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(HANSARD)**

**Friday, December 14, 2001**

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

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## THE SENATE

Friday, December 14, 2001

The Senate met at 9:00 a.m., the Speaker *pro tempore* in the Chair.

Prayers.

### THE HONOURABLE SHEILA FINESTONE, P.C.

#### FAREWELL ADDRESS

**The Hon. the Speaker *pro tempore*:** Honourable senators, Senator Finestone will be taking her retirement on January 28, 2002. She has asked to say a few words to her colleagues before that time.

In keeping with our traditions, we will pay tribute to Senator Finestone following her retirement date when we resume our sittings in February. I will now recognize the Honourable Senator Finestone.

**Hon. Sheila Finestone:** Everyone looks so wide awake after a long and interesting evening last night. I presume we will return to the same agenda.

Honourable senators, several days ago I delivered here in the Senate personal remarks about my experiences, perspectives and the various dimensions of my life. I referred to my ancestral land, Israel, and expressed the wish — the hope — that a resolution of the Middle East conflict be achieved through continuing dialogue, encouragement and understanding. I spoke from the heart as a mother, a politician, a Canadian, a Québécoise and a Jewish woman.

Today marks a major milestone in my life and career. I am here to deliver my farewell address. Again, I will speak from the heart — and if I start crying, I will be mad at myself — for I have tried to serve my country with profound love and complete devotion.

I was born into a sharing, loving and caring family in Montreal. My family wealth was a significant wealth of traditions, customs and values associated with our culture. For years, with my family, I was a very active volunteer in the community, gaining enormous and invaluable experience in social, housing, cultural and women's organizations. I am grateful for the years when my parents helped instill in me the principles of community, sharing, tolerance and compassion.

My mother and my father would be very proud to see me today sitting in the great Senate of Canada. Indeed, they were the very first ones to give me the inspiration, encouragement and support I needed to undertake a challenging political life, and for that I thank them with all my heart.

Needless to say, my husband, Alan, was the key player — always supportive, fulfilling the key partnership role so

necessary in a politician's life. So, too, were my four sons, David, Peter, Maxwell and Stephen, and their spouses, who acted as organizers of those very tough and exhausting election campaigns. I thank them from the depth of my heart for standing by me through the years of political life.

Pensively, when I was approached to run for the Mount Royal seat that had been held for 16 years by Mr. Trudeau, I felt deeply honoured and scared to death, yet very humbled at that awesome prospect. Let me share a brief perspective with honourable senators.

One day, Mr. Trudeau, looking at me through those sharp blue piercing eyes, asked why I agreed to run for office; did I know what a terrible life it could be? I told him it was all his doing, his fault, because he had brought in multicultural rights and women's rights, under the umbrella of human rights, through the Canadian Charter of Rights and Freedoms. It struck a profound chord within me. I sincerely believed that with this exciting new Charter, a Charter for democracy, real democracy, Canada would be strengthened and thus become a better, more equitable and fairer country.

Several years later, in 1999, when I was appointed to the Senate, Mr. Trudeau was there to warmly congratulate me on this great honour, for which I owe Mr. Jean Chrétien, our Prime Minister. Indeed, Pierre Trudeau was the one who gave me the vision and strength to serve in the name of justice for all, and for that I thank him.

As my political career progressed, I was fortunate enough to meet many remarkable people whose exemplary lives and achievements were germinal to the development of my national and international political thought and orientation.

• (0910)

There are many that come to mind indeed. My first thought actually goes to my late friend and fellow parliamentarian Shaughnessy Cohen. I miss her humour and political skill to this day.

I remember my role model, Senator Thérèse Casgrain; Monique Bégin, one of the most creative ministers in Canadian politics; Mary Two-Axe Early, an Aboriginal woman and a mover and shaker — a moving force in my life, too — for the rights of Indian women; and Claude Ryan, a tough but fascinating leader of the pro-federal Liberal Quebec opposition party and long-time editor of *Le Devoir*. I also remember John Humphrey, a near neighbour and author, along with Eleanor Roosevelt, of the Universal Declaration of Human Rights. It was from Mr. Humphrey that I learned to actively defend women's rights as human rights.

As honourable senators may know, education and scholarship have always been and continue to be the key areas of focus for me. To this end, last year I accepted the invitation of McGill University as "Woman of the Year" to establish a Scholarship Award in Women's Studies for undergraduate students who contribute to the community and work for the recognition of women's rights and human rights.

I must also mention the woman's movement in Quebec, la Fédération des Femmes du Québec, and the National Action Committee representing women's rights across Canada. From them, I learned how to move into the political sphere of action, and for that I thank them all.

Just as an aside, I have always believed in equality. I think that the word "feminist" is a very good word.

Honourable senators, my referendum experience will remain one of the most memorable accomplishments of my political life. As a member of the executive committee for the "No" side and as a representative of Quebec women, I was able to organize and help coordinate efforts with the women from the Liberal Party of Quebec. Some of us in this room will remember Les Yvettes, a mass rally composed of over 15,000 women, who effected a change that assured the winning of the 1980 national referendum for Canada. For that, I thank them.

With help and inspiration from diverse influential and supportive people, my parliamentary colleagues, my staff, researchers, administrators and support personnel, I participated and I hope contributed and achieved what I consider to be some great victories. They have my gratitude for the long hours of dedication and commitment they demonstrated. I want to thank them all for a job well done.

The milestones of my political life are many. As I am now on the threshold of leaving the Senate, there are a few highlights that will remain in my mind and heart.

As a new MP, I was sent to Nairobi for the Second World Conference on Women. I met there with world spokespersons on the evolution of women, including Betty Friedan, Bella Abzug and Gloria Steinem. These were articulate, convincing and outspoken people. For their valuable input and cooperation, I thank them all.

The pleasure of working on Bill C-31, the Indian Act, which returned justice and status to Indian women, was a highlight that I remember with satisfaction. On my many trips to our great North, I saw many ongoing Aboriginal problems in those communities.

As Secretary of State for Multiculturalism and the Status of Women, I was leader of the Canadian Delegation to the Third Conference on Women in Beijing. It was an extraordinary experience to work on the planning committee at the UN with concerned women like Ambassador Madelaine Albright. That was an experience. Our Canadian delegation, with our NGOs, were able for the first time in history to inscribe and table into

the action plan a document that recognized women's right to choice, defined rape as a war crime, recognized women's sexual orientation as well as express concern for the "child-soldiers," among many other issues about equality for women. Canada played an outstanding role as negotiator in every aspect of the final document. I want to thank all those exceptional women and those people who helped and supported me during the Beijing Third World Conference.

Throughout my wonderful journey, the focus was from the local to the national to the international, for my constituency was a global village. International relations mirrored the concerns happening at my doorstep. I joined the Canadian branch of the Inter-Parliamentary Union, the highly respected organization of world parliamentarians.

Later, as Canadian Chair of the Inter-Parliamentary Union, together with hard-working parliamentarians from both Houses, we were active participants sharing our Canadian experience and perspective. The role we played promoted the values of diversity and tolerance, with the full recognition of human rights within a democratic society. We underscored the mission and role of parliamentarians as legislators, an important expression of control of the executive in a democratic society. Our 144 countries represented the place of "We the People" on the world stage, promoting in cooperation with the United Nations the areas of peace and security, international law, human rights and gender issues. In that group, world policy and resolutions on major areas of world concern are discussed. Parliamentarians become more familiar with the issues, thereby becoming more effective in their own Parliaments.

I add as a warm and lasting memory the honour bestowed on Canada through my election to the IPU's world executive and as a member of the Steering Committee of the Western 12+ Nations.

Talking about highlights, it was a significant honour to have been appointed special adviser on land mines by former Minister of Foreign Affairs Lloyd Axworthy and now Minister John Manley. Canada's outstanding contribution to the world, of which we can all be so proud, the Ottawa Convention on Anti-Personnel Land Mines, signed in 1997, opened new horizons to international cooperation for the elimination of this dreadful form of hidden weaponry.

Just last week, I was honoured to be invited to join U.S. Secretary of State Colin Powell and Queen Noor in Washington to celebrate the fourth anniversary of the Ottawa convention at the U.S. Department of State. As we were sitting at the dinner table, surrounded by an atmosphere of both sombreness and celebration, Mr. Powell had very kind words for Canada's enormous efforts to the cause. I felt so proud of our achievements and so deeply moved thinking about the thousands of lives that we had saved. In Cambodia and Mozambique, as I donned the clothes of the de-miners and did a few metres of clearance, I appreciated the difficult, challenging and dangerous tasks that are ahead in order to clear the fields and allow children to once again run free without fear.

I must say a final word about two personal legislative projects. The first relates to an amendment to the Broadcasting Act that allows for the participation of citizens in decisions regarding television and broadcasting to their homes, thus harmonizing the existing legislation with that of the Telecommunications Act.

The bill, which passed this Senate, is now sitting in the other place. I hope it will be realized in the next session that this amendment would afford citizens the opportunity to translate the normative principles of openness, impartiality and transparency into functional ones. Through this change, citizens can have a voice in the decision-making process in these matters.

Honourable senators, the second highlight refers to my long-standing campaign to protect the constitutional values of our country. I am sure it will soon find fertile ground and reach fruition with all of your help. I am speaking about my privacy bill, an overarching template to safeguard and protect the human right to privacy of Canadians. I believe that privacy is a fundamental human right and once lost is unlikely to be regained. I thank this Senate, by the way, for having founded the Human Rights Committee under the able chairmanship of our colleague Senator Andreychuk, who is causing so many problems today.

Without adequate protection of privacy, many other rights integral to a democratic society are also lost. Over the years, it has been my hope and desire to promote legislation that would go beyond the limitations contained in the Personal Information Protection and Electronics Document Act. This charter, I think, is the answer. I do not wish to see one of the fundamental pillars of democratic society, that of the right to privacy, crumble under the weight of imminent necessities.

Honourable senators, I have reflected over the past few weeks about how my contribution has been perceived. I am a determined woman, and as my good friend Anders Johnsson, the IPU Secretary-General recently stated, "...with an uncanny knack of always calling a spade a spade." I am also a woman and a politician who, I hope, moved with conviction in what she believed.

• (0920)

Honourable senators, I am sure you know about the fly that sat upon the axle of a chariot wheel and said: What a lot of dust I raise. I can hear some of you coughing already. Let me say, however, that my most pressing thought during my political life has always been to think of Canada as a country melded together with love, humanity, equity and justice.

In this chamber of sober second thought, I have been helped to see with clarity a country created to unite mankind and womankind by those passions that lived and not by passions that separate. I fought my own battles based on my convictions and never exempted myself from the spirit of hope, liberty and justice. It is with a great sense of pride that I stand here today with gratitude to those who have made this an unforgettable experience — so let the dust rise.

My story, however, would not be complete were I not to remember the words of my grandmother Cummings and the

wisdom they contained. Grandmother often repeated to me: "Remember, to succeed in life you have got to have mazel." Mazel is a Yiddish word to express good luck and good fortune. It expresses the wish for challenge and opportunity to come your way. However, in order to succeed, she said, one must be ready with eyes open and a great sense of adventure, curiosity, preparation and the willingness to take risks.

Honourable senators, my road was paved with mazel. With much enthusiasm, vision and mazel, I have lived a full life and have had a truly satisfying career. I thank all honourable senators for helping my personal and professional growth, for your friendship, wisdom and acceptance. The 18 years spent in political life, between the other place and in this chambers, represents for me a unique experience that so few have had the good fortune to encounter.

Honourable senators, I bid you farewell, yet I believe that life is a cycle. In reflection, and with an enlightened perspective, I look upon this not as an ending but as a new beginning. For that, I thank you.

However, I want to remind honourable senators of an old Chinese proverb that comes to mind. It says: May you be born in interesting times. Boy, was I ever born in interesting times. Thank you very much.

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

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## SENATORS' STATEMENTS

### COAST GUARD

#### NAV CANADA—DISCONTINUANCE OF AVIATION WEATHER REPORTS

**Hon. Pat Carney:** Honourable senators, yesterday, I brought to your attention the fact that effective today, with very little notice, the Coast Guard has ordered light stations on the B.C. coast to cancel aviation weather reports to aviators. The instructions are quite clear. They state:

If you have direct requests for aviation weather information...you must not provide any METAR style aviation weather observations as you are not authorized to do so. Strict compliance with this policy must be adhered to.

Honourable senators, I want you to think about the consequences of this order. Instead of giving aviation weather reports, the light stations are limited to marine weather reports. Well, marine weather reports are designed for mariners; aviation weather reports are designed for aviators. Being told that it is partly cloudy and raining does not suffice for pilots or passengers on the coast. I want honourable senators to think about the plight of the pilots and their passengers in their float planes, being denied information about the weather ahead — whether fog or lightning or wind — and the state of the sea. They are unable to make informed judgments about whether to proceed or to return in a region where there is no alternate form of transport.

I should like honourable senators to think about the plight of the lightkeepers sitting through the storms in their isolated lightstations, forbidden to give information that might save lives — hearing the sounds of the float planes overhead and not being able to give information that could assist them.

Yesterday, I started to read down the list of the light stations affected by this order and wish to finish reading the names of light stations that are no longer allowed to give aviation weather to aviators and passengers. The light stations are: Quatsino, a very isolated station; Ivory Island; Langara, at the northern end the Queen Charlotte Islands; Boat Bluff, on the mid-coast; Bonilla Island; Triple Island, a windswept, isolated place; Pine Island; Green Island; McInnes Island; and Merry Island. That completes the list of the staffed light stations on the B.C. coast that have been told that, effective today, they are no longer allowed to provide their aviator weather service.

Transport Canada, Environment Canada, the Coast Guard and Fisheries and Oceans Canada will have to bear the responsibility for the deaths, disasters and injuries that will occur on this coast because light stations are not permitted, as of today, to give aviation weather to the float planes.

Honourable senators, I wish all of you Merry Christmas, with the thought it will not be a Merry Christmas for anyone forced to fly the B.C. coast.

## THE SENATE

### TELEVISIONING OF PROCEEDINGS

**Hon. John G. Bryden:** Honourable senators, I rise today to urge senators to adopt the televising of the proceedings in this chamber. When I saw the chilling newspaper headlines today, I could not help but think how reassuring it would have been for Canadians to watch last night's proceedings, and to know that the Senate was about the nation's business and looking after the security, safety and freedom of Canadians.

Honourable senators, I had called my grandchildren to explain to them why I would not be able to come to their closing ceremonies. As children are wont to be, they were more concerned about my disappointment than about their own disappointment. They reassured me that their parents would videotape their events so that I would be able to watch their performances when I came home. I could not help but think that it would be wonderful if, after they finished showing me the videotape of their activities last night, I could show them the videotape of my activities last night.

As honourable senators know, children love to ask questions: Why is that and why is that? Why are they yelling back and forth, Grandpa? Why are they popping up and down? I would have to try to explain. I would tell them to watch, that a senator would come into the chamber, ask permission to do something, and a senator on the other side would say, "No." Then a voice would say, "I want to be absolutely clear. Will those in favour of the motion please say "yea"?" Then voices would be heard: "Yea." Then a voice would say, "Will those opposed to the motion please say "nay"?" On the other side, voices would be heard: "Nay." I would tell my grandchildren that that is why they

would hear senators yelling back and forth. Then I would explain about the results of the vote and whether the yeas or the nays have it and about who loses, that two people would then stand up and one voice say, "Call in the senators." The same voice would ask how long the bells should ring. One whip would propose one-half hour and the other whip would say that the rules state one hour. The bells then ring and everyone leaves the chamber for an hour. They chatter back and forth in the halls, et cetera. The children wait. I would fast-forward the tape at this point, so the children do not have to wait too long, because it is a little boring at this stage. After an hour, the senators return to the chamber. His Honour calls, "All those this favour." Those in favour stand, and when their names are called they sit down. The same process takes place for the other side. They stand up and then they sit down. The children would say: "Why are they doing this? They are waiting for the bells. Why is each side chatting happily back and forth?" How do I explain it? I would say: "Because it is a game. The game is called politics, and that is how it is played in the Senate of Canada, Canada's chamber of sober second thought."

• (0930)

## ROUTINE PROCEEDINGS

### STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Marjory LeBreton,** Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Friday, December 14, 2001

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### TWELFTH REPORT

Your Committee, to which was referred Bill S-12, An Act to amend the Statistics Act and the National Archives of Canada Act (census records), in obedience to the Order of Reference of Tuesday, March 27, 2001, has examined the said Bill and now reports the same without amendment.

Attached as an appendix to this Report are the observations of your Committee on Bill S-12.

Respectfully submitted,

MARJORY LEBRETON  
*Deputy Chair*

(For text of observations, see today's Journals of the Senate, Appendix to the report, p. 1145.)

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

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### PRIVACY RIGHTS CHARTER BILL

REPORT OF COMMITTEE ON SUBJECT MATTER TABLED

**Hon. Marjory LeBreton:** Honourable senators, I have the honour to table the thirteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of Bill S-21, to guarantee the human right to privacy. This was Senator Finestone's initiative.

Honourable senators, pursuant to rule 98(3), I move that the report be placed on the Orders of the Day for future consideration at the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

Motion agreed to.

### STUDY ON DEVELOPMENTS IN THE FIELD OF PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY  
COMMITTEE TABLED

**Hon. Marjory LeBreton:** Honourable senators, I have the honour to table the fourteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the developments since Royal Assent was given during the second session of the Thirty-sixth Parliament to Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions, and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

## QUESTION PERIOD

### SOLICITOR GENERAL

RCMP SEARCH OF RESIDENCE OF FORMER PRESIDENT OF  
BUSINESS DEVELOPMENT BANK

**Hon. Marjory LeBreton:** Honourable senators, my question is directed to the Leader of the Government in the Senate regarding l'affaire Grand-Mère, which on its own raises new alarming and unanswered questions, all obscured by the considerable efforts of those surrounding the Prime Minister to put up smoke screens, muddy the water and generally stonewall efforts to get to the truth.

In today's newspaper, there is another report of a raid on the home of the former president of the Business Development Bank

of Canada. What is particularly alarming about the report is the confirmation of the closeness of the RCMP and the Prime Minister's Office. There is no line, not even a blurred one. Joan Bryden, a reporter for Southam News, is so much on the inside and such an apologist and spokesperson for the Liberal government that we often joke that she should be on the payroll — in fact, she is, perhaps, just ahead of Jason Moscovitz, who has left the media and has gone to the Business Development Bank of Canada. How is it that Joan Bryden knew of the RCMP raid before the lawyer for Mr. Beaudoin? In fact, that is how he learned of the raid.

My question is simple. How can the government claim RCMP independence when a friendly reporter with tremendous Liberal sympathies is tipped off about a raid involving the very controversial case involving the Prime Minister?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I have heard some interesting questions in this chamber, but I have never, in my experience here in seven years, heard such a blatant attack on an independent police force, the Royal Canadian Mounted Police. At least this side has great pride and respect for the contributions of the RCMP, in their honour and in their service to this nation.

**Senator LeBreton:** Honourable senators, that is very interesting. However, the minister did not answer the question. The question was: How does a reporter know about this before the lawyer for the former president of the Business Development Bank?

The minister talked about the RCMP. Yet, a couple of months ago, there was a front-page picture in the *Hill Times* that showed the Commissioner of the RCMP walking to a press conference, not accompanied by his own communications people, but accompanied by Francine Ducros and another member of the Prime Minister's communications staff. Are we not correct to wonder if the Commissioner of the RCMP is very close to the Prime Minister's Office?

**Senator Carstairs:** There are two parts to the question. I have no idea how Joan Bryden learned of the warrant, but I would assume that she learned of it in the way that all reporters learn of warrants that are being exercised, namely, in the due process of her duties as a member of the third estate.

In terms of the connection between the Commissioner of the RCMP and the Prime Minister's Office, quite frankly I think that is an affront to his character and not worthy of this chamber.

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

**Senator LeBreton:** The point is that Joan Bryden knew about this and talked about it before the lawyer for Mr. Beaudoin knew. It is interesting that rather than investigating the very serious questions surrounding the Prime Minister, the RCMP is going after a public servant — a person who had been in the banking business long before all of this controversy ever developed. If the RCMP is supposed to be such an independent, arm's length body, how do reporters find out information before the lawyers for the former president of the Business Development Bank?

**Senator Carstairs:** With the greatest respect, warrants are given by the courts and not by the Prime Minister's Office.

**Senator LeBreton:** There you are in your school-teacher mode. Of course, I know that warrants are given by the courts!

We currently have before us in Parliament Bill C-36. When we see these kinds of things happening — this is the second time that this gentleman's home has been raided — we wonder about giving police more powers. That is indeed a scary prospect.

**Senator Carstairs:** Honourable senators, I may be in my school teacher mode, but I would hope that my students would ask questions of greater integrity.

**Senator LeBreton:** Honourable senators, I cannot let that comment go by. Conservatives taking lessons from Liberals on integrity is the greatest oxymoron I have ever heard of.

**Senator Carstairs:** Each and every one of us in this chamber should be responsible for the institutions in which we take great pride. I regret that in the honourable senator's questions this morning she has clearly not shown any appreciation of that wonderful police force, the RCMP.

## HERITAGE

### CANADIAN BROADCASTING CORPORATION—TECHNICIANS' STRIKE

**Hon. Lowell Murray:** Honourable senators, I am sure there will be occasion, perhaps sooner than we realize, to return to the matters that have been raised by Senator LeBreton and responded to so vigorously by the Leader of the Government in the Senate.

I want ask the Leader of the Government a question about the CBC technicians' strike. Parliamentarians wending their way home for the Christmas holidays will surely not be very proud of the fact that employees of one of our largest and most important Crown corporations are on the picket lines. However the dispute started, it seems to have ended, at least for the moment, in a lockout by the CBC management of its employees. What is the federal Department of Labour, which clearly has jurisdiction in this field, doing about this situation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, to my knowledge, the department at this point is doing nothing because no request has been made by either management or, more particularly, by the union for the Department of Labour to become involved.

**Senator Murray:** Honourable senators, I am not sure that a direct request is necessary or is always the case. The Minister of Labour or senior officials in that department could make it clear that their good offices are available to try to resolve the issues in the dispute.

Is there any concern at all on the part of the government and of the minister who reports to Parliament for the CBC, namely Ms Copps, the Minister of Canadian Heritage? I appreciate that ministers are not supposed to involve themselves directly in the management of the Crown corporation. Nevertheless, we have

here a labour dispute which, frankly, is an embarrassment to that corporation. We all know that the minister and the government never hesitate to share in the glory when there is CBC glory to be shared. Is the Minister of Canadian Heritage concerned about this matter? Has she offered her good offices to try to resolve it?

**Senator Carstairs:** The honourable senator is quite right when he states — and I will just summarize — that the minister responsible for heritage is not supposed to involve herself in the internal management of CBC. That is exactly how the minister is performing. The CBC technicians know quite well of the good offices available both with the Department of Labour and with the Department of Canadian Heritage, should they seek help.

## FOREIGN AFFAIRS

### INCREASE IN PASSPORT FEES

**Hon. Terry Stratton:** Honourable senators, my question concerns Monday's announcement of a sharp increase in passport fees. It was not part of the budget, but the announcement was timed so that it would be lost in the media traffic created by the budget.

This is very interesting. The cost of an adult passport will jump to \$85 from \$60. The government will now require babies as young as one month old to have their own passport. There will be a charge of \$20 for a passport for a baby and \$35 for other children up to age 16.

The main justification for this fee is to meet the \$7-million annual cost for new passport security measures. However, these new passport fees will raise an extra \$50 million per year. We are cutting taxes, are we? Are we really cutting taxes? This is called increasing taxes by stealth.

What possible justification is there for raising an extra \$50 million per year in passport fees to cover an extra \$7 million in spending?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the increase is not just to cover the additional \$7 million in security measures. It is also to make the passports self-supporting, if you will. Passport holders should pay their own way. They have not been doing so. In recent years, passports have been a cost to general revenues. It has been determined that passport applications and fees should therefore be processed in a way that reflects the cost of putting together those passports.

As for the honourable senator's question with respect to children and infants, this regulation has been put in place for the very practical reason that we know that family members frequently travel separately. Mothers and fathers cannot both travel with the child. Unfortunately, in a small number of incidents passports are used to take a child outside the country without the permission of the other parent because the child is registered only on the mother's passport or only on the father's passport. It has been determined that this would be a safeguard measure to help prevent that from happening.



**Senator Stratton:** Honourable senators, are we to assume that the baby's passport photograph will have a requirement to be changed every six months?

The minister has led me to my next question. If the increase in fees, amounting to some \$50 million, is to cover the cost of passports, can she tell us what the issuance of passports costs per year? If the \$50 million is additional to the fees now being brought in at a cost of \$60 per passport, then what is the total cost for issuing passports and what is the total revenue? The minister may not have that information, but I would appreciate receiving it later.

One question that bothers me and many other people is that a family of four with an infant and a pre-teen child must now pay another \$105 to acquire passports for a trip abroad. New airport taxes will add about \$200 to the family vacation. That is more than \$300 in added taxes just to go on vacation. How will the government encourage people to get back on airplanes when it has just nailed them with this kind of increase in costs?

**Senator Carstairs:** With the greatest of respect, a passport is not good for just one trip. A passport covers an individual for five years. The \$105 to which the honourable senator refers would make the family eligible to travel for an entire five years.

As to his comment about the infant, no, the infant would not require a new picture until a new passport is issued. It is very clear that a 10-year-old child could not travel abroad on a passport with a baby's picture on it.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I cannot believe the government is going to allow a one-month-old child to have a passport with a photo that is valid for five years. Surely it must be changed more often.

• (0950)

**Senator Carstairs:** As with adults, honourable senators, a passport is valid for five years. I do not know if you have looked at your recent passport picture, but I have looked at mine. My hair has changed in colour considerably since the last time it was issued. I actually had glasses on then, and I do not wear glasses any more. Changes take place not just with infants but with adults as well.

**Senator Lynch-Staunton:** Does the minister mean to say that a five-year-old child will be able to show his passport with a picture of him when he was one month old and have it accepted? Is that what the minister is saying?

**Senator Carstairs:** Yes, honourable senators, because at the present time he would be travelling, in all likelihood, on a parent's passport, and there would be no picture at all.

## AGRICULTURE AND AGRI-FOOD

### CAUCUS TASK FORCE ON FUTURE OPPORTUNITIES IN FARMING—PRIME MINISTER'S RESPONSE TO ISSUES IN INDUSTRY

**Hon. Leonard J. Gustafson:** Honourable senators, my question is directed to the Leader of the Government in the Senate. In the spirit of the season, I feel it necessary to ask this question on behalf of farmers, some of whom, because of a very difficult year with drought and so on, will have a difficult time during this season and in the spring to come.

I was pleased to see that the Minister of Finance pointed out in his budget the importance of doing something in the grain and oilseeds area. I also noticed that the Minister of Agriculture indicated that he was taking some direct steps to deal with this very difficult situation that exists because of the drought, especially in the grain and oilseeds sector.

Can the minister tell us if the Prime Minister is, in his Caucus Task Force on Future Opportunities in Farming, 100 per cent behind the Minister of Finance and the Minister of Agriculture?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Prime Minister is 100 per cent behind each and every one of his ministers until such time as he is not 100 per cent behind them, at which point they are no longer in his cabinet.

**Senator Gustafson:** Honourable senators, I must be fair and honest. I have not heard from the Prime Minister the kind of positive responses that I have heard from the Minister of Agriculture or the Minister of Finance. That is somewhat disturbing. Has the Prime Minister indicated when the task force will report and what direction will be taken to deal with the problems that have been identified by the Minister of Finance and the Minister of Agriculture?

**Senator Carstairs:** Honourable senators, when the Prime Minister receives the task force report, it will become a public document. When the Minister of Agriculture or the Minister of Finance make comments about the situation with respect to agriculture, they are, in fact, speaking for the Prime Minister.

**Senator Gustafson:** Honourable senators, the problem here is time. The farmers cannot wait any longer. The farmers cannot wait until Paul Martin becomes Prime Minister of Canada, if that ever happens. It is most important that the government take action now. We cannot wait two or three years. I get a sense that many senators, on both sides of this house, are concerned about what is happening in agriculture, especially in the grain and oilseeds sector, and about the future of agriculture in this country, as well as issues in security. Timing is of the essence. When will the government act? We will be away from this place until February, and the next thing we know the farmers will be in the fields. They cannot be in the fields without having the security that will come with the backing to help them fulfil their very important role in this country.

**Senator Carstairs:** Honourable senators, as I have indicated in the past, the federal government is working with the provincial governments to develop and implement a new, integrated and financially sustainable agricultural policy. Having said that, federal and provincial programs together will put into agriculture in this country this year \$3.8 billion. That is a substantial amount of money, and it represents an increase of 37 per cent since 1997-98.

**Senator Gustafson:** That is just half of what the Mulroney administration put in during the years we were in charge.

## FOREIGN AFFAIRS

### CONFLICT IN ISRAEL

**Hon. Marcel Prud'homme:** Honourable senators, on November 29, 1947, a great man, under whom I was first elected, Mr. Lester B. Pearson, while at the United Nations helped implement a report written by another great Canadian from the Supreme Court. Mr. Pearson succeeded in getting 33 votes for the resolution, 13 against and 10 abstentions, including Great Britain and China. The resolution was very simple. There shall be in the land of Palestine two states, one for the Jews, one for the Palestinians — of course, no consultation with the Palestinians.

Now that we see the butcher of Lebanon, who is now Prime Minister, imitating two other ex-prime minister butchers, Menachem Begin and Yitzhak Shamir, will the Canadian government use its extremely popular, good offices to remind people of our great responsibility in creating the mess we are in today? Will the Canadian government use its extremely good offices at the United Nations to stop this massacre that is about to start in the good land of Bethlehem, and everywhere else, on the Eve of Christmas? I am not putting forward new policies; I am simply putting before all honourable senators the exact Canadian policy and the exact voting record. I know that Mr. Manley is under immense pressure to do otherwise, but Canada still is a light of hope for these people who cry and demand that someone, somewhere, get the parties back to the negotiating table.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, not only can the Government of Canada concur in the statements made by the honourable senator, but I believe the people of Canada can concur in them as well. The Government of Canada has been on the record for some time as standing for the establishment of a Palestinian state. The Prime Minister yesterday indicated that Mr. Arafat was still the head of that Palestinian state, and, therefore, he is the only one with whom negotiations can take place. He urged that negotiations be ongoing.

**Hon. Douglas Roche:** Honourable senators, yesterday I drew to the attention of the Senate Pope John Paul's annual message for peace in which there is a very strong and poignant passage recalling the 50 years of enmity and struggle and heartbreak between the Israelis and the Arabs over Palestine and asking for renewed effort by governments at negotiations to bring to a halt

this terrible, wanton destruction of human life. Has the Canadian government noted what the Pope said, and will it respond in some way?

**Senator Carstairs:** Honourable senators, the Pope's message is always well received in Canada as the representative of a significant religious group within this nation and throughout the world. Of course his message is taken seriously and is given every consideration.

• (1000)

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table a response to a question raised on November 21, 2001, by Senator Roche regarding social development aid.

## FOREIGN AFFAIRS

### CANADIAN INTERNATIONAL DEVELOPMENT AGENCY— SOCIAL DEVELOPMENT AID

(Response to question raised by Hon. Douglas Roche on November 20, 2001)

We welcome the additional \$1 billion provided in the 2001 budget. CIDA's Social Development Priorities (SDP) which were launched in September of 2000 commit the Agency to an aggressive five-year investment plan in four priority areas of social development: health and nutrition, basic education, HIV/AIDS and child protection. Overall spending in these four priority areas is planned to double over the five-year period 2000 to 2005. As part of this plan SDP spending is planned to increase from a target of \$467 million in this fiscal year to \$ 580 million next fiscal year, a year over year increase of almost 25 per cent.

The Government is also taking steps to ensure that Canadians' aid dollars are spent in the most effective way possible. Under the direction of the Minister of International Cooperation, the Canadian International Development Agency (CIDA) has embarked on a thorough review of its programming with the aim of developing new, more effective ways to support development in developing countries. CIDA has published a comprehensive discussion paper, *Strengthening Aid Effectiveness*, which sets out a range of options for improving the effectiveness of Canadian aid. This document has been the subject of widespread consultation with development partners across Canada and will be published in final form early next year. The directions set out in *Strengthening Aid Effectiveness* will help to ensure that the money Canadians invested in overseas development will be used as effectively as possible.

[English]

### POINT OF ORDER

**Hon. David Tkachuk:** Honourable senators, I rise on a point of order under rule 51, which reads as follows: "All personal, sharp or taxing speeches are forbidden."

I would ask that the Leader of the Government withdraw the lack of integrity statement used in reference to Senator LeBreton during Question Period.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, if Senator LeBreton believes that she acted with integrity, then of course I would respect that interpretation of her opinion and would withdraw.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, could we ask our colleague Senator Robichaud to walk us through the Orders of the Day and give us a general indication as to which orders will be called and in what order, so that senators can estimate when they might be participating on an item of interest to them?

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, that was my intention and I do so with pleasure, for the information of all honourable senators. We intend first to address, under government business, Item No. 4, that is, third reading of Bill C-44, and then follow the order established from this item on, namely item Nos. 5, 6, 7, 8, 9 and 10, to then address Item No. 3, third reading of Bill C-6, Item No. 1, the motion for third reading of Bill C-36 and, finally, Item No. 2, third reading of Bill C-7.

### AERONAUTICS ACT

#### BILL TO AMEND—THIRD READING

**Hon. Aurélien Gill** moved the third reading of Bill C-44, to amend the Aeronautics Act.

He said: Honourable senators, I am pleased to rise today at third reading of Bill C-44.

[English]

The central purpose of this bill is to enable Canadian air carriers to work consultatively with their international partners in conducting an effective fight against terrorism. I make this point so that we will recognize that although the timing of this specific bill is in response to the recent American Aviation and Transportation Security Act, its content has been prepared with respect to an international concern.

[Translation]

In this bill, we are asked to cooperate with the Commissioner of Customs of the United States and to allow carriers to release certain basic information on passengers and crew members on board Canadian flights destined for the United States.

As the Minister of Transport mentioned on a number of occasions, a sovereign country, such as our neighbour to the south, can request information on persons wishing to enter its territory.

[English]

The government, through the Minister of Transport, must act quickly so that our carriers can provide the required information and continue to operate efficiently into the United States. This is important for the convenience of Canadian passengers and for the health of the air transport industry and the Canadian economy.

[Translation]

I want to thank and congratulate my colleagues from the Standing Senate Committee on Transport and Communications, and particularly its Chair. I also want to thank my colleagues for the seriousness with which they examined this important bill.

Bill C-44 will allow carriers to comply with the international requirements on the disclosure of information on passengers and crew members, so as to support aviation security while reconciling Canadians' right to privacy.

**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]

### APPROPRIATION BILL NO. 3, 2001-02

#### SECOND READING—DEBATE CONTINUED—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Finnerty, seconded by the Honourable Senator Finestone, P.C., for the second reading of Bill C-45, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, at the end of my remarks yesterday, Senator Nolin put a question for which I did not have the material to answer. I now have that material and should like to read it into the record, but I would need leave since I have already spoken to the motion.

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

**Hon. Senators:** Agreed.

**Senator Carstairs:** Honourable senators, Senator Nolin asked for specification of the items under which the \$225.3 million have been granted to the Canada Customs and Revenue Agency, since they were apparently only informed that the funds were to pursue revenue initiatives and to address additional workload pressures. The actual breakdown is as follows, honourable senators.

Revenue generation of \$95 million would be spent on 1,599 full-time equivalent jobs to increase federal and provincial tax revenues by up to \$2.9 billion by 2005-06 from additional collections and audit coverage. There would also be \$28.8 million and 434 FTEs to increase the volume in the number of travellers, commercial shipments, tax filers and benefit recipients. This would be a workload increase to deal with this volume of increases. Under asset management, there would be \$44.9 million to provide funds for real property, minor construction and operating costs, new equipment and vehicles, and end-user computing devices. Under investment, \$51.1 million is the Treasury Board contribution to a \$110 million agency investment plan. This investment fund will be used to improve business processes, improve service, and enable electronic service delivery. There will be a \$5.5-million increase to cover the agency's incidental expenses associated with the reference level increase.

Finally, there was an incremental increase for the Department of Justice of \$1.384 million in recognition of the integral legal structure that supports the CCRA, which it requires to implement and enforce changes to the tax laws. Those amounts together come to \$225.3 million.

• (1010)

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, what is at issue here — and the questions have been asked repeatedly and the answers have not been satisfactory — is the status of \$50 million: \$25 million under the heading of the National Resources Department and the other \$25 million under the heading of the Department of the Environment.

In November, the Speaker of the House of Commons ruled, at page 7455 of *House of Commons Debates*:

— the approval that is being sought in supplementary estimates (A) cannot be deemed to include tacit approval for the earlier \$50 million grant.

This \$50 million was in Supplementary Estimates (A), which was reported to this place earlier this month. The Speaker did add that he would allow continuation of the debate because the government had ample time to take corrective action on the \$50 million. When the supply bill itself came up before the other place, the question was asked, “Where is the \$50 million?” The President of the Treasury Board replied that they were not to be treated with the appropriation bill, but, to quote her, she said, “It will be in Supplementary Estimates (B).”

Yesterday, the Leader of the Government confirmed that the \$50 million was still in Supplementary Estimates (A). She stated:

— the government will not use the current appropriation to reimburse Treasury Board vote 5 for the interim \$50 million —

Therefore, the \$50 million is in the appropriation bill. The government says it will not use it. It will find the amount and repeat it in Supplementary Estimates (B), which we will be getting before the end of the fiscal year.

The challenge here is a simple one. Are we to approve a supply bill that includes amounts the government does not need? It is as simple as that. We have not had a direct answer as to why an appropriation bill will include amounts that the House of Commons Speaker has found irregular in the Estimates, and the President of the Treasury Board has said she will put in Supplementary Estimates (B), that the government, we were told yesterday, will not use.

The best way to resolve this issue — and I made the suggestion to the government — is that we resolve ourselves into Committee of the Whole when we come back next week and invite the President of the Treasury Board to come before us with her officials and explain what thus so far has not been explained to my satisfaction, at least. It is an imposition on the Leader of the Government here to have to answer for every department questions that are largely technical, particularly when it comes to the extraordinary creative accounting that this government has developed both in the budget and in certain Treasury Board advances to various departments.

The only department that can answer directly, with the technical knowledge required, is the Treasury Board itself, led by its president. I urge the government to take that suggestion into consideration so we can have, hopefully, a satisfactory explanation.

Honourable senators, the purpose here is not to delay the supply bill. That is the last thing on our minds. The purpose is to ensure that the supply bill we are passing does not include amounts that have not been authorized or which are ineligible.

Honourable senators, to focus attention on what we are trying to do over here, I should like to suggest an amendment that simply reduces, where appropriate, \$50 million from grand totals and \$25 million from each department. Senators will have to bear with me as I read all of these amounts because they appear in four or five different places. Again, the amendment reduces the supply being requested by \$50 million in total and reduces one department's by \$25 million and the other department's by the same amount.

Therefore, I move, seconded by Senator Buchanan:

That the amount of \$4,829,997,679 shown in clause 2, line 30, be amended to read: \$4,779,997,679;

That the amount of \$4,484,236,584 shown under Schedule 1, on page 4, be amended to read: \$4,434,231,584;

That the amounts of 60,050,603 and 145,084,677 shown under the heading Environment on page 8 be amended to read: 35,050,603 and 120,084,677;

That the amounts of 58,150,000 and 129,253,554 shown under the heading National Resources on page 22 be amended to read: 33,150,000 and 104,253,554; and

That the amount of 4,484,236,584 shown as a total on page 32 be amended to read: 4,434,236,584.

**The Hon. the Speaker *pro tempore*:** Honourable senators, before I read the amendment, I must go to *Beauchesne's Parliamentary Rules & Forms*, sixth edition, citation 666 under the heading "Amendments at Second Reading." It states:

There are three types of amendments that may be proposed at the second reading stage of a bill. These are:

1. the hoist (e.g. three months six, months).
2. the reasoned amendment.
3. the referral of the subject-matter to a committee.

I need leave from the house to read this amendment. Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Hon. Lowell Murray:** Why is leave required?

**The Hon. the Speaker *pro tempore*:** It is required according to Beauchesne, citation 666, amendments to the second reading of a bill.

**Senator Murray:** Is Her Honour ruling Senator Lynch-Staunton's amendment out of order?

**Hon. the Speaker *pro tempore*:** According to this citation, the house must grant leave.

**Senator Murray:** I do not understand. There may be honourable senators who wish to contribute to the point of order as to whether this is parliamentary practice, of which Beauchesne is only one interpretation. As Her Honour is aware, Beauchesne is not the rules as to whether parliamentary practice permits the kind of amendment that has been put forward by Senator Lynch-Staunton. There may be honourable senators more learned and skilled in these matters than I who would want to contribute to the point of order before Her Honour makes a definitive ruling.

**The Hon. the Speaker *pro tempore*:** Are there any other senators who wish to speak to the point of order?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I must say that I am surprised that the Chair, not having been asked to make a ruling on any point of order, none having been raised, would go to a House of Commons reference text. Under our rules, the Speaker is to keep order and decorum. I should like to see a reference made to the *Rules of the Senate of Canada* as our starting point. In the *Rules of the Senate of Canada*, there is no rule that obviates the type of amendment brought forward by Senator Lynch-Staunton.

It seems to me we have here an initiative that has not been sought by the government side, certainly not sought from this side. There has been a certain amount of "creepage" where the Speaker *pro tempore* is assuming a role that is not proper to the Chair. The senators run the Senate.

• (1020)

If honourable senators had a problem of order, they would have raised it. No point of order was raised. There is no indication given with this initiative from the Chair as to what rule is being breached in the *Rules of the Senate*. The Speaker *pro tempore* rose and read something out of an interesting textbook written by Beauchesne many years ago that applies to the other place.

What we are dealing with here is the constitutional principle of the Senate being blocked from introducing money bills. However, the application of that principle is such that there is nothing that stops the Senate from reducing monies that are being sought. What we have here is not a request or an initiative from the Senate seeking monies from the public purse; what we have is a supply bill brought in that includes an obvious error. The government is immensely embarrassed by the error.

We on this side made an offer yesterday of how we might expedite the correction of that error. Today, Senator Lynch-Staunton made another suggestion of how to expedite the resolution of the error. We will not sit here and have things swept under the carpet.

Honourable senators, the Chair is taking initiative where no initiative is being sought.

**Senator Lynch-Staunton:** Who has raised the point of order? No one has raised a point of order; there is no point of order.

**Senator Carstairs:** I am prepared to say that I rise on a point of order on this matter.

Frankly, it was not appropriate to raise a point of order until the Speaker had put the question. The question had not been put; therefore, there was no opportunity to make the point of order. Perhaps we should put the question and then I will rise on a point of order.

**Senator Kinsella:** That is anticipation.

[Translation]

**Hon. Roch Bolduc:** Honourable senators, we have before us an amendment proposed by the Leader of the Opposition for reducing monies requested in the Supplementary Estimates. Honourable senators are well aware that it is not possible to ask for additional funds. We are asking for a reduction of monies, because the government made a mistake and we want it to be corrected.

I do not understand why the Speaker *pro tempore* took it upon herself to explain to us what the act was about. We are waiting for an explanation from the government. Then a decision will be made.

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, the fact that the Honourable Senator Bolduc spoke to the motion in amendment does not mean that this house must make a decision. Moreover, the issue that was raised should be clarified before we proceed any further.

[English]

**Senator Murray:** Her Honour may wish to accept the suggestion of the Leader of the Government and put the question, after which she intends to rise on a point of order. At that point, some of us may wish to intervene.

**The Hon. the Speaker *pro tempore*:** Honourable senators, rule 18(1) says:

The Speaker shall preserve order and decorum in the Senate. In doing so the Speaker may act without a want of order or decorum being brought to his or her attention...

I will also cite *Beauchesne's Parliamentary Rules & Forms*, sixth edition, at paragraph 659:

The second reading is the most important stage through which the bill is required to pass; for its whole principle is then at issue and is affirmed or denied by a vote of the House. It is not regular on this occasion, however, to discuss in detail the clauses of the bill.

The amendments of Senator Lynch-Staunton are clearly directed to the clauses of the bill. Thus, we must first have the bill before us in order to discuss it.

**Senator Lynch-Staunton:** Honourable senators, this is a bill that does not go to committee, because the work on the bill has been done through Supplementary Estimates. By agreement, let us go to third reading and start all over again there. We will just pass on to third reading.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question on second reading of the bill?

**Senator Kinsella:** Yesterday, we offered an expeditious manner of dealing with this. I am now slightly annoyed. The reason I am slightly annoyed is that I am not certain as to the propriety of the point of order that has been made. I should like to have the opportunity to do some research on this matter. This is not an ordinary bill; it is a supply bill. It does not go from second reading to a committee where we would do clause-by-clause consideration.

A procedural intervention is being sought. I am not sure the interpretation is correct. We do not want to set a precedent here that will tie our hands in the future.

**Senator Carstairs:** Honourable senators, we are acting quite out of the normal practice and custom of this chamber. The honourable Leader of the Opposition introduced an amendment.

If we were in a point of order, and I do not think we are, I would argue that Beauchesne is very clear. As the Speaker *pro tempore* has pointed out, there are three types of amendments that may be proposed. This is certainly not a hoist motion. We would probably all agree to that. This is not a referral of the subject matter to a committee; we would agree with that. It would have to meet the other test, which is that it would be a reasoned amendment.

In regard to reasoned amendment, Beauchesne, at paragraph 671(2) clearly says:

The amendment must not be concerned in detail with the provisions of the bill upon which it is moved nor anticipate amendments thereto which may be moved —

Senator Lynch-Staunton came up with the perfect solution to this: We will move to third reading. We will then entertain his motion, which at that point will be in order, because it is an amendment to a bill, which he is entitled to make at third reading. That does not indicate any support from this side, but he is certainly entitled to make that amendment at that time, and then we will deal with it in the appropriate fashion. That is the way in which we should proceed.

**Senator Lynch-Staunton:** Upon reflection, perhaps the best way to proceed would be to go into Committee of the Whole. In that way, Treasury Board officials and, I would hope, the minister would attend upon us. We could do that Monday, Tuesday or Thursday next week, or even early January; the timing is irrelevant to us. However, the point is that we must resolve this question of the \$50 million.

I would move that we approve second reading, agree to go to Committee of the Whole, have the Treasury Board officials come to us and then determine if an amendment is necessary or not. It is my hope that amendments will not be necessary, but only by having the guidance of the officials will we find that out.

• (1030)

**Hon. Nicholas W. Taylor:** Honourable senators, I wish to speak in support of the Leader of the Government's interpretation. If the honourable senator were to read *Erskine May Parliamentary Practice*, twenty-second edition, page 468, on second readings, the honourable senator would follow exactly what Senator Carstairs says about second reading. Erskine May is referencing the House of Lords, which is more common about the House of Commons. The headings on page 468 are the following: "Opposition without amendment," "Delaying amendment," and "Reasoned amendment." The latter is the only one that could qualify, as Senator Carstairs says. Erskine May reads, "A reasoned amendment may be moved to the motion for the second reading. Notice is always given —"

We have a last minute amendment. Senator Carstairs' solution of moving on to third reading is the way to handle it, according to Erskine May, twenty-second edition, page 468.

**Senator Kinsella:** What is your point?

**The Hon. the Speaker pro tempore:** Thank you all for your understanding. Is the house ready for the question on second reading of Bill C-45?

**Senator Murray:** Honourable senators, it appears that the government has not accepted the opposition leader's suggestion that after second reading we proceed to Committee of the Whole. The government has, however, told us that, in their opinion, Senator Lynch-Staunton's amendment would be in order at third reading.

Before we go down that road any farther, I would like to have some word from Her Honour as to whether she agrees that Senator Lynch-Staunton's amendment would be in order at third reading.

**Senator Taylor:** That is another motion entirely.

**The Hon. the Speaker pro tempore:** It is my understanding that the amendment could be put at the third reading of the bill, yes.

Is the house ready for the second reading of the bill?

**Some Hon. Senators:** Question.

**Senator Lynch-Staunton:** Honourable senators, we are doing our best on this side to resolve an issue that is non-partisan. It is a responsibility of all senators to see that the supply bill is in good order. That is the issue.

The only people who can guide us on this point are the officials from Treasury Board. What is the objection to spending half an hour or 45 minutes having officials of Treasury Board explain to us this kind of accounting, which some of us have difficulty in understanding? They should have an opportunity to convince us that this is the right way to do things. It may seem odd. It may not be the way things are done elsewhere, but if this

is the way things are done and have been done by government, then justification is not too much to ask.

The National Finance Committee, in its last report, questioned the generous use of Treasury Board contingency funds and indicated that, perhaps, they are being too generous in the interpretation of the guidelines allowing those advances. The Finance Committee intends to study that practice to find out if they have gone too far.

It is a question of sane financing and proper legislation. That is all it is.

What is the objection to having Treasury Board officials come here? We will not delay unduly. We just want the answers everyone else is looking for, and the only people who can give us those answers are the officials at Treasury Board. If they are right, I should think that they would be eager to come before us to clear the shadow they have been under for a month in both Houses. It is to their advantage to come before us and resolve this issue.

**Senator Bolduc:** More than that, we had a long discussion with those people. They were not politicians; they were civil servants.

**Senator Carstairs:** Senator Lynch-Staunton refuses or is unwilling to accept the ruling from the other place, which is, I suppose, appropriate since he does not sit in that House. However, it is very clear that the Speaker in the other place said that this bill is in order. There was no question that the bill was in order at this particular stage.

As far as additional information, I have provided the honourable senator and the entire chamber with the explanation. There is no further explanation. The explanation has been given.

Although it is being argued on the other side that they are not trying to delay the process of providing supply to the government, that is exactly what they are doing.

**Senator Lynch-Staunton:** Yes, we are delaying the possibility of approving supply that is not in a proper form. Yes, and there is \$50 million at issue. The Speaker of the House did not rule on the bill. He ruled on the propriety of \$50 million being in the Supplementary Estimates. He told the government that he would let the debate on the Estimates go on because there was enough time to take corrective action.

Corrective action was not taken by the admission of the President of the Treasury Board herself, who said that she would put that \$50 million in the next Estimates. Therefore, the question is again, if the President of the Treasury Board will put it into the next Estimates, why is it still in the current Estimates, and in the appropriations bill before us?

Honourable senators, by the admission of the Leader of the Government yesterday, it is there, but they will not use it. If they do not intend to use it, why is it there? The Leader of the Government said yesterday "the government will not use the current appropriation. We will wait until the next round."

Of what good is the authority to give us a right to vote funds that are not required, and which, by the ruling of the House Speaker when the Supplementary Estimates were before the House, were improperly recorded? That is the question, and it has not been answered.

**Senator Carstairs:** With the greatest of respect, honourable senators, that is not what the Speaker of other place ruled. He ruled that the Estimates were in order, that the bill was in order and that the correction had to be made by March 31, 2002.

**Senator Lynch-Staunton:** The Speaker did not say that. I wish that the government leader would read his ruling. He did not even speak to the bill. He was not asked for a ruling on the bill. He said that no authority has ever been sought from Parliament for grants totalling \$50 million. This is the Speaker of the House. He goes on to say that the approval being sought in Supplementary Estimates (A) cannot be deemed to include tacit approval for the earlier \$50 million grant. That is his ruling.

The Speaker then goes on to say, "...there remains ample time for the government to take corrective action." The government's corrective action is to put the \$50 million in future Supplementary Estimate. If the government will do that, take it out of these Estimates .

**Hon. Terry Stratton:** Honourable senators, I move adjournment of the debate.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker pro tempore:** Will those honourable senators in favour of the motion please say "yea"?

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Accordingly, there will be a standing vote. Please call in the senators. There will be a one-hour bell, unless there is agreement for another period.

**Hon. Bill Rompkey:** Honourable senators, I suggest a half-hour bell.

**Senator Stratton:** If you give us the Committee of the Whole, we will give you what you want.

[ Senator Lynch-Staunton ]

**The Hon. the Speaker pro tempore:** What is the agreement?

**Senator Stratton:** No agreement. One hour.

**The Hon. the Speaker pro tempore:** There is no agreement. It will be a one-hour bell. Call in the senators.

• (1140)

Motion negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Andreychuk	Keon
Atkins	Kinsella
Beaudoin	LeBreton
Bolduc	Lynch-Staunton
Buchanan	Murray
Carney	Nolin
Comeau	Oliver
Di Nino	Prud'homme
Doody	Rivest
Johnson	Stratton—20

NAYS  
THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Bacon	Hubley
Bryden	Jaffer
Callbeck	Kirby
Carstairs	LaPierre
Chalifoux	Léger
Christensen	Maheu
Cook	Mahovlich
Cools	Milne
Corbin	Morin
Cordy	Phalen
Day	Poulin
De Bané	Poy
Fairbairn	Robichaud
Ferretti Barth	Rompkey
Finestone	Setlakwe
Finnerty	Sibbeston
Fitzpatrick	Stollery
Fraser	Taylor
Furey	Tunney
Gauthier	Watt
Gill	Wiebe—45
Graham	

ABSTENTIONS  
THE HONOURABLE SENATORS

Roche—1



**Senator Stratton:** Honourable senators, I rise to speak to the issue of monies being spent by the government. Let us back up for a moment and realize the responsibility that this chamber has.

I have served most of my years as a senator on the National Finance Committee. I have found it to be the most interesting committee, given that we are able to examine the expenditures of any department as part of our responsibilities.

We have always had the problem of lack of time, whether it is just not available or whether we simply do not take the necessary time. We want to examine that closely. There have been discussions in the Rules Committee that each standing committee should take it upon themselves as a responsibility to examine the Estimates of the department that affects their committee. In other words, committee members should do a closer, more detailed examination of the budgetary items that are proposed. We just simply cannot, in all fairness, expect the Standing Senate Committee on National Finance to do it all.

It is now of public note that budgetary items can be pushed through and not dealt with appropriately. All senators in this chamber should be concerned with the amount of money spent and how it is spent. Every department should be examined properly by the committees that have that responsibility. Committees do not do that now. We simply rely on the Standing Senate Committee on National Finance.

By way of example, the Canada Customs and Revenue Agency wanted a \$287.9-million increase over its original appropriation of \$2.4 billion. That is a 12.2 per cent increase. Most of the funding is to address operational workload pressures.

Honourable senators, that issue was not answered appropriately and should have been. We did not have the time, because of time pressures, to delve into those issues. Now is the time. We are talking about a \$50-million line item in the supply bill, of monies that will not be spent, and questions in respect of it were not appropriately answered by the Leader of the Government in the Senate. It is appropriate that we request either a Committee of the Whole or that this matter be referred to the Standing Senate Committee on National Finance to request the presence of officials from Treasury Board to bring forward answers about this line item. If there is no good reason for its inclusion, why did the government let it stand when they indeed had time to remove it after Speaker Milliken brought it to the attention of the government?

That is the issue that we must address. If we do not, then who will? If we can sit here satisfied with the explanation given, we are passing off one of our responsibilities, and I do not think that is why we are here. If we are to do our job and the public is to see us doing our job, then we must examine this issue.

We are asking that this matter be referred to Committee of the Whole or to the Standing Senate Committee on National Finance to be properly dealt with. How long would it take to do that? The

Committee of the Whole could deal with the issue here on Monday. It could be dealt with that quickly, if we have satisfactory answers. That is the appropriate way to show the public that we are indeed being responsible, after the House of Commons did not deal with this issue as it should have dealt with it.

Honourable senators, I ask that this matter be referred to Committee of the Whole.

**Hon. Isobel Finnerty:** Honourable senators, I am the deputy chairman of the Finance committee and we have a terrific chairman, as I said once before in this chamber. We have examined and debated this issue, and we are confident that we will have corrective action at the end of this fiscal year, March 31, 2002. If we had wanted an amendment, we would have done that in committee. I feel very confident that our committee dealt with this matter in an excellent fashion.

**Senator Lynch-Staunton:** Honourable senators, may I point out to Senator Finnerty that the report of the Standing Senate Committee on National Finance, under its excellent chairmanship, was tabled after Speaker Milliken ruled but before the President of the Treasury Board made her statement.

**Senator Stratton:** If I may, honourable senators, we were not satisfied. We had a discussion, but we were not satisfied.

**Senator Carstairs:** The committee passed the report.

**Senator Stratton:** Yes, we did, but that does not necessarily mean we were satisfied. That is the problem with our efforts in this chamber. We are not spending enough time examining details because we are pressured to push and get things done. That is why committees should be given the responsibility to look after the cost items for each of the departments for which they are responsible.

• (1150)

**Senator Taylor:** The committee made a report.

**Senator Finnerty:** Honourable senators, the committee prepared an excellent report in which we condemned some of the actions. We expect to have a reply by March 31 on this issue. The committee spent hours listening to the evidence of officials and even more hours in the preparation of this report. I am satisfied, as are the committee members on this side, that corrective action will be taken.

**Senator Lynch-Staunton:** There is something wrong now.

**Senator Stratton:** Is the honourable senator satisfied with the fact that we are spending \$689 million on gun control when the minister responsible promised and assured us that \$85 million would be the maximum amount and that that would be paid back through recoverable fees?

**Hon. Francis William Mahovlich:** Honourable senators, as a member of the Finance Committee I recall that number of \$50 million being mentioned. We painstakingly prepared the report, discussed it, and it was placed before the Finance Committee. It was then discussed again. However, the \$50 million might have been entered on the wrong side of the ledger. The matter was rectified and the bill was passed. The committee was very satisfied.

**Senator Murray:** Honourable senators, I do not want and will not let much light come between me and my deputy chairman and other members of the Standing Senate Committee on National Finance. However, we are discussing several different issues here. The fact is that the committee did, as honourable senators have said, examine this situation very closely. We asked all the right questions, I believe, of the officials. We had before us the ruling of Mr. Speaker Milliken and we reported, as the Senate is aware, on the matter.

We observed that the Speaker had said that the Estimates could go forward and that it was not too late to take corrective action. We then reported. On the very day we reported, Madam Robillard, the President of the Treasury Board, indicated what the corrective action would be. The corrective action would be to put the \$50 million, if that is the number, in Supplementary Estimates (B) later. I think we are all agreed on that.

The issue that Senator Lynch-Staunton raises, I think with good reason, is that the supply bill that we received, which has been debated here and which we are now debating in second reading, should have reflected the undertaking of Minister Robillard. The supply bill should be for some \$50 million less than it is. That is a different issue. That is the issue that is before us as a result of Senator Lynch-Staunton's intervention.

**Hon. Anne C. Cools:** Honourable senators, I have been following the debate with some interest. I have been trying to get a proper understanding of what it is that Senator Stratton is proposing.

I have said this many times before. The process of supply in the Senate is different from the process of supply in the House of Commons. The process that we follow here in the Senate is that we have assigned a committee called the Standing Senate Committee on National Finance, a standing committee dedicated explicitly, exhaustively, to the business of studying supply. It is a committee that many honourable senators have served on for many years with great zeal and great distinction.

Honourable senators, we uphold the principles and the practices of how we treat supply in this chamber, and we adhere to the principles of committee study as outlined by Sir Reginald Palgrave, one of the great parliamentary authorities on Parliamentary process and on the purpose of committees, that the business of a committee is to assist the chamber in consideration of the issues. It is my clear understanding that that is what the Standing Senate Committee on National Finance has done.

The fact of the matter is that these issues were placed before the committee. They were thoroughly questioned, debated and considered in the committee. At the end of that process, the committee made a report under the distinguished leadership of our esteemed colleagues Senator Murray and Senator Finnerty.

The committee recommended what it thought was its best opinion.

That report made no recommendations whatsoever of the ilk that Senator Stratton, Senator Lynch-Staunton and others, are proposing.

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

**Senator Cools:** The fact of the matter is that if Senator Stratton had made such proposals in the committee, or even hinted at such consideration, I am absolutely certain that our esteemed colleagues on this side would have given him every consideration and would have listened to him with the respect that he is owed as a former chairman of that committee. Senator Stratton knows that he and I worked together in a very cooperative way when he was chairman and I was deputy chairman.

Honourable senators, I want it to be crystal clear for the record and that we understand that the questions that have been raised here were considered, debated, settled and decided upon in the committee. What we are dealing with here is a kind of interesting, peculiar and bizarre strategy and technique aimed at attempting to move a motion to reduce supply for the government, with certain senators taking a very righteous and indignant posture.

Since time is short, I will address the business of reasoned amendments, hoists, and so on. I will speak to Speaker Milliken's ruling.

Honourable senators, this is a supply bill. This is an appropriations bill. The comments about reasoned amendments and hoists are absolutely irrelevant and of no application in these circumstances. The sooner we would have said that, the better off we would have been.

As to what the minister in the House of Commons and Speaker Milliken had to say, I must remind honourable senators that, if the House of Commons had shared the concerns that Senator Lynch-Staunton is raising, the proper way for them to communicate these concerns to us would have been by a message. The House of Commons sent us no message. Consequently, there is no message before us and we do not have anything to deal with.

Having said that, honourable senators, the matter was discussed, debated, considered, answered and settled.

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

[*Translation*]

**Senator Bolduc:** Honourable senators, I do not understand why the government is being so stubborn about this. We can understand a disagreement over partisan matters. It is war or peace, and we debate it, but this is not the case here. This is about an administrative policy. It is an error from the point of view of administrative policy. Ms Robillard is responsible for administrative policy. She has behaved like some sort of schoolmistress. It is as though she were saying: "You are making mistakes, but I will not tell you what they are!" What sort of nonsense is this! We want for this to be put right. An administrative correction would not be a big deal. It could be sorted out in 15 minutes in the Senate if she were to appear.

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

**Hon. Senators:** Agreed.

**Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Please call in the senators.

Is there an agreement as to how long the bells will ring?

[*English*]

**Senator Stratton:** Honourable senators, I suggest that the vote be deferred to Monday at 5:30 p.m.

**Senator Rompkey:** If there is agreement, we could defer the vote to three o’clock on Monday.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators, to defer the vote to three o’clock on Monday?

**Senator Stratton:** We may already have a vote at three o’clock. Therefore, according to the rules, we should defer this vote to 5:30 p.m.

• (1200)

## INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—THIRD READING—MOTION IN  
AMENDMENT—VOTE DEFERRED

**Hon. Eymard G. Corbin:** moved the third reading of Bill C-6, to amend the International Boundary Waters Treaty Act.

He said: Honourable senators, I am pleased to address the Senate on third reading of Bill C-6, to amend the International Boundary Waters Treaty Act, which implements our obligations under the Boundary Waters Treaty.

I wish to thank all honourable senators who attended the Standing Senate Committee on Foreign Affairs and participated

in its careful consideration of Bill C-6. Testimony by the witnesses generated a vigorous and, at times, intense discussion. Departmental officials present throughout the committee sessions helped to clarify complex aspects of the legislation, and I thank them also.

There is a strong consensus in Canada that all levels of government should take action to assure the long-term security and integrity of our fresh water resources. Bill C-6 represents the fulfilment of the Canadian government’s commitment to take action within its jurisdiction to address the issue of bulk water removal. As part of the overall national strategy to protect our water, all provinces have passed or are in the process of passing legislation and/or regulations that protect their waters from bulk water removal. It is now time for the federal government to demonstrate its commitment to protecting water under its jurisdiction. I hope that there will be the same degree of support on the part of the electorate for provincial initiatives in their field of jurisdiction.

[*Translation*]

When Bill C-6 was considered in committee, it became increasingly apparent that Canada had no specific legislation to allow us to respect our bilateral commitments under the Boundary Waters Treaty, a treaty that has protected national interests on both sides for more than 90 years. Bill C-6 affords us an opportunity to correct this situation by strengthening the existing implementing legislation and by renewing our commitments laid out in the treaty.

Canada’s strategy is to prohibit the bulk removal of water from all of the major watersheds in Canada. This environmentally friendly approach protects waters in their natural state within watersheds. It is a global approach, a green approach that fulfils our constitutional responsibilities and our international trade commitments under the terms of the Boundary Waters Treaty. It is, in fact, the reason the bill was introduced.

Some have said that the federal government should introduce unilateral measures prohibiting all water exports. This type of approach, based on trade considerations, is wrong. It is also unrealistic, particularly in the federal-provincial context, and finally, it would be ineffective. What is even worse is that it would take away from the objective that we are aiming for collectively.

[*English*]

The purpose of Bill C-6, embodied in clause 13, is to prohibit the bulk removal of boundary waters from their drainage basins. The intent of the prohibition is to meet our treaty obligations, not to affect levels and flows on the United States side of the boundary. It will also provide a significant degree of protection to the natural ecosystems and communities that depend on a sustainable supply of water within the basin. The prohibition removes from the licensing regime bulk removals out of water basins and imposes a prohibition on such projects binding on the government.

There are limited exceptions in the proposed regulations for safety; operation of a ship, vehicle or aircraft; short-term firefighting and humanitarian uses; and for the manufacture of products within the basin from which the water was removed, as this practice has been permitted under the Boundary Waters Treaty historically and is regulated by the provinces.

The exceptions are contained in proposed regulations to permit effective, continued application of the prohibition as set out in the legislation in cases and uses not currently envisaged. It is clear that there is no other intention.

In my remarks at second reading, I cautioned against the temptation of reading too much into the bill, of going beyond the parameters of the treaty. As we discussed in the Standing Senate Committee on Foreign Affairs, there are existing safeguards and oversights that would prevent future governments from negating the purpose of Bill C-6, including the interpretive review by the International Joint Commission of any project affecting the level or flow of boundary waters.

The licensing regime for water diversions within basins is separate from the prohibition provision and codifies the current approval process of the Government of Canada for projects falling under articles 3 and 4 of the treaty. As a result, the licensing approval process would confer no new powers on the government and would not increase Canada's vulnerability to trade challenges under NAFTA.

*[Translation]*

In its "Interim Report on the Protection of the Waters of the Great Lakes," the International Joint Commission found that it is unlikely that water in its natural state would be included within the scope of trade agreements since it is not a product or good. This opinion is based on the advice of Canadian and American trade law experts.

The commission concluded that trade agreements did not prevent Canada and the United States from taking measures to protect their water resources. The committee also examined the constitutional basis for the bill. For more certainty, the bill establishes the treaty as authoritative in matters of obligations arising under treaties between the empire and other countries, section 132 of the Constitution.

*[English]*

In the years ahead, the Boundary Waters Treaty will continue to operate as a critical instrument in protecting Canada's national interests. By adopting Bill C-6, Parliament sets down in law a binding prohibition on bulk water removal from waters under federal jurisdiction. This will strengthen our commitment to the treaty and ensure the future security of Canada's fresh water resources.

Honourable senators, I hope I have addressed your concerns and I urge you to support Bill C-6.

[ Senator Corbin ]

• (1210)

**Hon. Pat Carney:** Honourable senators, I am delighted to speak on third reading of Bill C-6, to amend the International Boundary Waters Treaty Act. The debate in this chamber and in committee has been an exemplary example of the Senate at its best — and my colleague Senator Corbin would likely agree — where the government proposes legislation for scrutiny by the chamber of sober second thought, and the opposition suggests improvements through amendments with a view to creating better legislation to serve the interests of Canadians.

I should like to thank first my Conservative colleagues for their cooperation and valuable contributions to the process, including Senator Murray, Senator Andreychuk, Senator Spivak, Senator Bolduc and Senator Di Nino. I would also like to thank the bill's sponsor, Senator Corbin, for his courtesy in considering our argument, and Senator Stollery, Chairman of the Standing Senate Committee on Foreign Affairs, for his even-handed conduct of the committee meetings which were quite — as Senator Corbin pointed out — intense but never nasty.

I should also like to extend our appreciation to the expert witnesses who appeared before us, often at great inconvenience to themselves, and to the minister and his officials who made themselves available to our committee at a very busy time in parliamentary affairs.

Senator Corbin has, in his presentation at third reading, cautioned us against reading too much into this bill. Our problem is that there is not enough in this bill. All of the power to effect the intent of the bill is left in the hands of the minister and her officials through regulation.

Senator Corbin assures us that this legislation is binding. In fact, there is nothing in this bill that would bind the government to the goal set out in the bill. I intend to speak to that.

The government has described Bill C-6 as merely a housekeeping bill to formalize informal practices that have developed over the near-century since the original legislation was passed in 1910. The Minister of Foreign Affairs told us in committee that:

The purpose of the bill is to give a legislative context to the treaty and to make clear what the federal government's position is on the removal of water in its natural state from within the basin.

That is what he said to us. However, it is not clear to us that the proposed legislation achieves this goal, whatever the government's intent. We agree with the intent, but the intent is not spelled out or contained in the legislation itself. It is suggested in regulations which can be changed in secret without Parliament.

We will be proposing amendments that we believe will assist the minister in achieving his goals by clarifying his intent, limiting unanticipated risks and making the process less discretionary and more transparent by ensuring the law is applied within the discipline of Parliament. In short, our goal on this side of the chamber is to be helpful in reassuring Canadians that their fresh water resources are being adequately protected.

Before we address our concerns, let me identify some strengths of the bill. One is the proposed enforcement provision. Professor Ruth Sullivan, a respected expert on legislative drafting, told us:

The bill is definitely an improvement over the existing act, as the existing Boundary Waters Treaty Act was virtually unenforceable. Its only enforcement mechanism appears to be a private action by an individual who has been aggrieved by some action contrary to the treaty. This bill is an important step forward in that sense.

She added:

This is quite an important feature since many of these actions that might divert water would be actions undertaken by a Crown corporation, for instance, or by some agency of government.

Other witnesses told us that if the intent of the bill is in fact to prohibit bulk exports of fresh water resources in boundary waters under federal or international jurisdiction, it is better to focus on basin removals, rather than export bans. We discussed that in the committee. We will let the government speak to its strengths. Our role is to identify our concerns and propose our remedies.

In my speech on second reading, I described Bill C-6 as a sleeper, drafted in a manner which could result in the complete opposite of its stated objective, which is — as Senator Corbin said — to limit bulk water exports. That objective is supported by many Canadians, including myself. In fact, we have pointed out that Bill C-6 as written could actually be used to permit some bulk water exports where no such permission now exists.

Some Canadians, of course, support fresh water exports from Canada to our neighbours — that is what you hear on the hotline shows — but that is not the issue here. The issue is whether the bill meets its stated objectives. The concerns that I raised on second reading, I can assure you, have been supported in the testimony of the witnesses before us.

For instance, trade lawyer Barry Appleton told us:

If the bill were to deal with fresh water issues as part of an overall strategy, I would say that Bill C-6 is flawed. Rather than create the opportunity to develop some environmentally sustainable comprehensive water policy, this bill has created a mechanism to actually license, in certain circumstances, water going from Canada to the United States. I am sure that is not the intention; however, under the wording of this bill it is clearly the effect.

Dr. Howard Mann, another expert in this field, said he agreed with Mr. Appleton.

Further, Dr. Mann, who is an Ottawa-based lawyer and policy consultant, specializing in international, environmental and trade law, stated:

This is a serious risk...Once exports begin, the government, federal or provincial, cannot arbitrarily deny further exports. Any denial of exports would have to be in accordance with trade law, including chapter 11.

Chapter 11 is, of course, the infamous chapter dealing with national treatment that would allow Mexico and the United States certain access to our water resources.

He continues:

You are into the game as soon as you start down that road.

That means regulatory structures and environmental impact assessment requirements absolutely must be in place and applied before any exports might be made, before licences might be issued. That applies under any use that might be licensed under Bill C-6. Once you start, you are in it and you cannot back out because you feel like it.

When I questioned University of Calgary law professor Nigel Bankes, I asked:

Can this bill, as presently drafted, which gives discretionary power to the Governor in Council, and also to the regulatory process, be used to license the export of bulk water from boundary waters?

...

Would removal of waters for irrigation purposes to the United States be allowed in this case if you could show, by an environmental assessment or other means, that it did not affect boundary levels?

Dr. Bankes said, "I think the answer is yes."

So there was a lot of support for our concern.

Another concern we have is the failure of the bill to define what constitutes bulk water. There is no definition in this bill of the term "bulk water removals." The definition section of the bill deals only with the terms "boundary waters," "licence" and "minister." Every other term in Bill C-6 is left for the minister to define, a huge example of ministerial discretion, as our witnesses pointed out.

• (1220)

The draft regulations contain a certain figure but, as we know, regulations can be easily changed without the scrutiny of Parliament. When asked about this omission, the minister stated, "I do not understand the point about bulk. We are dealing with the removal of water. If it is not in bulk, what is it? Is it by the cup?" That, of course, is my point. Without a definition in the bill itself, the removal of a cupful of water could be the issue. Other witnesses pointed out that the lack of definitions in this bill opens a host of problems.

A serious concern we raised earlier dealt with the possible trade implications to Canada that could be triggered by this bill. Specifically, my concern deals with the possible exceptions to the general prohibition on bulk exports, however they may be defined.

Possible exceptions are identified in the Library of Parliament's legislative summary, as mentioned by Senator Corbin, as water used in the production of food and beverages or other exceptions specified in the regulations as set out in subclause 13(4). Senator Corbin has referred to the prohibitions in clause 13 but does not include the fact that subclause 13(4) states that these prohibitions do not apply in respect of the exceptions specified in the regulations. Our concern is that the regulations can be written in secret without any parliamentary overview. They are subject to ministerial discretion only.

Does that mean that Canadian fresh water can be exported to food and beverage manufacturers in the U.S.? That raises the whole issue of whether water exports create a tradable good subject to international trade laws. Our witnesses discussed that issue.

We agree with the Canadian government position that the prohibition of bulk water removal from a basin is an environmental issue that is necessary to protect the ecology and the ecological integrity of the international boundary basins. However, while the NAFTA supports this view, it also specifies that unless water in any form has entered into commerce and become a good or product, it is not covered by the provisions of the trade agreement. Once bulk water becomes a product or a manufactured good, this issue is raised.

This issue was addressed by the International Joint Commission. The bill is, we are told, based on the report of the International Joint Commission of February 22, 2000. The commission itself raises this problem, but it does not give a solution to it. It mentions that one issue that was raised by the government in the reference for the study was whether international trade obligations might affect water management in respect of the basin. It explains how the commission commissioned experts to hear about it. The report states:

The Commission believes it is unlikely that water in its natural state, e.g., in a lake, river or aquifer, is included within the scope of any trade agreements since it is not a product or a good. This view is supported by the fact that the NAFTA parties have issued a statement to that effect. When water is "captured" and enters into commerce, it may, however, attract obligations under the GATT, the FTA and NAFTA.

The commission goes on to point out that there are two exceptions. One is the so-called health exception, where there are measures related to protect human, animal, plant life or health. The other is the conservation exception which relates to the conservation of exhaustible natural resources, if such measures

are made effective in conjunction with restrictions on domestic production or consumption.

The commission goes on to point out that these kinds of exceptions are qualified by the requirement that they not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade. It goes on to point out that the achievement of a coherent and consistent approach to water conservation and management in the Great Lakes basin, an approach clearly grounded in environmental policy, would be an important step in addressing any trade-related concerns with respect to the use of basin waters.

Since that was the position of the International Joint Commission, one of the omissions in this bill that concerned us was the fact that nowhere in it are the words "environment" or "ecology" used. The minister told us that environmental policies and considerations are driving this bill. We know for a fact that the environment and ecology were not issues back in 1910. Water levels were important for freight, for transport, and for canals, but the environment was not considered. We must take into account that, if the government truly meant this bill to reflect environmental concerns, the government should have used those words in the bill itself. Those terms are barely used, if at all, in the regulations.

Minister Manley told us in committee flatly:

There is nothing in this bill that characterizes water as a tradable good, or could be interpreted to do so.

Several witnesses disagreed with this conclusion. Dr. Howard Mann said:

Bill C-6 is covered by trade law as any other federal act will be. Whether or not you include a trade provision it matters not, trade law applies equally.

Mr. Appleton said:

It does not make a difference whether it —

— referring to fresh water —

— is a good or not — What is relevant is once it goes into commerce, then you create channels of supply, or you have to start looking at the ratio of exports to supply—

Fresh water comes into commerce even under the licensing regime suggested by Bill C-6.

Dr. Mann further stated that, essentially, the issue is whether fresh water is a product. Ultimately, that comes down to the question of whether or not it is in commerce. He said:

— national treatment obligations kick in under trade law as soon as it enters into commerce, not necessarily as soon as it is traded.

Professor Nigel Banks told us:

As water does enter into commerce, whether in the form of bottled water or in another form of commodity, it will be subject to trade disciplines.

This debate is very interesting. It is probably the best debate this chamber has ever heard. Senator LaPierre is waving and conducting —

**Senator LaPierre:** The music of your words.

**Senator Carney:** The music of my words?

**Senator LaPierre:** Yes, ma'am.

**Senator Carney:** That is in keeping with the harmony of this place today. If you are seeking to divert me from the purpose of the bill, Senator LaPierre, you will fail.

I want to move on to some of the issues that form the basis of our concern and of our proposed amendments. One is the huge regulatory and ministerial discretion powers that are enshrined in this bill. That means it is not binding on the government.

Senator Corbin addressed the fact that there is a concern about water in Canada. Michael Hart, who is a trade policy expert who worked with me on the Free Trade Agreement, said

The hidden agenda behind this legislation is the perception in certain quarters of the public that there is a trade agreement problem and that Canadian agreements might, at some point in the future, require Canada to sell waters to customers outside of Canada in a way that we are unprepared to sell it.

I have mentioned the other issues. Our amendments hope to limit the scope of the government in this regard so that this fear is dealt with up front.

• (1230)

In terms of the extraordinary regulation power contained in this bill, I should like to point out some of the concerns raised by Professor Sullivan and others. This is an independent expert. Professor Sullivan said:

The discretion conferred on the minister is quite extraordinary in my view. There is little in the bill itself to control that discretion. There is the treaty and various provisions in the treaty that might be appealed to, to narrow the discretion of the minister. For the most part, it is untrammelled discretion.

I caution senators to think of how dangerous that could be in the wrong hands.

Professor Sullivan also said the following with respect to the excessive regulatory power in the bill.

There is no legal limit on what can be done in this case on excessive regulatory power in the bill. Parliament chooses to delegate and it can delegate the shop; there is no limit.

From a legal perspective, there is no objection to what is happening in this bill. It is purely a political judgment, whether this is an appropriate exercise of the delegation making authority on the part of Parliament.

Of course, that is our concern.

Dealing with the idea of what constitutes a use and obstruction or diversion or work under this act, Professor Sullivan says this:

This, I gather, is a disturbing provision in that clearly it is enabling the cabinet to enlarge or shrink on the face of it the scope of the prohibition set out in clause 11.

She also added, in talking about other bills — and I would remind Senator Taylor that this is important to his province — the following:

What I notice is that sometimes the minister's discretion cannot operate until regulations are in place, but that is not the case here. Here, the minister can act, grant licences, fix the terms and conditions of licences and withdraw the licences — in fact, the minister can do any of these things without benefit of guidance by regulations. How he exercises his power or why he is exercising it does not even have to be public.

I shall leave others in my party to deal with some of the problems raised in this bill. Basically, I want to assure honourable senators that the amendments we are proposing on this bill address the concerns of witnesses and support the minister's intent. If this were a situation where a minister said, "This is what I intend to do," but the bill did not support that, then I think it would be useful to consider amendments that would in fact achieve the minister's objectives.

I should point out that the minister told us that one would have to be a believer in conspiracy theory to think that this bill could be used for purposes other than its stated intent. I want to assure honourable senators that we are not conspiracy theorists on this side of the house; however, we are experienced in reading legislation. We live with the results of legislation that does not adequately express or implement its intent; therefore, we hope to remedy that matter in the proposed amendments.

The reason for the amendments was outlined in committee. I do not intend to go over the rationale in great detail here, except to say that the primary intent of our amendments is the following: to define bulk water, since that is what the bill is about; to limit ministerial discretion to license or use or divert water; and to put in the bill what is now in the proposed regulations — to take the intent out of the regulations, which can be changed, and place it in the bill and to deal with the environmental issue, that is, to place in the bill some reference to a stated objective, which is to contribute to the environment.

Honourable senators, it seems strange to introduce a bill — and Senator Andreychuk and Senator Spivak have made this point — and to say that it is necessary for environmental reasons and to carry out our environmental obligations, when, in fact, the bill does not mention the word "environment" or "ecology" whatsoever. Therefore, it would be hard for future parliaments to determine what it was that we intended in this place.

Finally, before I speak to my amendments, I wish to point out that this issue is something that will come back to haunt us. This bill is so defective, so unclear and ambiguous, leaving so much excessive power in the executive hands, that it can be used for purposes for which Canadians may not agree. I urge honourable senators to consider the fact that with respect to this bill the record will show that the Liberal government knew that the bill gave powers to the government to export water in secret, without public scrutiny. The record will show that the evidence was presented and was well understood and that the government decided to proceed with this bill in the face of that evidence. That will come back to haunt you.

MOTION IN AMENDMENT

**Hon. Pat Carney:** Honourable senators, I move, seconded by Senator Di Nino:

That Bill C-6 be not now read a third time but that it be amended, in clause 1,

(a) on page 1,

(i) by adding after line 14 the following:

“removal of boundary waters in bulk” means the removal of water from boundary waters and taking it outside the water basin in which the boundary waters are located

(a) by means of any natural or artificial diversion, such as a pipeline, canal, tunnel, aqueduct or channel; or

(b) by any other means by which more than 50,000 L of boundary waters are taken outside the water basin per day.”, and

(ii) by replacing lines 24 and 25 with the following:

“sanitary purposes.”;

(b) on page 2,

(i) by replacing line 1 with the following:

“12. Except in accordance with a licence,”,

(ii) by deleting lines 11 and 12,

(iii) by replacing lines 14 to 17 with the following:

“use or divert boundary waters by the removal of boundary waters in bulk.”,

(iv) by replacing lines 18 to 26 with the following:

“(2) For the purpose of subsection (1) and the application of the treaty, the removal of boundary waters in bulk is deemed, given the cumulative effect of removals of boundary waters outside their water

basins, to affect the natural level or flow of the boundary waters on the other side of the international boundary and to have a negative environmental impact.”,

(v) by replacing lines 27 and 28 with the following:

“(3) Subsection (1) applies only in respect of the portion of the following water basins that is located in Canada:

(a) Great Lakes — St. Lawrence Basin, being composed of the area of land that drains into the Great Lakes or the St. Lawrence River;

(b) Hudson Bay Basin, being composed of the area of land that drains into Hudson Bay; and

(c) St. John — St. Croix Basin, being composed of the area of land that drains into the St. John River or the St. Croix River.”, and

(vi) by replacing lines 29 and 30 with the following:

“(4) Subsection (1) does not apply to boundary waters used

(a) as ballast in a vehicle, vessel or aircraft, for the operation of the vehicle, vessel or aircraft, or for people, animals or products on the vehicle, vessel or aircraft; or

(b) for firefighting or humanitarian purposes in short-term situations in a non-commercial project.”;

(c) on page 4,

(i) by deleting lines 13 to 22, and

(ii) by renumbering paragraphs 21(1)(e) to (m) as paragraphs 21(1)(a) to (i), and any cross-references thereto accordingly.

• (1240)

That is my proposed amendment.

**The Hon. the Speaker pro tempore:** Has Senator Carney finished her speech? Does she wish to continue and have me put her motion in amendment after her speech?

**Senator Carney:** I have finished my speech.

**Hon. Laurier L. LaPierre:** Perhaps Her Honour could explain to me, please, as an ignorant peasant, what the 15-minute rule means and when it applies?

**The Hon. the Speaker pro tempore:** One must read the question.

**Senator LaPierre:** I have asked the question.



**The Hon. the Speaker *pro tempore*:** The honourable senator has 45 minutes, and she must also read the motion in amendment.

It was moved by the Honourable Senator Carney, seconded by the Honourable Senator Di Nino:

That Bill C-6 be not now read the third time, but that it be amended, in clause 1

(a) on page 1,

(i) by adding after line 14 the following —

**Senator Taylor:** Dispense.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Would those honourable senators opposed to the motion in amendment please say “nay”?

**Some Hon. Senators:** Nay.

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

Call in the senators.

Is there agreement on a time for the vote?

**Hon. Terry Stratton:** Honourable senators, I should like to defer the vote until Monday at 5:30 p.m.

**The Hon. the Speaker *pro tempore*:** Is it agreed that the vote be deferred to Monday at 5:30?

**Hon. Bill Rompkey:** Would the honourable senator agree to 4:30?

**Senator Stratton:** Agreed.

**The Hon. the Speaker *pro tempore*:** The vote will be held next Monday at 4:30 p.m.

## FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator

Rompkey, P.C., for the second reading of Bill C-35, to amend the Foreign Missions and International Organizations Act.

**Hon. Terry Stratton:** Honourable senators, it is a pleasure to rise today to join in the second reading debate on Bill C-35, to amend the Foreign Missions and International Organizations Act.

Senator Graham, who has spoken for the government on second reading, has carefully set out the provisions of this bill for us. I must admit that if the bill actually does what Senator Graham believes it does, then we have little with which to be concerned.

However, we cannot ignore the fact that this bill is one bill that was given careful scrutiny in the other place before it was sent to us. Amendments were attempted by both the Canadian Alliance and the Progressive Conservative Party to require parliamentary review and a more narrow focus on the bill; but, alas, as we have seen many times before, the Liberal majority made short work of those amendments by voting them down.

It has been said by those who are familiar with this bill that it is part of a trio of bills brought in by the government to appropriate to itself more power and to increase police powers so that when there are future world gatherings on Canadian soil, as we will have next summer with the G8 meeting in Kananaskis outside Calgary, that demonstrators or protestors will be kept in close check. Therefore, when we are scrutinizing Bill C-35, it is important that we remember Bill C-36, the anti-terrorism bill, and Bill C-42, the real government power grab, otherwise known as the public security bill.

Because Senator Graham has done such a good job explaining the contents of the bill, I will spend my time today getting on the public record some of the concerns this side intends to raise in committee.

This bill expands the capacity of the government to grant immunity from Canadian criminal law to foreign representatives in Canada. Diplomatic immunity from prosecution will now be extended to foreign representatives at international conferences. The Minister of Foreign Affairs will have new powers to allow foreign representatives into Canada regardless of their criminal past and without the rigorous checking that could be brought to bear by Immigration Canada.

Why would the government do this just 10 months after one woman was killed and another seriously injured by a car driven by an intoxicated Russian diplomat? It was his third impaired driving offence, but he was still on the road. I would have thought the government would have used this opportunity to get tough with foreign representatives in Canada, not more lenient. It must be of little comfort to the families of these two women that this government, following this tragic accident and in the first piece of legislation it introduces dealing with foreign leaders coming to Canada, would seek to expand the tax immunities on imported alcohol. That will no doubt increase the amount of alcohol imported into the country, which could send the message that excessive alcohol consumption is acceptable.

Bill C-36, now before us at third reading, and Bill C-42, the public security bill, at second reading in the other place, are supposedly designed to implement new security measures in our fight against terrorism. However, with Bill C-35, the government seeks to expand the number of foreign diplomats eligible for immunity, thus creating at least the potential for significant security risks.

I believe we must ask why the ministerial permits are required only in cases where the diplomat has been charged with war crimes or crimes against humanity. This is in contrast to the law as it stands at present, where ministerial permits are required for any diplomat with a criminal record who enters Canada.

Honourable senators, this bill loosens the current immigration regime while the government searches for ways to restrict access to our borders. It increases the number of diplomats entering Canada who will be exempt from our laws, while this government, in Bill C-36 and Bill C-42, wants to drastically increase the laws to which Canadians are subject. Why is the government taking such opposite approaches when it comes to ensuring the security of Canadians?

Another issue arises when one does a cross-reference of certain provisions of Bill C-35 with those of Bill C-36. Bill C-35, the foreign missions bill, broadly defines internationally protected persons to include foreign state representatives attending meetings of virtually any kind held on Canadian soil. This would have included the APEC summit and will certainly include next summer's G8 meeting, to which I have referred earlier.

Bill C-36 defines interference with protected persons, visiting diplomats, not just as criminal acts but as terrorist acts. It states that anyone who commits a violent attack on the official premises, private accommodation or means of transport of an internationally protected person that is likely to endanger that person's life or liberty, has committed a terrorist act.

Is blocking a road on the way to a summit a terrorist act? Is pushing against a chain-link fence a terrorist act? When combined with the arrest and detention clauses of Bill C-36, the combination of these two bills really does give sweeping new power to the police to deal with protests.

I now want to turn to that part of the bill that appears under the heading "Security of Intergovernmental Conferences."

• (1250)

Bill C-35 explicitly gives the RCMP the power to set up security parameters for international meetings and to decide on the force necessary to deal with protestors or demonstrators. Does this expand police powers to the point where the government is seeking to eliminate legitimate protest? What are the checks and balances that will assure Canadians that these powers will not be abused? Why did the government vote down

[ Senator Stratton ]

an amendment put in the other place that would have ensured that the RCMP would not take direction from the PMO or any other political office in carrying out their security functions at international conferences in Canada? How do the powers given to the police under this bill fit with the conclusions of the Hughes report on the APEC inquiry, which stressed the right to legitimate protest at international meetings?

Honourable senators, these are all interesting issues that we on this side of the Senate look forward to pursuing in committee.

**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 second time.

REFERRED TO COMMITTEE

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

On motion of Senator Graham, bill referred to the Standing Senate Committee on Foreign Affairs.

## CANADIAN COMMERCIAL CORPORATION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Milne, for the second reading of Bill C-41, to amend the Canadian Commercial Corporation Act.

**Hon. Michael A. Meighen:** Honourable senators, I am pleased to rise to speak at second reading of Bill C-41, especially since Senator Hervieux-Payette so clearly and succinctly explained to this chamber on Monday of this week the proposed amendments to the Canadian Commercial Corporation Act.

As Senator Hervieux-Payette pointed out, there are three ways in which this bill is proposed to be amended.

[*Translation*]

The first amendment would separate the functions of the chairperson of the board from those of the president and chief executive officer. This point has long interested the Senate Standing Committee on Banking, Trade and Commerce, and this measure is a step in the right direction. The committee supports the separation of these functions in many instances, and I am pleased to see this initiative included in Bill C-41.

[English]

## ANTI-TERRORISM BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the third reading of Bill C-36, 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,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Forrestall, that the Bill be not now read a third time but that it be amended on page 183, by adding after line 28 the following:

### *“Expiration*

147. (1) The provisions of this Act, except those referred to in subsection (2), cease to be in force five years after the day on which this Act receives royal assent or on any earlier day fixed by order of the Governor in Council.

(2) Subsection (1) does not apply to section 320.1 of the *Criminal Code*, as enacted by section 10, to subsection 430(4.1) of the *Criminal Code*, as enacted by section 12, to subsection 13(2) of the *Canadian Human Rights Act*, as enacted by section 88, or to the provisions of this Act that enable Canada to fulfill its commitments under the conventions referred to in the definition “United Nations operation” in subsection 2(2) and in the definition “terrorist activity” in subsection 83.01(1) of the *Criminal Code*, as enacted by section 4.”.

**Hon. Lowell Murray:** Honourable senators, I believe I have about one minute left in my speaking time in support of Senator Lynch-Staunton’s amendment for a proper sunset clause on this bill.

It must be a sad paradox for all of us that a bill intended to increase and improve the security of our country has also had the effect of increasing the sense of personal insecurity felt by many Canadians. We have heard much of this in our special committee, both at the pre-study stage and when we had the actual bill before us.

This sense of heightened insecurity and vulnerability, this feeling that our laws will no longer afford Canadians the protections they used to afford is felt not only by members of particular ethnic groups — although certain of those spokesmen have made it clear that they feel that most intensely and most keenly — but also by many Canadians, bar associations, civil libertarians, and others who are concerned about the erosion of the rights and freedoms to which Canadians have become accustomed.

I am concerned, however, that the government has not gone further to improve the governance of this corporation and, indeed, of other Crown corporations. The government should have also insisted that all members of the board possess the skills and experience necessary to do the job. As it stands now, boards of Canadian Crown corporations are filled with individuals whose ability to do their jobs is open to question, to say the least.

The Auditor General noted in his report of December 2000 that the functioning and ability of the boards of our Crown corporations is woefully inadequate. When Canadian tax dollars are at stake, this is simply unacceptable. It appears that the government has missed a golden opportunity in this bill to correct this egregious situation.

The second amendment to Bill C-41 allows the Canadian Commercial Corporation to set fees for its services. As it stands now, the corporation must reach an agreement with its customers over the amount of fees to be charged. Allowing the corporation to set its own fees should help to make it a more efficient and cost-effective operation.

The third amendment to Bill C-41, honourable senators, will allow the corporation to borrow up to \$90 million. Currently, the borrowing authority is limited to only \$10 million. While some increase in this amount may be necessary, a nine-fold increase seems somewhat extreme. Indeed, if this amount is really necessary, it is difficult to understand how the corporation can be functioning now without it.

With the increased borrowing authority, there is also the concern that the corporation may support riskier transactions than heretofore. It also opens the door to abuse by suppliers who are able to compete without the corporation’s assistance, but who want to take advantage of its deep pockets.

Honourable senators, we on this side support the bill in principle. As outlined, though, we do have a number of concerns and we look forward to the opportunity to thoroughly examine all provisions of this bill when referred to committee.

**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 second time.

REFERRED TO COMMITTEE

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

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

Honourable senators, it would be a wonderful reassurance for these people and for the whole country if we were to attach a real sunset clause for all the provisions of the bill. That would have the effect of assuring Canadians that the government understands the gravity of what it is doing with the extraordinary powers contained in this bill for the government and for the authorities, and that the government is absolutely determined to see that these powers are not abused.

I commend a real sunset clause to the consideration of honourable senators.

• (1300)

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Would those honourable senators opposed to the motion in amendment please say “nay”?

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Accordingly, there will be a standing vote. Call in the senators.

**Hon. Terry Stratton:** There is agreement to hold this vote on Monday, December 16, 2001, at 3:30 p.m.

**Hon. Bill Rompkey:** That is correct.

[*Translation*]

## YOUTH CRIMINAL JUSTICE ACT

THIRD READING—MOTION IN AMENDMENT—  
VOTE DEFERRED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pearson, seconded by the Honourable Senator Bryden, for the third reading of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, as amended.

**Hon. Pierre Claude Nolin:** Honourable senators, by rejecting the report of the Senate Standing Committee on Legal and Constitutional Affairs, honourable senators also rejected a proposed amendment to clause 110 of Bill C-7. The aim of my remarks is to reintroduce this amendment and to indicate the reasons underlying its reintroduction.

The amendment passed in committee provided that when, at the request of the prosecutor — the Crown prosecutor, that is —,

[ Senator Murray ]

the youth court deems public interest will be better served, the ban on publication of the identity of an adolescent would no longer apply if the young person had been convicted of certain offences. With the support of the majority on committee, we amended clause 110. This amendment, we were satisfied, had undeniable advantages for young Canadians. It is my intention today, to repeat the arguments that have already been made.

You have all heard Senator Carstairs, who did not consider it appropriate to approve this amendment. I do not intend to repeat her arguments, which I consider weak. I am satisfied she has not examined the arguments the committee submitted in support of the amendment.

Everything hinges on the following idea: Do we permit publication of the names of young offenders? In this debate, two fundamental values are at odds. On the one hand, we must try to protect society and, on the other, there is the matter of the rehabilitation and reintegration into the community of adolescents. The existing Young Offenders Act strikes a certain balance between these two values, which may appear contradictory. Section 38 of this law bans the publication of information that could identify the young offender. There are exceptions to this principle and the aim of the exceptions is to maintain this balance.

In order for one of the exceptions to apply, the Attorney General, or one of her officers, must apply for a court order. This is a considerable burden for the Crown, since it must demonstrate that it is in the interests of both justice and the young offender for such an exception to apply.

The provisions of the present act strike me as valuable enough to be retained. Unfortunately, Bill C-7 reverses this burden, creating an automatic mechanism which would mean automatic release of the names of young offenders in four cases. Let us not lose sight of the fact that this is at the sentencing stage, after the young person has been found guilty.

The four cases of automatic publication of the identity of a young offender are as follows: the young offender has been found guilty and sentenced as an adult; a specific penalty for murder, sexual assault or manslaughter; a specific sentence for aggravated assault; an adult sentence after three aggravated assaults.

Honourable senators, do not lose sight of the fact that Bill C-7 calls for the imposition of an adult sentence for young offenders starting at age 14! Thus, Bill C-7 is considerably weaker than the present law.

It is up to the young offender or the Crown Prosecutor to request non-publication and, after investigating, the judge investigates whether or not to issue a publication ban. Most of the committee members felt that this change from the present law was unjustifiable. That is why we presented an amendment to clause 110 in our report.

There were five reasons behind this amendment — this was the case when I spoke during the debate on the report. I will list them again briefly.

First, clause 75, which sets out adult sentencing, is located in the part of the bill that sets out adult sentencing. Second, the burden of proof is on the adolescent. Third, it appears to us that the second paragraph of clause 110 goes against the principles of Bill C-7. These principles establish that the special needs of adolescents, namely rehabilitation, reintegration into the community or the existence of a separate criminal justice system for youth, should be recognized. In light of the existence of these very important principles, clause 110 seems to conflict with the bill.

Fourth, we believe that Bill C-7, particularly clause 110 in its original form, would lead to greater stigmatization of young offenders.

I would like to quote from the *R. v. F. N.* Supreme Court decision in 2000, where Justice Binnie states in paragraph 14, and I quote:

Stigmatization or premature “labelling” of a young offender still in his or her formative years is well understood as a problem in the juvenile justice system. A young person once stigmatized as a lawbreaker may, unless given help and redirection, render the stigma a self-fulfilling prophecy. In the long run, society is best protected by preventing recurrence.

• (1310)

In connection with this stigmatisation, many young people testified before our committee and confirmed to us what the Supreme Court set out as a principle. On page 10 of the Youth Canada Association’s brief, we find the following comment:

By allowing their name to be published, the legislation undermines the principles of rehabilitation and youth criminal justice. We feel that young people must be able to reintegrate into society without being stigmatised or risking reprisals from the community.

Once again, clause 110(2) of Bill C-7 could violate Canada’s international obligations because, first, it is contrary to article 40 of the UN Convention on the Rights of the Child and to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. This failure to respect international law was raised by various witnesses. Professor Jean Trépanier, of the University of Montreal’s Criminology Department, told us:

The possibility of publishing names in such cases is, at the very least, inconsistent with the spirit of these rules ... In general, I think that the spirit of these UN instruments is much closer to the general spirit of the Young Offenders Act than to the bill, which is closer to traditional criminal law.

In the brief from the Human Rights Commission, we read on page 38:

— these growing exceptions to the principle of confidentiality are important departures from the rules of

international law governing the treatment of minors in conflict with the law.

Finally, on page 5 of the brief from the Barreau du Québec, we read:

The Barreau du Québec is still of the opinion that the identity of a young person must not be revealed, especially when he or she is given a specific sentence... Furthermore, this principle is consistent with the spirit of international rules concerning the respect of young people’s privacy.

#### MOTION IN AMENDMENT

**Hon. Pierre Claude Nolin:** Honourable senators, for all these reasons, I move, seconded by the Honourable Senator Andreychuk:

That the bill be not now read a third time but that it be amended in clause 110, on page 113, by replacing line 29 with the following:

“(2) When the youth justice court, on application of the Attorney General, determines that the public interest will best be served and that the rehabilitation of the young person will not be compromised, subsection (1) does not apply”.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Call in the senators.

Is there agreement on how long the bells will ring?

[*English*]

**Hon. Bill Rompkey:** I believe there is agreement to defer the vote to Monday at 3:00 p.m.

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

**Hon. Senators:** Agreed.

[Translation]

### BUSINESS OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, in light of all the work done today and the fact that it is the end of the week, I move that all items on the Order Paper which have not been addressed be stood until the next sitting, with the exception of Item No. 2 under Other Business, Reports of Committees.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

Motion agreed to, on division.

[English]

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### EIGHTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Joyal, P.C., for the adoption of the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the Rules—Senators indicted and subject to judicial proceedings) presented in the Senate on December 5, 2001.—(*Honourable Senator Cools*).

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

**Some Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** On division.

Motion agreed to and report adopted, on division.

### POINT OF ORDER

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Prior to the adjournment motion, which I suspect is imminent, I rise on a point of order.

The point of order speaks to the majority that will be required for the vote that is to be taken in respect of Bill C-36, on Monday, pursuant to the house order. The vote is on the amendment of Senator Lynch-Staunton.

Honourable senators, it seems to me that the Senate is currently faced with a somewhat unique situation: A Senate committee has tabled two reports from the same committee, but the principles and the substance of the two reports are standing in contradiction. The motion before us by Senator Lynch-Staunton

simply states that the sunset clause should apply for five years. That is exactly the same principle that is articulated in the first report of the Senate committee that recommended a five-year sunset clause be included in Bill C-36.

Therefore, a ruling is required from the Honourable Speaker *pro tempore* who may take the weekend to reflect on the size of the majority of any vote dealing with third reading of Bill C-36.

This is a unique situation, in that we have two contradictory reports from the Special Senate Committee on Bill C-36. The committee's first report was debated in the full Senate chamber subsequent to the Minister of Justice indicating to the House of Commons Committee on Bill C-36 which amendments she would agree to in referring to the special Senate committee's first report.

• (1320)

This is subsequent to the position of the Minister of Justice being known. The full Senate rejected the position of the Minister of Justice and, rather, adopted the first report of the Special Senate Committee on the Subject Matter of Bill C-36 in its entirety.

The Special Senate Committee on Bill C-36 has now tabled, I submit, with attachments, its second report, which is now before us at third reading, pursuant to the decision of the Speaker of the other day.

The motion that is before us and the one upon which we will be voting on Monday — the motion in amendment by Senator Lynch-Staunton — is 100 per cent congruent with the house order or the decision of the whole Senate taken in the first report.

Therefore, it is submitted that, in order to permit the Senat decision already taken with respect to the amendments to Bill C-36 to be set aside and replaced by a new decision, such a decision by the Senate would require the support of at least two-thirds of the senators present in the chamber when such a decision is taken.

In order to help the Speaker adjudicate this matter and identify the principles of parliamentary procedure that underlay this submission, I wish to underscore the following. First, I shall examine rule 63(1), which provides as follows:

A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

What is hereinafter provided is contained in rule 63(2), which I will quote in a moment.

The motion to adopt the second report of the Senate special committee deals with the same substance, namely, Bill C-36, as the motion adopted by the full Senate to the effect that the Senate of Canada decided that Bill C-36 must have certain amendments, including the amendment of a full sunset clause. The effect of the motion to adopt Bill C-36 at third reading without this amendment will be, in effect, to trump or rescind a decision that has already been taken by the Senate in the first report.

Rule 63(2) of the *Rules of the Senate of Canada* provides as follows:

An order, resolution, or other decision of the Senate may be rescinded on five days' notice if at least two-thirds of the Senators present vote in favour of its rescission.

The principle of parliamentary democracy, where the rights of the minority as well as the majority are respected, can be traced at least to April 2, 1604, where the House of Commons at Westminster passed a resolution that stated that a question being once made and carried in the affirmative or the negative cannot be questioned again but, rather, must stand as a judgment of the House. The reference is the *United Kingdom House of Commons Journals*, volume 1, page 162.

Six years later, on June 1, 1610, the House of Commons applied the same principle in dealing with bills when it adopted a motion stating that no bill of the same substance can be brought in the same session. The reference is *House of Commons Journals*, volume 1, page 434.

It is noteworthy, honourable senators, that this rule 63 was first adopted by the Senate on March 31, 1915. Therefore, it has a very long standing in the procedures of this house.

The fact that there are various majorities for various things in this house is also something that must be underscored. The assumption that the only majority is 50 per cent plus one does not meet the test of the reality of the rules. For example, there is a 100 per cent majority test for certain decisions of the Senate. The unanimous consent rule clearly establishes the fact that the Senate makes its decisions by majorities other than that of a majority of 50 per cent plus one. Thus, for example, rule 68(3) provides that a senator may change his or her vote with the unanimous consent of the senators present in the chamber.

Consider, honourable senators, a situation such as that of the abortion bill, which ended in a tie vote, having the effect of the item failing to be adopted by a decision of the Senate. If at that time a senator who had voted against the motion received the unanimous consent of the senators — that is, 100 per cent — to change his or her vote to a vote in favour of the motion, then the first decision of the Senate would have been rescinded and replaced by a new majority decision.

I therefore refer the Speaker to *Bourinot's Parliamentary Procedure*, fourth edition, page 294; *Erskine May Parliamentary Practice*, twenty-first edition, pages 326 to 327; and the Senate Speaker's rulings on February 27, 1991.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I do not see a point of order in the Honourable Senator Kinsella's representations for the simple reason that a special Senate committee examined the content of a bill that was to be introduced later.

The special committee's mandate was to advise the Minister of Justice and the House of Commons committee on the scope of a bill that would deal with terrorism. After hearing many witnesses, the special Senate committee wrote a report that was

sent to the House of Commons committee for consideration. As had been previously agreed, the report was to shed light on what should be included in that bill.

The House of Commons and the minister took into account the recommendations included in that report. The bill was amended accordingly. The version introduced in the House of Commons reflected some of the recommendations. The bill passed in the other place was referred back to us under the completely different guise of a bill.

The Senate committee's mandate was to consider a bill in its final form. It therefore had to report the bill to the Senate.

Honourable senators, if we were to make a narrow interpretation of what Senator Kinsella is proposing, we would conclude that it is not recommended for a minister or a government to conduct a pre-study, because we would feel bound by all the recommendations put forward.

The purpose of the pre-study was to provide advice in order to arrive at a solution that would be final in the other place and then be referred to us for consideration. Honourable senators, this is the process that was followed and this is why I do not see a point of order in what the Honourable Senator Kinsella has said.

[English]

**Senator Kinsella:** Honourable senators, had the first report of the Senate special committee simply been tabled, my honourable colleague may have an argument. However, it was not simply tabled. It was taken from the Table and a motion was put to the Senate to adopt that report. That report contains the recommendation a five-year sunset clause should be attached to Bill C-36. It is explicit; it is in plain language; and everyone understands what it means.

• (1330)

Senator Lynch-Staunton has moved a motion that says exactly the same thing. We argue that the principles with regard to rescinding a previous decision and the rule that specifies that a senator cannot present the same question in the same session should apply. Equally applicable are the principles that on different kinds of votes a different kind of majority is sometimes applied. I have illustrated this with respect to rule 64 and also with respect to the rule of unanimity.

We are saying that, in this instance, which is unique — it is not ordinary — the principles in our rule book and the principles of parliamentary practice upon which we must draw to apply to this unique situation are such that a two-thirds conviction of honourable senators present will be required in order for a vote to be sustained in this chamber on Bill C-36.

**The Hon. the Speaker pro tempore:** There being no other honourable senators who wish to speak, I thank the Honourable Senator Kinsella and the Honourable Senator Robichaud for their comments. As Senator Kinsella has said, I now have homework for the weekend. I will take everything into consideration and I will give you my decision as soon as possible.

The Senate adjourned until Monday, December 17, 2001, at 2 p.m.





**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(1st Session, 37th Parliament)**  
**Friday, December 14, 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		

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	01/12/12	0			
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 negatived 01/12/10	11 1 at 3rd 01/12/13			
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-10	An Act respecting the national marine conservation areas of Canada	01/11/28							
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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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
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-23	An Act to amend the Competition Act and the Competition Tribunal Act	01/12/11							
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	01/12/04	0 + 1 at 3rd	01/12/05		
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	01/11/27	0	01/12/06		
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)	01/11/27	Energy, the Environment and Natural Resources					
		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	01/11/27	0	01/11/28		
C-35	An Act to amend the Foreign Missions and International Organizations Act	01/12/05	01/12/14	Foreign Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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	01/11/29	01/11/29	Special Committee on Bill C-36	01/12/10	0			
C-37	An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act	01/12/04							
C-38	An Act to amend the Air Canada Public Participation Act	01/11/20	01/11/28	Transport and Communications	01/12/06	0	01/12/11		
C-39	An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts	01/12/04	01/12/12	Energy, the Environment and Natural Resources					
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	01/12/06	0	01/12/10		
C-41	An Act to amend the Canadian Commercial Corporation Act	01/12/06	01/12/14	Banking, Trade and Commerce					
C-44	An Act to amend the Aeronautics Act	01/12/06	01/12/10	Transport and Communications	01/12/13	0	01/12/14		
C-45	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	01/12/05							
C-46	An Act to amend the Criminal Code (alcohol ignition interlock device programs)	01/12/10	01/12/12	Committee of the Whole	01/12/12	0	01/12/13		

#### 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	Senate agreed to Commons amendment 01/12/12	
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	01/12/14	0			
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	01/11/27	0			
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)	(01/12/14)				
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					
S-35	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	01/12/04							
S-36	An Act respecting Canadian citizenship (Sen. Kinsella)	01/12/04							
S-37	An Act respecting a National Acadian Day (Sen. Comeau)	01/12/13							

#### 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	



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