt they needed to provide for future generations. The land claims allow them to become a full and equal partner in the Canadian federation. Inuit now control more than 350,000 square kilometres.

• (1440)

Bill C-33 has been in development since 1996. Since then, efforts have been made to listen to and accommodate the concerns of the Inuit and other stakeholders. Meetings have been held between DIAND and Nunavut Tunngavik Incorporated. NTI, Nunavik Tunngavik Incorporated, has also been representing Inuit over the past 20 years in their negotiations with the federal government on their land claims agreements. The Makivik Corporation, which represents the Inuit of James Bay and Northern Quebec, has also been consulted on this legislation.

The Nunavut Water Board has been in existence and carrying out duties since July 1995, and the Nunavut Surface Rights Tribunal since 1996. Bill C-33 will resolve present legal issues. It will meet outstanding commitments under the Nunavut Land Claims Agreement and provide for economic development in Nunavut.

Bill C-33 describes the powers of these two institutions and also sets out the overall resource management guidelines set out in the land claim agreement. The board will ensure that Inuit culture, customs and knowledge will be maintained.

This proposed act is divided into two parts. Part 1 establishes the Nunavut Water Board and recognizes special rights for Inuit concerning water flowing through Nunavut. Environmental concerns and compensation for the loss and damages will be taken into consideration when a water licence is applied for.

According to the terms listed in the Nunavut Land Claims Agreement, the board will consist of eight members. Four will be Inuit nominated by Nunavut Tunngavik Incorporated, two will be nominated by the Government of Nunavut, and two members will be nominated by the federal government. The language to be spoken at the board meetings is Inuktitut.

Part 2 of the bill will establish the Nunavut Surface Rights Tribunal. The tribunal will settle disputes between Inuit and persons who wish to access Inuit-owned land and persons holding surface rights who wish to access those Crown lands. The board will resolve disputes concerning the loss to the Inuit from damage to the environment and wildlife harvesting by development activities in Nunavut settlement areas.

Honourable senators, after five years of studying this bill and meeting with the concerned organizations, I feel it is time to move this legislation forward.

Hon. Senators: Hear, hear!

Hon. Sheila Finestone: Honourable senators, I am sure you all share my extreme joy and pleasure at listening to Senator Adams' and Senator Watt's exchange in Inuktitut. I felt an enormous sense of pride, privilege and a true expression of what Canada is all about — this post modern nation of the 21st century, the most diverse and pluralistic nation in the world. I thank you for the privilege of being able to listen.

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

YOUTH CRIMINAL JUSTICE BILL

REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, P.C., for the adoption of the tenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-7, in respect of criminal justice for young persons and to amend and repeal other Acts, with amendments) presented in the Senate on November 8, 2001.

Hon. Landon Pearson: Honourable senators, this debate was stood in the name of Senator Cools, but she has yielded.

As sponsor of Bill C-7, I should like to speak today to the tenth report of the Standing Senate Committee on Legal and Constitutional Affairs.

I wish to express my concerns about the amendments contained in it, particularly those amendments on which I either abstained when I did not fully understand or opposed during the voting process. Having now studied the amendments thoroughly, I believe they are either redundant or in some cases actually harmful to the best interests of the young people whose actions have brought them into conflict with the law. As a result, I will be voting against accepting the report.

Before I discuss the amendments in more detail, I should like to focus for a few minutes on the context of the bill itself. The phenomenon of young people in trouble with the law is a complex one, generated as it is by a combination of troubled, often chaotic living circumstances and tendencies common among most adolescents towards risk-taking and experimentation and among some towards defiance and increased aggression. Responding in an appropriate manner to the difficulties of this life stage is very challenging, yet it can and must be done.

•(1450)

Almost every young person I have known has pushed beyond the limits of the law at one time or another. Some do so often enough in such visible circumstances that they get caught. A smaller number, alas, do act out of malice and must be held accountable, and we have to recognize that a handful become so violent that they commit very serious crimes and constitute a real danger both to society and to themselves. Yet, at least until they turn 18 years of age, I am convinced that all young people are open to change; they are far more open than most adults, who tend to become rather rapidly fixed in their patterns of behaviour. This is why a youth criminal justice system, separate and apart as much as possible from the adult system, is so important for their future as well as for ours.

To some extent the existing law, the Young Offenders Act, was crafted in recognition of the opportunities for behavioural change that the fluidity of adolescence provides. Certain provinces, notably Quebec, took the YOA and the opening it provided for alternative measures and experienced a relative success. Others did not, however, and we have ended up overall with the largest rate of youth incarceration in the Western World.

Honourable senators, it seems to me that that rate of youth incarceration speaks to a certain ambiguity in the YOA that has led provinces to widely varying practices. To some extent, this ambiguity lies in the stated purposes of the YOA. It is also to be found in the funding that accompanied implementation — funding that was used in certain jurisdictions more for the construction of custodial facilities than for alternative measures. This ambiguity has also allowed for the growth of a certain amount of public mistrust of the YOA. This mistrust, however ill-founded, is a social reality and it has to be taken into account.

As legislators, all honourable senators in this chamber know that the law is a human creation, since we spend so much of our time engaged in the process. Just as no person should be above or beyond the law, so no law should be too far removed from the people in whose interests it is designed. Otherwise it will not be either as effective or as respected as it should.

During the seven years I have been in the Senate, I have assisted laws to change and evolve in response to social change. Therefore, I never hold out for a perfect law. However, in this case I do hold out for the best response to these times and these circumstances. I am convinced that the YOA is no longer adequate, although it is far ahead of the Juvenile Delinquent Act that it replaced. I am also convinced that the new Youth Criminal Justice Act, with its emphasis on the rehabilitation and reintegration of youth; on fair and proportionate accountability that is consistent with the greater dependency of young persons and the reduced level of maturity, on enhanced procedural protections of youth to ensure that they are treated fairly and their rights are protected; on ensuring timely interventions — especially important given young persons' perceptions of time —

and on reducing the number of young people needlessly brought into the justice system and into custody is much more appropriate for today.

Honourable senators, I am happy to say that most of the witnesses who appeared before our committee agreed with these objectives. There was also clear support at committee for another of the bill's main objectives: less use of the formal justice system and more diversion and other extra-judicial measures for the vast majority of youth crime.

Experience in Canada and other countries has shown that measures outside the court process can prove effective and timely in responding to less serious youth crime. Even though the YOA permits the use of alternative measures, over 15 years of experience makes it clear that it does not provide enough legislative direction regarding their use.

The proposed Youth Criminal Justice Act is intended to enable the courts to focus on serious youth crime by increasing the use of effective and timely non-court responses to less serious offences. These extra-judicial measures provide meaningful consequences, such as requiring the young person to repair the harm to the victim. They also enable early intervention with young people, as well as the opportunity for the broader community to play an important role in developing community-based responses to youth crime. One of our witnesses, Judge Peter Harris, even told us that the new law, once implemented, would cut his caseload in half and enable him to concentrate on finding the most appropriate judicial response to the young people before him who had committed the most serious crimes.

Most witnesses before the committee also strongly supported reducing our overall use of custody in this country. Young persons in Canada often receive harsher custodial sentences than do adults for the same type of offence. It was disturbing for many honourable senators to discover that almost 80 per cent of custodial sentences now are for non-violent offences.

In contrast to the YOA, the new legislation provides that custody is to be reserved primarily for violent offenders and serious repeat offenders. The YCJA recognizes that non-custodial sentences can also provide more meaningful consequences and be more effective in rehabilitating young persons than custodial ones.

The bill also contains measures for the rehabilitation and reintegration of those who do go into custody. A weakness of the YOA is that a young person can be released from custody with no required supervision and support. Bill C-7 requires that every period in custody be followed by a period of supervision and support in the community as part of the sentence. The emphasis in the bill on assisting a young person to make a successful transition back to the community is based on the belief that virtually all youth can reintegrate if they receive the proper support, assistance and opportunities.

Taken as a whole, the proposed YCJA will ensure a fairer and more effective system while reducing the numbers of youth going into the formal justice system, reducing overreliance on incarceration in this country and, for those who do go into custody, increasing reintegration measures for a successful transition and return to the community.

Honourable senators, I will now turn to some of the amendments. I will not address all of the amendments as others will speak to them, but I will focus on those to which my own experience is particularly relevant.

First, I would like to address the UN Convention on the Rights of the Child. I have been involved with this document since its inception under the leadership of Poland in 1979. Canada was a member of the international working group that drafted the convention and took an active part in its development. At that time, I participated as a stakeholder of a concerned non-governmental community. From the time it was adopted until I came to the Senate, I chaired the Canadian Coalition on the Rights of Children that promoted Canada's ratification of the convention in 1991. I worked with many aspects of the convention, including the section on youth justice. I truly believe this new bill is in full compliance, and in many instances exceeds the minimum of the protections called for. It certainly strengthens rights and protections available under the current YOA.

The reference to the UN Convention on the Rights of the Child found in the preamble to Bill C-7 is a clear indication that Canada is in compliance and therefore the suggested amendment to clause 2, in my view, is not needed. On the contrary, I am afraid that it would only serve to add confusion and conflict in interpreting the bill.

The declaration of principles in clause 3 of the bill sets out the principles that apply in the act. They are in compliance with the convention but, most important, many of them articulate the convention's provisions in language that reflects Canadian jurisprudence. This is important because the language of the UN convention represents a compromise to allow acceptance by a wide range of different systems and is not precise or clear enough for an advanced system of youth justice protection such as Canada's. The interpretation provision in clause 3(2) provides that the act shall be liberally construed to ensure that young persons are dealt with in accordance with the declaration of principles. Inserting the suggested amendment would, I contend, only serve to increase confusion and conflict and it would add unnecessary complexity. Therefore, I would urge honourable senators not to accept the amendment.

A further amendment, also related to the convention, concerns what happens to a youth who receives an adult sentence. It is important to note that when a youth receives an adult sentence, the youth is not directed to serve the sentence in adult custody. Clause 76 of the bill provides that a young person under 18 with an adult sentence should serve the sentence in youth facilities. It should also be noted, by the way, that the bill is clear that a

young person, anyone under 18, serving a youth sentence would never serve it with adults. They must be kept separate and apart. However, if a judge is convinced that it would be in the best interests of the young person, or if keeping the young person in youth custody would jeopardize the safety of others, including others in youth custody, only then can a youth with an adult sentence be placed in adult facilities.

There are exceptional circumstances that must be taken into account for youth with adult sentences who may be an unmanageable security risk to other youths in the youth facility. The rights and safety of other young people must be taken into consideration, as well as the best interests of the youth with the adult sentence. I know of at least one case in Ontario where one young person in a youth facility killed another because the guards failed to exercise caution. These provisions must be looked at, along with the range of other measures in the bill that limit the overall use of custody for youth and eliminate transfer to adult court.

•(1500)

It is of the utmost importance that the transfer system be fair and that the youth justice court take into account the individual circumstances of each case, including the age and maturity of the youth and the seriousness of the offence.

A suggested amendment would change clause 76 by requiring that when a youth with an adult sentence is placed in adult facilities the youth would be kept in a youth custody section of the adult facility, separate and apart from any adult who is detained or held in custody.

There are several grave concerns with this approach, most notably its devastating effect on youth. The suggested amendment would allow young persons with adult sentences to be placed in adult facilities but would require that the youth serve the sentence separate and apart from adults. The very small number of youth in adult facilities, on average six, spread across the country per year, including both males and females, would mean that these youth would be forced to serve their sentence in isolation, in effect, warehoused in solitary confinement, as they would not be able to attend programs or otherwise associate with adults. This would not be in the best interests of young people.

The suggested amendment creates a major problem in another area. It eliminates the authority to place an offender with an adult sentence who reaches adulthood, or is an adult at the time of sentencing, in anything but custody with other youth. The suggested amendment provides only for placement in the youth custody section of an adult facility, separate and apart from adults, and removes the ability to place an older person in adult custody. There are many instances when a young person with an adult sentence turns 20 or older, or where a young offender receives an adult sentence but was only charged many years after committing a serious offence as a youth, and should be placed in adult custody. With this amendment, that would no longer be possible.

Another set of amendments I would like to discuss are the ones related to the age for presumptive offences. In the YOA, section 16 allows for a Crown application pre-trial to move a young person aged 14 or over to adult court. The number of those under 16 who are transferred to adult court is small. Over the last four years, Quebec has transferred but eight, and Ontario but nine. However, the fact remains that they are transferred pre-trial and they are transferred to an adult court.

Under the new law, there will be no transfer to adult court and adult sentences for the worst offences will only be given after conviction. Furthermore — and this is why I am not against leaving the age at 14 for presumptive offences — the trial judge has considerable discretion in sentencing and, indeed, a new alternative for the most violent young offenders. This alternative is known as the intensive rehabilitative custody and supervision order. Instead of ordering an adult sentence, the youth justice court can make this order if the young person has been found guilty of one of the most serious offences, the young person is suffering from a mental or psychological disorder or an emotional disturbance, an individualized treatment plan has been developed for the young person and an appropriate program is available for which the young person is suitable for admission.

The Department of Justice has set aside special funding for the provinces and territories to ensure that this sentencing option can be made available throughout the country. It provides an opportunity to bring all possible therapeutic resources together to assist the young offender to avoid serious reoffending in the future.

For the very small group of young people who are very violent, being able to work with them from the age of 14 offers a much better chance at rehabilitation than working with them at 16, when it may already be too late.

Another suggested amendment deals with recovery of costs of legal counsel. As you are aware, the bill guarantees a young person the right to retain and instruct counsel without delay, to exercise that right personally at any stage of the proceedings, to be told of their right to counsel and to have counsel provided. The bill also provides, in clause 25(10), that nothing prevents a province from establishing a program to recover the costs of a young person's counsel from the young person or parents, and that the costs can only be recovered after the proceedings are completed.

A small number of provinces are currently recovering costs from those who have the ability to pay, as part of the administration of justice. A recent Ontario Court of Appeal decision upheld this practice and stated that costs could be recovered at any stage of the proceedings. While clause 25(10) is not strictly necessary, and while I know that the mover of this amendment did so with excellent intentions, on closer examination we see that it contains a degree of protection for the young person that does not currently exist.

The Hon the Speaker *pro tempore*: Honourable senators, I am sorry to inform the Honourable Senator Pearson that her allotted time has expired.

Senator Pearson: May I have leave to continue?

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

Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I consent to Senator Pearson being given leave to finish her speech, as she has requested, so that we do not embark on an interminable question period.

[English]

Hon. Anne C. Cools: Since some senators can make suggestions about the length of extension of time, I should also like to make a suggestion. I suggest that since Senator Pearson is the sponsor of the bill, we give her an extension of one-half hour.

Senator Pearson: I do not need half an hour.

Senator Cools: The question must be settled. There are two suggestions before the chamber.

Senator Pearson: Honourable senators, the recovery of the cost of counsel from the parent or young person can take place only after the proceedings are completed. This ensures that the young person will have counsel throughout the proceedings without consideration of ability to pay. Deletion of this subclause would remove this protection and therefore I cannot support it.

I could make similar arguments with respect to the other proposed amendments, but time does not permit. I would, however, like to make a quick reference to the amendment related to Aboriginal youth. All members of the committee are very conscious that Aboriginal youth are greatly overrepresented in the system. This is a very serious situation that must be addressed. However, I am convinced that the framework of the bill, without amendment, is adequate to allow good things to happen. The most important thing is that the resources designated for them be allowed to flow.

Honourable senators, I undertook to sponsor Bill C-7 because I was convinced that the youth criminal justice system it creates would mark a substantial improvement over the YOA system for both young people and society. Having studied it in the company of over 60 witnesses in committee, I remain convinced that it is more respectful of the rights of young people to due process when they come into conflict with the law, more respectful of the nature of adolescents, and more respectful of the capacity of young people to take responsibility for their actions than is the YOA. I also believe it is more respectful of society by ensuring that the most violent young offenders will not only be held accountable but will be offered more opportunities to change before they re-enter society, as they inevitably will. Nothing any of the witnesses said has persuaded me otherwise.

Of course the bill is not perfect, nor will it solve all the problems related to youth justice. There will never be enough money, programs or human resources to address the difficult circumstances that make some young people rebellious and vulnerable, or to help them find their way to responsibility and maturity.

During the implementation stage, certain flaws in the proposed legislation may very well appear, and we may find ourselves required to amend the new act, just as we did the YOA shortly after I came to the Senate. However, the bill I want to implement is Bill C-7 as it stands, without the amendments recommended by the committee. The reason for that, as I said earlier, is that I believe these amendments to be either unnecessary, inconsistent with, or indeed harmful to the purposes of the bill and to the best interests of young people.

As a result, I will vote against the committee's report and I urge all senators to do the same. We will then be able to vote for a youth criminal justice system that will prevent crime by addressing the circumstances underlying a young person's offending behaviour, rehabilitate young persons who commit offences and reintegrate them into society, and ensure that a young person is subject to meaningful consequences for his or her offence, in order to promote the long-term protection of the public.

Senator Cools: Honourable senators, would the Honourable Senator Pearson take a question?

The Hon. the Speaker *pro tempore*: Honourable Senator Cools, a short time ago the chamber gave permission for Senator Pearson to finish her speech, without questions.

Senator Cools: I understand that Senator Pearson rose and asked for leave, and that it was granted. That is the agreement the chamber made.

• (1510)

As to the amount of time that Senator Pearson was actually given, the chamber did not address its mind to that question at all. That was an announcement made by one senator, but the chamber did not make any judgment on that particular issue.

[Translation]

Senator Robichaud: Honourable senators, with respect to consent, on several occasions recently, we have agreed to stay within the time limits set out in the rules, in order that all senators may have a chance to speak.

However, we have consented to allowing a certain amount of additional time in order to permit a senator to finish her speech and avoid cutting her off before she had reached the end. This is purely in order to let everyone say what they have to say and ensure that we do not become involved in an endless question period, as has happened in the past.

[English]

Senator Cools: The problem is that I remain on the horns of a dilemma, which is that we have rule 99, and I believe rule 97, and a related set of practices around this place essentially upholding the right of the Senate to hear from the important players on a committee. Rule 99, as we said before, indicates that the senator presenting the report shall explain to the Senate the basis and the effect of each amendment. The chairman of the committee has declined to do that.

[Translation]

Senator Robichaud: Honourable senators, I believe that the committee chair acquitted herself properly of her mandate and responsibilities when she presented the report and no one can say otherwise.

The Hon. the Speaker *pro tempore*: Honourable senators, when I sought the leave of this chamber, I made it very clear that the purpose was to give Senator Pearson the chance to finish her speech. It is up to the chamber to decide whether to give her more time.

[English]

Senator Cools: It is my understanding that, right now, we are past the question of leave. I understand that we are now on a point of order. I believe that Senator Robichaud just raised a point of order. Did I not hear him say, "point of order"?

Senator Robichaud: Yes.

Senator Corbin: He clarified the record.

Senator Cools: Maybe Senator Robichaud wants to withdraw his point of order. Are we not now on a point of order? I was under the impression that Senator Robichaud raised a point of order on the question of the committee chairs responding to the Senate in respect of a committee report.

It is a long-standing principle of any chamber that the chamber has the right to hear from the important players on a committee about a report of the committee.

This is simply not acceptable.

The Hon. the Speaker *pro tempore*: I heard Senator Robichaud say "point of order." I did not hear him ask for a ruling.

Let us make it simple. Senator Cools wishes to ask questions of Senator Pearson. I will ask Senator Pearson whether she is ready to answer questions.

Senator Pearson: My answer is yes.

Senator Lynch-Staunton: It must be Thursday. It is like there is a full moon.

[Translation]

Senator Robichaud: Honourable senators, we keep coming back to this discussion. I maintain that if we decide to no longer allow this practice, which was an attempt to facilitate the debate, leave will simply no longer be given because it could lead to interminable debates or question periods.

The Hon. the Speaker *pro tempore*: Honourable senators, when you gave leave just now, it was to allow Senator Pearson to complete her speech.

[English]

Is leave granted for Senator Pearson to answer questions?

It is your decision, honourable senators. Is leave granted?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Hon. Charlie Watt: Honourable senators, I move the adjournment of the debate on Bill C-7.

Senator Cools: Which debate is the honourable senator speaking about? We are on a point of order.

The Hon the Speaker *pro tempore*: Did the Honourable Senator Cools ask for a point of order?

Senator Cools: No, but Senator Robichaud had raised a point of order. That is what was before the chamber when Her Honour came forward and put a question about whether leave would be granted to Senator Pearson again. The question before the chamber at the time was a point of order.

On motion of Senator Watt, debate adjourned.

[Translation]

ANTI-TERRORISM BILL

REPORT OF SPECIAL COMMITTEE
ON SUBJECT MATTER OF BILL C-36—ADOPTED

On the Order:

Resuming debate on the study of the first report of the Special Senate Committee on the Subject-Matter of Bill C-36, an Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism, tabled in the Senate on November 1, 2001.

Hon. Gérard-A. Beaudoin: Honourable senators, on October 15, 2001, the Government of Canada tabled a bill to

fight against terrorism. This is an omnibus bill and it contains a number of measures that are unprecedented in Canadian law.

Bill C-36 deserves meticulous study; we began this review when the bill went for pre-study, and the report tabled on November 1 by Senator Fairbairn is the product of our initial reflections. I agree with this report.

On Tuesday, the Minister of Justice appeared before the Justice and Human Rights Committee of the other House. A number of amendments were proposed. My remarks today relate solely to the report of the Special Committee on Bill C-36 chaired by Senator Fairbairn, which is before us for consideration today. We will study Bill C-36 as amended in due course.

I support the idea that the legislation should undergo very careful scrutiny by a Senate committee within three years of its coming into effect and, as part of this careful parliamentary scrutiny, that the Minister of Justice should table an annual report on the measures taken pursuant to Bill C-36.

I also subscribe to the idea of a sunset clause — or a self-repealing provision — for Bill C-36 as a whole after a five-year period, excluding the provisions concerning the implementation of international conventions.

Regarding oversight and review, the appointment of a senior official seems an entirely pertinent and appropriate amendment.

• (1520)

I also support the amendments proposed by the special committee regarding the registration of terrorists, preventive detention, the certificates of the Attorney General prohibiting the disclosure of information, those persons who are required to keep secrets in perpetuity, charitable organizations, and regulatory powers. I also support the definitions of “terrorist activity” and “security,” the defence in the interest of the public under the Privacy Act, the issue of “facilitating” and the list of terrorists, the offence of mischief, and the use of the term “terrorism.”

Before concluding, I should like to say a few words on the topic of the interception of private communications.

Clause 62 of Bill C-36 sets out new measures that would allow the Minister of Defence to authorize the use of telecommunications to intercept private communications. Although there are certain conditions that must be met, jurisprudence has shown that intercepting private communications without a warrant violates section 8 of the Charter and cannot be justified under section 1.

It is precisely the requirement for a search warrant and the respect of restrictions and safeguards that the Supreme Court was able to confirm the constitutionality of Section VI of the Criminal Code in a number of decisions.

Thus, only authorization from the Minister of Defence could allow the Communications Security Establishment to intercept private communications to or from a foreign point.

Even though clause 62 of Bill C-36 is based on real and urgent objectives, even though there is a rational link between intercepting private communications and preventing terrorist attacks and even though the means would not be completely arbitrary, since certain criteria would have to be met, the test of minimal impairment is not met.

In fact, other less invasive measures could be implemented, including the requirement for a warrant to intercept private communications and safeguards that would at least balance the discretionary powers of the Minister of National Defence, should these powers not be given to a neutral and impartial judge. On this, the committee recommends requiring legal authorization when possible and appropriate. I agree entirely.

Honourable senators, I therefore hope that the government will accept these recommendations and I propose, officially, that this report be adopted by the Senate.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (official third party recognition) presented in the Senate on November 6, 2001.—(*Honourable Senator Austin, P.C.*)

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, the Standing Committee on Rules, Procedures and the Rights of Parliament met on several occasions to deal with the question of third parties and their standing in this chamber. This question was raised by Senator St. Germain. The committee has unanimously recommended to this chamber that certain rules be adopted in anticipation that at some future time third parties may have standing in this chamber.

The key issues for the committee were essentially two. First, what defines a party? Second, what representation should be required to reach the level of official status as a third party?

In brief, the committee's recommendation is that a third party should be one that is recognized as a political party under the Canada Elections Act, and that to obtain that recognition a party must run a minimum of 50 candidates in a federal election. Should a third party do so, it would be recognized under the Canada Elections Act as a party for the purposes of that

legislation. That would found the basis on which the next step would take place; that is, that a presence in this chamber of five senators adhering to that third party would then constitute an official third party in this chamber.

Honourable senators, the committee unanimously believes that this is an effective form of recognition for senators who wish to be associated with a third party.

I should like to touch briefly on the consequences of recognition of a third party. Essentially, the consequences are to provide a place in the order of debate and to provide that allowances be paid to the leader, deputy leader and whip of a third party. As we have noted in our recommendations, such allowances would require amendments to the Parliament of Canada Act.

We recommend that the *Rules of the Senate* be reviewed and that the standing committee of which I am chair bring proposed amendments to the Senate following adoption of this report by the Senate. We have not prepared rules pending the decision of this chamber.

The first recommendation is that the Senate accord official recognition to parties that are registered as parties under the Canada Elections Act at the time that recognition is sought in the Senate and that have at least five members in the Senate. Recognition would be withdrawn only if the party's membership in the Senate fell below five members.

•(1530)

To explain that recommendation, it may be that at a future time the party to which these five senators belong has lost its registered standing under the Canada Elections Act, because it does not meet those tests. Nonetheless, our suggested rule is that, if there are five senators who support that party at a time when it was qualified to be recognized as a third party, then the standing of that third party would continue in this chamber as long as there were five senators adhering to its caucus.

Honourable senators, I could go on, and I am sure you would love to have me continue to discuss this issue. However, I would be pleased to take questions, or to adjourn the debate in the name of Senator St. Germain who has asked me to do so, with the consent of honourable senators.

Hon. Eymard G. Corbin: Honourable senators will do what they wish, but I rose with the intention of asking for an adjournment of the debate. I am here and Senator St. Germain is not here.

Hon. Anne C. Cools: Honourable senators, I should like to ask a question of Senator Austin.

The Hon the Speaker *pro tempore*: Will you take questions, Senator Austin?

Senator Austin: Certainly.

Senator Cools: I thank Senator Austin for his report. This report speaks about third parties. I am wondering why the term “third political party” is not used. “Third party” has a restrictive meaning in law, and there is the possibility of confusion. When I saw the item on the Order Paper, I found myself going to the report to find out what “third parties” we were speaking about, and I discovered it was third political parties. That is my first question.

My second question deals with the number five. Five members of this chamber are necessary to be treated within this process as a political party. I found my imagination running to figure out why the number five and why not six, four or ten? As the honourable senator would know, in a court judgment some months ago the judge in the case said that a political party could be composed of two or three members. The Standing Senate Committee on Legal and Constitutional Affairs encountered that judgment when we were studying the electoral bill.

Could the honourable senator give us a more detailed explanation in regard to the language of the report as to the selection of the number five? Some senators may have a different proposal for a different number for a different set of reasons.

Senator Austin: I thank Senator Cools for her questions.

On the first question, the definition of “party” is that contained in the Canada Elections Act. Our recommendation under paragraph 13 is that a party must be registered under the Canada Elections Act at the time that recognition is sought in the Senate. That statute provides for the conditions precedent.

I mentioned in my short comments in introducing the report that part of the provision of the statute for recognition is that, at minimum, 50 candidates should have run under that party label in the previous federal election. We do not need to go beyond the definition of a party that is contained in the legislation; rather, we need to fit exactly and on all fours with that definition.

On the second question about the figure of five members, essentially, we followed the leadership of the House of Commons with respect to its ratio. Our report discusses how they came to the figure 12 as the official number for a party. Through serendipity, it turns out, as the report notes, there was a party with 12 elected members, and the other place accommodated that party with official status at that level. They are 301 members and we are 105. The wisdom of the committee was to take a proportional number — and that number is five — and to follow generally the practices of the other place on this particular subject.

Honourable senators, that is the best answer I can give you.

Senator Cools: I thank Senator Austin for that response. Essentially I now understand the thinking behind the proposal; you looked at the ratio within the House of Commons and adopted the same formula.

I understand that you are relying on the definition of “political party” within the Canada Elections Act in regard to “third party.”

However, my first question related more to why you are not using the term “third political party,” rather than just “third party.” I understand that you use the Canada Elections Act as a point of reference. However, if you look to the wording in the report, you keep saying “third party,” and I am wondering why you are not more explicit in the report and say “third political party” or “other political parties?”

Senator Austin: On the advice of counsel to the Senate, we linked the definition specifically to the definition of “political party” under the Canada Elections Act. One cannot be more specific than that. However, it is a definition by reference to the Canada Elections Act.

Senator Cools: I would like to make it clear that I would like to speak to this report. I believe Senator Corbin was ahead of me; does he wish to take the adjournment or shall I?

[Translation]

Senator Corbin: Honourable senators, I should like to adjourn debate, but before doing so I would just like to say that, in my opinion, the content of this report would make a fundamental change in the nature of this legislative assembly that is the Senate. It would be made more partisan.

I am not at all convinced this is the way to go. Great democrat that I am, open to anything that fosters democracy, I still think that we need to take time to think very seriously about the consequences of adopting such a report. I appreciated Senator Austin's explanations that this is not a rule being proposed to us, because these come after adoption of the report.

However, before the matter of third political parties is addressed, we need to deal with the situation of the independent senators, who do not have the same ability to fully exercise their power as individuals as do senators affiliated with recognized parties.

The government and opposition parties are the only ones I recognize here in the Senate. There is never any reference to the Liberal Party, or the Conservative Party, in the Senate; it is always the government and the opposition.

If these recommendations are retained, we will be fundamentally changing the forces present in the Senate, which will further complicate our work.

• (1540)

Let the House of Commons do as it wishes, comply with the Canada Elections Act, but we are not an elected chamber and that is where all the difference lies. I call for adjournment of the debate.

[English]

Hon. Terry Stratton: Honourable senators, I should like to move the adjournment of the debate in the name of Senator St. Germain. Senator Corbin has already spoken.

Senator Corbin: I can interpret myself.

Honourable senators, I had indicated earlier that it was my intention to adjourn the debate. Then I said, "Before doing so, I have a few comments to make," and before sitting down, I said, "I adjourn the debate," when I should have said, "I move the adjournment of the debate." I have not used my full time.

Hon. Marcel Prud'homme: Honourable senators, I withdraw my request to ask questions. Could the Chair indicate to us how long we can speak in situations when we say, "I intend to adjourn the debate, but before doing so, let me tell you about this"?

Senator Robichaud: Fifteen minutes.

Senator Prud'homme: As I did yesterday, I sometimes say more by speaking very little. I made a mistake yesterday on the question of the Middle East, and I will correct it in due time. I should have spoken 15 minutes, and then I would have had time to correct myself. I would like to have it indicated eventually, not today, how long we can speak when we stand up to say that we want to adjourn the debate, but continue to speak until we ask for the adjournment.

Senator Corbin: Honourable senators, it is a matter of courtesy. I was probably a little too quick in asking to adjourn the debate. This issue was raised by Senator St. Germain, and it would be most proper for him to respond first to the report. I withdraw. However, I will speak later.

On motion of Senator Austin, for Senator St. Germain, debate adjourned.

PROGRESS ON BANNING OF ANTI-PERSONNEL LAND MINES

INQUIRY

Hon. Sheila Finestone rose pursuant to notice of November 20, 2001:

That she will call the attention of the Senate to the world's current state of progress in relation to the Ottawa Convention on the Banning of Anti-Personnel Land Mines.

She said: Honourable senators, I rise today to give a brief update on the ongoing land mine elimination campaign, which celebrates its fourth anniversary on December 3. In many respects, land mines are a weapon of terror because of their devastating impact on civilians and communities. In this sense, the Ottawa convention is not just an international component of international law, it has inadvertently become an essential tool in the fight against terrorism.

What I am about to share with you today, derives in part from Mines Action Canada's recent newsletter, the *Landmine Banner*, which is a well-written document. On September 12, 2001, the Nobel Peace Prize winning International Campaign to Ban Landmines, ICBL, released its third annual report, a 1,100-page

document entitled "Landmine Monitor Report 2001: Toward a Mine-Free World." The report represents the most comprehensive report in the world on the global land mine situation containing information on every country in the world with respect to mine use, production, trade, stockpiling, humanitarian de-mining and mine survivor assistance.

Landmine Monitor is an unprecedented initiative by the ICBL to monitor implementation of and compliance with the 1997 Mine Ban Treaty, and, more generally, to assess the efforts of the international community to resolve the land mine problem. Landmine Monitor Report 2001 focuses on a reporting period from May 2000 to mid-2001. I will bring some major findings from this report to your attention, but I reserve the right to discuss the question of those who are in need of mine survivor assistance at another time.

An ever-growing number of governments are joining the Mine Ban Treaty. A total of 122 countries have ratified and 22 have signed, constituting three quarters of the world's nations, and the Landmine Monitor was happy to report fewer land mine victims. Although it estimates 15 to 20,000 new casualties from land mines and unexploded ordinance in the year 2000, this represents a decrease of the commonly cited figure of 26,000 victims per year previously. Unfortunately, I suggest to you that the recent news reports from Afghanistan imply that the victim count will be higher, and it will escalate to an inordinate amount this time.

The Landmine Monitor also reports a dramatic drop in the production of anti-personnel land mines. The number of producers has dropped from 55 to 14 over the past few years. Among those no longer producing anti-personnel land mines are Turkey and Yugoslavia, both non-signatories to the Mine Ban Treaty. It is exciting to note the progress that has been made, and the initiative that was Canadian at the outset has had a significant impact on improving the quality of life around the world.

Last year, land mine clearance took place in 42 countries. In the majority of these, clearance was done through humanitarian techniques that aim at using local resources and preserving local infrastructure, such as houses, water and electricity sources. Inch by inch, hour after hour, de-miners painstakingly search for these hidden killers using specially trained dogs, metal detectors, manual prodders and light projective equipment.

•(1550)

They have looked for other methods of doing this, such as using helicopters to set off these mines, but there are too many problems with that. We are asking the engineering societies across Canada during the coming year to enter into a competition to find and develop new techniques that could make this a much safer undertaking.

De-miners are in constant danger, with many losing limbs and even their lives while clearing land. Some land mines are hard to isolate because they relocate in windstorms and rainstorms. In areas that are supposedly cleared, there can be movement underground, and the supposedly clear areas are not safe any longer.

Almost any area can become a minefield — schoolyards, houses, farmland, electricity towers or markets — and can contain anywhere from one to more than 1,000 land mines. Even a suspicion of land mines in an area will result in large tracts of land, particularly farmland, not being used by communities. They are scared.

Clearing a suspected minefield is no simple task, a matter to which I can personally attest, having suited up myself not so many years ago in Cambodia, as well as in Mozambique. Along with other members of an inter-parliamentary union meeting, I watched the army in Jordan work in the heavy undergrowth around the Jordan River. It is really quite daunting to pick up a wand, get dressed in an outfit and go into the field with these de-miners and our Canadian engineering corps to see what this is all about. It is quite scary, to tell you the truth.

Another person who knows about this is Robin Collins, Co-Chair of Mine Action Canada. He says:

In order to restore the land safely back to the community, every inch of ground has to be checked and doubled-checked with 100 per cent confidence. The biggest...mine clearance —

— test —

— is the confidence the de-miner has in walking across the cleared land. Regardless of what technology is used...you cannot remove the human component from the de-mining process.

The human component is equally critical off the immediate battlefield, and we can be part of that effort to clear that land.

I hope all of us will support Senators Elizabeth Hubley and Ione Christensen in putting together the Senate Night of 1,000 Dinners. The event is to take place on November 28. One hundred per cent of the money raised will go to land mine clearance, so let us all do our part and support this important, humanitarian initiative. If senators cannot attend the dinner, have one in your own home, have one in your own neighbourhood, or just send money. Give generously out of your pocket, and you will get a full tax credit. Please make your cheques payable to the Canadian Land Mine Foundation.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I wish to speak to this issue for a few minutes right now. I will be brief. I wish to pay tribute to Senator Finestone. I must say that I like to congratulate her in person on the extraordinary work done on this issue in a parliamentary association which is dear to me. It is the association I love best, but one from which I am unfortunately excluded by the rules, although perhaps one day she will be able to help me back into the Inter-Parliamentary Union.

Anyone who knows Senator Finestone knows that when she devotes herself to a cause, she devotes herself to it 100 per cent.

I must say that both as a member of the Inter-Parliamentary Union's international executive in Geneva, and as the director of our Canadian branch — of which I am a member for the time being — she has led the charge in her determination. As another tribute to her, it should be pointed out that she was made a *chargé de mission* to other countries on several occasions in order to get the number of countries necessary to look into this matter.

I merely wanted to bear witness because it says in the Bible and in the Koran that one must never hesitate to witness to what one has seen or heard. I have seen her in action and I wish to say so to the Senate. I also wish to say that I am sorry that the Government of Canada — but this is not her fault — does not understand that there are in the Senate of Canada senators with talents for all sorts of causes.

In France, the President appoints senators and they become *chargés de mission*, according to their talents, and report directly to the head of government. In life, one must know how to use the talents available to one. The Senate of Canada probably has talents for any cause you can think of.

[English]

I will say this in English for Dr. Keon. Here is a man who is known, believe it or not, in Saudi Arabia. The best doctors in his field in Saudi Arabia are all trained by Senator Keon. They are proud to say that they have been trained by a Canadian, Dr. Keon.

I think all of us have some talent to offer to Canada. I would use this little intervention to open that door. Perhaps Senator Robichaud could transmit this message to the government. Senator Graham is a great friend of mine. I did not expect to see this motion.

[Translation]

I merely wished to draw attention to the impeccable work done by Senator Finestone on this issue, on behalf of the Government of Canada and on behalf of this treaty.

[English]

Hon. B. Alasdair Graham: Honourable senators, I should like to say a word on this particular topic. Senator Prud'homme has drawn me into the discussion, perhaps inadvertently, perhaps purposely.

My first words would be those of congratulations to Senator Finestone for her consistency on this most important topic, not just to Canadians but to people around the world. She referred to her own experience of getting suited up and watching Canadian engineers in our Armed Forces going through the de-mining process. I have never had that experience, but I did have a rather interesting experience when I was asked in 1989 to go to Namibia in advance of the first free elections in that country in many years.

As honourable senators know, Namibia had been ruled illegally by South Africa for over 30 years. Steps were taken by countries around the world to rectify the situation. The movement was led by the United Nations. A group of us was asked to go to Namibia to determine whether the election law was fair, what the conditions were, and whether we could make recommendations to improve the situation.

In flying from Windhoek, the capital of Namibia, up to Oshakati, which is near the Angolan border, we flew at treetop level for quite some time.

• (1600)

I was sitting next to the pilot, and I turned to him and said, "This is the longest approach to an airport I have ever made in my life." He replied: "Did they not tell you?" I asked him, "Did they not tell me what?" The pilot then said to me: "We have to fly at this level in order to avoid possible ground-to-air missiles."

We landed in Oshakati, where I met with some United Nations officials and representatives of police forces from around the world. Then it was suggested that perhaps I should go out into the countryside and meet with some of the headmen, as they call them — leaders of tribes and so on — to which I readily agreed. I was asked whether we should go by the main highway or the back roads. I replied, "Perhaps it would be more interesting to go via the back roads."

In the course of the journey, my driver said to me: "On April 1, I saw 30 bodies over there." There had been an incursion from Angola into Ovamboland. During our discussion, I asked the driver whether UNTAG soldiers ever come out here. He replied that they did not, and I asked why. "Because they do not have casspirs," he said. Casspirs are huge trucks with reinforced steel bottoms that are built to withstand the blast of a land mine. When I asked the driver whether there were land mines in this area, he replied that there were. To that, I said: "What in the name of God are we doing out here?" He said to me: "I know where the land mines are. I know the way."

We proceeded, honourable senators, to the border, where we met some Canadian peacekeepers. I invited the Angolan soldiers from the other side of the line to come over and meet with peacekeepers from several countries, including Canada, and they did.

The outcome was that we did make our recommendations for improvements to the electoral law and several other areas, 75 per cent of which were approved.

On that occasion, we urged Martti Ahtisaari, later the president of the Finland and who was the special representative of the Secretary-General of the United Nations, to exercise his authority under Resolution 435 of the United Nations. Subsequent to that, we met with Louis Pienaar, the former South African ambassador to France, who was then the administrator on behalf of South Africa in Namibia. We urged him to go along with the changes that we were recommending. He did not accept all of our

recommendations, but, indeed, as I said, 75 per cent of them were accepted.

Honourable senators, that was just a little story about my closest experience with land mines. The central purpose of my rising on this occasion is to congratulate Senator Finestone for her interest and her initiative in this particular respect.

[Translation]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

STUDY OF DOCUMENT ENTITLED
"SANTÉ EN FRANÇAIS — POUR UN MEILLEUR ACCÈS
À DES SERVICES DE SANTÉ EN FRANÇAIS"—
MOTION—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of September 19, 2001, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the document entitled "Santé en français — Pour un meilleur accès à des services de santé en français."

He said: Honourable senators, I would like to tell you about a voluminous report released in June by the Fédération des communautés francophones et acadiennes (FCFA), which is entitled "Santé en français — Pour un meilleur accès à des services de santé en français" and, in English, "Improving Access of French-Language Health Services."

That project was funded by the federal Department of Health. The report deals with access to French-language health services by minorities in Canada. The Fédération des communautés francophones et acadiennes coordinated the study for the Comité consultatif des communautés francophones vivant en situation minoritaire, or the advisory committee on minority francophone communities.

I should like to talk about the conclusions of that report and propose that this document be referred to the Standing Senate Committee on Social Affairs, Science and Technology for review and consideration.

First, let us look at the importance of language in the provision of any health service. In my opinion, sound communication is the basis of any health service. Indeed, the ability to understand a patient's health problem and to ask questions, advise, inform, educate and treat that patient in the official language of his choice is an integral part of the quality of any health service in Canada.

Can we imagine an elderly person not being able to be understood by a nurse when he calls for help in a state of crisis? Can we imagine a woman trying to express her suicidal thoughts to a psychiatrist in a second language that she does not master? Can we imagine a child who tells the emergency room doctor that he is feeling sick, only to be treated as cardiac patient?

These are extreme examples, but they illustrate the importance of proper communication between the medical staff and the patient to ensure the quality of health services. This is why an advisory committee on minority francophone communities was set up to make recommendations to the Department of Health on this issue.

The FCFA undertook a vast study at the request of the advisory committee to evaluate French-language health services in the Canadian provinces and territories. Moreover, a national forum with over 200 participants was held in Moncton, on November 3 and 4.

The issue is topical and so I thought I would tell you today about the report. Today, the honourable senators were approached by representatives of the Fédération, and I hope they had a chance to discuss the report with them and familiarize themselves with their concerns.

The Official Languages Act clearly states that departments are included in the definition of federal institutions and that they are responsible for implementing measures to promote, develop, support and even foster services to francophones.

The term "interdepartmental" refers to the responsibility shared by Health Canada, in particular, with all the other departments and agencies that make up our government. In this light, the issue has aroused keen interest among those who have followed these matters closely over the past few years.

The report, entitled "Improving Access to French-Language Health Services," describes the precarious health status of francophones in minority-language communities. These French-speaking Canadians are in general older, less likely to be working and have fewer years of schooling.

Before 1972, there were no French-language secondary schools, apart from private institutions that served only the affluent. Today, French-language education is available right across the country. There are French elementary, secondary and post-secondary institutions and I must say I am very proud of that.

•(1610)

The study used the definition of health adopted by the World Health Organization, that is a state of complete physical, mental, and social well-being.

The study looked at a continuum of care, starting with health promotion, disease prevention and health protection. To this must be added health maintenance, community care, institutional care and specialized institutional care.

The study is broad. It looked into 63 categories of service in public, physical and mental health, six kinds of delivery points — medical clinics, community health centres, home care, hospitals, other care institutions, and community organizations —, in 68 regions across the country, for four levels

of accessibility in French: no service, little service, partial access or full access.

The situation in terms of access to all these health services is, as you can guess, not very good. Generally, information gathered on site has shown: that half of francophones have little or no access to health services in French; that there are significant variations between the provinces and between the regions in certain provinces; that, in addition, less than a quarter of the 63 communities observed have access to services in French; that there are important differences in the various kinds of services offered; and, finally, that there are also important differences according to location. In fact, the level of inaccessibility for the French-speaking community is three times higher than that for the English-speaking community.

The study points out that the development of health services in French has followed a path, in time and in space, from creating awareness to creating structures and finally to consolidating services. It places the provinces and territories on a curve that traces these three developmental phases. For example, New Brunswick, where the Acadians make up one third of the population, is in the consolidation phase, Ontario and Manitoba are in the creating structures phase, and the other provinces are at various levels in the awareness phase.

It concerns accessibility. I will give you one striking example. Yesterday there was a death notice in *Le Droit* for a friend of mine, Jean Tanguay of North Bay. He had headed the ACFO for two terms. About four years ago, he had a heart attack and was admitted to hospital. He had already had a brush with death back in 1992, with a heart attack toward the end of his first two-year term as President of the ACFO. At that time he deplored the fact that, in the city of his birth, emergency and intensive care staff had not been able to speak to him in his mother tongue. Yet francophones account for 25 per cent of the population of North Bay. In an article in his local newspaper, he confided that it had always been his wish to die in French. An ACFO colleague, Anita Corriveau, is quoted as saying that she is not certain he saw that wish fulfilled.

This man was one of the leading lights of Ontario's francophonie. For eight years, he did everything possible to help the francophone cause, yet he could not die in his own language. He was not able to get treatment in French. Yet North Bay is not the far north.

The report sets out certain tools that could perhaps be used to improve service. The main ones would be situations that promote networking and training of francophone interveners — we have a shortage of doctors in the country. It is hard to get new graduates to go and practice in the north, centres providing health care in French, such as community health centres. The use of technology in such projects as telemedicine and teledialysis, remote consultation and dialysis services — is feasible today and will be soon be used so that remote regions will have medical services that are as advanced as those in urban centres. It can be done by radio, television or the Internet. I have been there.

I will tell you about my experience. At the Ottawa General Hospital, my doctor communicated with a physician in Texas about my illness. If it is possible to speak to Texas from Ottawa, it must be possible to speak to North Bay from Ottawa to provide up-to-date care and professional service. The study is important for us. At page 40, it provides that improved access to health care in French will be all the easier if it is based on the concerted efforts of three main groups of stakeholders: communities, institutions and political authorities. The community must demand and promote these services. There must be means to plan, coordinate and deliver these services. And the last, but not the least, factor is that there must be a political will, a commitment by government recognizing through policies, legislation and regulations the importance of access to health care services in French.

Based on the percentage of francophones in the 63 Canadian regions that were looked at, the study defines the above-mentioned tools that should have priority. It categorizes the level of access to French-language health services as: minimum, basic and advanced.

Where the percentage of francophones is sufficient, as in eastern Ontario for example, we must support the establishment of francophone structures where the medical staff and patients can communicate in French. This is the case, for example, at the Montfort Hospital, which you have all heard about in recent years. I am taking this opportunity to reiterate my support to maintaining and developing this institution, which provides health care services not only in French, but also in English, and which also provides highly specialized clinical training in French to the medical staff. The Montfort is the only hospital of its kind in Ontario. If it did not exist, we would have to invent it. According to the study, it must be maintained, but we do not know for sure if it will be. We have been waiting five or six months for the ruling of the divisional court of the Ontario Court of Appeal. There is some hesitation.

I know that negotiations are currently taking place to try to keep the Montfort, to try to make it even more efficient, even though it is already one of the most efficient institutions in Ontario. The government itself says so. There is light at the end of the tunnel, there is a solution to the problem.

I know because I have been working on the solution for four or five months. I hope we can keep the Montfort and give French-speaking Canadians a professional and competent service.

•(1620)

Honourable senators, I will end by quoting from page 62 of the report:

Because of its own intrinsic value, as well as its importance to society, health care must be a priority for all

government authorities, federal and provincial, and for all institutions involved in health and education, as well as for every one of the minority French-language communities.

I urge you to consider the report, so that in committee we can all find out more about the needs of a community that numbers more than a million Canadians across the country. In the year 2002, all these Canadians should have access to modern and competent medical care.

On motion of Senator Morin, debate adjourned.

[English]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Jim Tunney, for Senator Gustafson, pursuant to notice of Wednesday, November 21, 2001, moved:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 3:30 p.m. on Thursday, November 29, 2001, to hear from the Minister of Agriculture and Agri-food, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to government Notices of Motion:

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 27, 2001, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, November 27, 2001, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, November 22, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd (01/06/06)	01/06/07	01/10/25	25/01
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01		

November 22, 2001

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06		
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03	01/11/20	Foreign Affairs					
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08	11			
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications	01/10/18	0	01/10/31	01/11/01	26/01
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs					
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14	01/09/26	Legal and Constitutional Affairs					
C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30	01/11/20	Banking, Trade and Commerce					
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/07	Foreign Affairs	01/11/21	0	01/11/22		
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06 (withdrawn 01/11/21) 01/11/22 (reintroduc ed)							
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications					
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20							
C-40	An Act 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 certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06	01/11/20	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5	referred back to Committee 01/10/23		
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Rules, Procedures and the Rights of Parliament					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology					
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01		
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12</i>	
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn) 01/05/10 Energy, the Environment and Natural Resources					
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12							
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		Subject-matter 01/04/26 Social Affairs, Science and Technology					
S-22	An Act to provide for the recognition of the <i>Canadien</i> Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry	01/10/31	4	01/11/08		
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications					
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19	01/11/20	Legal and Constitutional Affairs					

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	

CONTENTS

Thursday, November 22, 2001

PAGE

PAGE

SENATORS' STATEMENTS

The Tragic Death of Aaron Webster

Senator Jaffer 1757

World Trade Organization Discussions on Agriculture

Senator Tunney 1757

ROUTINE PROCEEDINGS

Nunavut Waters and Nunavut Surface Rights Tribunal Bill (Bill C-33)

First Reading. 1758

QUESTION PERIOD

The Senate

Possibility of Pre-Study on Public Safety Bill.

Senator Lynch-Staunton 1758

Senator Carstairs 1758

Public Safety Bill (Bill C-11)

Possibility of Parchment Error with Regard to References on
Human Trafficking. Senator Kinsella

1758

Senator Carstairs 1758

Foreign Affairs

Aid to Afghanistan. Senator Roche 1759

Senator Carstairs 1759

National Defence

Afghanistan—Deployment of Troops to Protect Aid Shipments.

Senator Roche 1759

Senator Carstairs 1759

The Environment

Kyoto Protocol—Comments by Minister of Industry—
Commitment of Government. Senator Spivak

1759

Senator Carstairs 1760

National Defence

Afghanistan—Ships Assigned to Middle East—Ability of
Sea King Helicopters to Defend Against Missiles.

Senator Stratton 1760

Senator Carstairs 1760

International Trade

United States—Renewal of Softwood Lumber Agreement.

Senator Rivest 1760

Senator Carstairs 1761

Justice

Anti-terrorism—Incarceration of People for Security Reasons—

Possibility of Periodic Reports on Number Detained.

Senator Kinsella 1761

Senator Carstairs 1761

Delayed Answers to Oral Questions

Senator Robichaud 1761

Health

Approval of Cipro as Anti-Anthrax Medication.

Questions by Senator Lynch-Staunton and Senator Tkachuk.

Senator Robichaud (Delayed Answer) 1761

Prime Minister's Office

Proclamation of War on Terrorism.

Question by Senator Forrestall.

Senator Robichaud (Delayed Answer) 1761

Visitors in the Gallery

The Hon. the Speaker 1762

Pages Exchange Program with House of Commons

The Hon. the Speaker 1762

ORDERS OF THE DAY

Business Of The Senate

Senator Robichaud 1762

Canada-Costa Rica Free Trade

Agreement Implementation Bill (Bill C-32)

Third Reading. Senator Austin 1762

Senator Bolduc 1763

Air Canada Public Participation Act (Bill C-38)

Bill to Amend—Second Reading—Debate Adjourned.

Senator Finestone 1763

Senator Lynch-Staunton 1765

Senator Murray 1765

Nunavut Waters and Nunavut

Surface Rights Tribunal Bill (Bill C-33)

Second Reading—Debate Adjourned. Senator Adams 1765

Senator Finestone 1766

Youth Criminal Justice Bill (Bill C-7)

Report of Committee—Debate Continued.

Senator Pearson 1766

Senator Robichaud 1769

Senator Cools 1769

Senator Watt 1771

Anti-Terrorism Bill (Bill C-36)

Report of Special Committee on Subject Matter of Bill C-36—

Adopted. Senator Beaudoin 1771

PAGE

PAGE

Rules, Procedures and the Rights of Parliament

Seventh Report of Committee—Debate Adjourned.

Senator Austin 1772

Senator Corbin 1772

Senator Cools 1772

Senator Stratton 1773

Senator Prud'homme 1774

Progress on Banning of Anti-Personnel Land Mines

Inquiry. Senator Finestone 1774

Senator Prud'homme 1775

Senator Graham 1775

Social Affairs, Science and Technology

Study of Document entitled "Santé en français —

Pour un meilleur accès à des services de santé en français"—

Motion—Debate Adjourned. Senator Gauthier 1776

Agriculture and Forestry

Committee Authorized to Meet During Sitting of the Senate.

Senator Tunney 1778

Adjournment

Senator Robichaud 1778

Progress of Legislation i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada —
Publishing
45 Sacré-Coeur Boulevard,
Hull, Québec, Canada K1A 0S9