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OFFICIAL REPORT
(HANSARD)

Wednesday, May 1, 2002

—
**THE HONOURABLE DAN HAYS
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Wednesday, May 1, 2002

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE SENATE

SECURITY STAFF OF PARLIAMENTARY PRECINCT SERVICES DIRECTORATE

Hon. Marcel Prud'homme: Honourable senators, I would like to take advantage of this opportunity to pay particular tribute to the Senate security staff. Readers of the *Hill Times* or the Ottawa dailies will surely have noted that the Senate security staff are being discredited. This is totally inappropriate. It is true that negotiations are currently under way.

[*English*]

I wish to pay homage to our Senate security staff. I speak to them all. They will not complain about this, but many of them are offended.

[*Translation*]

We are being very well served. We need no lectures from the other place, or from others with their overall plans for Senate and Commons security. I find it most regrettable that we are forced to read such comments, which may be detrimental to the morale of Senate security staff.

If improvements are needed, let them be made. We should be very prudent as far as our institutions are concerned. Is it a matter of change for the sake of change, and of taking advantage of the paranoia about security that seems to have taken hold of certain people, leading them to change institutions?

We are well served by our security staff. I think security can be improved, but that does not mean it should be discredited. I believe the Senate should join with me in showing them that we have total confidence in them. We will take the steps that are necessary and the committee will be very prudent. We should call upon the alumni, and you know what this means.

[*English*]

I include, in the list of alumni, Senator Graham and the others who have a better institutional memory of the Senate than I.

I would wish to have the opportunity to comment before any change is made concerning the security staff of the Senate.

ASIAN HERITAGE MONTH

Hon. Mobina S. B. Jaffer: Honourable senators, in May 2002, Canadians will officially celebrate Asian Heritage Month for the first time.

[*Translation*]

We want to thank Senator Poy for her efforts on behalf of Asian Heritage Month.

[*English*]

Thank you, Senator Poy.

Every year, Canadians are invited to take part in the festivities that commemorate the legacy of Asian Canadians, past and present, during Asian Heritage Month. This year, the Government of Canada has officially recognized May as Asian Heritage Month. The month-long festival plays a significant role in identifying and articulating the vibrant Asian-Canadian culture within Canada and is a tribute to the individuals and organizations that come together each year to showcase and highlight the diversity of the artists and cultural expressions emerging out of Canada's Asian communities.

Under the leadership of President Bev Nann, the Vancouver Asian Heritage Month Society has been organizing events to showcase Asian heritage for a long time. This year's theme is "ExplorASIAN 2002" and will feature 150 events across the lower mainland. We should be proud of Asian-Canadian contemporary culture because it is homegrown culture. It represents Canada.

[*Translation*]

According to Bev Nann: "This is a culture which belongs to all Canadians and which contributes to the advancement of multiculturalism."

[*English*]

On a personal level, it means that my daughter Farzana is taught Bharatnatyam, Indian classical dance, by world-renowned Indian classical artist Benoit Villeneuve, a native Quebecer whose Indian name is Jai Govinda.

[*Translation*]

Because of the existence of this new culture, he is able to teach traditional Indian dance in British Columbia, and in French.

[*English*]

Our great country's diversity makes our celebration of Asian Heritage Month belong to all Canadians.

• (1340)

FUNERAL OF PRIVATE NATHAN SMITH

Hon. Jane Cordy: Honourable senators, on Wednesday, April 24, I had the privilege of attending the funeral of Private Nathan Smith at St. Luke's Church in Dartmouth. Nathan Smith of Ostrea Lake, a small community outside of Dartmouth, was one of the four Canadian soldiers killed in Afghanistan. St. Luke's Church is located on Veteran's Avenue. It is surrounded by Louisbourg Lane, Skeena Lane and Shawinigan Lane, all named after Canadian warships. The minister who spoke at the service noted this coincidence. Many veterans attended the funeral to remember and to honour Private Smith, even though many had never met him.

What do we learn as Canadians from a tragedy such as this, that has taken the lives of four young men? I spoke to a friend of mine whose children grew up with Nathan Smith, and she told me that her daughter's comment was, "Remembrance Day will have a whole new meaning." This is a good thing, as we sometimes become complacent about the service given to us by those who are members of the Canadian military.

At Private Smith's funeral last Wednesday, one of his comrades from the Princess Patricia's Canadian Light Infantry spoke about Private Smith, his colleague and his friend. He noted what the military and soldiers, particularly, have done to protect the freedom of Canadians. I will share with you a paraphrase of his words.

When you read a poem or a book, thank not the poet or the novelist for the freedom of speech, thank a soldier. When you are part of a demonstration or rally, thank not an activist for the freedom to march, thank a soldier. When reading a newspaper or watching television, thank not a journalist or a broadcaster for the freedom of speech and expression, thank a soldier.

There is no one who so passionately salutes the Canadian flag with pride and patriotism as our military. Let us not forget the freedoms our soldiers have fought for in the past and continue to fight for today. Let us, too, say, "Remembrance Day has a whole new meaning."

ASIAN HERITAGE MONTH

Hon. Vivienne Poy: Honourable senators, in December 2001, the Senate voted unanimously to recognize May as Asian Heritage Month in Canada. This month the Government of Canada will officially launch the first national celebration of Asian Heritage Month. I have had many calls from Asians across the country who are delighted by this official acknowledgement. They see this recognition as a valuable opportunity to raise awareness among the mainstream community about Asian Canadian contributions to Canada.

Asian Heritage Month is a cause for celebration and a chance to pay tribute to the strength that Canada has derived from those of Asian heritage. Canadian diversity has enriched this nation in so many ways — socially, politically, economically and culturally — and it will continue to do so as Canada responds to globalization

by opening its doors to the world. Throughout the month of May, Canadians can learn about Asian culture and community both in Canada and abroad. It is my hope that new ties will develop between various communities through intercultural exchanges and mutual education.

As the Honourable Sheila Copps, Minister of Canadian Heritage, stated, "Asian Heritage Month is an ideal occasion for all Canadians to celebrate the beauty and wisdom of various Asian cultures."

Speaking personally, my own city of Toronto has benefited tremendously from its Asian population. As the Lieutenant Governor of Ontario, the Honourable James K. Bartleman, wrote: "One only has to look at the dynamic cultural and economic influence of Asian Canadians in Ontario's capital to see how life for all citizens has been enriched." As a result of the important role played by Asian Canadians, Mayor Mel Lastman of Toronto also proclaimed May as Asian Heritage Month in Toronto.

Activities are taking place across the country to mark Asian Heritage Month, which will have a positive impact on the lives of Canadians not only during the month of May but throughout the year. Canadians from all over the world are proud of our multicultural country, and during this month we will all have a chance to once again celebrate our achievement as a unique and dynamic nation.

[Translation]

ROUTINE PROCEEDINGS

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

FIRST PLENARY MEETING, MARCH 13 TO 16, 2002—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table the report of the Canadian delegation to the first plenary meeting of the Inter-Parliamentary Forum of the Americas, held in Mexico City, Mexico, from March 13 to 16, 2002.

THE SENATE

COLOMBIA—RESOLUTION OF CONCERN OVER
VIOLENT EVENTS AND RECENT THREATS TO
DEMOCRACY—NOTICE OF MOTION

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, recognizing the important efforts made by the Colombian government to seek a lasting peace for the people of Colombia;

Regretting the breakdown in the peace process;

Stressing that the protection of Colombia's civilian population remains a primary concern;

Noting that the intensification of violence since the breakdown in the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is seriously undermining the legitimacy of the electoral process; and

Considering that attacks by the armed actors, including the abduction of Presidential candidate Ingrid Betancourt on February 23, 2002, and plots to assassinate other leading candidates, are compromising the democratic process in Colombia;

[English]

The Senate of Canada

Expresses concern regarding the violent events and recent threats to democracy in Colombia;

Urges the Revolutionary Armed Forces of Colombia (FARC) for the immediate and unconditional liberation of all hostages that remain kidnapped, including Mrs. Betancourt and her assistant Clara Rojas; and

Calls on all parties to respect their obligations under international humanitarian law and to take steps leading to a negotiated and just peace, that will provide a secure future for all Colombians and end the armed conflict.

That a Message be sent to the House of Commons informing that House that the Senate has passed this Resolution and requesting that House to unite with the Senate therein.

• (1350)

[Translation]

NOMINATION OF HONORARY CITIZENS

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Friday, May 3, 2002:

I will call the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I wish to inform you that the Leader of the Government is absent for health reasons.

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed answer to the question raised on April 24, 2002, by Honourable Senator Buchanan regarding the Cape Breton Development Corporation.

CAPE BRETON DEVELOPMENT CORPORATION

NEGOTIATIONS ON REOPENING DONKIN MINE— REQUEST FOR UPDATE

(Response to question raised by Hon. John Buchanan on April 24, 2002)

The Cape Breton Development Corporation (Devco) discontinued its mining operations in December 2001 and is in the process of surrendering its mineral lease to the Province of Nova Scotia. There are no ongoing negotiations between Devco and the Cape Breton Miners Cooperative to open the Donkin mine.

[English]

ORDERS OF THE DAY

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-39, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Jaffer*).

Hon. Francis William Mahovlich: Honourable senators, I rise today in support of Senator Poy's Bill S-39, to amend the National Anthem Act to include all Canadians. I must admit that, at first, I felt the lyrics of our national anthem should be preserved as it is part of our tradition. However, I have learned that the original 1908 text by the Honourable Robert Stanley Weir states "true patriot love thou dost in us command." I believe this original line reflects a key Canadian value — inclusiveness.

Moses, some 3,500 years ago, gave us the Ten Commandments. The fourth commandment states, "Honour thy father and thy mother." It does not say "honour only your father."

The line "in all thy sons command" had an appropriate use during the early part of the 20th century, as all our soldiers at the time were men. There was an immense contribution by women during the war effort; however, it was men who died in combat. Times have changed.

Today, there are almost 7,000 women in our regular Armed Forces and many more in the reserves who are willing to put their lives on the line for our country. Right now, our troops are overseas risking their lives. Some of our troops are women. Should we not recognize their contributions?

Using inclusive language is one way of emphasizing the responsibility we have to take a stand against one of the forms of discrimination found in our country. Language is powerful and formative. It determines how we perceive ourselves and other people.

As a civilized society, we should be very proud of our accomplishments. Today, we have women at the highest levels of government, in corporate boardrooms, in the military, and in many other occupations that traditionally have been exclusively male.

Of the Canadian athletes who represented our nation in Salt Lake City, approximately 40 per cent were women. It was only 20 years ago that the rights of women were enshrined in the Charter of Rights and Freedoms. Women have fought hard for these gains. It seems only fitting that our anthem should reflect this significant change in our society.

Yesterday, I was speaking with Michael Burgess, the famous charismatic Canadian tenor who sings our national anthem at least once a day. He does not see a problem with the amendment and agreed that the change may be a little awkward at first, but we will get over it. It is the right thing to do.

In 1984, the song *Advance Australia Fair* was proclaimed as Australia's national anthem. At that time, a parliamentary committee recommended amendments to the song. The changes included amending the words "Australia's sons, let us rejoice," to "Australians all, let us rejoice." The words "For loyal sons beyond the seas" became "For those who've come across the seas." These changes were made to include all Australians.

Our national anthem should be gender neutral and traditional, amended to include all Canadians, reflecting the values for which Canada stands — tolerance, diversity and equality.

Honourable senators, life is all about change. Change is inevitable. Nothing is constant in life except, of course, death and taxes. Sometimes the right thing to do is not always easy, but it should still be done. I remember the tremendous pride I felt when I sang *O Canada* in Russia during the 1972 hockey series. I will feel the same pride today singing it with this small amendment.

I feel Canada should have an anthem that includes all Canadians.

On motion of Senator Lapointe, debate adjourned.

[Senator Mahovlich]

FIRST NATIONS SELF-GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-38, declaring the Crown's recognition of self-government for the First Nations of Canada.—(*Honourable Senator Tkachuk*).

Hon. David Tkachuk: Honourable senators, Bill S-38 would declare the Crown's recognition of self-government for the First Nations of Canada.

Many honourable senators were appointed to this place after I was appointed. Many honourable senators were appointed after I had begun my work on Aboriginal self-government.

• (1400)

I wish to take the opportunity today to outline my views. I have tabled three private members bills in this place since March 1995. After two elections and several prorogations, we now have Bill S-38 before us, which is the same bill in principle, though greatly improved upon after taking into account much of the testimony that was presented in its past lives, and for which much testimony was gathered and heard. The Senate has passed this bill in principle twice before.

When I began my work in 1994, before I introduced my first bill, the federal government did not have a policy framework for self-government. What it did have were negotiations that took place for both the Meech Lake and Charlottetown accords. These provided for a seat at the national negotiating table for First Nations and a place that would be later incorporated into Canada's national policy framework.

In his speech, Senator St. Germain talked about enabling legislation and that Bill S-38 is the foundation only for "those First Nations with a land base who seek an alternate route to becoming self-governing." The case I will make today is for the need for this type of enabling legislation in the case of First Nations with Aboriginal lands that are held under title.

I will begin by highlighting the title of this bill, the *First Nations Self-Government Recognition Act*. This is significant because it echoes the federal government's own acknowledgement and policy of recognition of First Nations' inherent rights of self-government since the Constitution Act, 1982, section 35 and the landmark *Delgamuukw* case which was the Supreme Court of Canada's confirmation in 1997 of the legal and constitutional dimensions of Aboriginal title.

What about due process and result-oriented government, two principles upon which the current federal government strives to legislate? Bill S-38 is legislation that offers a real framework for self-government negotiations and answers the dual calls of due process and result-oriented government. Many of you will recall the Nisga'a agreement that eventually received the support of Parliament, although not without some misgivings about whether it was the right process, if the right settlement was made, if the right individuals and community became self-governing.

Self-government does not mean that Canada washes its hands of its Aboriginal populations. Far from it. For example, the Nisga'a agreement cost the Canadian government a one-time payment of \$255 million, and that did not include any provincial costs, foregone forestry revenue, or the ongoing annual costs agreed to be paid to the Chief of the Nisga'a band, to be shared with the Nisga'a people, which totalled a one time cost of \$487.1 million. This amount does not fully include the funding the Nisga'a already receive under the Indian Act and will continue to receive. With the signing of the agreement, the federal government has agreed to an annual transfer of funds greater than what the Nisga'a currently receive in support of program and service delivery of education, health care, social and local services.

I am saying self-government is only the end of the negotiating process. Self-government acknowledges in a practical way, not just in theory, the fundamental rights, inherent rights and self esteem rights to which every individual Canadian is entitled. However, self-government is only the beginning for First Nations. It is the beginning of economic independence, social and educational rights, further independence and cultural precedents.

It is important and essential that negotiations be concluded and not continue over generations. Negotiations cost Canadian taxpayers and First Nations people. The former see the policy landscape and the machinery of government preoccupied with process and costs. The latter continue as wards of the state, foregoing the true independence every Canadian merits. In the case of the Yukon Land Claims Settlement legislation of many years ago, it cost approximately \$90 million for the negotiations that took place prior to the legislation's Royal Assent. The self-government argument is contentious and emotional. Many who understand what is at stake, who spend years working with Aboriginals and policy makers, can still disagree with others who have had the same insights and experiences. Some argue, including the Assembly of First Nations, that self-government should be based on race, where an Indian assembly would govern Indian people throughout Canada. I do not believe this is possible, nor reasonable.

There is another school of thought on self-government that believes this government and the government before it are doing everything they can at a rapid pace to bring about self-government for First Nations. If this were so, Bill S-38 would not be before us. We all know the Nisga'a agreement was settled because of a visit and a promise made in the late 1960s by the current Prime Minister, who was then Indian Affairs Minister, when he swore he would see an agreement for self-government

signed for those people. The Nisga'a agreement was not in line with federal government policy. It was precedent setting, yet the Nisga'a are a unique case. First of all, British Columbia has signed no First Nations treaties. There is an enormous difference between what is happening today in British Columbia and other provinces with large Aboriginal First Nations populations. Second, there was a personal commitment on the part of Canada's most powerful legislator, the Prime Minister himself.

Without framework legislation, enabling legislation, the queue for First Nations to sign self-government agreements with the federal government will be generations long. I truly believe that without enabling legislation such as Bill S-38, what will be left of self-government will be a great economic machine for chiefs, lawyers and constituents all at the expense of taxpayers, with results, that at their best, are no better than this bill.

Honourable senators, you have all heard, seen for yourselves, or at least intellectually understand that throwing money at a problem will not solve it. The Department of Indian and Northern Affairs has an annual budget of close to \$6 billion that serves approximately 1.3 million Aboriginal people, as well as another \$1 billion scattered throughout other departments. To compare, our Department of National Defence has an annual budget of \$11.8 billion, and our Canadian Department of Health has a budget of \$1.3 billion annually, that, I referred to earlier, goes towards Aboriginal comprehensive health care.

The current Minister of Indian Affairs is Robert Nault. His personal goal is to improve the lives of Aboriginals in Canada. I believe he may be able to do that, but we have to give him tools to work with. We have to show him our conviction that he is doing the right thing and the most necessary thing. We have to give him Bill S-38, as he is arguing for an institutional framework at the band level. Since he became minister, the government has issued guidelines for self-government policy, and Bill S-38 fits into these guidelines.

The Constitution Act, 1982, through section 35, recognizes Aboriginals' inherent right to self-govern. However, that on its own has not broken the cycles of welfare and economic crisis on reserves, of which we all are too well aware. What is the problem? The identification of the problem is simple: There is a legal vacuum. I do not believe the framers of the Constitution in 1982 believed section 35 meant what it has come to mean today. Far from it. Courts are deciding, in lieu of existing legislation, because our federal government has failed to act, and we have failed to act.

In a book entitled *A Poison Stronger Than Love*, Anastasia Shkilnyk wrote:

It is one of the most compelling paradoxes of our public policy — that ever increasing government expenditures on Indians find an exact parallel in ever increasing indices of social disintegration on their reserves.

Senators, while we sit in this place, we must accept responsibility for this.

I should take a few minutes to discuss the current situation at Davis Inlet. This is surely an example of federal government programming and policies gone awry. Since 1990, the federal government has spent over \$20 million there. The disturbing scenes of gas sniffing kids first shocked Canadians in 1990, yet we saw the same scenes this year.

In the words of the late Senator Walter Twinn:

For someone to walk tall and proud, he must also be a contributor. How can you be a contributor without economic development?

Bill S-38 is Indian community driven, not a federal government blueprint. That is one of the reasons I support it. I am a believer in self-government. I do not want to be responsible any longer for the lives of the members of Canada's First Nations. Let them find their own way. Let them be responsible for themselves. Let them make mistakes. Let them have successes.

• (1410)

When I think back to the testimony we heard on my first bill, Bill S-10, I remember one of the witnesses saying that the Indians are not a burden on Canada; the Department of Indian Affairs is a burden on Canada, and Department of Indian Affairs is a burden on Indians as well. That was said on June 20, 1995, before the Standing Senate Committee on Aboriginal Peoples.

Honourable senators, what is the federal government's policy on self-government? Up to the 1950s, it was clear that government policies attempted to assimilate Aboriginal peoples into Canadian society. The people affected by these policies are the same individuals still fighting for self-government for their families and future generations. In 1982, the Special Committee of the House of Commons on Indian Self-Government wrote the Penner report. That committee was chaired by then member of Parliament Keith Penner. The committee recommended that Indian First Nation governments would and should form a distinct third order of government in Canada. It proposed the constitutional entrenchment of self-government and, in the meantime, recommended the introduction of legislation to fill the legal void.

Since the Penner Report, which marked a turning point in federal policy, Aboriginals themselves have evolved into a relatively successful advocate group for their inherent and recognized rights. In 1986, the federal government released its policy on community-based self-government negotiations.

It is important to note this was policy, not legislative authority, but the future appeared to look clearer. The aspect of hope began to take form in all Aboriginal-federal government negotiations.

In summary, the self-government agreements were entered into with delegated legislative authority as their basis in the late 1980s.

Next, the Royal Commission on Aboriginal Peoples, or RCAP, reported, in November 1996, that "Aboriginal peoples have a

right to fashion their own destiny and control their own government, lands and resources." The commission actually detailed a self-government approach based on the recognition of Aboriginal government as one of the three orders of government in Canada and, among other things, called for the passage of an Aboriginal nations recognition and government act.

In his speech, Senator St. Germain quoted more from Volume II of the RCAP report. The phrase "genuine reconciliation and dual citizenship" stands out for me. Surely this government and we as Canadians do not embrace the circumstances of Davis Inlet. What is manifesting itself there should not be considered genuine reconciliation.

Honourable senators, I want to register my disagreement with Senator St. Germain on one point. In his second reading speech, the honourable senator said that the end result is virtually the same if we follow the policy paper of the federal government to help First Nations achieve self-government or if we use Bill S-38 as an alternative route. I disagree. The end result will not be the same. With the passage of time, and at the same time these negotiations are taking place, lives are being lived and lives are being squandered away. At the same time as these negotiations are taking place, millions of dollars that could go toward meaningful health care, education and legal aid are being spent by bureaucrats and politicians on what seem to be an endless rounds of hearings, meetings and negotiations. We need only think back to Nisga'a to understand what I mean. The Nass River Valley, which is Nisga'a land, was not even desirable land to others, except for the forestry by-products and the sections of the river where the salmon swim.

The money we are spending to make clear our consciences and to appease our voters disturbs me.

The Liberal government's response to the RCAP took the form of a document entitled: "Gathering Strength: Canada's Aboriginal Action Plan," which was tabled in January of 1998 and included a statement of reconciliation expressing Canada's regret for past actions.

Senator St. Germain has spent a lifetime meeting with Indian groups. He knows and understands the issues and effects of agreements that are not negotiated. If he sees genius in this bill, a bill that provides an alternative route to self-government to what the federal government has come up with, a route that has come from the First Nations themselves, I have to stop and ask myself, "Why don't we do it?"

Honourable senators, whatever route First Nations choose as their ultimate path to self-government, whatever federal government ultimately assists in moving the agenda for self-government and whatever generation successfully negotiates self-government for its people, it will not affect me, my family or my community. The bottom line is choice and who chooses.

Before I conclude, I want to explain the concept of enabling legislation. We do it provincially with municipalities. The type of municipality is prescribed in legislation. It is an easy process to become a village, hamlet or city.

[Senator Tkachuk]

Bill S-38 contains, of course, much broader powers. These are powers that the courts, the federal governments and the First Nation groups have agreed upon over time, including provincial powers. The provinces have washed their hands of the Indian reserves. These powers would fill the legal vacuum created by the provinces having abdicated.

Honourable senators, the powers in this bill are delegated and legislated. It is a much healthier prescription than the one we passed with the Nisga'a agreement where amendment is almost impossible. It is almost impossible to make change. With legislation, we can make change.

The lack of self-government agreements does affect First Nations people significantly. It affects their families and future generations. We should refer this bill to committee as quickly as possible and ultimately pass this bill and send it to the House of Commons.

The Hon. the Speaker: I must advise that Senator Tkachuk's time has expired.

Hon. Charlie Watt: Would the honourable senator be prepared to accept a question?

The Hon. the Speaker: Honourable senators, before we proceed in that way, it would be necessary for the Senate to grant leave.

Senator Tkachuk: I request leave to proceed.

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

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, leave is granted for just one question and answer.

[English]

Senator Watt: Honourable senators, it bothers me that people talk about self-government at the same time that they talk about delegated authority.

The honourable senator mentioned, in his concluding remark, the possibility of doing things differently from the way that we handled the Nisga'a case. If I understood correctly, the honourable senator was referring to flexibility regarding delegated authority.

Bill S-38 speaks of self-government. Would that flow from section 91.24 of the British North America Act or section 35 of the Constitution Act, 1982?

Senator Tkachuk: Honourable senators, the Penner report said that perhaps we should legislate self-government while the negotiation process searches for a more permanent situation under section 35.

I cannot answer the question as a lawyer would, but I can answer the question in principle because I have thought about it a long time. While this process takes place, there must be an institutional framework amongst the Aboriginal people so that they can get on with their lives. We should make this framework as close as possible to what has been discussed in the past by the Aboriginal people and the federal government.

Certainly, negotiations could take place after that. However, the Aboriginal people would be living under a framework, in the interim, that would provide a legal and coherent method for them to govern their reserves.

On the motion of Senator Chalifoux, debate adjourned.

• (1420)

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce the pages who are visiting the Senate today from the House of Commons.

[Translation]

Alain Brierly is a native of Ottawa, and is pursuing his studies at the University of Ottawa's Faculty of Administration.

To my right, Paul Ruban of Ottawa, Ontario, is enrolled in an honours degree at the University of Ottawa's Faculty of Social Sciences.

[English]

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE ADJOURNED

Hon. Marie-P. Poulin moved the second reading of Bill C-441, to change the names of certain electoral districts.—(*Honourable Senator Robichaud, P.C.*)

She said: Honourable senators, I am pleased to speak to Bill C-441. This bill received the unanimous support of all parties in the other place and was passed at all stages on April 19, 2002.

Bill C-441's intention is to change the names of certain federal electoral districts to better reflect the changing demographics within the said districts.

[Translation]

Honourable senators, the Senate has passed similar bills quickly in the past. As I pointed out, Bill C-441 has received the unanimous support of all parties in the other place. I hope that will be the case here as well.

On motion of Senator Kinsella, debate adjourned.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Wiebe, for the adoption of the sixth report of the Standing Senate Committee on National Security and Defence (budget 2002-2003), presented in the Senate on April 25, 2002.—(*Honourable Senator Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, would Senator Kenny provide us with an explanation of the budget and tell us whether he is satisfied with it?

Hon. Colin Kenny: Honourable senators, I am pleased to have an opportunity to speak to this item. If the question is, is the committee satisfied with the budget, the answer is “no.” We had hoped for and requested virtually twice the amount listed. We received 49 per cent of what we had asked for and were part of the general thrashing and cutting exercise of the budget sub-committee of the Internal Economy Committee to disburse the limited funds available.

Senator Lynch-Staunton: Honourable senators, the budget for committees has been exhausted for this current fiscal year. Therefore, all allocations for committees have been assessed and approved and that is all they will be allotted for the current fiscal year. Therefore, my understanding is that although the committee chaired by Senator Kenny received only 47 per cent of its budget, the committee will have to make do with that until the new budget is approved by this Chamber; is that correct?

Senator Kenny: Honourable Senator Lynch-Staunton is correct. Our committee must make do with this budget until this chamber approves a new budget.

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

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON AGRICULTURE AND AGRI-FOOD INDUSTRY—REPORT ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry (budget 2002-2003) presented in the Senate on April 30, 2002.—(*Honourable Senator Wiebe*).

Hon. Jack Wiebe moved the adoption of the report.

He said: Honourable senators, in anticipation of a question, I am encouraged by the support for the reduced budget that the Standing Senate Committee on Agriculture and Forestry has

submitted. We asked for a budget of \$395,700. The Internal Economy Committee has recommended a budget of \$149,200, which is 37.7 per cent of the amount for which we asked. While the figure is in the neighbourhood of the usual 40 per cent, we realize that we are getting 2.3 per cent less than some of the other committees. However, we shall struggle on and do the best job we can.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Deputy Chairman of the Standing Senate Committee on Agriculture and Forestry.

Yesterday, Senator Taylor made reference to a supplemental budget that would be sought later in the year by the Energy Committee. Is it the intention of the Agriculture Committee to seek a supplemental budget later this year?

Senator Wiebe: Honourable senators, in answer to that question, I cannot speak for the other members of our committee. However, it was certainly our intention to revamp the work schedule we had set to fit within this budget. I would be surprised if the members would be looking for supplemental funds.

Hon. Gerald J. Comeau: Honourable senators, would the Deputy Chair of the Agriculture Committee advise the house how his committee could cope with a 77 per cent cut in its budget and whether it could continue with its work schedule?

Senator Wiebe: Honourable senators, it depends on what was originally asked for.

• (1430)

I think that a 77 per cent cut is a pretty dramatic cut, depending on whether you fly WestJet or Air Canada, business class or economy class, and whether you stay in elite hotels or others. These are areas that one would certainly need to consider.

Unfortunately, I cannot really respond to that question because I do not have any idea of the budget that was submitted. I know that, in the case of our budget, we had decided to hold hearings right across Canada. We will now cut back on some of those hearings. We believe that we can probably accomplish the same thing by inviting individual witnesses to come to Ottawa to appear before us.

The unfortunate part of these cutbacks is their effect on one of the major roles of this chamber, to take its presence to the general public in Canada to give them a feeling that yes, there is someone in government who is listening. By having our committees hold hearings throughout Canada, we can certainly accomplish that. By bringing witnesses to Ottawa, unfortunately we cannot.

I hope that, in next year's budget, we can address some of these areas and perhaps increase the amount of money available to all committees. However, as far as this year is concerned, we are quite happy to live with the constraints that have been imposed.

Hon. Senators: Hear, hear!

Senator Comeau: I hope the senator was not suggesting, by mentioning the means of travel, that the very frugal, economical and cost-effective Standing Senate Committee on Fisheries travels in high style. I am quite sure that is not what he was suggesting.

I did take note of the point that what the committee asks for will result in some kind of percentage cut. I hope this is not a suggestion that we should be inflating our budgets prior to submission so that we can get what we had wanted in the end result. This would be a very counter-productive approach for committee chairs and committees as a whole to take.

Senator Lynch-Staunton: It is unheard of.

Senator Wiebe: Honourable senators, that was certainly the furthest thing from my mind when I said that it depends on what one asks for. I just used the business class as an example. However, when committee chairs present a budget they must be in a position to back up that budget when they go before the committee. If you present a budget that is inflated knowing that it will be cut down, the members of that committee will be able to see through that within the first 10 minutes of your presentation.

Senator Stratton: That is easy for you to say.

Senator Wiebe: I do not feel I am getting myself into any trouble. I have a point to make here, and that is that every committee in this house does an honest and thorough job of presenting its budget. I also say that each and every chairman of a committee, whether from this side or that side of the house, recognizes the tremendous value that each and every committee provides to the people of Canada.

Honourable senators will find that the majority of the budgets presented for this year's work did not include very much international travel. The majority of those budgets included travel within this country, and to me that is vitally important. The more of that kind of work that this chamber does throughout our country, the better the feeling that people in this country will have towards the work of each and every one of us as senators.

Hon. Lowell Murray: Honourable senators, I hasten to assure the Honourable Senator Wiebe that I do not have a criticism to make of the budget of his committee. However, his comments on the process that is followed provide me with the opportunity to make very briefly a point that my colleagues on the Standing Committee on Internal Economy, Budgets and Administration have heard me make in the past.

The practice is that committee chairmen, having obtained approval of their respective committees for a budget, bring that budget to a subcommittee of Internal Economy, the Subcommittee on Budgets, very ably chaired by our colleague Senator Furey. This subcommittee has a very difficult job. It must interview the committee chairs, and while "haggle" might be too pejorative a term to use, let me simply say that a great deal of negotiation goes into the process at that point. It is entirely appropriate, therefore, that that stage of the deliberations of the subcommittee be held *in camera*. I objected the other day, however, when the report of the Budget Subcommittee came to the full committee and we found ourselves meeting *in camera*.

Until fairly recently, the Standing Committee on Internal Economy, Budgets and Administration always met *in camera*. We changed that a few years ago, and I believe it was a change for the better. I believe firmly that once the full committee is seized of a report from the Budget Subcommittee, those deliberations ought to be held in public so that members of the Senate and members of the public who are interested will have a much fuller idea of the debate that surrounds approval of those budgets and their submission to the full Senate and of the considerations that go into those discussions.

I simply flag that as a matter that I am interested in and give notice of the fact that the next time we receive a report of the Budget Subcommittee, I will certainly move, if necessary, that the full committee proceed not *in camera* but in public.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON STATE OF HEALTH CARE SYSTEM

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Poulin, for the adoption of the seventeenth report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Volume Five: Principles and Recommendations for Reform — Part 1*, tabled in the Senate on April 18, 2002.—(Honourable Senator Keon).

Hon. Wilbert J. Keon: Honourable senators, I am pleased to have the opportunity to make a few remarks concerning the Seventeenth Report of the Standing Senate Committee on Social Affairs, Science and Technology.

I would like to first congratulate the members of the committee for their continuous commitment over the past two years in seeing this study to fruition. I would particularly like to congratulate Senator Kirby and Senator LeBreton for the way they conducted the business of the committee. I must say it was a pleasure to serve.

There are two things that Canadians all seem to agree on when it comes to changing our health care system: first, that every Canadian should be entitled to timely access to health care services regardless of their income; second, that no one should suffer undue financial hardship as a result of having to pay health care expenses.

Where the consensus falls apart, however, is reaching agreement on the means of achieving these objectives.

• (1440)

One of the most sensitive issues that spark debate pertains to the role of the private sector in the health care system. In fact, this is an area where there are huge misconceptions. Many believe, for example, that the Canada Health Act in some way prohibits the private sector from having a role in the provision of health care services. This is simply not true.

While the act states that we cannot have competing private insurance for “medically necessary services” and requires that the overall health system in a province be administered by a public agency, it does not prohibit a role for the private sector in the delivery of health services.

Today, the public share of health care spending in this country is approximately 68 to 72 per cent, depending on the source, with private spending accounting for 28 to 32 per cent.

In 1999, it was estimated that, on average, Canadians spent over \$850 on insurance and out-of-pocket health care costs, for a total of approximately \$26 billion. For the most part, this was related to drugs, dental services and vision care. Spending on drugs alone accounts for 31 per cent of private money, with an additional 25 per cent spent on other health care professionals such as physiotherapists and chiropractors.

Private management and delivery of health care services is evident in many parts of the health system, as seen through the domination of private nursing homes in the long-term-care facility sector, provision of home care services in several provinces provided in large part by the for-profit private sector, operation of private radiology clinics and private labs providing diagnostic services under provincial health insurance plans, and contracting out of services in hospitals to the private sector, services such as housekeeping, food services, purchasing and building management contracts.

In reality, there is a broad range of options that must be fully explored, including, for example, the merits of privately funded and privately delivered services and the merits of publicly funded and privately delivered services.

There is some progress that can be made by improving efficiency in the way health care services are currently delivered. Primary care reform, for example, is high on every provincial and territorial government’s agenda. Providing comprehensive primary care through multidisciplinary group practices is seen as one way to make most effective use of health resources.

However, efficiency changes alone will be not enough to sustain the health care system in the long term. Finding new sources of financing will need to be pursued.

If one supports the argument that we need more resources to respond to all demands being placed on the health care system,

then the next question to be answered is this: What trade-offs are acceptable to Canadians? Essentially, there are three basic options. One is to ration publicly funded health care services, either by consciously deciding to make some services available and others not or by allowing waiting lists to grow. The second option is to increase government revenue, either by raising taxes directly or through other means such as health care insurance premiums. The third option is to make some services available to those who can afford to pay for them, allowing a parallel privately funded tier of health care services. These options are not mutually incompatible.

Our fifth report lists 20 principles that provide a structural framework for a reformed health care system. These include the retention of a single funder for services covered under the Canada Health Act; stability in funding; defining the federal role; new methods for remunerating hospitals with service-based funding, as opposed to the global funding they get now; formation of regional health authorities; private care reform; creation of an internal market where primary care teams would purchase health services; a strategy for provision of an adequate number of health professionals; accountability and transparency in financing; outcome and evaluation systems and a health guarantee that would define maximum waiting times and provide for treatment when they are reached.

I believe Senator LeBreton will enlarge on this when she speaks; therefore, I shall not go into that at length.

We have emphasized the need for separation of payer, provider and evaluator. I wish to emphasize this because I believe we have reached the point in Canada where we simply cannot afford not to do this. We have to separate the payer, provider and evaluator; otherwise, I do not see any way out of the conundrum we are in at the present time. The payer would be an agency of government; the evaluator, an arm’s-length agency of government. This would provide for competition and flexibility in the provider component of the system.

For example, if the payer continues to see that people are not hard done by for health services, if the evaluation system is controlled by government, what difference does it make who provides the care if it is provided up to standard and at a reasonable cost?

For example, when our institutions were remunerated on a service-based formula, if private institutions could provide equal or better service to public institutions it would be reasonable to allow them the contracts.

We also recommended the implementation of regional health authorities, for a number of reasons. Recognizing their successes and failures, we believe, on balance, this would provide a framework for solving a number of problems, including our manpower problems. Manpower could be developed to meet local needs at all levels. There is no question about the serious shortage of doctors, nurses and other providers, but there is also a serious problem with doctors doing work that could be done by nurses, nurses doing work that could be done by nursing assistants, technicians doing work that could be done by clerks, et cetera. By approaching this at the local level, the issues could be addressed and the true manpower needs more closely defined.

[Senator Keon]

Therefore, ensuring that medicare will be there for our children and grandchildren, and for those of us approaching old age, means getting all the cards on the table and collectively working to find answers to difficult questions. We will continue to pursue this goal.

Senator Lynch-Staunton: Well done.

On motion of Senator Cook, debate adjourned.

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Transport and Communications (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Bacon*).

Hon. Donald H. Oliver: I move the adoption of the report.

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

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Bacon wanted to move the adoption of the report, but she is not present. I have a question for Senator Oliver, who is the committee's deputy chair.

The same question was also put to the other committee chairs. Did the Standing Committee on Transport and Communications receive the full amount requested in its budget? If not, how much was its budget reduced by? Will the committee be able to complete the work it had planned for this year with the funds allocated to it?

• (1450)

[*English*]

Senator Oliver: Honourable senators, the committee did not receive the amount that it requested. It sought \$70,000 and received \$45,000, or 64 per cent. The committee is studying inner city busing at the request of Minister of Transport David Collenette. To date, the committee has travelled to Vancouver, Calgary, Montreal, Ottawa and Halifax to hold public hearings. It is hoped that we can complete the report and file it before the end of the year within the budget.

The Hon. the Speaker *pro tempore*: Honourable senators, it was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Robertson, that this report be adopted now.

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

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (increase in salary for Senate Executive Group), tabled in the Senate on April 25, 2002.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft moved the adoption of the report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF HEALTH CARE SYSTEM—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget 2002-2003), tabled in the Senate on April 25, 2002.—(*Honourable Senator Kirby*).

Hon. Michael Kirby moved the adoption of the report.

He said: Honourable senators, when the Standing Senate Committee on Social Affairs, Science and Technology presented its budget, we did two things. First, we tried to be economical in terms of travel within Canada. We said that if we were to hold hearings, we would do what we have done since we began work on the health study, which is to have seven senators travel instead of the whole committee and we would rotate the members. Second, there have been no foreign fact-finding missions to date, although this budget did contain two trips for foreign fact-finding. We said that we would limit that travel to four senators, again, who would be rotated.

The important thing is to explain how the budget was constructed. The budget that was approved is everything that the committee will need to get through to the completion of its next report at the end of October.

The sizable portion of the budget for which we were not given funds relates to the following issue, which I hope this chamber will consider at the appropriate time. The committee strongly believes, consistent with the Senate practice of analyzing and responding to reports of government tasks forces, royal commissions and so on, that it would be appropriate for the Standing Senate Committee on Social Affairs, Science and Technology to hold hearings on the report of the Romanow task force once that report is tabled. Since that report is not due to be tabled until November, those hearings would occur in the first quarter of the next calendar year, or the last quarter of this fiscal year. Senator Angus was the Deputy Chairman of the

Standing Senate Committee on Banking, Trade and Commerce when the two of us, along with the members of our committee, did coast-to-coast hearings on the MacKay task force report. Out of those hearings, the Banking Committee came up with 26 or 27 recommendations, all but one of which was ultimately included in the financial institutions bill that went through Parliament four or five years ago.

Honourable senators, that is the piece that is missing from the budget. I would hope that later this year this chamber would see fit to grant the committee funds to engage public reaction and to conduct a detailed analysis of whatever recommendations end up in Mr. Romanow's report.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to congratulate Senator Kirby, Senator LeBreton and their colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for the work they are doing on the health study. It is a classical example of how major areas of public policy can be explicated, examined and explored by a Senate committee in a thorough fashion and at a fraction of the cost of a royal commission. Studies represent a big percentage of the Senate's budget for committees. The study being conducted into health by our colleagues on the Social Affairs Committee is being done with a fraction of the funds that have been made available to Mr. Romanow, to whom we wish every good wish in his work.

Honourable senators, a contingency plan is important for the Senate when the Romanow royal commission report is tabled. It is important that there be some follow-up. Expert knowledge will be generated by the work of the Senate committee, against which the Romanow results can be tested.

What Senator Kirby talked about a few moments ago leads me to a budget-related question as to what funds are left in the committee budget. Unfortunately, the chairman of the Internal Economy Committee is not here. Perhaps another member of that committee or Senator Kirby can answer this question: Is any money left in the global Senate committee budget that can be drawn on by other committees that may find themselves in the same situation, or have all Senate committee monies been committed in this round?

Senator Kirby: Honourable senators, first, on behalf of all members of committee, I should like to thank Senator Kinsella for his positive remarks on the work we have been doing. I should tell honourable senators, for the record, that even with the money that is now proposed in this motion that is before the Senate, the total amount of money that the Senate committee will have spent on the health care study, in the two years since we have been doing it, is slightly over \$300,000. That is an interesting number to place on the record in light of the product. If it were a productivity measure, it would not be a bad one.

In answer to the senator's direct question, I have no idea. I do not know how much money is left. I am not on the Standing Committee on Internal Economy, Budgets and Administration. Senator Kroft would be the best person to answer that question.

[Senator Kirby]

[*Translation*]

Hon. Jean-Robert Gauthier: I have a question for the Honourable Senator Kirby. I would like to thank him for agreeing to establish a health subcommittee of the Standing Committee on Social Affairs, Science and Technology, to study the report of the Fédération des communautés francophones et acadienne du Canada on the healthcare situation in French-speaking communities outside of Quebec.

To my knowledge, the Romanow commission has not yet touched on this issue. A report was tabled and I believe that it was even forwarded to the committee. A subcommittee chaired by Senator Morin met last week to look into the issue.

I wonder if the committee currently has the funds to undertake this study, which will no doubt involve travel and research. Is there a budget set aside for this subcommittee?

[*English*]

Senator Kirby: Honourable senators, no, that was not included in the budget. The budget focused on the primary health care study — pardon the pun.

• (1500)

The observation is worthwhile. The corresponding document, which is likely to be referred to the committee, examines the English language health care services in the Province of Quebec. Thus, we will be looking at the minority language delivery of health care services for Francophones outside Quebec and for Anglophones in Quebec.

[*Translation*]

Hon. Laurier L. LaPierre: Honourable senators, to follow up on Senator Gauthier's comments, the Senate absolutely must hold town hall meetings and consult Canadians on this issue. They are the first to exercise their right to good health. If the Standing Senate Committee on Social Affairs, Science and Technology does not have the budget to hold such meetings, the report will be weaker as a result.

[*English*]

It is important to consult Canadians because this issue affects them. It seems that Senator Gauthier's remark about the Franco-Ontarians could be included in town hall meetings held across Canada. I would ask the honourable senator if he could see fit, should the committee award him more money to accept it.

Hon. Senators: Hear, hear!

Senator Kirby: I am more than prepared to follow the honourable senator's suggestion. If the Senate would allow the committee to hold hearings on the Romanow report dealing with the delivery of health care services to minority language groups, that would inevitably be one area of the review.

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

Motion agreed to and report adopted.

SURVEY OF MAJOR SECURITY AND DEFENCE ISSUES

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fifth report (final) of the Standing Senate Committee on National Security and Defence entitled: Canadian Security and Military Preparedness, deposited with the Clerk of the Senate on February 28, 2002.—(*Honourable Senator Lapointe*).

Hon. W. David Angus: Honourable senators, I rise to speak to the fifth report of the Standing Senate Committee on National Security and Defence entitled, “Canadian Security and Military Preparedness,” known sometimes in Maritime quarters as “the Forrestall report,” and elsewhere in Canada as either “the Banks’ report” or “the Kenny report.”

At the outset, I would like to commend the excellent work of all members of the committee. The report clearly lays the groundwork for more substantial and extended work in the field covered by the report. The report clearly justifies the modest budget that was voted in the chamber today following Senator Kenny’s motion.

Much of the work leading up to the report was done following or as a result of the September 2001 terrorist attacks on the World Trade Center and the Pentagon in the United States. Those events have changed our lives substantially and have created a new paradigm for maritime security and the efficient transportation of containerized cargoes bound for the United States. A vast quantity of that cargo passes through Canada en route to crossing the Canada-U.S. border.

Honourable senators, the events of September 11 and the subsequent all-out war on terrorism have and will continue to profoundly alter our lifestyle and the way in which we must conduct our business in the maritime industry and in the international trading world.

As we have done with previous events that brought major change to our lives and to our business environments — I think of the advent of containerization, computerization and globalization — we can and must now adapt to this change, as dynamic and gut-wrenching as it may be.

International terrorism is more deadly than computers or the unitization of cargo. It threatens our physical safety and security and it threatens our peace of mind. The necessary and inevitable consequences and reactions are threatening our established business practices and our patterns of behaviour.

Honourable senators, there is some good news, however, because suddenly, with clear attention and focus, considerable resources are being made available for dealing with some of the issues and problems that had previously been long overlooked in respect of the free flow of legitimate goods and people across our shared border with the United States. Important to all of us is the sudden, new, high priority being given by both Canadian and

American authorities alike to facilitate the safe movement of goods and people across our shared border and for the introduction of modern, state-of-the-art security measures to tighten and enhance security at our seaports and airports.

However, if we wish to remain safe, secure and free as individuals, and remain productive, competitive and economically free as well, we must take immediate steps to commit the further necessary resources in Canada to help us to adapt to this radically changed post-9/11 environment. We should not bury our heads in the sand and say that there is no problem. We must heed the warnings and make the necessary adjustments, even though initial extra costs and awkward political consequences may be involved.

[*Translation*]

We cannot ignore the problems. We must heed the warnings and make the necessary adjustments, even though, inevitably, there seem to be extra costs and political consequences.

[*English*]

Honourable senators, if we are to continue to be free, secure and economically competitive, we must do everything possible to strike a balance between the new exigencies of national security and the need to maintain our economic security. We should not overreact and exaggerate our response to security demands, but we must act and react in a balanced way. We have advanced technology and other modern ways, means and methods to help us adapt.

[*Translation*]

Due to the new requirements, I strongly believe that, in order to remain free, safe, and economically competitive, we need to strike a balance between our national security and our economic security.

[*English*]

The citizens of the United States and their government are committed to, and they are deadly serious about, bringing terrorism to its knees and about preventing and obviating the risk of another catastrophic terrorist event on their own soil. They will take all possible measures to prevent dangerous chemicals, anthrax, ebola, nuclear objects and other instruments of mass destruction from crossing their borders into the U.S.A. They are not kidding.

[*Translation*]

Make no mistake. The Americans are totally serious and intend to do everything necessary to prevent anything like the tragedy of September 11 from happening again.

[*English*]

Honourable senators, has anyone in this chamber seen the tapes that were recovered from caves in Afghanistan? They depicted al-Qaeda forces shooting flaming missiles at American icons such as the President and other political leaders, as well as at sports heroes, film stars, popular singers and musical groups. Once you see this footage, you will better understand the depth of American resolve. You are all aware of the hair-raising terrorist scenarios in

respect of the maritime industry. One hesitates to even contemplate a container ship carrying a concealed nuclear device being exploded by terrorists in New York Harbor or a fully laden oil tanker being exploded in the Strait of Hormuz, closing the narrow strait and sending the world economy into a tailspin.

We must adapt or we will suffer negative consequences. This is relevant to all ports and to maritime security overall so that our ports in Halifax, Montreal and Vancouver, and others, can remain competitive and not lose traffic to such U.S. ports as Newark and Seattle. We need to become more secure in the contemporary sense. We need to remove those elements that have the potential to nurture the growth of terrorist organizations. We must invest in and employ the best available technology for the purposes of inspecting, assessing and profiling people, cargoes, ships, containers, trucks, et cetera so that we can provide the highest possible security and vigilance. If we do not do that, all Canadians will surely lose out. To preserve our economic security at the same time will be complex and will require full and complete cooperation between business and government by way of continuing dialogue on the issues. It will also require a major and immediate commitment of policy and money by the government.

• (1510)

It is at times like these that we tend to remember those important sayings of our forefathers who pioneered democracy and defined not only the virtues of freedom, but its high costs as well. Perhaps the best known and appropriate in today's world is: "Eternal vigilance is the price of liberty." These are words often attributed to Thomas Jefferson, but actually were uttered by Wendell Phillips in 1852 in a speech before the Massachusetts anti-slavery society. However, it was Jefferson who wrote in 1787:

The tree of the liberty must be refreshed from time to time with the blood of patriots and tyrants. This is its natural manure.

As well, I am confident we were all inspired by the many moving phrases of the late John F. Kennedy, including those contained in his inaugural address of January 20, 1961, such as the following, which I believe is particularly appropriate:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Honourable senators, it is encouraging to note those measures already introduced at airports, seaports and elsewhere by way of identifying and controlling some of the many more obvious terrorist risks before us. Other key measures to address the security issues in the maritime and air industries appear to be already on the drawing boards. The joint government initiatives now under way by authorities both here in Canada and the U.S. are encouraging as well, and the involvement of the private sector in the development of policies and processes is, of course, gratifying and, I believe, essential.

[Senator Angus]

However, more must be done. The \$60 million allocated so far for marine security in the December federal budget falls far short of what is really needed. Attitudes need to evolve and barriers need to be broken. Our government must do more than pay mere lip service to the pressing needs of maritime security. It should commit fully to implementing the recommendations contained in the committee's report and allocating the necessary funds and other resources to minimize the opportunities in Canada for terrorists and to shore up security now. At the same time, it must be careful not to unfairly burden ship owners and other maritime industry businesses with the costs and liabilities arising from special plans to protect our ports against the threat of terrorism. In the air industry, some of the burden of costs for security measures has been placed on the air industries and is causing them great hardship.

This is not the time for the Canadian government to waffle or dilly-dally on critical issues of security, defence and cross-border trade. Now is the time for action, leadership and cooperation with our allies, with business and law enforcement agencies. Now is the time to rest on our laurels, to be insular and hide behind a smokescreen of illusory sovereignty issues. If we do, Canadians will surely pay dearly through diminished economic security.

Every day, a vast number of containers from abroad, ultimately destined for U.S. receivers, are trans-shipped via Canadian ports such as Vancouver, Montreal and Halifax. Should the Americans have reason to believe any of these containers are suspect, or have in any way been exposed to terrorist threats during transit, the containers will be stopped and delayed at the Canada/U.S. border. This, in turn, will lead to congestion and the border becoming a barrier against the free flow of goods and people, with the potential to eventually choke off Canadian exports and to stem the flow of foreign direct investment into Canada. Without easy access to the U.S. market, businesses will be reluctant to establish operations here in Canada. The reality is that the ability of Canadian exporters to meet contracted delivery schedules set by U.S. customers has significant implications for Canada's prosperity as a nation. In other words, if our ports are not safe and secure for the transit of containers and other cargoes destined for the U.S.A., the consequences of our economic security could be significantly negative.

Honourable senators, there is clearly an awareness in industry and amongst government officials of the challenges which lie ahead. All is not negative and bad news at this time. There is an awareness of the needs to be met if we are to succeed in striking the security balance I have referred to. We should be especially pleased that Canadian customs inspectors will soon be equipped with a number of VACIS scanners, enabling them to make more effective inspections of containers passing through our ports. Let us hope that sufficient government funding will be made available so these same officers will have those other state of the art tools they need to do the highly technical searches required to help defend us against terrorist attacks.

In earlier times, before income tax became the key source of government funds, our customs officers at the Canada/U.S. border and elsewhere were primarily on the lookout for smuggled goods so they could optimise their collection of duties, which were then such a key element of national revenue. Later, during the 1960s, seventies, eighties, and even into the nineties, narcotic

drugs became the main threat for customs. Nowadays, and especially since the September 11 catastrophe, their focus is much more diverse, as they must target a wide variety of non-traditional threats, which they categorize under the letters CBRNE. That is to say, chemical, biological, radioactive, nuclear and explosive. Honourable senators, the paradigm has changed. The focus is now security against the tools of mass destruction. We must ensure we equip our inspectors with the best technology available, plus proper police and military back-up, so they can do their work efficiently and on at least a level playing field with the forces of evil.

As honourable senators know, the Standing Senate Committee on National Security and Defence states that during its investigations the committee heard allegations that organized crime organizations are generally active within the ports of Montreal, Halifax and Vancouver, and that an extraordinarily large proportion of Canadian port employees have criminal records. As well, the committee was told that criminal activity in these ports is uncontrolled. There are numerous security lapses in the ports; including the lack of adequate fencing and the absence of either effective pass systems or comprehensive background checks on people who work at Canadian ports or have access to them.

The theft of containers and physical threats by dock workers against customs inspectors checking on the contents of containers have become chronic problems in the ports, and the senators were told many of the thefts are never even reported.

With respect to one of the ports, Vancouver, the senators were told that all traditional crime elements have infiltrated that port, including the Hells Angels, Asian triads, Russian gangsters and Mexican and Colombian narco-terrorists. The committee operated on the dual premises that ensuring the security of Canadian ports has become a prerequisite for their economic viability and that organised crime provides a fertile ground for terrorist activity.

As a consequence, the committee concluded that the conditions in Canada's three main ports —

The Hon. the Speaker: Senator Angus, I am sorry to interrupt, but I must advise that your time has expired.

Senator Angus: May I have leave to continue?

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

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am prepared to allow the honourable senator the time required to complete his remarks.

[English]

Senator Angus: They concluded that the conditions in our three main ports create national security problems which must be addressed both in the interests of economic viability of the ports themselves, and the security of Canadians and our North American neighbours generally.

Amongst the committee report's several strong and constructive recommendations was No. 8 at page 129, which recommends that a public inquiry under the Inquiries Act into significant ports be established as soon as possible with a mandate that would include six elements relating to examining the degree of control that organized crime has over Canadian seaport operations, as well as the relationship between such control and threats to our national security.

The committee's report became controversial soon after its tabling here in the Senate in late February. A number of port and customs officials, as well as port users and customers, in Vancouver, Montreal and Halifax lambasted the report, claiming, among other things, that it was based on hearsay, and denying that crime was rampant in any of these three named ports.

Herein lies an important misunderstanding. The committee's study which led to the report did not purport to make findings of fact. Indeed, its mandate was to "conduct an introductory survey of the major security and defence issues facing Canada with a view to preparing a detailed work plan for future comprehensive studies."

• (1520)

In the course of conducting the requisite survey, the senators heard strong and disturbing statements from credible law enforcement officers about crime and security lapses in the ports. They did not conduct formal hearings to check out all of these allegations. Rather, they issued their report to "raise security questions" that merited further study.

Senator Kenny stated the following in response to these criticisms:

We don't come out as a bunch of crime busters, but we can see that there is a potential for security risk in the ports. We're saying, "Here's what we heard. We think somebody should look into it."

Honourable senators, the report suggests that organized crime is back in business in all our major ports. There is a bit of déjà vu because, back in the 1960s, there were allegations of organized crime, loan sharks and all the worst elements in our ports, particularly in Montreal. The port managers pooh-poohed these allegations. There was a call to the government for an inquiry. The inquiry was held under the leadership of the Honourable Mr. Justice A.I. Smith under the Public Inquiries Act. What did they find? They found that organized crime was rampant in the Port of Montreal. I detect a parallel in the current situation, and I believe that the stakes now are significantly higher than they were then. The price of tolerating the status quo likely will be the ultimate failure of our ports from an economic and competitive standpoint. The time for action is now. The need is critical.

Honourable senators, the report from the Standing Senate Committee on National Security and Defence has been public for just under three months. Nothing has been done about it. It is under study. The government leader in this chamber has said, in response to serious questions from many senators, that it is under study. However, therein lies the problem.

My urgent challenge to the government today is to not let the clear warnings of this committee report fall on deaf ears. Do not let this report disappear down a black hole into oblivion. Act now without further foolhardy and potentially fatal delays. Accept committee recommendation No. 8 now by establishing a public inquiry under the Public Inquiries Act to review security of Canada's major ports of Halifax, Montreal and Vancouver.

Hon. Norman K. Atkins: I move adjournment of the debate.

The Hon. the Speaker: I believe that Senator Lapointe had indicated a desire to speak.

Hon. Jean Lapointe: Honourable senators, I will not speak today.

The Hon. the Speaker: I will accept the motion.

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

[*Translation*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to know whether Senator Lapointe can give us any indication of when he will be speaking on this?

Senator Lapointe: When it will be convenient, honourable senators.

[*English*]

On motion of Senator Atkins, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Johnson, for the adoption of the fifth report of Standing Senate Committee on Fisheries entitled: *Selected Themes on Canada's Freshwater and Northern Fisheries*, tabled in the Senate on February 19, 2002.—(*Honourable Senator Adams*).

Hon. Willie Adams: Honourable senators, I wish to support the speech made by the Honourable Senator Comeau last week regarding the report of the Standing Senate Committee on Fisheries. In the last year, the committee went to Nunavut and the Northwest Territories. We visited Yellowknife, Inuvik, Tuktoyaktuk and Broughton Island.

I was pleased that members of the committee visited Nunavut. It is not often we share our northern hospitality with such important guests. We met with members of local organizations and learned from them the problems and visions they have

[Senator Angus]

regarding the fishing industry in the territory. We were told that there is great potential for this industry.

The people of Nunavut are starting to do commercial fishing. Our people are not equipped like the people down South or those on the East Coast. They have big draggers and other types of equipment.

Our fishers cannot compete given the quotas set out by the Department of Fisheries and Oceans. Even if the quotas were good, some fishers do not have the necessary equipment.

One of our challenges is the quota system. Nunavut has access to a very large body of water and many fishing ships also have access to this area. Quotas allotted to Nunavut fishermen are quite low as compared to quotas for southern fishermen.

In 1999, Nunavut Tunngavik Inc. took the federal government to court to impress upon it to increase the turbot quotas off South Baffin Island after an earlier ruling also said the quotas were acceptable. In October 2001, the Supreme Court determined that the quotas would not be increased.

The turbot allocation for Nunavut fishers is currently 27 per cent of the total resource in the area off South Baffin Island. In 2001, fishers had access to 100 per cent or 4,000 tonnes of the Canadian share of turbot further up into Baffin Bay. This area has now become a desirable area in which to fish, and Nunavut stands to lose its quota.

At the time of the land claims settlement, the Government of Canada did not have a policy for the people of Nunavut. I remember that at that time we were negotiating with the Nunavut government. We went to meet people. We did not have a place to negotiate with the DFO in Ottawa. We found out that DFO had an office in Newfoundland for those fishers.

It is difficult to negotiate something in the community. We would like to have some benefit in the future. Fishermen down South usually get a subsidy from the government to buy equipment.

We found out that the Government of Canada did not have a policy for the native people. In Nunavut, we are hunting and fishing in the community for the community. The Government of Canada finally recognized that we were commercial fishermen. They had figured that we were living off the land.

I have here information regarding the turbot fishery. Nunavut has access to 27 per cent of the total turbot quota. The remaining 73 per cent of the quota is for people who come from the South and the rest of Canada. The same thing is true with the shrimp quotas. Nunavut was given a figure of 6 per cent for shrimp fishing; Newfoundland, 70 per cent; Quebec, 12 per cent; Nova Scotia, 7 per cent; P.E.I., 1 per cent; and New Brunswick, 4 per cent. My estimate is that the people in the South received approximately 94 per cent and those of us in Nunavut received only 6 per cent. It is difficult to know the percentage of profits that people in the community actually see.

The shrimp example can also be applied to turbot fishing. Nunavut receives around 27 per cent of the quotas for turbot fishing. Financially, 27 percent works out to about \$2 million to \$2.5 million in revenue for Nunavut from turbot fishing. It is estimated that commercial fishing in Nunavut is worth \$14 million to \$24 million.

Between turbot and shrimp fishing, no more than \$4 million or \$5 million goes to the community.

Of the 27 communities in Nunavut, most are found along the coast. The population of Nunavut is somewhere around 30,000. Senator Comeau has indicated that of that population, 50 per cent have an average age of 25 years or younger.

I live in the region of Rankin Inlet. A large portion of 14- and 15-year-olds in Nunavut have children of their own. My nephew's daughter had a child when she was 13. Her child is now 6 years of age, and she is 19. That is one of the reasons why young people in Nunavut have such difficulty getting jobs.

In the future, I hope that we will have a report that will make recommendations for the people, especially in Nunavut and Nunavik. In the meantime, I hope that this committee's report will be adopted.

The people in the communities of Nunavut are concerned about their situation. I hope that the government will recognize that the people of Nunavut need help to get into business. They need help from the people in the South. Nunavut sees 70 per cent of its fisheries money going south to work. We never have a chance to pull in the kind of fish percentages caught in Nova Scotia, B.C. or elsewhere.

People from the East and down South have an opportunity to make money on the quotas. Our people do not have the same opportunities because we have no equipment. I hope that, in the future, honourable senators, we will address the problems of Nunavut.

On motion of Senator Watt, debate adjourned.

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM— REPORT OF COMMITTEE—DEBATE ADJOURNED

Leave having been given to revert to Reports from Standing or Special Committees:

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Banking, Trade and (budget 2002-2003) presented in the Senate on April 30, 2002.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, did the Standing Senate Committee on Banking, Trade and Commerce receive approval for its full budget? If it did not receive approval of the full budget, what percentage of the full budget was received? Is the chairman of that committee willing and prepared to live with that budget for the rest of this fiscal year?

Senator Kolber: Honourable senators, I wish I could answer that question, but I do not know the answer. I can advise the honourable senator what the budget is for though, if he is interested.

Senator Stratton: Honourable senators, no doubt the request for monies was based on good and valid reasons. However, I should like to know if the budget was approved at full value. I should like to know if the budget was reduced and, if so, by how much. If the figures in the budget were reduced, is the chairman prepared to live with that budget for the next fiscal year?

If the chairman is unable to answer those questions, I suggest that perhaps he adjourn the debate and return to the discussion when he is able to supply those answers.

Senator Kolber: Honourable senators, I do not know that I will ever say that we are prepared to live with the budget for the rest of the year. Like most committees, this is an ongoing process. We are starting a study on Enron that we did not anticipate six months ago. I do not know how far in advance one can anticipate.

I will try to obtain the answers to the questions asked and I shall report back to the chamber.

On motion of Senator Stratton, debate adjourned.

• (1540)

[*Translation*]

ROLE OF CULTURE IN CANADA

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Lapointe*).

Hon. Jean Lapointe: Honourable senators, as you know, it is late and I will be brief.

Honourable senators, he was the first Canadian to break through the impenetrable wall of the French song world, and his name was Félix Leclerc. He was my friend. Throughout France, Switzerland, Belgium and other French-speaking countries, he was known as "le Canadien, Félix Leclerc." It was the finest thing he was ever called.

Indefatigable, he paved the way for Gilles Vigneault, Roch Voisine, Isabelle Boulay, Richard Desjardins, Linda Lemay, Garou and that undisputed queen of international song, Céline Dion. I could name many others, but you know my chronic aversion to wasting time.

When Félix came back from France, he had taken a different fork in the road politically but, despite our differences of opinion, we remained very good friends up until his death. We sometimes had some rather heated discussions, but never without mutual respect. As Jacques Brel put it in *Le Moribond*, “We set out from different shores, but were headed for the same port.”

How many Canadian artists have made a name for themselves internationally in various fields? In literature: Antonine Maillet, recipient of the much-coveted Prix Goncourt, Anne Hébert, Marie-Claire Blais, Yves Thériault and many more. How many internationally renowned actors has Canada produced? I am thinking of Geneviève Bujold, Lorne Greene, Donald Sutherland, Dan Ackroyd, Michael J. Fox, and so on. In painting, what about the success abroad of Riopelle, Pellan, Colville, Morrice, Lemieux, Fortin, the Group of Seven, and others?

In the category of entertainment extravaganzas, we have *Starmania* and *Notre-Dame de Paris*, with lyrics by Plamondon. And what about the world-wide success of the Cirque du Soleil? I have given these examples of Canadian successes because I wanted to show just how important a role Canadian culture could play in the world.

When I was a child, my old father told me: “Son, remember that the wealth of a country lies in its soil and in its culture.” I remembered his advice. Over the years, I came to realize how right my father was. This is why I believe it is imperative — and I stress the word “imperative” — that the Senate create a standing committee on culture, to ensure for years to come the promotion of Canadian talent, both at home and abroad.

The Hon. the Speaker: If no other senator wishes to speak on this inquiry, it shall be considered to have been debated.

[English]

STATUS OF LEGAL AID PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance, for both criminal and civil matters.—(*Honourable Senator Spivak*).

Hon. Donald H. Oliver: Honourable senators, in the absence of Senator Spivak, this being the fifteenth day, I rise to make a few comments about the importance of legal aid in Canada. I congratulate Senator Callbeck for taking the initiative to bring this inquiry forward. It is a timely and important topic.

I first became involved directly in legal aid as a volunteer in 1965 shortly after I was admitted to the bar in Nova Scotia. At that time, there was a practice, as I recall it now, that the 52 most junior members of the bar had to give free legal services for two

weeks a year. I took on dozens of cases at that time and got my feet wet in the courts, and that led to my 36-year career as a civil litigator.

As I will note later on, a number of Canadians are entitled to representation before the courts and cannot afford it.

Our provincial bar societies are self-regulated, and perhaps it is time for them to have a look again at the contribution societies can make to our legal aid system in Canada. I feel it is extremely important that all lawyers provide some pro bono assistance as part of their professional commitment to society.

In Senator Callbeck’s inquiry, honourable senators will note that she is looking at the status of legal aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal assistance for both criminal and civil matters. Certainly, the most important cause is in criminal matters.

In Nova Scotia today, we have at Dalhousie Law School a legal aid clinic that is a community service of the university. The Nova Scotia Law Foundation, a foundation set up to hand out money that is raised on the trust accounts of lawyers in the province, of which I am a member, is a strong supporter of Dalhousie Legal Aid Service. In recent years, that particular service has done a series of test cases in the courts in litigation, including challenges to the cohabitation rule; family benefits shelter allowance for disabled persons who live with family; freedom of information and privacy; family benefits/social assistance consent to release of information forms; National Child Benefit clawback; association of single parent students; exercise of discretion in denying special needs applications; admission and treatment under the Hospitals Act, and many more.

In the test case on the admission and treatment under the Hospitals Act, for instance, it is interesting to note that the action was commenced in 1994. It tested a number of sections of our Canadian Charter of Rights and Freedoms. There were two issues sought to be addressed in that case. The first was breach of the client’s rights, in particular under section 7, security of the person; section 9, arbitrary detention; section 10, right to counsel; and section 12, cruel and unusual treatment. The students were seeking a declaration that these rights were breached during an inappropriate admission and treatment of a patient. They were also seeking a declaration that various sections of the Hospitals Act are of no force and effect as they are inconsistent with the Charter of Rights enumerated above.

This work is done through a clinical law course at Dalhousie Law School. Under the educational mandate at the Dalhousie Legal Aid Society, third-year students are provided with an extensive four-month, hands-on learning experience.

At the heart of our legal system is the adversarial process, a process that tests the merits of a legal aid case in the fire of reasoned debate within a restrictive regime. The limits are generally well understood by the primary players, and their remuneration reflects, in large measure, the skill and experience they bring to the task.

[Senator Lapointe]

Unfortunately, as Senator Callbeck's inquiry suggests, many Canadians find that their ability to get effective access to our legal system is hindered by the sheer cost involved. For many, it is simply out of reach without some form of assistance. Legal aid is one form of assistance that has been made available by provincial governments across the country.

There is no doubt that governments have an obligation to ensure that legal proceedings are fair, particularly when there is significant risk to the freedoms of the individual involved. However, for most civil actions, and where less serious criminal offences are involved, legal aid may not be available at all.

In recent years, government cutbacks at the provincial level have left lawyers viewing legal aid work as more akin to pro bono work than as a legitimate portion of their income. In Ontario, the hourly rate has not risen since 1987, the number of hours a lawyer can charge has declined, and there are more severe restrictions on qualification for legal aid than was previously the case.

• (1550)

To raise awareness of the problem, defence lawyers in Ottawa boycotted criminal courts for a week, two or three weeks ago. Lawyers in other provinces have raised similar concerns this year, notably in Alberta and British Columbia.

Provincial governments are struggling to cope with the various financial demands placed upon them. There is little doubt that federal cuts to transfer payments have exacerbated the situation. With the administration of justice falling clearly within the constitutional realm of the provinces, the role of the federal government has been relatively limited. It has been argued that national standards should be put in place with federal government participation following a path similar to that of our health care system, including a funding formula.

While throwing money at a problem is an inherently attractive approach because so many people believe that problems can

readily be solved that way, we only have to look at the serious difficulties that currently mire our health care system.

I have great admiration for the adversarial process, which has a lengthy, proven track record as an effective means of searching out the facts while protecting the rights of those involved in it.

In conclusion, there is another possibility. I hope that provincial governments will take a closer look at what is called ADR — alternative dispute resolution mechanisms — along the lines of mediation and arbitration, to deal with many cases regarded as being less serious in nature than some of the major criminal cases. While such alternatives are not likely to be implemented or widely accepted overnight, they are likely to be less expensive than the current court system and may well prove to be more effective.

On motion of Senator Day, debate adjourned.

[*Translation*]

NATIONAL SECURITY AND DEFENCE

MOTION TO EXTEND DATE OF FINAL REPORT OF SUBCOMMITTEE ON VETERANS AFFAIRS STUDY ON VETERANS HEALTH CARE ADOPTED

Hon. Michael A. Meighen, pursuant to notice of April 30, 2002, moved:

That, notwithstanding the Order of the Senate adopted on October 4, 2001, the Standing Senate Committee on National Security and Defence, which was authorized to examine and report upon the health care provided to veterans, be empowered to present its final report no later than October 31, 2002.

Motion agreed to.

The Senate adjourned until Thursday, May 2, 2002, at 1:30 p.m.

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