



Debates of the Senate

1st SESSION

•

37th PARLIAMENT

•

VOLUME 139

•

NUMBER 93

**OFFICIAL REPORT
(HANSARD)**

Wednesday, March 6, 2002

—

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

CONTENTS

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

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

Published by the Senate

Available from Canada Communication Group — Publishing,
Public Works and Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, March 6, 2002

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

Prayers.

As if the Yukon Quest was not enough, Hans entered the Iditarod race last week. In checking his standing today, he is thirty-first in a field of 64, which means, he still, perhaps, could win that race. Two 1,000-mile races in less than a month is really taking fitness to the extreme.

SENATORS' STATEMENTS

NINETEENTH YUKON QUEST

CONGRATULATIONS TO WINNER HANS GATT

Hon. Ione Christensen: Honourable senators, on February 24, 2002, I had the pleasure of participating in the nineteenth Junior Yukon Quest Awards Banquet. Honourable senators may have heard of the Alaskan Iditarod Sled Dog Race, but when it comes to separating the dogs from the pups, the 1,000-mile Yukon Quest is the yardstick by which such races are measured.

The Yukon Quest is run each year in February and this was its nineteenth year. The race follows a course from Whitehorse, Yukon, to Fairbanks, Alaska, following the Yukon River Valley. The race starts are alternated between the two cities.

What sets the Yukon Quest apart is the emphasis on endurance. The race is patterned on the old-time working freight teams, as compared to just speed. There are two major mountain ranges to pass. The temperatures run from minus 50 to plus 10 degrees. The weather is always unpredictable, with snow, wind, bare rocks, river overflow and sudden chinooks. Each team must carry all of its supplies and equipment, with only two stops where mushers can have handlers assist them with the feeding and care of its dog teams. The teams will often run from 24 to 48 hours without a rest.

At the halfway point of Dawson City, there is a mandatory 38-hour layover. There are vets along the way checking and monitoring the condition of the dogs. The race usually takes 10 days to complete.

Of the 41 teams entered in this year's race, 27 finished. Each team starts with fourteen dogs and must complete the race with at least six, and those that are dropped are picked up by handlers and brought home.

While most of the mushers are Alaskans, this year's winner was Hans Gatt from Atlin, British Columbia, who took home U.S. \$30,000. While that may sound like a large amount, when one has to feed 30 to 40 dogs all year, that amount does not go a long way.

HERITAGE

NATIONAL LIBRARY—DESTRUCTION OF ARCHIVED MATERIAL DUE TO INADEQUATE FACILITIES

Hon. Eymard G. Corbin: Honourable senators will recall that, in December, I raised the issue of the loss of documents in the National Library of Canada as a result of faulty equipment and other causes. Since I raised that issue, two other major incidents have unfortunately caused further damage to the national collection of precious archives.

There was a fire on February 6, 2002, in the building at 149 Bentley Avenue in Ottawa, and one of the most important newspaper collections in the world was damaged.

The most recent event occurred last night in the main building of the National Archives. It would be more appropriate for me at this stage to read the press release of March 6, 2002:

Today at approximately 2:00 a.m., the National Library was once again the victim of a major flood, causing thousands of dollars worth of damage. Hundreds of irreplaceable documents, stored in two basement levels in the Library's Wellington Street location, were affected.

The press release continued:

"It is tragic that, again, our published heritage was harmed. I am grateful for the efficiency and experience of the National Library staff, who are now experts at flood damage control," said Mr. Roch Carrier, National Librarian. "This is the 72nd incident to occur in the last 10 years. When will the next one be?"

Honourable senators, I do not know how to express my disappointment at the lack of governmental action to remedy this situation. I have obtained written answers to the questions I posed to the Leader of the Government in the Senate. I found that response unsatisfactory. Yet, we are proceeding with the erection of glorious, glass-encased buildings at a cost of tens of millions of dollars when we should be focused on the preservation of our national heritage.

SITUATION IN ISRAEL

Hon. Jack Austin: Honourable senators, as we are well aware, the President of Israel, Moshe Katsav, is in Ottawa today. As the formal head of the state of Israel, he is the guest of Canada's Governor General, the Right Honourable Adrienne Clarkson. This evening, President Katsav and Prime Minister Jean Chrétien are speakers at a community dinner in Ottawa, hosted by the Canada-Israel Committee.

To quote from the background briefing material supplied by the Department of Foreign Affairs and International Trade:

Canada has been a strong supporter and a loyal friend of Israel since its creation in 1948. Israel's right to security, its well-being, and its right to live at peace with its neighbours are fundamental tenets of Canadian policy.

From a primitive agriculture economy in 1948, Israel has become a highly sophisticated and developed economy, with particular skills in agriculture, pharmaceuticals and information technologies.

The Canada-Israel Free Trade Agreement came into effect in 1997 and since inception has doubled to \$950 million in two-way trade as of 2001. Canadian investment in Israel stands at over \$1 billion, focused primarily on the high-tech sector.

Regrettably, violence is a major feature in Israel's national life and in the lives of the Palestinian people. Every newscast and newspaper recounts the horrors that take place, that are causing gruesome deaths on both sides.

• (1340)

Quoting again from the background material:

Canada fully supports the creation of an independent and viable Palestinian state. It is Canada's view, however, that it is in the best interests of all concerned for such a state to emerge through negotiations.

Again regrettably, there are no negotiations taking place. Eighteen months after the unleashing of the current intifada, the violence is at an all-time high. To quote Israel's Minister of Justice, Meir Shehtrit, "They escalate so we escalate harder."

It is a truth that neither side is willing to be first in de-escalating violence because it would then appear to be the weaker side and lose credibility with its supporters and opponents. The march of folly appears to move on and on.

There is pressure from many quarters for the United States or Europe to intervene, thereby allowing the Israelis and Palestinians an opportunity to change tactics on the basis of that intervention. So far, the United States does not see any likely behavioural change from its possible intervention. To encourage the United States, the Crown Prince of Saudi Arabia has made a general comment to *The New York Times* regarding a peace initiative.

Later this month, United States Vice President Cheney will visit the Middle East. His talks with the Saudis and others will be followed by an important Arab League summit. For the sake of human progress toward decency, social justice, and peace and security for all persons, let us wish the peacemakers well.

[Translation]

IRAQ

PHASE II IN WAR AGAINST TERRORISM

Hon. Marcel Prud'homme: Honourable senators, will Canada be involved militarily in what is commonly termed Phase II of "the war against terrorism", making Iraq the next theatre of war? For several weeks, the George Bush administration has been hinting at the possibility of air strikes on Baghdad. During an official visit to Moscow, however, Prime Minister Jean Chrétien stated that Canada's policies are not the same as Washington's policies.

Ottawa does not look favourably on Washington's crusade against Iraq, Iran and North Korea, described by the Bush administration as the "axis of evil". Chrétien's statements clearly irritated the White House, as was made clear by Condoleezza Rice. Dr. Rice, National Security Advisor to President Bush, wasted no time requesting a clarification of the Canadian position from the PMO. Nevertheless, in speaking out against "unilateral action" by the U.S., the Prime Minister has again made it clear that the Iraq question should be resolved within the framework of the UN.

To what avail? U.S. President George Bush has indicated that such an operation could be launched by Washington without consulting the international community. This proves two things, if not more. Contrary to expectations after the events of September 11, the arrogance of American might remains unshakeable, in that the absolutist approach of the Bush administration to world affairs constitutes an invariable. The reservations expressed by the Europeans, Russians, Chinese, even the Canadians, in connection with the bombing of Iraq will not get the Americans to negotiate a solution to the Iraq problem within a multilateral diplomatic framework. If Washington's threats materialize, the Americans will likely move on to Phase II of "the war against terrorism", without taking the reservations of its friends or allies into account. Moreover, the Americans' more militaristic approach tends to mask the true political issues involved.

Security is without a doubt a fundamental aspect of stability around the world. However, is military power the only foundation for security? Certainly, the fact that the United States is the only country capable of waging war 7,000 kilometres away denotes its military supremacy. However, military supremacy is not everything. Let us not forget that history abounds with examples of great armies that have been forced to beat a retreat. The war against terrorism demands that we take real political action in the various conflicts around the world, and particularly in the Middle East, a region that is a powder keg.

There is a role for our country in the resolution of this conflict. Will we fulfil this role? Remember that, in 1956, Lester B. Pearson steered Canada's diplomatic role in a remarkable direction, one that resolved the Suez Canal conflict, in which England, France and Israel were in dispute with Egypt. This earned Pearson the Nobel Peace Prize the following year. Could Canada undertake this type of diplomatic mission now? It is our duty to take this approach. The Prime Minister has expressed his reticence about President George W. Bush's intentions to treat Iraq as it has Afghanistan. Will Canada change its position to suit the will of the U.S.? Let us hope not.

[English]

AUCTION OF BALLOT FOR LEADERSHIP OF CANADIAN ALLIANCE PARTY

Hon. Lorna Milne: Honourable senators, I rise this afternoon to provide some important confidential information to senators, particularly those on the other side of the aisle, on a great opportunity they have unfortunately missed.

Yesterday afternoon, a chance to be part of Canadian history was being auctioned off on eBay. Anyone had the opportunity to bid to obtain one ballot for the Canadian Alliance leadership race. Late yesterday afternoon, it would have cost a mere \$16 to obtain a ballot, without becoming a member of the Canadian Alliance. I am sure that there are many senators on the other side who would have loved to participate in this demonstration of grassroots democracy.

The auction was supposed to last for one week, but alas, it now appears that bidding on item 1711198730 has been halted. I am quite sure, honourable senators, that that is because of a lack of interest.

NATIONAL DEFENCE

AFGHANISTAN—TAKING OF PRISONERS—BRIEFINGS OF MINISTER

Hon. Laurier L. LaPierre: Honourable senators, I rise today to remind honourable senators that the Minister of National Defence, the Honourable Art Eggleton, has served in that capacity since 1997. He is, in fact, the second-longest serving minister since Brook Claxton, who occupied the post from 1946 to 1954.

In 1997, the Department of National Defence was a dysfunctional department reeling from the damage to public trust resulting from the Somalia affair, errant videotapes and a vocal community calling for the continued degradation of the Canadian Forces. Since that time, the Honourable Art Eggleton has brought about the most important and major institutional reform that has

contributed immensely to the re-establishment of that public trust.

His accomplishments — the steady increase in the budget of the department, important quality-of-life initiatives, reform of military justice and policing among others — are a matter of record.

However, in spite of that record and without anyone outside of the circle having been privy to the content and the quality of the briefings the minister received over the sorry affair of the prisoners in Afghanistan, we accept without reserve the testimony of generals and admirals — testimony that is recognized by almost everyone as self-serving.

Over the years, for my long list of sins, I have interviewed or been briefed by generals and admirals, especially when I served on the Minister's monitoring committee after Somalia, and I must tell you that in many encounters I have found a good many generals and admirals adept at manufacturing the truth — without lying, of course — as well as lacking in appreciation of the importance of transparency and openness in a democracy.

I am not surprised, therefore, that it took many briefings for all the necessary information to be pried out of the generals and admirals and conveyed to the minister.

Finally, it would be well for Canada if the generals and admirals remembered that Canada is not a banana republic.

BRITISH COLUMBIA

FIRST PROVINCIAL CONGRESS

Hon. Edward M. Lawson: Honourable senators, I had the privilege last week, with many others, to attend the first historic provincial congress in British Columbia, called by Premier Campbell. He had in attendance all the members of his government, including backbenchers and the entire cabinet and opposition members. He invited B.C. federal members of Parliament from the House of Commons and the Senate. The mayors of the 15 largest cities were in attendance along with representatives of the Aboriginal nations and a number of experts. It was an opportunity to deal, on a non-partisan basis, with problems affecting British Columbia and, surprisingly, it was the near unanimous consensus of the group that it was an unqualified success.

Members of the Senate, including Senators Austin, Carney and St. Germain and others, distinguished themselves by making outstanding constructive contributions to the Congress. They dealt with softwood lumber, infrastructure, transportation and medicare. At the premier's request, Senator Austin led the discussion on softwood lumber.

[Senator Prud'homme]

All agreed that the expert presentation we received on medicare was the finest ever in terms of clarity and understanding. Mr. David Baxter, Executive Director of Urban Futures, spoke for about 45 minutes on the various issues affecting medicare, the causes of the problems currently being encountered and how we can deal with them in the future. I recommend that Senator Kirby make the next meeting of his committee on the study of health care a Committee of the Whole, and invite Mr. Baxter as the witness to make his presentation to this chamber.

The provincial congress is to be an annual affair in British Columbia. I recommend such a congress to the premiers of provinces that have not held one.

• (1350)

ROUTINE PROCEEDINGS

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

TENTH ANNUAL MEETING—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Jack Austin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the tenth annual meeting of the Asia-Pacific Parliamentary Forum, held in Honolulu, Hawaii, January 6 to 9, 2002.

QUESTION PERIOD

NATIONAL SECURITY AND DEFENCE

REPORT OF COMMITTEE ON SURVEY OF MAJOR SECURITY AND
DEFENCE ISSUES—PORT SECURITY

Hon. W. David Angus: Honourable senators, my question today has to do with the report entitled “Canadian Security and Military Preparedness,” which was tabled here last week by our colleagues from the Standing Senate Committee on National Security and Defence.

It is obvious, from reading the report, that many senators in this chamber are very concerned about certain issues relating to national security. I understand from the national media, and from my own contacts, that Canadians are very concerned and confused. The report says, *inter alia*, that the major ports of this great nation are riddled with organized crime; that the patent lack of security in these ports has created a hotbed for the passage of

contraband goods and is generally creating a status of insecurity.

We have heard for months — indeed, for years — from our excellent neighbour to the south, that Canadian ports are literally a sieve. Matters of security in our ports have come to the fore as a result of the tragic events of September 11 and are being scrutinized. Yet, confusion is created, for example, by statements from our Prime Minister, who was reported widely in the media this week as saying that the ports are secure and everything is fine. Indeed, the highly respected Dominic Taddeo, the CEO of the Port of Montreal, says everything is fine and dandy and tickety-boo. Well, what is the situation?

What does the government intend to do with this report? Where will it go? Will the government address its recommendations?

I refer in particular to Recommendation No. 8 on page 129 of the report.

The committee recommends that a public inquiry, under the *Inquiries Act* into significant ports be established as soon as possible, with a mandate that will include...

Will the government convene such a public inquiry without delay?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Angus for his question in the chamber this afternoon. As he may be aware, members of the Senate received the report only yesterday afternoon. Members of the government, I assume, have only also received their copies within a matter of the last 24 hours.

However, I do have the assurance from the Ministers of Defence and Transport that their departments will review the report and, most particularly, the recommendations, although no decisions on those recommendations have been taken at this time.

Senator Angus: Honourable senators, that is all fine and dandy. However, I was just reading the *Calgary Sun*, as I do religiously every day, out of respect to my colleagues from the great province of Alberta. I noticed, on page 4, today, that the Chairman of the Standing Senate Committee on National Security and Defence, the Honourable Senator Kenny, fears that this vital report could wind up in the big black hole where so many vital reports wind up. In consequence, he is taking his one-man show across Canada to stimulate, according to the newspaper, a debate in this country on the issues raised therein.

I ask again: Will this report end up in the big black hole or will it get urgent attention? The free flow of goods in international trade between Canada and the U.S. is at stake because the very security we are all fighting to enhance and improve has apparently fallen down right in front of us in our ports.

Senator Carstairs: Honourable senators, there is such a thing as process. The Senate chamber has not yet approved this report. I suspect we have not approved the report because most of us have not yet read the report. We only received it at about this time yesterday.

Give it some time, Senator Angus, before you make accusations that the report is falling into a big black hole. Right now it is in the big Red Chamber.

CHURCH COMMUNITY

FINANCIAL SUPPORT FOR SETTLEMENT OF LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate. I want to return to a subject that I raised some time ago; namely, the residential schools litigation issue. I felt, at that time, that the minister was sympathetic to the point I was making, that this issue requires a reconciliation model, rather than litigation, in order to effect the human healing of all those persons concerned.

Honourable senators, since we last discussed this matter, what do we have? What I call "Ottawa permanence" has settled in. A bureaucracy with some \$53 million has now been set up. Only \$20 million of that \$53 million is devoted to settling the claims. We have 72 lawyers. We have \$11 million for their salaries. We have another \$13 million to \$14 million for ongoing research to deal with this file of 9,000 claims.

Just before he left the ministry, Mr. Gray made what the churches regarded as a take-it-or-leave-it offer, in which the federal government would agree to pay 70 per cent of the claims that were settled, meaning that the churches would have to pay 30 per cent. This offer had a paralyzing effect on the discussions — I will not even call them negotiations — that had taken place to that point. Nothing is happening now. Meanwhile, the churches have paid up to \$15 million to \$20 million for lawyers alone. That is before there has been a resolution or the human resolution required on this file. Now we have Mr. Manley, to whom I pay my respects, handling this file.

Would the minister bring to Mr. Manley's attention that this kind of "Ottawa permanence" in dealing with such a volatile issue is not the answer; rather, focusing on the construction of a reconciliation agreement that would not only include but go beyond financial compensation to effect human healing, is the way to go, which will require leadership by the government, in particular Mr. Manley.

• (1400)

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

he does not understand the file in the same way that I understand the file. I agree that reconciliation is an essential part of any settlement agreement with our Aboriginal people, and I do wish to see the settlement of these claims. We have learned, and his statistics quite clearly prove, that the claims have become highly tangled in the process of many lawyers, of courts, and much delayed action.

The proposition put forward by the federal government is that it is prepared to move, to settle out of court and to recognize the payment of 70 per cent of the agreed-upon compensation to the victims, as a result of arbitration hearings. This will go a long way in keeping many of these claims from prolonged action before the courts of this country.

Senator Roche: Honourable senators, I only can refer to my central point again. Mr. Manley is in the position to inject a fresh look at this file, that has now achieved a kind of permanence in the federal system. Specifically, is the 70/30 per cent split fixed or is it subject and open to negotiation?

Senator Carstairs: Honourable senators, the Government of Canada has offered 70 per cent of the agreed-upon compensation to victims. It has also agreed to continue its discussion with church groups. It is my understanding that the church groups are no longer willing to participate in such discussions and negotiations.

HERITAGE

NATIONAL LIBRARY—DESTRUCTION OF ARCHIVED MATERIAL DUE TO INADEQUATE FACILITIES

Hon. Eymard G. Corbin: Honourable senators, my question is for the Leader of the Government in the Senate, who may anticipate what it will be. It concerns the National Library archival collections that are in great danger of further damage following, for example, the fire in the newspaper collection earlier this year. Flooding occurred last night, which has put a number of valuable collections at risk.

Honourable senators, I have been around this place long enough to know that things happen if ministers want them to happen. Fortunately, there is now a new minister for Public Works and Government Services Canada. Would the Leader of the Government in the Senate vigorously pursue this issue with the Honourable Don Boudria and ask him to focus on this issue as a priority matter? I know that Minister Boudria has other priorities, but he is an Ottawa-area minister. He should have — and I am sure that he has an interest, political and otherwise — a responsibility to see to the preservation of our precious National Library archival collections. The honourable leader is a person of courage and vigour, and I ask her today to bring this issue to the forefront with the new minister.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Corbin raises an extremely important issue before the chamber this afternoon. It is all too often that the government focuses on what I like to refer to as “edifice complexes,” which are the bricks and mortars with which we built this nation. It is more important to focus on our lasting heritage of such things as books, documents and other items, the loss of which could mean the loss of a sense of ourselves as a nation. I will not only raise this matter through the normal channels, but I will raise it specifically with Minister Boudria by letter. I promise the honourable senator that this letter will be sent before the end of this week.

NATIONAL SECURITY AND DEFENCE

REPORT OF COMMITTEE ON SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES—PORT SECURITY

Hon. Ethel Cochrane: Honourable senators, my question is for the Leader of the Government in the Senate. It reflects the concerns that Senator Angus has in respect to the report of the Standing Senate Committee on National Security and Defence. My question is also the result of concerns expressed by the people in my province, in response to an interview that Senator Kenny had on Friday with the media and to the concerns that he raised regarding security of the ports.

I can appreciate that the honourable leader has not had the opportunity to review the report. However, in the process of doing so, I ask that she please give the public some sense and some peace of mind in respect to this issue. Give this not only to Canadians but to our American neighbours, who are also concerned that our ports not pose a risk to security, which is key to our safety and to the safety of everyone.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we should have a vigorous discussion of this report in this chamber, quite frankly. In addition to the information that the members of the committee have provided, I am sure that additional information could be provided by members of this chamber. I would bring both forward to the government.

As I indicated to Senator Angus, the government has undertaken to read this report thoroughly and to study it. As soon as there is information forthcoming from that report, I am certain that it will be made available to all honourable senators.

Senator Cochrane: Honourable senators, when the honourable leader provides the information on the report, could she also provide the information regarding the last budget, in which \$60 million was pledged to improve port security? We should like to know if this money is being used for the reinstatement of our port police across the country.

Senator Carstairs: Honourable senators, the answer to that question is simple. There has been no suggestion by any port

authority or by the government that that is the route they want to take. There has been considerable discussion about the need for additional port security. Thus, that money has been allocated for that use.

AGRICULTURE AND AGRI-FOOD

DOWNTURN IN INDUSTRY—GOVERNMENT SUPPORT

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. Farmers are probably, in some cases, less than one month away from planting. The minister had indicated some time ago that there would be a program of safety nets in place. Nothing has happened, and it looks as though nothing will happen. I called to speak to farmers today; they have lost faith in the federal government. Incidentally, Mr. Martin is speaking to the Association of Rural Municipalities tomorrow.

At Redvers, Saskatchewan, four quarters of land sold for \$28,000 per quarter yesterday by auction, one quarter for \$24,000 by auction, and that same land across the border, in the U.S., would sell for U.S. \$100,000. Yet, this land sold for Can. \$24,000. That equates about U.S. \$16,000. We have books of auction sales and they are full.

Honourable senators, who is buying the machinery? Canadian farmers have bought John Deere tractors from the Americans at American prices. The American farmers are coming here so that they can buy that good machinery at these auction sales and take it back across the border. With their dollar, they can buy so much.

Honourable senators, will we let the Americans buy out Canada? The Canadian dollar is not worth anything compared to their dollar that can buy up so much here. Will the government take action on a truly serious national situation that they have done nothing about in the last four years?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will dissociate myself from the last statement because there has been considerable advance made on this file in the last four years.

In respect of the senator’s concerns for the farmers, he is aware that there have been a number of federal-provincial meetings and there were additional meetings in January.

• (1410)

They are working toward a national strategy, but a national strategy in agriculture always involves both the provinces and the territories and the federal government. It is never a unilateral program of the federal government, and I do not think that the farmers of this country would want it to be a unilateral program.

Senator Gustafson: Honourable senators, let us be honest about the situation. The Prime Minister has a group studying the situation. The Standing Senate Committee on Agriculture and Forestry has been across the country studying the situation. It has been studied to death. We need action. If there is not to be any action, then tell us that. At least we will know what to do. Do our farmers put up the for sale sign, or do we continue to have some faith in this government?

There was a time, and it will come again, when the production of food was very important to this nation. Somehow the Americans know that; the Europeans know that, but we in Canada do not understand that.

Senator Carstairs: Honourable senators, the people of Canada do understand that, and they do value the food that is produced in this country. There is no question that the federal and provincial governments have been putting programs forward. In this year, a record of up to \$3.7 billion will be paid out through farm income programs. Quite frankly, I would like to see, as would everyone in the country, far better prices for the commodities that are being raised from one end of this country to the other.

However, no one can fault either the provincial agriculture ministers or the federal agriculture minister for trying hard to come forward with a concerted effort and program that is suitable and acceptable to provincial, territorial and federal governments.

Hon. Terry Stratton: Honourable senators, from what I understand, Western Canada has lost approximately 36 per cent of its farmers over the last two years. I am not saying that this crisis is unique to Canada. A reduction in the number of farmers is happening in the United States, and it is happening across the developed world.

However, to lose 36 per cent of the number of farmers is staggering, and it is scary. I know that the Leader of the Government in the Senate was out West this weekend and saw the conditions there. The West is a virtual dust bowl now. There is no snow. The wind is blowing. It is desert dry. The forecasts for the summer are not good. In other words, we could be in for a serious drought again. It is like a snowball that grows larger and larger.

Unfortunately, farmers are taking the attitude that the government seems to have abandoned them. The Leader of the Government may, of course, disagree with that, but they feel that the government has virtually abandoned them and is letting nature take its course. In other words, the government is allowing a winnowing out process of farmers to take place, as shown by the 36 per cent reduction. We lost the poor farmers a while ago; now we are losing the good ones. That is the frightening situation.

Honourable senators, I know that the government will try its hardest, but we must have something more than meetings and studies. I reinforce what Senator Gustafson has said. The government must come up with something.

There was an article in *The Globe and Mail* on the weekend that talked about towns virtually disappearing in Saskatchewan, not merely by the ones or tens. The forecast is that we will lose these towns by the hundreds. They are disappearing. The population of that province is under threat of diminishing substantially. That is frightening, and we need to have a response to that trend.

Senator Carstairs: Honourable senators, the provincial and federal agriculture ministers together are working on exactly that response. The statistics to which the honourable senator refers to is in respect to full time farmers, not all farmers. That is significant. Not all of these people have left the land.

However, the weather conditions do concern me. From the air, I have seen the ground in the province of Manitoba. More recently, having taken a low-altitude flight from Calgary to Medicine Hat, I saw absolutely no snow, none whatsoever. I saw brown barren fields, the kind of fields that one would normally see in November, not at this time of year.

Honourable senators, these weather conditions give me grave concern for not only farming and the cattle, but for the people who live in these communities, because clearly we are going to have ground water problems.

I do not want to diminish what either Senator Gustafson or Senator Stratton have said this afternoon. There are serious problems. Those problems need to be addressed, and I will continue to support the federal minister of agriculture in coming to some viable solutions.

Senator Stratton: Thank you.

[Translation]

JUSTICE

FEDERAL COURT DECISION—MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—COSTS TO GOVERNMENT

Hon. Jean-Robert Gauthier: Honourable senators, yesterday, a delayed response was tabled to a question that I had asked on February 5 regarding the maintenance of linguistic rights and contraventions. It is a fairly urgent problem. Did Senator Robichaud table his response on behalf of the government? If so, why was this not indicated in the response? It says “we,” but it does not say who says “yes” or “no.”

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, when I take a delayed answer, it is a question that has been asked of the government; and it is assumed that it is a response from the government.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

STOCKPILING OF DRUGS

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the response to Question No. 19, raised on November 8, 2001, by the Honourable Senator Kinsella.

• (1420)

ORDERS OF THE DAY

THE ESTIMATES, 2001-02

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2002, with the exception of Parliament Vote 10b and Privy Council Vote 25b.

Motion agreed to.

VOTE 10B OF SUPPLEMENTARY ESTIMATES (B) REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2002; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

VOTE 25B OF SUPPLEMENTARY ESTIMATES (B) REFERRED TO THE STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2002; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

THE ESTIMATES, 2002-03

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2003, with the exception of Parliament Vote 10 and Privy Council Vote 35.

Motion agreed to.

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2003; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

VOTE 35 REFERRED TO THE STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice given March 5, 2002, moved:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 35 of the Estimates for the fiscal year ending March 31, 2003; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

[*English*]

ROYAL ASSENT BILL

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Bill S-34, respecting royal assent to bills passed by the Houses of Parliament) presented in the Senate on March 5, 2002.

Hon. Jack Austin: Honourable senators, I move the adoption of the report.

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

Hon. Senators: Agreed.

Hon. Anne C. Cools: Honourable senators, has there been a mistake? It seems to me that we were waiting for the committee chairman to speak to the report before the question would be put. That is the proper way to proceed. It is a major and fundamental procedure of the Senate, and Senator Austin should have been permitted to speak before the question was put. It is very important.

The Hon. the Speaker *pro tempore*: I agree. It was my mistake to put the question so quickly.

Senator Cools: Now that we have moved so quickly, how do we back up?

The Hon. the Speaker *pro tempore*: Is there unanimous consent that I let the senator speak?

Senator Austin: Honourable senators, I am happy to have the report adopted. I will speak at third reading.

The Hon. the Speaker *pro tempore*: The report is adopted.

Senator Cools: Honourable senators, this is a most interesting situation. Her Honour has just accepted responsibility and said that she moved too quickly. Is this particular question a debatable question?

[Senator Robichaud]

We do not know what is in the report. Senator Austin may be happy with it; however, you must admit the whole question is rather unusual and irregular. It seems to me that we have a right here to expect a speech and some debate on the report, and we should hear from the chairman.

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Cools is right.

Senator Cools: Senators were trying to scramble to their feet. Somehow or other we must follow the right process.

The Hon. the Speaker *pro tempore*: It is the right of every senator to speak or not to speak. Senator Austin said he would speak at third reading now that the report has been adopted.

Senator Cools: There is also the right of the Senate to hear him speak to the report.

Senator Austin: If the Senate —

The Hon. the Speaker *pro tempore*: Order, please.

Senator Cools: We have a right to hear from the honourable senator on that report.

The Hon. the Speaker *pro tempore*: Does Senator Austin wish to speak? Do I have leave from the house that he may speak now?

Senator Austin: Honourable senators, I will speak now. My colleagues have asked me to speak at report stage, and I am glad to do so.

The Hon. the Speaker *pro tempore*: Honourable senators, if the honourable senator speaks now, I will call the vote on the adoption of the report after his speech.

Senator Austin: Honourable senators, you have before you the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament dealing with the reference of the Senate to the committee of Bill S-34, relating to Royal Assent to bills passed by the Houses of Parliament.

The standing committee, in obedience to the Order of Reference of Thursday, October 4, 2001, examined the bill and included in its examination a history of Royal Assent in other parliamentary jurisdictions: the United Kingdom, Australia and New Zealand.

The committee gave consideration to a process in this Parliament that began in 1983, when Senator Royce Frith introduced a motion asking the Senate to consider whether the procedure for Royal Assent could be amended to provide in certain circumstances for Royal Assent by written declaration.

As honourable senators know, the current generation of attempts to put this matter forward for consideration includes a private member's bill introduced by Senator John Lynch-Staunton, Bill S-15, in the previous Parliament. The government, in agreement with the honourable senator, adopted the bill, which currently forms Bill S-34.

• (1430)

The proposed legislation provides that Royal Assent will take place with two different systems, one under section 2(a) of the bill, in Parliament assembled, and the other under section 2(b), by written declaration.

The bill provides that there will be at least two Royal Assent ceremonies in Parliament assembled: one when the first bill of the session appropriating sums for the Public Service of Canada based on Main or Supplementary Estimates is presented, and then on one other occasion during the calendar year, such occasion to be chosen by the government. It has been indicated to us in evidence before the committee by Senator Carstairs, the sponsor of the bill, that the government would seek to choose an important piece of legislation and use the Royal Assent in Parliament assembled to highlight the importance and significance of that legislation to the Canadian people.

I wish to advise the Senate that certain amendments have been made by the committee with the support of the government. There was no preamble in the original bill. A preamble has been added, by amendment, to describe the essential nature of Royal Assent as a coming together of the Queen and Parliament. The proposed second paragraph of the preamble is as follows:

Whereas the customary ceremony of royal assent, which assembles the three constituent entities of Parliament, is an important legislative tradition to be preserved;

I wish to particularly commend the work of Senator Grafstein, who led a feisty discussion about various aspects of the bill and who proposed in the initial discussions that a preamble be included in order to describe the nature of Royal Assent and the reason for its importance.

Honourable senators, with respect to the written declaration process, after Parliament has given its concurrence to legislation, a written declaration will be taken to the Governor General, and the Governor General or his or her deputy will provide for Royal Assent "by written declaration," to use the exact words.

The committee reviewed the work of the McGraw committee in the other place, which referred to Royal Assent. It also reviewed the work of the Molgat committee in this house; that committee reported in 1985.

One of the recommendations of the Molgat committee was for a written declaration; in fact, every committee that has reviewed

this matter has been in favour of written declaration. Senator Molgat's 1985 committee recommended that when written declaration is used, it should be done in the presence of parliamentary witnesses, meaning representatives of the Senate and of the House of Commons. The principle that was used in Senator Molgat's report was that Royal Assent was a matter pertaining to the rights of the members of Parliament and thus they should have the opportunity to be present, even when written declaration was used. That provision is not contained in the bill. It was in an amendment that had been originally proposed, but the committee did not accept that amendment. I leave that for your consideration.

The opportunity to use written declaration with the Governor General or the Governor General's deputy was also discussed in the context of informal ceremonies. If written declaration were being employed, it would be possible for the government to invite Canadians who were affected by the legislation, proposed the legislation, supported the legislation or saw the legislation as vital to Canadian interests. They could be present at Rideau Hall, in the Speaker's chambers, or wherever Royal Assent by written declaration was being given. Nothing in the bill precludes that from taking place. Indeed, with respect to written declaration, there will undoubtedly be some guidelines proposed by government for discussion in the two Houses.

The committee has provided, apart from some amendments, an Appendix A with nine observations. I shall not take honourable senators through those. Honourable senators have the report before them, and they can consider those observations.

Those observations essentially focus on the importance of the Royal Assent procedure in Parliament assembled being treated with the significance that most senators believe it deserves. In other words, we will have two ceremonies a year in this Parliament. The view of the committee is that those ceremonies should be given the utmost of significance by the Prime Minister and the Governor General. It is the observation of the committee that both the Prime Minister and the Governor General should attend those two ceremonies. The ceremonies should be televised and there should be educational materials provided with respect to the important legislation to which assent is being given in Parliament assembled.

Honourable senators, it is also the observation of the committee that a better practice would be for the Governor General not to designate a member of the Supreme Court of Canada as a deputy but to designate a companion of the Order of Canada to act as deputy where a deputy is to be appointed.

I wish to note, for honourable senators, that the prerogatives of the Governor General allow her to appoint whomsoever she wishes, and Parliament has no authority to amend that particular prerogative. However, we can express a wish, and perhaps she will take our wish into account and, in consideration of the report, understand the reason therefor.

Honourable senators, that is the explanation I wish to give to the committee's report. I would be pleased if the house would adopt the report.

Senator Cools: Honourable senators, would the chairman of the committee take a question or two?

Senator Austin: Yes, I would be pleased to take a question.

Senator Cools: I have been looking at this report, and I find it quite an unusual procedural and even substantial phenomenon. The business of a report on a bill is usually to report the bill with or without amendments, and if there are amendments, simply to report the amendments. However, this particular report on Bill S-34 seems to contain a relatively verbose history. What is exceptionally unusual about this report is that it then turns around and, in addition to the narrative and the historical account, makes nine observations. These observations do not enter into the proceedings here, however, because they have not been read into the record. They all seem to be opinions of the committee.

• (1440)

However, there is one observation that is particularly unusual. This is not a small point, honourable senators, because for a question such as this, especially when it involves a bill in respect of the personal prerogative of Royal Assent, it would be expected and hoped that such a measure would go forward with the least controversy and disagreement. After all, the honour and dignity of Her Majesty — that is, of her person — are at stake.

Honourable senators, it is not my intention to vote against this report but it is certainly my intention to register strongly my objections to some of the elements in it. My question involves observation No. 4, which states:

In those rare circumstances where the Governor General is unavoidably unable to attend Royal Assent personally, in the view of the Senate, and in light of the separation of powers between the Legislative and the Judicial Order, it would be desirable if Judges of the Supreme Court of Canada were not to be asked to act as Deputies to the Governor General for the granting of Royal Assent, but that the Governor General consider the appointment of companions of the Order of Canada to serve as Deputies for such purposes, provided that no member of the Senate or House of Commons or of the Cabinet should be so authorized.

What is extremely unusual in this instance, honourable senators, is that we have observations in a report on a bill whereby we are addressing issues and subject matter that did not form part of the subject matter of the bill. Nor did it form part of any of the provisions of Bill S-34. This strikes me as an extremely stealthy and unusual way to have a committee express

an opinion or even have a Senate chamber express an opinion. My first question to the chairman of the committee is this: Why did he choose to proceed in that way?

Senator Austin: I do not treat that as a question; I treat that as a representation.

Senator Cools: Very well, I shall put the question in another way. What is the parliamentary authority procedurally, for the honourable senator as chairman and for the committee, to make such a recommendation within a report of the Senate committee?

Senator Austin: Honourable senators, there is no authority that prevents such an observation. The committee, in its wisdom, believes that this is an appropriate comment on the matters touching a bill relating to Royal Assent.

Senator Cools: I should like to challenge the committee chairman when he says that there is no barrier to this. For such a recommendation to be contained in a report that the Senate is expected to adopt — one that attempts to limit the powers or the rights of any senator to be called upon to perform Royal Assent — is unconstitutional and in flagrant violation of the Law of Parliament. Our chamber does not have a Lord Chancellor. However, in the House of Lords, the chamber upon which this chamber is modelled, that position is equivalent to the position of Speaker of the Senate. The Lord Chancellor is not only called upon to perform such functions but also is the highest representative of Her Majesty. If Senator Austin prefers, I could take the adjournment and speak on this rather than deal with it as a question. I was under the impression, however, that I would have full cooperation so that we could move the matter along. I do not understand why it is that in this report we are attempting to limit the rights of senators, of judges and of individuals to be called upon by Her Majesty to perform this lofty task of Royal Assent.

The Hon. the Speaker *pro tempore*: Honourable senators, before the Honourable Senator Austin replies, I must inform him that his 15 minutes have expired.

Senator Cools: Honourable senators, the honourable senator has 45 minutes to speak.

Senator Austin: I would be happy to answer the question, if the house agrees.

Hon. Senators: Agreed.

Senator Austin: Honourable senators, there is no attempt to limit anything. The observation is simply that, namely, an observation with respect to practice. There is no attempt to limit anything. As I said in my address on the tenth report, the Governor General is unencumbered in her choice of deputies. We made an observation. That is all it is.

[Senator Austin]

Honourable senators, with respect to the reference to members of the House of Commons, the Senate or the cabinet, I believe Senator Cools misunderstands the meaning of our observation. We are saying that the deputy who gives consent in the absence of the Governor General should not be a member of this chamber, a person who is not now in a position to give consent in a Parliament assembled. Furthermore, the person should not be a member of the House of Commons, who is not now a person who could give Royal Assent in Parliament assembled, and certainly it should not be a member of cabinet. Ministers are in attendance on the Governor General or the deputy to the Governor General and are not among those who give Royal Assent. We were seeking to avoid the issue where one of those persons, namely, a member of this chamber, of the other place or of the cabinet, who is a companion of the Order of Canada may be eligible to be chosen. That is simply what we were saying. I believe it is absolutely logical.

The Hon. the Speaker *pro tempore*: Honourable senators, the Honourable Senator Austin is not the sponsor of the bill. Only the sponsor of the bill has 45 minutes. Senator Austin is merely presenting the report of the committee. Therefore, the time allocated to him is 15 minutes, which has now expired.

Senator Cools: Honourable senators, perhaps we are creating a dilemma here. As I said before, I want to record here, as strongly as possible, that the opinions expressed in this committee report are not the opinions of all senators. It would have been far better if this matter could have proceeded without containing distinctly substantial and controversial provisions. Perhaps I should make it clear that I am voting to adopt the report because I believe that this kind of measure should go forward with as much agreement as is possible. In fact, the progress of this particular measure has been tainted with what I consider to be unnecessary contention and disagreement. However, I want it to be quite clear that as I am voting for the report, it is out of deference to Her Majesty the Queen and to the Governor General. In no way, in my mind...

The Hon. the Speaker *pro tempore*: Honourable Senator Cools, the time for the debate is finished.

Senator Cools: I have the right to speak now on this item.

The Hon. the Speaker *pro tempore*: You have.

Senator Cools: Perhaps I will start over and make my point.

Honourable senators, I had not intended to speak at this stage of the debate nor had I intended to speak to this particular set of measures. I had hoped, expected and anticipated that the committee would not bring forward such proposals, which in and of themselves deserve separate debate. Senator Austin describes these measures as “observations,” but they are not that. They are distinct propositions and they are distinct proposals.

• (1450)

To the extent that the proposals have come forward in this very questionable and unusual way, peculiar almost, and are contained in the body of a report that is expected to be adopted, I believe that I should record that I disagree with them and that I also think that it is inappropriate that the proposals are presented in this particular form. I think they are inappropriate in general. In other words, there are some bad propositions and bad proposals.

My objective, therefore, honourable senators, is to let the record show that I objected to these particular propositions in the committee hearings. I object now. I think they are undesirable, I think they are wrong, and I also think they should not have been moved forward contained and hidden in the body of a report pretending to be observations. If members of the committee had wanted these proposals to come forward, they should have been put before the chamber as distinct proposals, each and every one debated and each and every one decided upon by the Senate.

I know many do not agree, but I have a sincere and abiding belief in this system called the Queen of Canada and the Crown of Canada. We have a duty to uphold these institutions, they have served us well, and it is my hope that they will continue to serve us for posterity.

Motion agreed to and report adopted.

The Hon. the Speaker *pro tempore*: When shall this bill, as amended, be read the third time?

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

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, first, I must admit to my own sexual orientation. I am a gay man, living in harmony — harmony conditioned by human nature — with a kind and gentle man and whose silver ring I wear with comfort on the ring finger of my right hand.

Having admitted that, I must also tell you that my opposition to this bill has nothing to do with my sexual happiness, nor do I want to be married to my ring bearer, nor do I need my union with him to be recognized by the government and society, for I need only the recognition of my children and grandchildren, my immediate and extended family and my friends. I have that.

Why then do I oppose this bill?

I oppose it, first, because it is not necessary. It is a bill, according to its framer and sponsor, that makes evident what has been the rule of law since at least the beginning of Confederation and confirmed ever since on numerous occasions. If you look at Bill S-9, you will easily conclude that there is absolutely no need to make more evident or clear what is actually evident and clear in our Constitution and which has been the *de jure* and *de facto* reality since we have begun to function as a country.

I also oppose it because it defies reality. Here is what the Law Commission of Canada stated in its December 2001 Report:

There is as yet no census data or reliable studies on the number of lesbian and gay couples living together in Canada. The available data from small-scale studies suggests that gays and lesbians form enduring conjugal relationships in numbers comparable to the population as a whole. It appears that a significant minority of Canadian households consists of same-sex couples.

So we have these unions. They are part and parcel of the fabric of our national life. Lengthy discussions on the word “conjugal” may be intellectually interesting, but they remain totally socially irrelevant.

The reality is that gay people form unions and perform the responsibilities imposed by those unions just like married couples do and just like common-law couples do. That is the reality.

The Supreme Court declared in 1999:

— the capacity to form conjugal relationships characterized by emotional and economic interdependence has nothing to do with sexual orientation.

Honourable senators, there is also another reality, a reality that the sponsor of this unnecessary bill missed in her remarks introducing the bill with readings from the scriptures and the Book of Common Prayer of the Anglican Church. I would like to remind honourable senators, and again I quote the Law Commission of Canada:

Contemporary Canadian understanding of religious freedom and equality require that the state not take sides in religious matters. The history of marriage regulation in Canada has thus been characterized by a progressive

uncoupling of religious and legal requirements, reflecting a growing emphasis on the separation of church and state in a secular and pluralistic political community.

That is a reality.

Here is yet another reality: Marriage is no longer exclusively the institutional instrument for the procreation of children, an argument always put forward by the proponents of this unnecessary bill.

Listen once again to the Law Commission:

A review of the history of state regulation of marriage helps illuminate that the state interest in marriage is not connected to the promotion of any particular conception of appropriate gender roles. Nor is the state reserving marriage to procreation and the raising of children. People may marry even if they cannot or do not intend to have children. The purposes that underlie contemporary state regulation of marriage are to provide an orderly framework in which couples can express their commitment to each other and voluntarily assume a range of legal rights and obligations.

To vote for this bill then would be to accept the Neanderthal idea that common law is static and incapable of expanding to meet the various and changing needs of society.

I oppose the bill for those reasons but, above all, I oppose it because it is discriminatory.

By arguing that marriage as a civil right and conferring a civil status is the exclusive right and status of heterosexuals denies that right and status to those who are homosexuals. Thus, it is an affront to the Charter of Rights and Freedoms. Why? It is obvious. It denies that all Canadians, regardless of their religion, culture or their sexual orientation, are equal before the law, before the Charter, and before each other.

In my humble opinion, it would be most inimical to the interests of the Senate if, instead of repairing this massive injustice, we add to it. We will do that if we vote in favour of this legislation.

Honourable senators, the Senate would become a co-conspirator in the denial of a right to a particular segment of society while according it to others. All over this sacred land of freedom, same-sex couples form unions. They have the right to the status and the recognition of the validity of their union before the law and before their fellow citizens. The stubborn refusal by some heterosexuals who are determined at all costs to exclude some Canadians from the right and status and recognition they themselves enjoy, if their fiat is accepted — a fiat originating in the far, far away antiquity of time — is disheartening and bodes badly for the harmony that must exist between the different groups of a modern and democratic society.

• (1500)

We are told that marriage has been ordained since time immemorial for the union of a man and a woman. Well, it is not so. It became so. However, it is well to remember or to know that antiquity was full of same-sex unions; also, it was so in the early times of Christianity and Orthodoxy. This practice of same-sex union endured for centuries. Montaigne in 1578, while visiting Rome, found such a ceremony and union in the Church of St. John of the Latin Gate — a ceremony, he concluded, was in fact an ecclesiastical legitimization of homosexuality.

Honourable senators, if one looks at the historical evidence, one cannot escape the fact that marriage became a heterosexual extravaganza, blessed by all sort of deities, in order to assure the legitimacy of the children, the safe passage of the inheritance and the status of royals, feudal lords and families. They feared that illegitimacy, the fruits of which they came to enjoy through adultery, would cause havoc with the social status of the family and the tribal order.

The Church went along with it, no doubt because men of the cloth have always feared the power of women, particularly in sexual matters. Marriage made a woman the property of her husband and subject to him, thus controlling her to the largest possible degree. They forced her to hide her femininity under yards of cloth and contrived with the men of her family and with her husband to keep her ignorant and chained to the stove — a state that has been the fate of women in every conceivable church and religion we believe in and which have all been established by men wearing skirts. The Taliban, who also wear skirts, were only following the dictates of tradition.

It is obvious to me that to achieve the end of the subjugation of women it was necessary for the promulgators of marriage to launch a horrible campaign of discrimination against homosexuality — a campaign that coincided, oddly enough, with what became the compelling obsession of most religions: anti-Semitism.

In the long and cruel campaign against homosexuals of either sex, but particularly gay men, many have been discriminated against in the name of the gods and their lives ruined to maintain the hegemony of a fragile orthodoxy. They died in the dungeons of the princes of the churches and of the states or were burned at the stake by order of the churches or stoned in the public square of Imams. They died as well in the concentration camps of the Nazis. They died abandoned; they were denied comfort. They were reviled in the pulpits during the first days of AIDS, a moment in our history that I know much about; and they still die in the dark streets and parks of our cities. Moreover, while they lived and live, they were and are discriminated against — an abuse of human rights too often blessed by the silence or the conspiracy of the churches.

But we have survived. Even though our denials of rights and status and recognition continue, the gay women and men of

today living in my country are better off than I was in my youth, in my early manhood, in my middle age and even 10 years ago at the beginning of my old age.

Why am I telling honourable senators all this? It has nothing to do with bitterness for the atrocities of the past. I am telling you all of this because I do not want any more exclusion for any citizen of my beloved country. Exclusion always leads to betrayal and persecution. This is the lesson of history.

I beg of you, honourable senators, to accept the recommendation of the Law Commission to the effect that Parliament and provincial-territorial legislatures move toward repealing legislative restrictions on marriages between persons of the same sex. By killing this unnecessary, discriminatory and unjust bill, honourable senators will hasten the march toward the repeal of our pernicious marriage laws.

In conclusion, honourable senators, I beg of you: Do not go there. Kill this bill. More and more Canadians accept same-sex marriages. Provinces are studying legislation to recognize such unions, as are religions of various kinds. This movement or tendency is bound to grow. The day will come when all homosexuals will be equal with all heterosexuals. At that moment, harmony will be returned and the individuals of the group to which I belong will walk in the light of day and under the stars at night without fear.

The Hon. the Speaker *pro tempore*: The Honourable Senator Cools is the sponsor of the bill.

Hon. Anne C. Cools: Would the honourable senator take a question?

The Hon. the Speaker *pro tempore*: Will Senator LaPierre take a question?

Senator LaPierre: No, honourable senators. I am close to my emotions.

The Hon. the Speaker *pro tempore*: Senator Cools may ask a question.

Senator LaPierre: I said no.

The Hon. the Speaker *pro tempore*: I am sorry. I will recognize Senator Jaffer.

Senator LaPierre said no, he would not take a question. If Senator Cools speaks now, her speech would have the effect of closing the debate because she is the sponsor of the bill.

Senator Cools: I want to take the adjournment in the name of Senator Sparrow.

Hon. Mobina S.B. Jaffer: I was rising to take the adjournment in my name on this debate.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy...

Senator Cools: I said a few moments ago that I wish to take the adjournment in the name of Senator Sparrow. I said that about 30 seconds ago, before Senator Jaffer spoke.

The Hon. the Speaker *pro tempore*: I am sorry. I recognized Senator Jaffer because I heard her. She will take the adjournment of the debate.

Senator Cools: Your Honour recognized her after I said what I had to say.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Jaffer, seconded by Honourable Senator Cordy, that debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1510)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. E. Leo Kolber, pursuant to notice of February 20, 2002, moved:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study on the present state of the domestic and international financial system, which was authorized by the Senate on March 20, 2001, be extended to Thursday, March 27, 2003.

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

SEVENTH REPORT OF JOINT COMMITTEE—MOTION TO SEND MESSAGE TO HOUSE OF COMMONS OBJECTING TO UNILATERAL APPENDING OF DISSENTING OPINION—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of March 5, 2002, moved:

That a Message be sent to the House of Commons objecting to its decision of February 21, 2002 to append unilaterally a dissenting opinion to the Seventh Report on Official Languages, and thus ignore the legitimate rights of the Senate in a matter relating to a Joint Committee.

He said: Honourable senators, this serious and important issue demonstrates, yet again, the lack of respect and indifference toward the work of parliamentarians in the joint committees of both Houses of Parliament.

[*English*]

This matter is in respect of a unanimous decision taken by the other place, whether it has the authority to do that and whether it has the automatic approval or concurrence of the Senate in matters that result from a joint study.

The matter was an important question that resulted in a serious study and a parliamentary report by the Standing Joint Committee on Official Languages on Air Canada and its legal obligations under the Official Languages Act.

Whatever the practice may be in the House of Commons, whatever decision it may take regarding dissenting opinions in committee, it is not for us in the Senate to approve or disapprove. There are no rules here in the Senate regarding the approval and the printing of dissenting opinions. Our committees try to accommodate the views of the minority by incorporating them in the body of the report, by stating that on such-and-such a recommendation there were dissenting opinions. It would be a valid question to ask which rules apply to joint committees and how they deal with dissenting opinions.

Let me assure honourable senators that if Mr. Reid, the Canadian Alliance representative on the committee, had proposed his dissenting opinion in committee, or even discussed it, he would have met polite and firm opposition from many members of the committee. One should not bootleg a dissenting opinion after the fact.

In his remarks to the House of Commons, Mr. Reid said he was absent from the committee because he was detained in Toronto on the day of the tabling of the report. I can understand that. However, surely he could have asked a fellow member of his party to present his views to the joint committee. His party is, after all, the official opposition in the House of Commons.

In any case, we have a report that was produced by assiduous members of both Houses. I do not accept that the report can be changed or negated by an absent member of Parliament. There is one role of Parliament that I know well: Speak up at the appropriate time or forever keep your dissenting opinions to yourself.

I will not discuss the substance of the dissenting opinion. I think it would be incorrect of me to do so. My point is that if we remain silent on this matter, we will be creating new parliamentary procedures and abandoning the long tradition of parliamentary practices whereby both Houses must adopt measures that are similar in their object and consistent with longstanding practices of parliamentary rules, procedures and traditions. Further, if this matter is not challenged, it would make either House of Parliament the hostage of every dilatorious motion one can imagine.

The decision of the House of Commons to annex a dissenting proposition to a joint committee report, after the fact, without the concurrence of the Senate, is nevertheless an order, I must admit, of the House of Commons, and the Senate must object strongly to this practice. In my opinion, and without reflecting on the Speaker's decision at that time to accept said motion, it was an inappropriate proposition that should have been rejected or at least sent back to the Official Languages Committee for discussion and debate, and possibly decision.

I am familiar with the old rule of Parliament that once a decision is taken, once a question has been put and decided, it cannot be questioned again and must stand as the judgment of that House. I understand that. It is not for us in the Senate to offer advice to the other place on how to resolve this matter. The problem is with the House of Commons, not with the Senate. They must find a solution to correct their error or their mistake.

It is my firm conviction that joint committees have limited powers and that one House cannot act unilaterally. True, we do not have specific rules that apply to joint committees. Some honourable senators will recall that I tried years ago in this place, in 1994-95, to get agreement from the Senate and the House of Commons to draft rules for joint committees. I was the Chair of the Standing Committee on Privileges, Standing Rules and Orders in this place at that time. Senator Grimard worked with me on this issue in 1995. I fell sick in 1996 and he resigned or retired at about the same time. The issue is still with us. We do not have any rules for a joint committee.

The practice is simple. We have two co-chairs. If the House of Commons representative is in the chair, the rules of the House of Commons prevail. If a senator is in the chair, it is the rules of the Senate that prevail. The rules are quite different. I have lived in both Houses. They are different ballgames altogether.

[Translation]

The only powers that a joint committee has are those that it is granted by both Houses and these powers may not be expanded by an order of only one of the two Houses.

On Monday, February 18, 2002, the Joint Committee on Official Languages finished its report on services provided in both official languages by Air Canada.

On Wednesday, February 20, 2002, the Joint Chair of the Committee on Official Languages, Mauril Bélanger, came to see me in the Senate to inform me that he was planning on tabling the report on Air Canada in the House of Commons on Thursday, February 21, 2002.

Given that the Joint Chair of the Committee on Official Languages, the Honourable Shirley Maheu, was not present, I accepted, as a member of the committee, to table the said report in this house that very same day.

• (1520)

In the *Debates of the House of Commons* of February 21, we note that MP Scott Reid of the Canadian Alliance asked for unanimous consent to present a dissenting report to the report of the Standing Joint Committee on Official Languages.

What is the most offensive is that this dissenting report by Mr. Reid was officially appended to the report by the Standing Joint Committee on Official Languages without discussion in committee or the concurrence of the Senate. The *Journals of the House of Commons* state as follows:

By unanimous consent, Mr. Reid (Lanark—Carleton) presented a dissenting report, which was appended to the Seventh Report of the Committee — Sessional Paper No. 8510-371-131 tabled February 21, 2002.

Honourable senators need to keep in mind that this dissenting report was not discussed by the Joint Committee on Official Languages, nor included in the official report tabled by Mr. Bélanger in the House of Commons and by myself in the Senate.

As far as I am concerned, this dissenting report does not exist. Moreover, the House of Commons has overstepped its authority by agreeing unanimously and unilaterally to append a dissenting report, thus overriding the legitimate rights of the Senate in anything involving a joint committee.

I believe that this is serious grounds for a question of privilege, but knowing what I do of the situation and of the rules of the two Houses, I know that this objection would not go far, even if it gave rise to a point of order or a question of privilege, because a question of privilege raised in one Chamber has no impact on the other. The Speaker would tell me that it is up to the committee to settle this. Normally, that is what should happen, but in this case, it is a matter of a decision by one Chamber to modify a current report by a joint committee. This is not right.

Current practice under the rules, as I have said, is that, lacking any specific rule governing the procedure in a joint committee, it is up to the chair of the time, that is the Senate co-chair, to preside, applying the *Rules of the Senate*. When it is the House of Commons, on the other hand, it is the House of Commons chair, the MP, who presides. A knowledge of the two sets of rules is necessary to know the difference.

The objection that I am proposing is serious and unequivocal. One House cannot change a report adopted by a joint committee, even if it obtains the unanimous consent of the other House.

We cannot declare that tomorrow is Christmas! The House of Commons may, but we will not believe them. They have the power to say that tomorrow is Christmas? Come on now! They no more have the right to say that tomorrow is Christmas than they do to say that a dissenting opinion can be appended to a joint committee report, without asking the committee to decide on the issue. It is only common sense.

I already experienced something similar to this a few years ago when a joint committee tabled its report on important issues in foreign affairs. We had reviewed the country's foreign policy and tabled the report. We did not anticipate the extraordinary demand that ensued. There were not enough copies printed. The House of Commons decided, without consulting the Senate, to photocopy the report and change its format. The new copies included the dissenting opinion of the time with the main report, which is not at all the standard practice. We objected, but nothing happened. Senator MacEachen even raised a question of privilege. It was found that he was right, but that nothing could be changed since there are no provisions for joint committees in the rules.

I will read some excerpts from the ruling by Speaker Molgat, given in the *Debates of the Senate* for February 14, 1995, on page 1193.

The procedures of our joint committees are not adequately defined in their terms of reference. There is nothing about the rules or procedures that prevail in case of difference between the two chambers.

He concludes:

Perhaps [our Standing Committee on Privileges, Standing Rules and Orders], in consultation with a committee of the other place, could propose a set of rules for approval by both chambers.

This has not yet occurred. Perhaps some serious thought needs to be given to it. It would be important, if we want to continue to have joint committees, for the people working on those committees to know what rules apply. I invite MPs and senators to show their disagreement by supporting my motion to censure an action taken by the House of Commons. The legitimate rights of the Senate in a matter relating to a joint committee must be respected.

[Senator Gauthier]

I call upon honourable senators to support this motion and to suggest to the House of Commons that it annul the decision to append this dissenting report to the report by the Joint Standing Committee on Official Languages, tabled on February 21, 2002.

On motion of Senator Maheu, debate adjourned.

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY NEED FOR NATIONAL SECURITY POLICY—DEBATE ADJOURNED

Hon. Jane Cordy, pursuant to notice of March 5, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

- a. the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent a national emergency or attack;
- b. the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- c. the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- d. the security of our borders.

That the Committee report to the Senate no later than June 30, 2003, and that the Committee retain all powers necessary to publicize the findings of the Committee until July 30, 2003; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Hon. Tommy Banks: Honourable senators, I would like to ask Senator Stratton and Senator Cordy questions. My first question is for Senator Cordy. Would the honourable senator reflect on, for reasons which I promise to explain in a few minutes, her reaction and my known reaction to questions that were raised in the house yesterday, and that may be raised again, in respect of the last part of the request for reference, which was just put, concerning the Senate's accepting the tabling of a report of a committee on a date specific by filing it with the Clerk of the Senate in the event that the Senate is not on that day sitting?

• (1530)

I should like also, as a matter of order, I suppose, but having to do with this issue, to correct an impression that I gave the Senate yesterday in response to a question from Senator Stratton on this order of reference and the previous one. I had said that the report of the Standing Senate Committee on National Security and Defence had been tabled with the Clerk of the Senate on February 28. The February 28 tabling was in fact the day on which the press conference took place at which the report was made widely public. However, the actual filing with the Clerk of the Senate of the present fifth and final report of the Standing Senate Committee on National Security and Defence was made on Thursday, February 27. I wanted to place that on the record to clarify matters.

Having heard the criticism of yesterday, does Senator Cordy still believe that it is appropriate that the provision to table the report with the Clerk of the Senate if the Senate is not sitting continue to be contained in the present request for a reference?

Bear in mind that there is not now a way to know whether the Senate will be sitting on June 30, 2003. We may not be sitting, but the committee's request for reference asks permission, if the Senate is not sitting on that day, to file the report as per the *Rules of the Senate* by tabling it with the Clerk of the Senate. I would ask Senator Cordy to speak to that question.

Senator Cordy: The entire committee developed this motion; therefore, I will not to take it upon myself to change the date. We sat down as a committee and determined that this was exactly what we wanted as a motion. If Senator Banks recalls, we went through the report word by word, so I would not even wish to attempt to change a "the" on my own.

I do understand the concern raised yesterday by Senator Stratton that senators would wish to have the document in their hands before they read about it in the newspaper. I suppose that as a committee we could keep that in mind. However, I can say that I would not change even one word of the report, since we spent so long in the committee examining each and every word.

Hon. Terry Stratton: When I asked the question yesterday with respect to the release of the report and was informed later by Senator Banks that it was on the Internet, I checked the document itself. I believe it is something like 236 or 238 pages, which is quite a substantial report. If we are out in our regions and we receive such a document by e-mail, to print it off would

not be a quick process with my printer. That is something that we should look at when we are releasing reports. I believe Senator Cordy did the right thing, but it was tough not to have the report in hand to comprehend what was happening in the press conference.

If there is an executive summary in that report — and I know there is — we should at least have access to it so that we can be informed, even if not totally informed. If our offices receive the whole report, they are not likely to e-mail the entire 236-page report and recommend that we read it. That is not normally done unless requested. On a matter of significance such as this, to receive an e-mail with the executive summary is of great advantage for all honourable senators. That may be a practice that this chamber should adopt, if we are to do this in the normal course of events.

In other words, the report can be released publicly as it is tabled in the Senate. Then, if the Senate is not sitting, information can be passed on by way of executive summary to honourable senators who are out in the various regions of the country. In that way, we can at least be informed.

Would Honourable Senator Cordy wish to comment?

Senator Cordy: Yes. I should like to start off by saying that computers work much faster in the East.

It is good that this issue has been brought forward for discussion, since it involves not just the National Security and Defence Committee but for any other committees that are putting forward reports. The members of the committee worked long hours because we knew that we had to get our report to the translators and to the printers before the date that we had submitted to the Senate. We told the Senate that our report would be put out on a specific date. If we had asked for an extra week, it may have been easier for us.

Every committee tabling or presenting a report should take note of the issue that was raised yesterday. We did not take into account those weeks when the Senate had planned to sit but did not. The National Security and Defence Committee will be very cognizant of this when it brings forward its next report, and hopefully all other committees will do the same thing.

Senator Stratton: The report is quite comprehensive and has a huge impact on the recommendations with respect to national defence in particular.

When the committee was given its mandate by the Senate, it was virtually to go out and define what the committee would examine. The committee felt that it needed to do that to have a comprehensive understanding of what was required. There was some concern on the part of some honourable senators as to why the committee needed to spend that kind of money to get an outline of its function and role, when a new committee such as the Human Rights Committee, for example, did the same for \$600. I was concerned about that. I accept the fact that what the committee did was right and the chamber accepted that.

The remaining question is this: Did the committee clearly define its mandate and role in this report?

• (1540)

Senator Cordy: As a member of the committee, I would say the Senate got very good value for its money due to the number of hours we put in. I thank the honourable senator for his comments on the comprehensiveness of our report.

The committee took a long time to determine how we should go about starting our work and what we should do. Coming into this committee, members were at different levels in terms of background knowledge. As a group, we decided the best way to proceed was to visit military bases and talk to military and security people to determine their concerns, such that our committee could determine the future direction we wished to take.

I wish to say that this first report answers all the questions raised, but I think it has created the idea that there is so much more that we have to learn. In fact, it is only an overview of national security and defence in our country. Thus, we have selected other areas to go into in more detail during the next year and one half.

Hon. John G. Bryden: The honourable senator indicated that she cannot change a word of this motion because every word is carefully crafted. Of concern to me is that it is highly unlikely that the Senate will be sitting on June 30. In the seven years I

have been here we have never had to go that late. Sometimes the folks on the other side play a few games, but we generally rise before the last week.

Senator Stratton: There have been exceptions since I have been here.

Senator Bryden: The reason some of us are concerned is that if we have adjourned for the summer and this motion is adopted, members of the committee, including the chairman, will be able to spend the summer travelling the nation, or nations, if they wish, explaining to the public what the report is all about before the Senate has had a chance to debate it.

It just happened that a report was filed in February while we were not sitting, in order to meet its final date. Therefore, even though it is a final date, it is a legitimate concern to say, why would you put June 30 as a date?

Senator Cordy: The wording says no later than June 30. I understand the honourable senator's concern. It was a concern raised yesterday. All I can say is that, as a committee, we will be very aware of what happened this time and give every assurance that it will not happen again.

On motion of Senator Maheu, debate adjourned.

The Senate adjourned until Thursday, March 7, 2002, at 1:30 p.m.

CONTENTS

Wednesday, March 6, 2002

	PAGE		PAGE
SENATORS' STATEMENTS			
Nineteenth Junior Yukon Quest Congratulations to Winner Hans Gatt. Senator Christensen	2320	Senator Stratton	2326
Heritage National Library—Destruction of Archived Material Due to Inadequate Facilities. Senator Corbin	2320	Justice Federal Court Decision—Maintenance of Established Linguistic Rights—Costs to Government. Senator Gauthier	2326
Situation in Israel Senator Austin	2321	Senator Carstairs	2327
Iraq Phase II in War Against Terrorism. Senator Prud'homme	2321	Response to Order Paper Question Tabled Stockpiling of Drugs. Senator Robichaud	2327
Auction of Ballot for Leadership of Canadian Alliance Party Senator Milne	2322	<hr/>	
National Defence Afghanistan—Taking of Prisoners—Briefings of Minister. Senator LaPierre	2322	ORDERS OF THE DAY	
British Columbia First Provincial Congress. Senator Lawson	2322	The Estimates, 2001-02	
<hr/>			
ROUTINE PROCEEDINGS			
Asia-Pacific Parliamentary Forum Tenth Annual Meeting—Report of Canadian Delegation Tabled. Senator Austin	2323	National Finance Committee Authorized to Study Supplementary Estimates (B). Senator Robichaud	
<hr/>			
QUESTION PERIOD			
National Security and Defence Report of Committee on Survey of Major Security and Defence Issues—Port Security. Senator Angus	2323	Vote 10b of Supplementary Estimates (B) Referred to the Standing Joint Committee on the Library of Parliament. Senator Robichaud	
Senator Carstairs	2323	Vote 25b of Supplementary Estimates (B) Referred to the Standing Joint Committee on Official Languages. Senator Robichaud	
Church Community Financial Support for Settlement of Lawsuits by Former Students of Residential Schools. Senator Roche	2324	Senator Robichaud	
Senator Carstairs	2324	The Estimates, 2002-03	
Heritage National Library—Destruction of Archived Material Due to Inadequate Facilities. Senator Corbin	2324	National Finance Committee Authorized to Study Main Estimates. Senator Robichaud	
Senator Carstairs	2325	Vote 10 Referred to the Standing Joint Committee on the Library of Parliament. Senator Robichaud	
National Security and Defence Report of Committee on Survey of Major Security and Defence Issues—Port Security. Senator Cochrane	2325	Vote 35 Referred to the Standing Joint Committee on Official Languages. Senator Robichaud	
Senator Carstairs	2325	Royal Assent Bill (Bill S-34) Report of Committee Adopted. Senator Austin	
Agriculture and Agri-Food Downturn in Industry—Government Support. Senator Gustafson	2325	Senator Cools	
Senator Carstairs	2325	Bill to Remove Certain Doubts Regarding the Meaning of Marriage (Bill S-9) Second Reading—Debate Continued. Senator LaPierre	
		Senator Cools	
		Senator Jaffer	
		Banking, Trade and Commerce Committee Authorized to Extend Date of Final Report on State of Domestic and International Financial System. Senator Kolber	
		Senator Gauthier	
		Official Languages Seventh Report of Joint Committee—Motion to Send Message to House of Commons Objecting to Unilateral Appending of Dissenting Opinion—Debate Adjourned. Senator Gauthier	
		Senator Gauthier	
		National Security and Defence Committee Authorized to Study Need for National Security Policy. Senator Cordy	
		Senator Banks	
		Senator Stratton	
		Senator Bryden	



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