CANADA

Debates of the Senate

1st SESSION • 37th PARLIAMENT • VOLUME 139 • NUMBER 121

OFFICIAL REPORT
(HANSARD)

Thursday, June 6, 2002

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

CONTENTS

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

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

Published by the Senate
Available from Communication Canada – Canadian Government Publishing, Ottawa, Ontario K1A 0S9.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, June 6, 2002

[*Translation*]

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

Prayers.

SENATORS' STATEMENTS

RADIO-CANADA

LOSS OF RIGHTS TO *LA SOIRÉE DU HOCKEY*

Hon. Jean-Robert Gauthier: Honourable senators, for 50 years Radio-Canada has broadcast hockey games on Saturday nights. *La Soirée du hockey* is a tradition. The recent announcement by Radio-Canada that it would no longer be broadcasting the hockey games will disappoint thousands of fans.

Negotiations with the Montreal Canadiens team owners failed. Robert Rabinovitch, President of Société Radio-Canada, explained to the Standing Joint Committee on Official Languages the reasons behind the failure: new demands by the Canadiens hockey team owners and National Hockey League directors; the lack of sensitivity of the Canadiens team owners, who are Americans; the impossibility of an agreement with owners for broadcast rights on Réseau des Sports RDS, owned by Globemedia.

In the future, viewers will need to have a cable or satellite subscription to watch a Canadiens game. The Réseau des Sports will be the sole broadcaster for all games in French. Twenty-five percent of Montrealers and 20 per cent of Quebecers are not cable subscribers. A large number of television viewers outside of Quebec, who are francophone and live in rural areas, will no longer receive a television signal through their famous rabbit ear antennas.

I am one of those old hockey fans who are non-subscribers but who were in the habit of watching the game from home or from the local tavern on Saturday. It was virtually considered the "Saturday night mass" for many French-speaking Canadians. It was something that had to be seen. These people will complain, rest assured!

On June 4, Robert Rabinovitch came before the Standing Joint Committee on Official Languages to explain why negotiations with the owners of the Montreal Canadiens hockey club had failed. Talks between the SRC and RDS, which got the rights, are currently at a dead end. The English radio and television networks of the CBC will broadcast Saturday night's hockey games in English. The French language program on Radio-Canada, *La Soirée du hockey*, is a long-standing tradition that will disappear.

In a letter that I recently wrote to the President of Société Radio-Canada, I suggested that he use the second audio program channel technology, which allows changes to the sound track. This technology exists for television sets that are less than 10 years old. This would allow Radio-Canada to broadcast *La Soirée du hockey* with a video and two sound tracks. The Cable Public Affairs Channel does this on a regular basis, here in Parliament.

Why would Radio-Canada not present other sports activities, and even cultural programs, with a choice of two sound tracks for its viewers? This would be Canadian duality at its best: a visual message that is available in both of Canada's official languages.

I should also point out, of course, that real-time captioning of these television programs would allow some 3 million Canadians to read on their television screen what they cannot hear. Again, this would be a step in the right direction toward equality for the country's two official languages.

FIFTY-EIGHTH ANNIVERSARY OF D-DAY

Hon. Michael A. Meighen: Honourable senators, today we celebrate the fifty-eigth anniversary of D-Day, which was a historic event for Canada and the whole world.

[*English*]

On June 6, 1944, the battle for Normandy had only just begun. The campaign would last over two months, but for the soldiers engaged in that unforgiving battle, it must have seemed like an eternity — and for many it was. More than 5,000 Canadian soldiers lost their lives and countless more were killed or injured in a war that would go on for another year. At 7:55 a.m., 58 years ago today, Germany's fate was sealed.

We should remember today the ingredients that sealed that fate: a well-trained, well-equipped and clearly combat capable Allied force — a force in which every arm of the Canadian military played a vital role. One hundred and nine Canadian naval vessels took part in the invasion.

[*Translation*]

The Royal Canadian Air Force was involved in the 171 squadrons that attacked and destroyed enemy columns until the end of the campaign.

[*English*]

The Canadian Army's Third Division led the assault on Juno Beach and suffered more casualties than any of General Montgomery's other army groups.

Honourable senators, I do not wish to sound alarmist, but it is still a very dangerous world in which we live. That is the reality. Let me suggest that the best way to honour those brave Canadians would be to provide to those to whom they have passed the torch the wherewithal to acquit themselves in battle as well as their forebearers.

• (1340)

Today, the number of D-Day veterans is dwindling to a precious few to whom we owe a sacred duty — a duty not only to remember them and their sacrifices, but also to take care of them.

That duty very much includes our Aboriginal veterans, who served as bravely as any Canadian but who, after the war, were provided with substandard benefit packages. The Minister of Veterans Affairs has called this a priority issue, but he has not yet committed to a timetable.

Honourable senators, now is the time to right that wrong, not at some future date. This is particularly so when one remembers that we have a rather poor record in sticking to timetables. In December 1999, the government committed itself to a common standard of health care for veterans by June 2000, a standard at provincial hospitals at least equal to that at Ste-Anne's, now the only federally run hospital. That deadline was pushed to the end of March 2002, but it, too, came and went. Now we have a three-year plan to meet certain national norms. Let us hope that this latest deadline is indeed met. More delay is something we cannot continue to tolerate, not when it comes to our veterans.

JUDY FELD CARR

CONGRATULATIONS ON RECEIVING THE FIRST SIMON WIESENTHAL AWARD FOR TOLERANCE, JUSTICE AND HUMAN RIGHTS

Hon. Consiglio Di Nino: Honourable senators, last evening, the first Simon Wiesenthal Award for Tolerance, Justice and Human Rights was given to a truly remarkable Canadian. Her name is Judy Feld Carr. She was honoured for her dedication and commitment to the cause of Syria's Jewish community.

Since the creation of Israel in 1948, Syrian Jews have faced a continuous campaign of persecution and intimidation. Unfortunately, the world has taken little notice of this ongoing tragedy. However, Judy Feld Carr did and 30 years ago she decided to do something about it.

Last night, at the Toronto Centre for the Arts, an overflowing crowd sat and listened in awe to the incredible story of this courageous, brave and caring woman. It is a highly unlikely story at that.

Judy Feld Carr was born in Montreal and raised in Sudbury. Her interests centred on music and her family. In 1972, she read a news account of 12 young Syrian Jewish boys who had been killed trying to escape from that country.

Over the next three decades, this quiet, unassuming housewife and music teacher, together with a small group of equally dedicated men and women, set out to help the Jewish community in Syria. There were secret trips to Syria and clandestine meetings with corrupt officials. They raised bribery money, got involved in people-smuggling, and even purchased the freedom of threatened families. As she said last night, "They put these people up for sale like cattle, and I bought them."

It was a life of extraordinary risk combined with humanitarian dedication. In all, Judy Feld Carr and those who helped her smuggled over 3,200 Jews out of Syria to freedom elsewhere.

Honourable senators, Judy Feld Carr's courage and determination are an inspiration to all Canadians and, indeed, to the whole world. Her achievements serve as a beacon to the millions of people today who live and suffer under oppressive regimes. They send a strong message that in a world where violence against minorities is, unfortunately, all too commonplace, there are still people ready and willing to help, even at great risk to themselves.

I am sure, honourable senators, I speak for all of us here today in extending to Judy Feld Carr our thanks, admiration and congratulations.

ROUTINE PROCEEDINGS

ESTIMATES, 2002-03

SECOND INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on National Finance has the honour to present its

SIXTEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates and herewith presents its second interim report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(For text of report, see today's Journals of the Senate, *Appendix "A", p. 1688.)*

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

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

[*Translation*]

THIRD INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on National Finance has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which were referred the 2002-2003 Estimates, has in obedience to the Order of Reference of March 6, 2002, examined the said estimates, more specifically, the Government Contingencies Vote — Treasury Board Vote 5 and herewith presents its third interim report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(For text of report, see today's Journals of the Senate, *Appendix "B", p. 1692.)*

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

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

[*English*]

BILL ON ACCESSION TO WORLD TRADE ORGANIZATION AGREEMENT BY PEOPLE'S REPUBLIC OF CHINA

REPORT OF COMMITTEE

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Foreign Affairs has the honour to present its

FIFTEENTH REPORT

Your Committee, to which was referred Bill C-50, An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization, has examined the said Bill in obedience to its Order of Reference dated Thursday, May 9, 2002, and now reports the same without amendment.

Respectfully submitted,

PETER A. STOLLERY
Chair

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

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

BILL TO AMEND CERTAIN ACTS AND INSTRUMENTS AND TO REPEAL THE FISHERIES PRICES SUPPORT ACT

REPORT OF COMMITTEE

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

Thursday, June 6, 2002

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

NINETEENTH REPORT

Your Committee, to which was referred Bill C-43, An Act to amend certain acts and instruments and to repeal the Fisheries Prices Support Act, has, in obedience to the Order of Reference of Thursday, April 25, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

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

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

NUCLEAR FUEL WASTE BILL

REPORT OF COMMITTEE

Hon. Nicholas W. Taylor, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTEENTH REPORT

Your Committee, to which was referred Bill C-27, An Act respecting the long-term management of Nuclear fuel waste, has, in obedience to the Order of Reference of Wednesday, March 20, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICHOLAS W. TAYLOR
Chair

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

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

• (1350)

STUDY ON NUCLEAR REACTOR SAFETY

REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Nicholas W. Taylor: Honourable senators, I have the honour to table the fifteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with its study on nuclear reactor safety.

EXCISE BILL, 2001

REPORT OF COMMITTEE

Hon. David Tkachuk, Deputy Chairman of the Standing Senate Committee on Banking, Trade and Commerce, for Senator Kolber, presented the following report:

Thursday, June 6, 2002

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which was referred Bill C-47, An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores, has, in obedience to the Order of Reference of Thursday, May 30, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chairman

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

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

NATIONAL CAPITAL ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-44, to amend the National Capital Act.

Bill read first time.

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

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading two days hence.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate, and after discussions with both sides, I move:

> That the Standing Senate Committee on Foreign Affairs have the power to sit at 5:00 p.m. on Tuesday, June 11, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

By way of explanation, honourable senators, Minister Pettigrew is scheduled to appear before the committee that afternoon.

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

Hon. Marcel Prud'homme: The distinguished chairman said, "after consultation with both sides." I have said that I am fed up with this expression. I am interested in foreign affairs. A telephone call to myself would have been sufficient. I will grant leave because I want to attend that committee hearing, but there was no consultation.

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

Hon. Senators: Agreed.

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): This is a motion, and therefore it is open to debate.

Honourable senators, earlier today we received a report from the Standing Senate Committee on Foreign Affairs relating to Bill C-50. It is my understanding that no minister appeared before the committee on that bill. I would argue that we should hold up our consideration of that bill and put it off for a day. If we could deal with report stage on Wednesday, perhaps the minister could reply to questions on Bill C-50 when he appears at the committee meeting on Tuesday and not limit himself to whatever is on the committee's agenda for that day. The minister ought to prepare himself to answer questions in relation to Bill C-50.

Senator Stollery: Honourable senators, I have no particular quarrel with the suggestion put forward by Senator Kinsella. We have a scheduling problem, but I do not think we have a restrictive agenda for the minister. I am sure that committee members would have no problem hearing questions on Bill C-50.

As for the scheduling of the chamber sitting, that is not my department. I personally have no difficulty with the proposition of Senator Kinsella. I can only speak as chairman of the committee; I cannot speak as the Leader of the Government in the Senate, who has the responsibility for the legislative program.

Senator Kinsella: Honourable senators, I thank the Chair of the Foreign Affairs Committee for that response. It is in his authority, as the committee member holding the gavel, to not rule out of order questions concerning Bill C-50 raised by honourable senators at the meeting with the minister.

• (1400)

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, orders ought not to be issued as to how a committee will operate. When a minister comes before the committee and the questions are asked, the members present, under the direction of the Chair, will be able to make the necessary decisions.

[*English*]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the argument is this: No minister came before the committee to explain Bill C-50, which is an important bill as part of the implementation procedure regarding China joining the World Trade Organization. We are finding out now that the minister responsible is coming before us after the fact, on Tuesday or Wednesday. I must ask if he will be available to answer questions that should have been asked in committee prior to third reading. I should hope that the answer would be yes and that this chamber would allow third reading to be postponed until the minister has appeared before the committee. I realize that we are doing things in reverse.

What was even worse was not having a minister appear before the committee. The Senate should insist that on every piece of government legislation, a minister or, in his or her absence for legitimate reasons, a parliamentary secretary, appear before the committee. However, in this case, for whatever reason, neither appeared.

I feel that the Senate should insist that the sponsor of the bill be there, or his or her representative be authorized to do so. In this case, the minister will appear before the committee after the bill has been tabled for third reading. I should hope that, at least, we would postpone the decision on third reading until after the minister's appearance.

Senator Stollery: I cannot speak on the procedures of the chamber. However, in terms of the committee, every senator at the meeting will have an opportunity to put questions to the minister on whatever subject matter they wish and, of course, that is the way we proceed.

Some senators may say there are other issues — softwood lumber, et cetera — about which they wish to ask questions, but as far as I am concerned, if a senator wishes to take the time to talk about Bill C-50, that will not bother me.

I agree with the Leader of the Opposition that ministers or parliamentary secretaries should appear with bills. That is accepted wisdom here. This was a rather unusual case, and I might add that there really was no connection between Bill C-50 and the minister's coming on Tuesday. As honourable senators are aware, we must work at having ministers appear, despite their busy schedules. It just happened that Bill C-50 arrived at the committee this week, and the minister was already coming on other matters next week.

There is no question that the principle enunciated by the Leader of the Opposition is sound, and any member of the opposition who wishes to ask questions about the bill when the minister comes is perfectly free to do so.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

It was moved by the Honourable Senator Stollery, seconded by the Honourable Senator Morin, that the Foreign Affairs Committee meet on Tuesday, June 11, 2002, at five o'clock, even though the Senate may then be sitting.

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

Motion agreed to.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES AFFECTING URBAN ABORIGINAL YOUTH

Hon. Janis G. Johnson: Honourable senators, I give notice that on Tuesday, June 11, 2002, Senator Chalifoux will move:

> That, notwithstanding the order of the Senate adopted on September 27, 2001, the Standing Senate Committee on Aboriginal Peoples, which was authorized to examine and report on issues affecting urban Aboriginal youth, be empowered to present its final report no later than December 19, 2002.

[*Translation*]

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the Leader of the Government in the Senate will not be in attendance today for Question Period. However, if anyone has questions for her, I will note them.

[*English*]

STUDY ON NUCLEAR REACTOR SAFETY— PROCEDURE ON REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources.

An Hon. Senator: He is not here.

Senator Kinsella: Perhaps the deputy leader will take my question as notice.

During today's Presentation of Reports from Standing or Special Committees, the Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources tabled a report regarding a study on nuclear reactor safety, but no action was taken on it. Was it the intent to have that report placed on the Order Paper for consideration by the Senate? Perhaps the deputy leader could take note of that. Was it planned just to table that report, as we normally do? The question is put. Does the Senate wish to take it into consideration? I am at a bit of a loss.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I will note the question. However, I believe that when a report is tabled, it is always a matter for debate. I will look into it.

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Marcel Prud'homme: Honourable senators, could the deputy leader ensure that the Leader of the Government in the Senate is in attendance on the last day of sitting before the summer recess? If she were to be absent, all the answers would have to wait until the fall. Who knows what will happen in the fall?

Some interesting questions will surely be asked in the next few days, and it would be preferable to have the Leader of the Government in attendance so we may have answers before summer recess.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we do not usually discuss the absence of a member of the Senate in the house. I will, however, take note of the request of Honourable Senator Prud'homme.

Senator Prud'homme: I am familiar enough with the *Rules of the Senate* to know that a senator's absence is not to be mentioned. However, when the leader is absent and the senators on this or the other side ask questions, Honourable Senator Robichaud is the first to tell us he is noting them. This must therefore apply to everyone.

• (1410)

[*English*]

ORDERS OF THE DAY

CANADA NATIONAL MARINE CONSERVATION AREAS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Nick G. Sibbeston moved third reading of Bill C-10, respecting the national marine conservation areas of Canada.

He said: Honourable senators, I am pleased to speak at third reading of Bill C-10, respecting the national marine conservation areas of Canada. I wish to commend the Standing Senate Committee on Energy, the Environment and Natural Resources for its exhaustive consideration and review of this bill. I would also like to thank the many witnesses who appeared before the committee from a variety of interests: environmental groups, Aboriginal organizations and coastal communities.

Three key issues were raised: the non-derogation clause, duplication among federal programs, and consultation with coastal communities in the establishment of national marine conservation areas. I will respond to these issues during the course of my remarks.

For over 100 years, Canadians and their governments have built a world-renowned system of national parks. This Parliament now has the opportunity to set the stage for building a system of national marine conservation areas, which is what this bill is all about. The long-term goal is to represent each of Canada's 29 marine regions in a national system of marine conservation areas, much as we will establish a national park in each of the 39 natural terrestrial regions of Canada. Each national marine conservation area, like national parks, should be an outstanding sample of the region it represents.

There is an assumption that national marine conservation areas will simply be national parks on the water. This is not so. In national parks, maintenance of ecological integrity is the first priority when considering park zoning and visitor use. Parks are managed in such a way that they will remain essentially unaltered by human activity. National marine conservation areas, on the other hand, are designed to be models of sustainable use, and the approach to management is one that balances protection and use. As a result, we need legislation tailored to national marine conservation areas.

I will take this opportunity to give senators a quick overview of the legislation, indicating how it is designed to manage protected areas in a complex world that is our marine environment.

Honourable senators, Bill C-10 establishes the legal and regulatory framework for creating and managing national marine conservation areas. It does not, of itself, create any specific areas but rather it provides a mechanism for formally establishing national marine conservation areas under the act.

A national marine conservation area is formally established when its land description is added to a schedule of the act. This brings those lands under the formal protection of the legislation. Bill C-10 sets out an Order in Council process for the establishment in law of national marine conservation areas. While the Order in Council process will speed up the scheduling of new areas, I want to assure honourable senators that the supremacy of Parliament remains. This bill requires that proposals to establish new national marine conservation areas must be tabled in both Houses and must be referred to the appropriate standing committees for their consideration. Should either House reject the establishment of the new area, the Order in Council would not proceed.

Honourable senators, as in the case of our national parks, Bill C-10 requires federal ownership of all lands to be included in a national marine conservation area, both above and below the water. This ensures that the Minister of Canadian Heritage will administer and control these areas. If a province owns all or part of the seabed in an area where Parks Canada proposes to establish a national marine conservation area, the province would have to agree to the use of those lands for that purpose. A federal-provincial agreement would be required to transfer ownership to the federal government. Without such an agreement, the proposed

national marine conservation area could not proceed, and for greater certainty, this requirement is specified in the legislation. In marine areas where there is contested federal-provincial jurisdiction, I should like to assure the house that the federal government has no intention of acting unilaterally. There will always be consultation with the province concerned, with a view to finding a mutually satisfactory resolution.

Witnesses before the committees of both Houses raised concerns that local communities would not be sufficiently involved in the establishment of national marine conservation areas. I want to emphasize that there is a clear requirement for public consultation on the establishment of any national marine conservation area, with particular emphasis given to affected coastal communities. The nature of these consultations is set out in Parks Canada's policy. The steps required to establish a national marine conservation area can take years to complete. The feasibility studies that have already been launched by Parks Canada illustrate this policy in action. I wish to emphasize that if there is no public support for the creation of a national marine conservation area in a given location, then the proposal would not be brought forward to Parliament. In that event, Parks Canada would look to another area with which to represent the marine region.

When the government decides to take the final step and formally establish a national marine conservation area, Parliament will have an opportunity to examine the proposal in detail in order to satisfy itself that there is community support. This element was provided for in clause 7 of the bill. Indeed, Bill C-10 requires that, for each proposal, information on the consultation undertaken include a list of the names of the organizations and persons consulted, the dates of the consultation, and a summary of their comments in the report that the minister would table before Parliament. Bill C-10 also calls for active stakeholder participation in the formulation, review and implementation of management plans. Again, the legislation provides for accountability to Parliament through the tabling of management plans for each marine conservation area.

Honourable senators, I believe Bill C-10 provides coastal communities with the assurances they need with regard to consultation.

Before an area is established, coastal communities need certainty with respect to how the area will be managed. Therefore, when a new proposal comes before Parliament, it will include an interim management plan. Management advisory committees will also be created for each marine conservation area to ensure that consultation with local stakeholders continues. The management plan for each area must be reviewed at least every five years. Thus, the government will take a "learn-by-doing" approach for every national marine conservation area. Continuing consultation within each marine conservation area will allow Parks Canada staff to learn from local people by drawing on the traditional ecological knowledge of coastal communities and Aboriginal peoples. Parks Canada has taken a partnership approach in the management of this program, which is clearly reflected in the bill. Other ministers have statutory responsibilities that affect the management of national marine conservation areas, and Bill C-10 has been carefully drafted to take this fact into account.

Honourable senators, I now wish to address how Bill C-10 reflects this government's commitment to working with Aboriginal peoples. The legislation includes provisions to establish "reserves" for national marine conservation areas. These are established when an area, or a portion of an area, is subject to a claim in respect of Aboriginal rights that has been accepted for negotiation by the Government of Canada. Reserves are managed as if they were national marine conservation areas, but without prejudice to the settlement of the claim.

A non-derogation clause regarding Aboriginal and treaty rights is also included in the bill. The intention of a non-derogation clause is simply to remind those charged with the implementation of legislation that they must respect the rights guaranteed to Aboriginal peoples under the Constitution. The wording of the non-derogation clause in Bill C-10 reflects this intent. It is a flag or a reminder, nothing more and nothing less.

• (1420)

However, a number of honourable senators have noted that the wording of non-derogation clauses appearing in legislation has changed over time, and they have raised concerns about the different formulations. Honourable senators have expressed concerns that the protection afforded Aboriginal and treaty rights could in some way be lessened by the more recent formulations of the non-derogation clause.

Several honourable senators wrote to the Minister of Justice to convey concerns. I am pleased to say that Minister Cauchon has responded. He has indicated that he will look into the situation with a view to obtaining clarity and consistency in the interpretation of Aboriginal constitutional guarantees. He also welcomes the views of honourable senators on this issue.

There is a specific requirement in the legislation to consult with Aboriginal organizations and governments, and bodies established under land claims agreements. The legislation also explicitly recognizes traditional Aboriginal ecological knowledge in carrying out research and monitoring studies in national marine conservation areas.

Honourable senators, certain activities are prohibited throughout all national marine conservation areas. The most important prohibition concerns non-renewable resources, specifically, minerals, oil and gas. Marine conservation areas are managed for sustainable use and, by definition, extraction of non-renewable resources is not sustainable.

Other activities would be regulated through zoning. I would emphasize the importance of zoning as a powerful and flexible tool for managing use within the marine conservation areas. In each national marine conservation area, there will be multiple-use zones where ecologically sustainable uses are encouraged, including fishing. There will also be zones where special protection is afforded, for example, critical spawning grounds, cultural sites, whale calving areas and scientific research sites. These would be protected zones where resource use, such as fishing, is not permitted. Each area will contain two types of zones. At the same time, enough flexibility is left in the bill to ensure that each area can have a zoning plan appropriate to its individual situation.

Parks Canada will identify the location of protection zones and surrounding multiple-use zones for each proposed marine conservation area during the feasibility study of that area, with full consultation with local stakeholders.

Federal legislation, such as the Fisheries Act and the Canada Shipping Act, is already being used to manage activities in the marine environment. These statutes were not intended to cover the special requirements of national marine conservation areas. Thus, Bill C-10 includes a number of regulation-making authorities that would deal with those special requirements. For example, the bill includes authorities to make regulations for the protection of cultural resources, visitor safety, the establishment of zones, control of activities within those zones, and control of aircraft over-flights that pose a threat to wildlife.

The bill includes checks and balances on the substance of the regulations that may be made under this act. Specifically, any regulations that have an impact on the jurisdiction of the Minister of Fisheries and Oceans or the Minister of Transport must be made on the recommendation of both the Minister of Canadian Heritage and the affected minister.

Honourable senators, concerns have been raised that the national marine conservation area program is simply a duplication of existing marine protected area programs. That is not so. Parks Canada's national marine conservation areas are part of a larger commitment of this government to establish a network of protected areas in Canada's oceans. Just as a variety of tools allows for a diverse protected areas network on land such as national parks, provincial parks, national wildlife areas and migratory bird sanctuaries, a similar suite of tools is necessary to satisfy the wide range of needs and purposes within our complex marine environment.

While the Oceans Act provides the Minister of Fisheries and Oceans with a leadership role for coordinating the development and implementation of a national system of marine protected areas, the responsibility for establishing this system is shared among three federal agencies with mandated responsibilities to establish and create marine protected areas: Parks Canada, Environment Canada and Fisheries and Oceans. The result is a family of complementary programs contributing to a broader, comprehensive system of marine protected areas that will conserve and protect Canada's natural and cultural marine resources.

Within this family, the Minister of Fisheries and Oceans establishes marine protected areas to protect and conserve critical fish and marine mammal habitat, endangered marine species, unique features and areas of high biological productivity or biodiversity.

The Minister of the Environment establishes national and marine wildlife areas to protect critical sea bird habitats. The Minister of Canadian Heritage oversees Parks Canada's program, which serves a much broader objective. It is the only one of the three programs that recognizes the role that Canada's oceans and Great Lakes have played in defining the country's economy, culture and identity. This is a heritage conservation program, one ideally suited to the mandate of the Heritage Canada portfolio.

In conclusion, I would reiterate that Bill C-10 is framework legislation. It provides the tools needed to create national marine conservation areas and to manage each one in the way appropriate to its unique characteristics. I believe we have struck the right balance between protection and sustainable use. Very few activities are completely prohibited, but tools are available to ensure that the structure and functions of each area's ecosystems are not compromised.

Canada needs this legislation so that outstanding examples of our country's natural and cultural marine heritage can be provided with long-term protection, so that all Canadians can learn more about and experience a shared heritage.

Honourable senators, I urge you to pass Bill C-10 without delay.

Hon. Gerald J. Comeau: May I ask a question?

The Hon. the Speaker *pro tempore***:** Senator Sibbeston, will you answer questions?

Senator Sibbeston: Yes.

Senator Comeau: Would the senator advise whether the superintendent of the marine conservation area will be the official who will issue and/or rescind fishing licences under the plans of those areas?

Senator Sibbeston: Honourable senators, I am not certain, but there is a provision for officials to be responsible for managing and enforcing the regulations. In this system, Parks Canada officials and any persons appointed by the minister responsible for this act would appoint officials. Any of those would be able to enforce the regulations and the provisions under this act.

Senator Comeau: It appears that the superintendent who will be appointed by the Parks Canada Agency will be involved in the distribution and/or the rescinding of licences. Is the honourable senator aware of the long history of problems which have been caused, and which, in the past few years, seem to have been solved somewhat by having only one ministry deal with the licensing of fisheries? It can be subject to abuse. The impression I had was that this would be the responsibility of the superintendent of parks.

• (1430)

The second question is: Why was the proposed management advisory committee set up so that it would be composed of ministerial appointees rather than representatives of the coastal communities most impacted by the marine conservation area plans? I would suggest that the communities that would be most impacted might be willing to support this legislation if they had representatives sitting on that committee on their behalf rather than ministerial designates.

Senator Sibbeston: Honourable senators, clause 11 deals with the minister having to establish a management advisory committee. In subclause 3 of that provision, the minister is mandated to consult with relevant federal-provincial ministers and agencies and affected coastal communities and Aboriginal peoples — basically everyone who is to be affected by the process of the federal government wanting to establish a conservation area. It appears to me that there is provision for the minister consulting widely and eventually appointing an advisory board that would be useful and effective.

Senator Comeau: I do not think the honourable senator heard my question. The bill states that the management advisory committee is to be appointed by the minister. It is not a question of consultation. Why did the minister not consider appointing representatives of coastal communities, who have — and honourable senators will hear this in committee — expressed concerns about this bill? Certain activities are prohibited in the legislation. Certain activities can never be done in their own backyard. Has consideration been given to appointing representatives of those coastal communities to sit on the management advisory committee?

My last question relates to the fact that there are still witnesses who wish to appear before the committee. The committee will probably hear from others on this subject. Why the rush? If it will take years to have park areas designated, why the rush, which prevents people from appearing and the committee from actually doing a full, good job of consultation. The honourable senator spoke at length about how much consultation there would be, yet there is a push to rush the legislation through without hearing the views of all the people who wished to appear before the committee.

Senator Sibbeston: Honourable senators, I am only familiar with the process provided for in the act that allows the minister to consult and to explain decisions as to whom he places on the committee. There is no direct option for committees to be appointed; everything goes through the minister. That is the system of government that we have in the country. Ministers are ultimately responsible for matters such as this.

As to the consultation process, I do not have a tremendous amount of experience with respect to committees. However, I felt this bill had very exhaustive consultation. The committee dealt with Bill C-10 for weeks on end and, as much as possible, heard from people who wished to appear before the committee. I appreciate that there may still be communities or groups wanting to testify, but I felt the committee gave the matter exhaustive consideration. Although we did not hear absolutely everyone who may have wanted to appear, I think the committee did a good job of hearing from as many people as possible.

Hon. Pat Carney: Honourable senators, I should like to intervene on third reading of Bill C-10 to follow up on some of the points raised thus far.

This bill impacts the B.C. coast in a number of serious ways. Some of the 29 proposed marine parks created by Bill C-10 will be along the B.C. coast. I am here to tell honourable senators that many communities that wanted to participate and learn what this bill contained have not had a chance to do so and have been shut out of the process.

British Columbia has only six senators, and it is not possible for us to staff all Senate committees. I started receiving concerns about this bill back in August 2001. By February, I had sent to the committee chairman and the committee clerk requests from communities on the north coast of B.C. to be heard on this bill. Subsequently, we were gratified to find that, through video conferencing, about seven communities on the north coast — the Queen Charlotte area, the Prince Rupert area, the Kitimat-Stikine area, even Smithers in the interior — were able to participate in Senate committee hearings through a medical facility in the Skeena Valley. Apparently, that was considered to be sufficient by the committee.

There are 25,000 kilometres of coastline. By the time details of this legislation circulated in British Columbia and more concerns were heard, we provided other names to the committee. We were assured by the committee clerk that other British Columbia coastal communities would be heard. As recently as June, this week, having been told that more British Columbia communities would be heard, we sent a letter to the committee saying that the Southern Gulf Islands — that is, the string of islands from the mid-coast down to the U.S. border — had not been consulted and knew nothing about the legislation.

I had representation from my own island and neighbouring islands to ask that some details of this bill be made available to them, particularly because the Southern Gulf Islands are the site of a proposed pacific marine heritage legacy park on land. They want to know if huge tracts of land — 60 per cent of my island — will be in a park and adjacent waters will be in a park. One cannot do anything in a park if one is properly obeying the regulations. They want to have knowledge of what was proposed and what opportunities would be open to them. I know Senator Banks was involved in some of these discussions.

Honourable senators, the reply I received from Senator Taylor was simply that these groups could not be heard and that clause-by-clause consideration of the bill would go ahead. I proposed a teleconference from the Vancouver site that the Senate uses. The reason given was that, to quote his note, "The committee did not feel that there would be much difference between the Gulf Islands and other places we had interviewed." Of course, the difference is thousands and thousands of kilometres. One cannot say that the north coast is similar to conditions on islands around the U.S. border. Senator Taylor also said there were 1,500 islands — this comment is in the transcripts of the committee — and that they certainly could not all be heard from. That was not the suggestion. The suggestion was to hear from some of the islanders and some of the coastal communities, including the Coastal Community Network, which represents all of the communities, the band councils and the regional districts that did not participate. Although they are the network for the coast, they were refused a chance to participate.

Honourable senators, most communities do not know what is in this bill. Even on my own island, last Saturday I went to a meeting on a proposed rockfish closure that was being imposed. A ling cod closure was imposed, and they had never heard of Bill C-10.

Honourable senators, I want it as a matter of record that despite the elaborate discussions that Senator Sibbeston has put forward, most of the coast, except possibly those seven communities on the north coast, do not know about this bill, do not know how it will impact them and are upset that they will not have a chance to put their concerns on the record.

In the committee transcript, Senator Taylor said, in closing, that he was prepared to deal with the slings and arrows of Senator Carney upon his return, which I accept graciously. They are not the only slings and arrows that I have endured.

• (1440)

The honourable senator has family on Saltspring Island. If I were him, I would stay out of the Southern Gulf Islands for the foreseeable future because the people there are not happy with being shut out of the process. They are fed up with hearing through the grapevine, or through DFO officials, about activities

in their surroundings affecting them. This area has been deeply impacted by softwood lumber closures because of the ineptitude of the Liberal Party and deeply affected by fisheries closures through the ineptitude of this same Liberal Party. The people would like to have some say in what this bill holds for their future. It is shameful to shut out the Southern Gulf Islands.

Senator Tkachuk: I notice that Senator Taylor is not here.

Hon. Tommy Banks: Honourable senators, I thank the honourable senator for her statements.

I am the sponsor of this bill, and I do not need to add anything to what Senator Sibbeston said today in his excellent speech. I wish to make a couple of things clear that perhaps are not clear to all honourable senators.

We must remember what this legislation is and what it does. This is framework legislation; this is enabling legislation.

Senator Carney: Shame!

Senator Banks: This legislation does not establish a single marine conservation area. It sets out the means by which, if there is to be a marine conservation area, it would be established.

The constituents of whom the honourable senator spoke may be in an area which may be proposed as a marine conservation area at some future time. If a marine conservation area were to be proposed, they would find that there would be a consultation process in which they would be directly involved, very extensively, for a long period of time. The process would satisfy them.

The best evidence that I can give of that consultation process is past performance. There are two other specific instances to which I would like to refer by way of giving examples of how the consultation process will be applied. One is a proposal made to establish a marine conservation area in a part of Canada where the extensive consultation process very much involved the coastal communities and stakeholder groups of all kinds. That consultation determined, after a process lasting years, that the people did not want a CMA to be established in their area. That was the end of the matter, and we did not hear further.

In a second instance, which happens to have been in the Great Lakes region, an initial proposal was made that perhaps a marine conservation area ought to be established. I can characterize the initial response reasonably as a "stiff reaction." The consultation process was begun. It involved all of the stakeholder groups and community groups of the coastal communities. It turned out that after the consultation process was under way for a while, and the people who would be affected understood what it meant for a marine conservation area to be established in their bailiwick, they changed their minds. They are now, in fact, quite in favour of it. Those discussions are proceeding.

Honourable senators, this is not the place nor the time, I suggest, for consultation with all of the coastal areas of British Columbia or all of the coastal areas in all of Canada's Great Lakes, the Arctic Ocean or the Atlantic Ocean because the vast majority of them will never be affected by this bill. When a marine conservation area is proposed then, as per the legislation, the minister will, as ministers have done in the past, consult widely and at length with everybody.

As the bill provides, if there is no agreement among those constituent groups, including affected coastal communities, the procedure will stop. The proposal will not be made to Parliament.

Senator Carney: May I ask a question?

The Hon. the Speaker *pro tempore***:** Senator Banks, would you take a question?

Senator Banks: Yes.

Senator Carney: I compliment the honourable senator for being the sponsor of this important bill. However, the information he has given this chamber is not available to the coastal communities. It cannot be communicated to them. There are fears that their livelihoods will be altered.

I am not suggesting that they are all against this bill. The Islands Trust Marine Stewardship Committee is very interested in this legislation, as are the sports fishermen and boating associations. However, they are fearful of what is being proposed. They are not experts in legislation. They do not know what is being proposed, and they have the right to hear what is being proposed and to comment on it.

Are you prepared to spend the summer going down the coast by boat to visit all of the coastal communities that were shut out of the process and explain it to them? Someone must tell them what this bill contains and allay their fears.

Senator Banks: Thank you for the question, honourable senator. The short answer is no, because if we were to engage in a dialogue of explanation with every coastal community on all three of Canada's coasts to explain what this framework-enabling legislation is, it would take — I would hazard a guess — four or five years. It would be virtually impossible.

Honourable senators, the government must be able to govern. This government has said that it will establish marine conservation areas. I cannot imagine how the enabling of those actions could possibly take further into account — short of flat-out, national referenda every few weeks — the wishes of affected parties any more than this bill does. I cannot imagine a more stringent, open or clearly set out process of consultation when an area might be affected than is contained in this bill. It would be impossible to do so without completely going the route of referenda, which no one here — with one possible exception, I suppose — wants to do.

Honourable senators, I assure the senator that this bill, as with every piece of legislation that comes before this place, is available to all Canadians, as is the record of the discussions on it and the testimony given by witnesses. However, it is not the case that, in respect of every bill that comes before us, we run around the country, to every constituency, and ensure that every person in Canada understands precisely what it will do and exactly what it says. We cannot do that.

There is a certain responsibility on the part of interested persons to go to the Internet and ask a question. I had the pleasure of taking part in the teleconference to which Senator Carney referred. It was for the purpose of hearing from a representative group of people including, as the honourable senator pointed out,

not only coastal but also inland communities. It is fair to say that, while none of them walked away jumping in the air and saying, "Gee, I hope they establish a MCA in our place," they understood better —

Senator Carney: That is the point.

Senator Banks: I will answer the honourable senator's question by saying that I do not think it is possible for the committee, or for any aspect of government, to canvass every coastal community in Canada. The senator is aware of the nature of our shoreline. We simply cannot do that.

When persons might be affected, they will be consulted extensively, and at length. That has been demonstrated in spades by this government.

Honourable senators, before I sit down, I wish to say one other thing: Fisheries regulations in marine conservation areas will be enforced by fisheries officers, period. That is an undertaking that is reflected in the bill. I have taken careful note of the excellent speech made by Senator Comeau in respect of his questions on this bill. I assure the honourable senator that I will be happy to answer each of the 24 excellent questions that he asked. However, I do not think that he would want me to take the time to do that now. I will be happy to get together with the honourable senator at some point to answer each of them specifically.

• (1450)

In response to the honourable senator's excellent speech and questions, I have satisfied myself that the confusion about which he was quite rightly concerned does not exist; that fisheries regulations will be enforced in marine conservation areas by fisheries officers; and that existing fishing licences issued by the Department of Fisheries and Oceans will continue to be fishing licences under the marine conservation area, except, of course, in those small parts of the second type of zone.

Honourable senators will recall Senator Sibbeston having said that there will be at least two different zones in each marine conservation area. That is very important. Senator Sibbeston was careful to say that there will be no extraction of non-renewable resources from any part of a marine conservation area. However, in the smallest part of one of the two zones — there will be at least two such zones, and there may well be more — no fishing will be allowed. As Senator Sibbeston has said, the other part will be a model of sustainable development, which will include fishing and, for example, the dumping of certain kinds of refuse in a marine conservation area when it conforms with the industrial aspect of what is happening on the shore and in the water in that marine conservation area. It is literally sustainable development.

I look forward to meeting with the Honourable Senators Comeau and Carney and with any other interested senator so that I can answer those questions more specifically and in greater detail.

Senator Comeau: Honourable senators, I wish to thank Senator Banks for referring to the number of questions that I asked in my speech. By all means, I should like to meet with Senator Banks to discuss with him the means by which he arrived at satisfying himself that all of these issues are of no concern.

After he meets with us, would the honourable senator mind tabling in the Senate all the responses to the concerns I have raised? This would allow the concerns to be allayed publicly.

I listened carefully to the words used by Senator Banks in responding to some of my comments. I heard him specifically say that fisheries regulations would continue to be enforced by the Department of Fisheries and Oceans. I do not think I ever questioned the enforcement of fisheries regulations. I specifically asked whether the issuance of licences and the rescinding of licences in marine conservation areas would be done by a Parks Canada superintendent. He will have to go back to the legislation. I think he will note that it is the Parks Canada superintendent who will be responsible, through the management plan, for issuing and rescinding licences. Do not fool around with the words that I used. I was very specific in the questions I raised.

I note that the honourable senator did not refer to certain problems that I raised. For example, he did not at all touch the question of the creation of an enforcement body, a brand new police agency, by Parks Canada, when we already have DFO police policing our waters. As a matter of fact, the Parks Canada people do not have the right to carry firearms at the present time, whereas DFO people do. Will the Parks Canada police have to call in the RCMP when they need to perform arrests under the search and seizure powers outlined in the act?

The honourable senator referred to marine conservation areas. In fact, certain communities in two marine conservation areas were consulted. One of the communities said no while the other said yes. Why would we now need legislation, which is not accepted by many communities, if such things are already possible?

Honourable senators heard Senator Carney state that there is great concern about this legislation on the West Coast. I can tell honourable senators that many people on the East Coast are not aware of this legislation. There was no attempt whatsoever to make the coastal communities of Atlantic Canada aware that this bill was coming forward. These Atlantic Canadians will now have to contend with a new bill, together with all the other problems they have with the fisheries on the Atlantic coast.

These are just a few of the questions I have. I hope we can spend time ensuring that what we are doing is right.

Senator Banks: I thank the honourable senator for his questions and comments.

First, I will happily table in the house answers to the questions of the honourable senator as soon as I can write them out.

The honourable senator's question concerning enforcement was the one to which I was referring. He observed that another enforcement agency will be established. That is true. There will be the marine conservation area equivalent of Parks Canada wardens, whose job it will be to enforce the specific regulations that exist in a specific marine conservation area. The reason they will not be responsible for enforcing fishing regulations lies partly in what the honourable senator has pointed out. For example, they are not armed, whereas, on occasion, DFO officers are armed. They are not familiar with and they will not be charged with enforcing fisheries regulations, whereas DFO officers will.

Honourable senators, one of Senator Comeau's questions related to the fishing community getting used to dealing with DFO officers. They will continue to deal with DFO officers as regards fishing.

The honourable senator is quite right. Obviously, within a marine conservation area, the superintendent will have the ability — and I will answer this specifically when I table my answers — to disallow fishing in some areas in a marine conservation area in which fishing may now be allowed. Therefore, the answer to that question is yes.

I undertake to answer all of the questions, in writing, for all members of this place, very soon.

On motion of Senator Comeau, debate adjourned.

CRIMINAL CODE
FIREARMS ACT

BILL TO AMEND—POINT OF ORDER— SECOND READING—DEBATE ADJOURNED

On the Order:

> Second reading of Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order.

As all honourable senators know, yesterday, a question of privilege was raised by Senator St. Germain with regard to this bill. The decision of His Honour as to whether or not a prima facie case of privilege has been made has yet to be determined. Had this been a point of order yesterday, that would have been attached to this item on the Order Paper. Had that been the case, of course, the matter would be standing in the name of His Honour the Speaker.

In similar circumstances, in the past, a bill was not proceeded with when a question of privilege relating to the bill was raised. I think we should continue that practice. We ought not to proceed with the second reading of this bill.

• (1500)

Should a prima facie question of privilege be determined, the Speaker, in his ruling, might be able to offer some advice on whether it would be appropriate for the chamber to proceed with the bill.

Therefore, I would suggest that we treat this matter as we treat points of order. If the Speaker rules that there is no prima facie case, then there is no obstacle at all. Should the Speaker rule that there is a prima facie case, then, at that point, we would refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

After that determination, we would be able to reflect upon whether, until the Rules Committee has dealt with the matter, we will withhold judgment, or at least we will have the opportunity to determine whether we can draw a clear distinction between the privilege issue and the issue dealing with the substance of the bill.

I would ask for a ruling on whether it is the practice that we do not deal with an item when a question of privilege has been raised.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the question of privilege which was raised is to a certain extent related to Bill C-15B. I think, however, that a debate at second reading stage, if we proceed with the debate today, would have no impact on the ruling which the Speaker will make. This is not to say that I know how he will rule, but I think that we should proceed with the debate.

If the Speaker were unable to give a ruling because the senator who raised the matter is absent, or for some other reason, we might delay debate on the bill indefinitely. We are now prepared to move second reading of this bill and begin the debate.

The Hon. the Speaker *pro tempore***:** Honourable senators, when Senator St. Germain raised this question yesterday, I was in the Chamber with the Speaker. We met with the experts yesterday evening about this. This morning, Senator St. Germain told the Speaker in a telephone call that he believed that we could proceed with the debate despite his absence.

I remind honourable senators that we are at second and not third reading stage of the bill. According to the Speaker, we may proceed with debate at this second reading stage. The Speaker will give us his ruling next Tuesday.

[*English*]

Hon. Joan Fraser: Honourable senators, I move the second reading of Bill C-15B.

The title of Bill C-15B is "An Act to Amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act." I regret to advise that that is both the long and the short title. As that title suggests, the bill concerns two quite different topics: firearms and cruelty to animals. I shall try to discuss the broad lines of each.

I shall speak first to the animal cruelty provisions of Bill C-15B. Essentially, this bill does a few quite simple things. First, a new section of the Criminal Code is proposed to bring the provisions on cruelty to animals together, in a coherent whole. Second, the bill removes some glaring anachronisms. Third, the proposed legislation clarifies the law. For example, for the first time in this context, federal law would provide the definition of an animal. That definition will be:

> ...a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

If honourable senators are wondering where the dividing line would come, the answer is not entirely certain. For example, science is not entirely certain whether an octopus that has a central nervous system actually feels pain. We are quite clear that a sponge does not. In cases where doubt existed, it would be for the Crown to prove that the animal could feel pain before it could proceed.

Fourth, and this is very important, Bill C-15B increases the penalties for cruelty to animals.

[*Translation*]

The changes proposed in this bill are, I repeat, essentially simple yet important. They are an update of provisions that date back to 1892 and are based on concepts now outmoded. The last major change to animal cruelty provisions dates back to 1953, when the main provision relating to causing needless pain, suffering or injury was introduced.

The object of the law has not changed, and this bill will not change it either. The provisions of this bill clarify it. However, it is in society's best interests to protect animals from cruelty, because they are capable of feeling pain. This is what distinguishes animals from other forms of property. This is why the provisions on animal cruelty need to be taken out of the part of the Criminal Code that deals with property offences and put into a new part of the code.

[*English*]

Honourable senators, discussions about these proposed changes have taken place against a backdrop of controversy about the use of animals in society, which is a subject of passionate debate. However, it is vital that we not confuse that larger social debate with the objectives of this bill.

The proposed provisions in Bill C-15B, though important, do not change the status of animals at law. They promote humane treatment of animals, but they have nothing to do with advancing animal rights; nor do the proposed provisions provide that one may never inflict pain on any animal. What they tackle is pain or suffering that was unnecessary, or wilfully or recklessly caused.

I mentioned that Bill C-15B removes some anachronisms from the present law. For example, with some of the current animal cruelty provisions in the Criminal Code, the proprietary status of an animal determines whether a successful prosecution can be brought. Yet, the basic point of the cruelty provisions is to protect animals from cruelty because of their capacity to feel pain. Clearly, an animal's capacity to feel pain has nothing to do with who owns it.

I shall now offer an example of the kind of complexity in the present law that Bill C-15B would clear up. Section 446(1)(*a*) of the Criminal Code makes an offence of the wilful infliction of unnecessary pain, suffering or injury on an animal. However, one must read that in conjunction with section 429(1), which states that "wilfully" includes "recklessly."

Further, it is only through reading section 446(3) very carefully that you will learn that section 446(1)(*a*) actually creates two offences: one of causing unnecessary pain, suffering or injury either wilfully or recklessly; and the other of causing unnecessary pain, suffering or injury through criminal neglect.

As for the punishments that apply to these offences, one must go all the way to section 787, or perhaps section 719(*b*), depending on the type of offender concerned.

Passage of Bill C-15B would clarify matters. Among other things, the proposed legislation sets out intentional cruelty offences in one section, and cruelty involving criminal neglect in another.

[*Translation*]

Now, let us move on to the penalties. The idea of making the penalties for deliberate cruelty and criminal negligence more severe is very readily justified. First, scientific studies are increasingly showing a link between animal cruelty and cruelty toward humans. The severity a society attributes to a given act is reflected in the penalties it imposes on that act.

• (1510)

Bill C-15B substantially increases the penalty for intentional cruelty. It makes it a hybrid offence, with a maximum sentence of five years for a criminal act and eighteen months for an offence punishable by summary conviction plus, of course, the possibility of substantial fines.

This leeway will make it possible for the Crown to tailor the penalty to the circumstances and will make judges, lawyers and the general public aware that cruelty to animals constitutes a serious case of violence.

[*English*]

A third aspect to modernizing the law is to fill a gap in it. At present, a person who does have a lawful purpose for killing an animal but who does so with brutal or vicious intent cannot be charged with cruelty unless he also causes unnecessary pain, suffering or injury to the animal. If you are wondering what kind of conduct that might involve, something that is brutal and vicious but not painful, it could include tying an animal to a railroad track or fastening an explosive device to it. Bill C-15B creates a new offence of intentionally killing an animal brutally or viciously, whether or not the animal suffers pain.

Let me now turn to a point about which there appears to be much confusion and about which there has certainly been considerable controversy. Some critics of Bill C-15B seem to have confused the issue of what needs to be proven to establish the elements of animal cruelty offences with how defences in respect of animal cruelty operate now under the Criminal Code. It is important to understand the distinction.

In this bill, the main offence of causing unnecessary pain, suffering or injury to an animal is structured in such a way that industry and research practices are factored into determining whether a cruelty offence has even been committed. This is an extremely important point. In determining whether an offence of causing unnecessary pain, suffering or injury has been committed, the test under the new law will be the same test as in the present law. In that process, the courts have to decide two issues: First is whether someone had a lawful purpose for doing a particular act. The courts have expressly acknowledged that animals can be subjugated to satisfy a variety of human interests. On the basis of the recognition of industry and research practices in case law, common custom, codes of practice, provincial, territorial and federal legislation and conventions concerning animal use, it is clear that the use of animals in industry, including agriculture, or research always has been and will continue to be legal.

[*Translation*]

However, proving that the purpose is legitimate is only half of the battle. The other half consists in determining if the means used to achieve the objective have caused the animal pain that could have been avoided, given the other reasonably accessible means, as the Quebec Court of Appeal indicated in a landmark ruling on animal cruelty, "considering social costs and priorities."

The offence of causing unnecessary pain, suffering or injury to an animal is only established if the court is convinced beyond any reasonable doubt that the pain could have been avoided under the circumstances. This criterion has been included in the Criminal Code since 1953. It has not changed and it will not change.

[*English*]

That covers the elements of the offence. Now turning to defences — and I am not talking about football here — this is something about which there has been considerable debate in the other place. I am sure that debate will continue as our Senate committee examines this matter, and we will do our usual, thorough job. Given the degree of public debate that we have seen on this matter, it would be surprising if no one suggested any amendments. However, as I said yesterday, it is important to note that the Minister of Justice has stressed that the Senate process must be respected — and I know that it will be.

Some critics of the bill, getting to the substance of the issue, suggest that vital defences will be lost if the animal cruelty provisions are moved out of Part XI of the Criminal Code, and that would be important if it were true. However, I have not been convinced. It seems to me to be fair to say that the critics are operating on a number of faulty premises. Let me address one of these.

In my view, the critics' most important error is their assumption that the current law gives industry an exemption for all activities that are carried out for a lawful purpose. That is not true. You will remember what I said about the second half of the test for causing unnecessary pain, suffering or injury, even when one's purpose is lawful. Honourable senators, no one is now exempt from the application of the criminal law on animal cruelty just because they have a lawful purpose. The reason why reasonable industry practices are not criminal is that they do not meet the threshold of criminal liability — not that they are exempted.

The Criminal Code has never contained exemptions for animal cruelty provisions. If I could cite a parallel example that someone mentioned to me, doctors are not exempt from the Criminal Code's provisions against assault, even though what they do to you is quite often invasive. The law assumes that there is a line somewhere that even doctors may not cross. They are not exempt, nor is the treatment of animals.

The policy underlying this bill's amendments relating to animal cruelty has been that the tests for liability for intentional cruelty and for criminal neglect should not be changed, and certainly should not be eroded. It is worth noting that the Criminal Lawyers Association has said that moving the animal cruelty offences out of the property provisions in the Criminal Code would not diminish any of the defences available to accused persons.

I would like now to address one further concern that has interested some honourable senators. Some critics are concerned that Bill C-15B would make it easier for animal rights activists to use the courts to harass industry with vexatious, private prosecutions. I do not think so. Bill C-15A, which received Royal Assent on Tuesday, would require that all private prosecutions laid in respect of indictable offences, including those involving cruelty to animals, be screened before a potential accused is even required to attend court. A mandatory hearing must be held before a designated justice or a judge to determine whether a case is made out for requiring the accused to attend court. The Attorney General must receive reasonable notice of the hearing, and has the right to attend the hearing and to cross-examine and to call witnesses. This comes on top of other provisions already in the Criminal Code, such as section 579, which allows the Attorney General to stay proceedings in a private prosecution. In short, honourable senators, this bill does a fair and balanced job of protecting both animals and industry.

Now let me turn to the amendments concerning firearms. Let me be utterly frank here: I am not a gun owner or a user. I have studied this bill and the Firearms Act carefully, and I have had briefings. I will never be an expert in the manifold complexities of guns, with all the distinctions in muzzle length, muzzle velocity versus muzzle energy, ammunition calibre, and so on. I know just enough to know that I do not know very much. However, I have studied this bill. With that disclaimer, let me now explain what I understand this portion of the bill to do.

[*Translation*]

It is very important to note that these proposals are the result of extensive consultations with program partners and with stakeholders, including the police and firearm owners. These changes are meant to be solutions to the issues raised by people who take an interest in firearms. The guiding principle is to administer the program effectively, without affecting safety.

First, I remind honourable senators that, in 1995, Parliament passed Bill C-68, thus creating a general program to ensure safety with respect to firearms.

• (1520)

This program included the issuing of permits to all firearm owners, the registration of all firearms, and new more severe sentences for the criminal use of firearms. The legislation also contained important public safety elements from previous laws, including the safe storage of firearms and the Canadian safety course on handling firearms.

The purpose of the amendments proposed today in Bill C-15B is to streamline the administration of the program.

The proposed administrative changes include simplifying the firearm permit and registration renewal process. In addition, the pre-processing of visitors bringing guns into Canada will make the border process more efficient.

We would improve the day-to-day administration of the firearms program by ensuring more direct accountability. The bill would create a new Canadian firearms commissioner who would report directly to the Minister of Justice. Obviously, provincial firearms officers will continue to play a key role.

[*English*]

Bill C-15B also addresses a problem that has become apparent with dealer inventories of prohibited handguns, particularly dealers who were caught with large inventories on February 14, 1995, when the guns were first prohibited. Grandfathering these inventories would allow businesses to sell prohibited handguns to individuals if those individuals are themselves grandfathered to possess those weapons and licensed to acquire them. This would help businesses and would not affect public safety because, I repeat, only licensed, grandfathered individuals could acquire these prohibited handguns.

Another proposal in the bill would change the grandfathering date for prohibited handguns from February 14, 1995, to December 1, 1998. This is so that properly licensed individuals who lawfully acquired and registered a handgun while it was still just restricted — that is, between February 14, 1995, and December 1, 1998 — could keep it. Public safety would be maintained because only those people who were already in legal possession of these handguns on December 1, 1998, and who are properly trained and licensed to use prohibited firearms would be able to keep them. Therefore, ownership of prohibited handguns would continue to be limited to a very small number of individuals with grandfathered privileges.

Another element of the bill that should make its administration far more efficient — and cheaper — is a provision allowing the staggering of firearms licence renewals. The idea is to avoid having a tidal wave of renewals come due at the same time every five years. The bill proposes a one-time staggering, which would then permanently avoid that traffic jam, since the five-year renewals would themselves be automatically staggered.

Other amendments propose to enhance border controls when it comes to firearm imports-exports and to meet commitments under international agreements. I know the Senate committee will examine all of these provisions diligently.

Honourable senators, I said — and heaven knows, it is true — that I am not an expert on guns. However, I am from Montreal, where an armed madman ran loose at the École Polytechnique one terrible December evening, so I understand the basic need for fair, effective gun control. In preparation for this bill, I have learned a few things about how our existing control program is helping to keep Canadians safe.

Let me give an example of something that happened in Ontario that I found almost unbelievable. Police received notice that an individual had three assault rifles but had failed to re-register them as prohibited firearms, as required by the Firearms Act. The owner was notified of the re-registration requirement several times. Eventually, a search warrant was executed on the property to seize those three rifles. The search also turned up 21 handguns, 47 assault-type rifles, 82 machine guns, six shotguns, one .50 calibre anti-tank gun, six grenades, a hand-held rocket launcher with rocket, 42 machine-gun drum magazines, many fully loaded, land mines, explosives, and thousands of rounds of ammunition. None of those weapons would have been found if we had not had an effective system of gun control, which provided the initial entry point. The system, I would remind honourable senators, is costing us less than $3 per Canadian per year, and the cost is falling.

Each year in this country there are, on average, more than 1,000 firearm-related deaths. Among industrialized countries, Canada has the fifth-highest firearm death rate for children under 15. Overall, Canada's homicide rate is at its lowest level since 1967, but we know that shooting remains the largest cause of homicide deaths. All of us here — indeed, all Canadians — surely want to see concrete measures taken to reduce the criminal use of firearms.

At the same time, we accept that most gun owners are responsible, law-abiding citizens. This bill is designed to make the gun control system more effective, preserve public safety and lessen useless burdens on gun owners. Those strike me as eminently worthwhile objectives.

Hon. Lowell Murray: Honourable senators, will the honourable senator permit a question?

Senator Fraser: In theory, yes.

Senator Murray: I listened attentively to the honourable senator, as I always do. While I was listening, I was examining the bill for the first time. We are now at the stage of second reading approval, in principle, of Bill C-15B. Could the honourable senator identify the principle of this bill for us?

Senator Fraser: Honourable senators, there are two principles: One, in relation to cruelty to animals, as I tried to suggest, is to bring together in a clear, modernized form the provisions of the Criminal Code relating to cruelty to animals, making them more in line with modern Canadian social values. The second, in relation to firearms, is to improve the administration of the firearms control system, in light of difficulties that have been discovered by gun owners, administrators of the system, and others.

Senator Murray: Honourable senators, I do not wish to be argumentative. I had several other questions. I would like to ask the sponsor of the bill to tell us what the provisions regarding cruelty to animals — in respect of which I am strongly sympathetic — have in common with the provisions respecting firearms and firearms registration. If there are two principles, there should be two bills.

Further, I take the point of my honourable friend as to the importance of the provisions regarding cruelty to animals. She argues strongly that the provisions relating to firearms are very important. I take her word on both counts. Therefore, I think we should have two bills.

Once again, the government has taken the electronic version of a scissors and a pot of paste and has slapped together two bills and made it one bill for the convenience of the executive government. I simply want to make the point that I trust the committee, to which this bill will doubtless be referred, will take proper umbrage at this procedure. It is an imposition on Parliament to treat the process in this way.

Senator Fraser: I am not quite sure that Senator Murray has the process history accurate here. In fact, this bill is what is left of a former omnibus bill, which was divided in the other place partly in response, I suppose, to the kind of principles raised by Senator Murray. They are not unimportant principles; I could not agree

more. However, the bill has been through the other place, where it did receive very careful examination. I do not particularly mind in this case, since we are talking about nasty things being done to people or animals.

• (1530)

Senator Murray: Honourable senators, that might be identified as the principle of the bill: to deal with nasty things that are done to people and animals. I had not appreciated the background that Senator Fraser placed on the record, and I thank her for that. It does not change my mind. If the bill has been divided, let it be subdivided.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, the Honourable Senator Fraser has just told us that the bill was excellent and that it was carefully considered in the House of Commons.

[*English*]

Why, then, is the House ready to almost beg the Senate to pass the bill bona fides if it was so well studied over there? I am trying to reconcile two different views.

[*Translation*]

Senator Fraser: Honourable senators, far be it for me to read the minds of the members of the other place. The Senate always considers bills with professionalism and care.

In this very specific case, we were not the first to do so. This does not diminish our duty to proceed with a rigorous consideration of the bill. It is very likely that certain witnesses who were not successful in convincing members of the House committee of their arguments will try to do so here. It will be up to us to agree or disagree with their position.

[*English*]

Hon. Willie Adams: Honourable senators, I have a question for Senator Fraser. I am having difficulty with the fact that Bill C-15B is amending Bill C-68. Perhaps this weekend I will use my gun at home, although I do not know what animal I will shoot. I am concerned because it sounds as though being a hunter may become criminal behaviour. I am a hunter, and I provide for my family and community. This is somewhat different. I would agree with Senator Murray that we should have two separate bills.

What is cruelty to animals? We hear about pit bulls attacking people in their homes. Can that person protect his dog if the dog bites someone? He cannot go to court because it is a guard dog. Aboriginal people will not survive. We have to shoot animals when they attack us. That is why we have guns.

Honourable senators, we have a by-law in our community that if dogs are running loose, they must have a tag. What if you have a dog running around the community and biting people?

I do not know how cruelty to animals will be interpreted in the future if we cannot kill any kind of animal that we eat. If we cannot use a gun to shoot them, what are we to do?

Senator Fraser: Senator Adams, I do not think you need to be concerned about either portion of this bill. In terms of your or your neighbour's guns, this bill does not criminalize anything that was not already criminal, with the exception of something to do with muzzle energy, which involves mostly paintball guns. Do not hold me to that because, as I said, I am not an expert. However, I do know that you do not need to worry about your guns. If they were legal before, they are still legal.

Honourable senators, as far as animals are concerned, lawful excuse is an absolute defence. Lawful excuse includes self-defence, feeding your family and putting an animal out of their suffering. All the examples the honourable senator mentioned have long since been established by the courts as perfectly valid acts. This bill does not change that.

Hon. Pat Carney: I would have just one question for Senator Fraser, and that is to clarify her statement that the gun bill is costing us only $3 per person per day.

Senator Stratton: Per year.

Senator Carney: Per year? Thank you. According to my calculations, $3 times 30 million people is $90 million.

Honourable senators, in Victoria they achieved a major downsizing. They cut the number of people in the office from 57, just for Victoria, to 17. I note that in the National Finance Committee, officials dealing with Supplementary Estimates said that the amount of money spent in implementing this legislation was approaching $700 million. That was the estimate given by an official.

Could the honourable senator clarify her estimate of $3 per person, per day, with the official's estimate?

Senator Stratton: Per year.

Senator Carney: I am sorry, honourable senators. It is late in the day, and I have yet to speak on the subject of West Coast lighthouses, which will keep you all here late.

I would like some clarification. This is a large number. I would like you to clarify the source of your information. My information was given by officials before the National Finance Committee.

Senator Fraser: Honourable senators, obviously my information also comes from officials. This is not something that I actually administer myself. The information I have been given is that over the first seven years of operation of the program, approximately $610 million was spent. The Estimates for 2002-03 suggest planned spending of $113.5 million for operations and maintenance of the firearms program in that fiscal year, which will be the second consecutive year that costs have declined, and that planned spending for the year 2004-05 is $80 million, which is a significant decrease from the current $113 million.

Senator Carney: Honourable senators, I understand that the original estimate to implement this bill, in total, was $85 million.

Senator Lynch-Staunton: To be recovered.

Senator Carney: To be recovered, my colleagues tell me, because I, too, am not an expert on the subject of guns. Would the honourable senator total that spending? If the original estimate was $80 million, and you have listed $610 million — I cannot do the arithmetic in my head.

Senator Stratton: It has $960 million going towards it, so far.

Senator Carney: Would you total them for the record and say how much this legislation is proposed to cost us?

Senator Fraser: Honourable senators, I cannot total them because I am missing information. I am missing 2003-04. Absent that year, the total I have is that from 1995 through fiscal 2004-05, we would have spent $803.5 million over 11 years, plus whatever it is for the missing year.

• (1540)

Hon. Terry Stratton: Honourable senators, if I may, the cost is estimated to end up as $979 million in 2003-04. What I would like to return to, as it leads to a question, is that Minister Rock assured the Senate in committee that the implementation of this bill would cost no more than $85 million, with recoverables taking the actual cost down to $5 million. He gave us assurance after assurance that this would be the cost.

Honourable senators, I look at that and say, if the assurance was $5 million and the actual is now $979 million, the real issue is: Where is the credibility in what we were told? I just do not see it.

Senator Fraser: Honourable senators, I was not here for the passage of the initial bill, or the meeting with the minister of the day. In any case, past performance is not what this bill is about. This bill is about, among other things, simplifying administration from both the administrators' and the gun owners' point of view, and it is expected that that will save money. I think that is a good thing.

Senator Stratton: Honourable senator, where is the credibility? It is not there.

Can the honourable senator assure us in this chamber that the Minister of Justice will not bring forward any government amendments?

Senator Fraser: Honourable senators, I just said that I do not make it my business to read the minds of the members in the other place. It is my firm understanding that, as of now, the Minister of Justice has no intention of introducing any government amendments.

Senator Stratton: I have difficulty believing that because we continually hear of back-room deals with backbenchers in the other place, whereby a deal is struck that an amendment will be brought forward by the government. Can the honourable senator assure us that no such back-room deal was struck?

Senator Fraser: Honourable senators, I was, as I said yesterday, at least as interested in, and surprised by, Mr. Calder's statement as anybody else in this chamber.

I hope it is not breaking a confidence for me to say that I spoke directly with the Minister of Justice as shortly thereafter as possible, and he assured me that no deal had been struck regarding a government amendment. He assured me explicitly and repeatedly that he expects the Senate to do its work, period.

However, should we find something of concern in this bill, other than the issues raised by Mr. Calder, perhaps the minister will want to introduce an amendment to fix that. As honourable senators are aware, that is sometimes done.

Senator Stratton: Honourable senators, the assurance by a former Minister of Justice was that the gun implementation bill would cost no more than $85 million, with recoverables bringing it down to $5 million. Where is the credibility in that statement? There is none.

Hon. Charlie Watt: Honourable senators, as most of you are aware, Aboriginal people throughout the world have been impacted heavily by animal rights groups. The seal hunt was restricted to such an extent that the people in the North could hardly survive. Similarly, in the name of discouraging cruelty to animals, the hunting of fur-bearing animals was also affected.

Is this yet another bill which will stipulate that trappers can no longer use leg-hold traps or snares? Can we no longer snare rabbits?

Senator Fraser: Honourable senators, it is my clear understanding that, if traps were legal yesterday, they will still be legal after this bill is passed. The purpose of this bill is not to change the nature of the offences. The purpose is to stiffen the penalties, but the penalties are a separate matter from the actual offences.

In respect of animal rights activists making the lives of Aboriginal people everywhere difficult, it is not so much this bill as another we have just passed that should strengthen protection against unjustified or frivolous public prosecutions.

On the whole, there should be a net gain for Aboriginal people in this process.

Senator Watt: Honourable senators, I am uncertain whether the response satisfies me in such a way that I need have no future concerns about this issue. I have not seen, nor has anybody pointed out to me, the clause in the bill that protects Aboriginal hunting rights. If there is such a clause, I would appreciate if the honourable senator would point it out. If not, I would clearly state in this house that, not only have we been impacted by the demands of animal rights groups in the past, we will also be affected by the provisions contained in Bill C-68. Perhaps this is an opportunity for us to amend Bill C-68, to provide for the adaptation programs promised by Allan Rock when he was Minister of Justice.

I think we should kill the bill.

Senator Fraser: I certainly hope Senator Watt will attend our committee meetings and pose questions like that to the minister.

Honourable senators, in the meantime, no specific exception is provided for Aboriginal people in the bill, just as there is no specific exception for anybody else.

Bear in mind that the standards the courts apply, if a matter does go before the courts, and that is not a simple matter, are such that there will be careful, case-by-case consideration given to the circumstances of each alleged infraction. Traditional Aboriginal

hunting and fishing and presumably trapping practices definitely would not be caught under this proposed act. This bill is designed to go after those people who wilfully, recklessly through criminal neglect cause unjustifiable and unnecessary suffering to animals. That is very different from the kind of situation the honourable senator is talking about.

On motion of Senator Stratton, for Senator Nolin, debate adjourned.

• (1550)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-43, to protect heritage lighthouses.—(*Honourable Senator Callbeck*).

Hon. Pat Carney: Honourable senators, as you know, I live on Saturna Island, home of the famous East Point Lighthouse. It was built in 1888 after the wreck of the barque *John Rosenfeld* went aground on Boiling Reef. Saturna remembers this because the *John Rosenfeld* carried the largest shipment of coal to date at that time. Saturna Island heated its houses for many years with the coal that they salvaged from that wreck. Subsequently, the lighthouse was built and is still in operation.

The experience of living on an island with an operating light inspired my interest in the issue of staffing the lighthouses in Canada, when the Liberal government proposed removing the people from the lights and running them simply as automated stations. As a result of the pressure by British Columbians from the interior areas and from the coast, we still have 27 staffed lighthouses today.

Honourable senators, I speak to Bill S-43, to protect heritage lighthouses. I am glad to be addressing this issue because the bill is urgently needed. Neglect is destroying many of our historic light stations, and members of the public who would like to help save them find themselves hamstrung by a process that will not allow them to do this. This bill promises to put a regulatory structure into place that will help us to preserve these historic sites. Without the protection offered by this bill, we will lose a precious part of our natural history and marine culture.

Also at risk is the safety net that many of our light stations on the Pacific continue to provide for those who live and work on our coast. Unlike the East Coast sites that Senator Forrestall, the sponsor of this bill, mentioned in a speech last week, many of our light stations on the West Coast are still operational, from the Langara Point light at the north end of the Queen Charlotte Islands to the light at Trial Island, located off Oak Bay near Victoria.

Knowing this, Senator Forrestall asked my office to provide a West Coast perspective so that we could design proposed legislation that would be suitable for our light stations on the Pacific as well as those in other parts of Canada. In British Columbia, we need an act that will protect the lights, not only to preserve our maritime history but also to preserve our maritime present and future.

We first introduced this bill in April 2000 as Bill S-21. It was modelled after Canada's Heritage Railway Stations Protection Act. Its purpose now, as then, is to preserve and protect our heritage light stations. Bill S-43 does this in three ways: first, by providing for the selection and the designation of heritage light stations, whether they are still being used as navigational aids; second, by preventing their unauthorized alteration or disposition through a prescribed process for public consultation; and third, by requiring that heritage light stations be reasonably maintained.

Current legislation gives two federal government bodies the power to select and designate heritage lighthouses: the Federal Heritage Building Review Office, or FHBRO, and the Historic Sites and Monuments Board. As it stands, though, the process has its problems. Under the current legislation, more lighthouses are being rejected than are being protected. FHBRO has rejected 157 lighthouses for heritage status. In fact, only 3 per cent of our lighthouses across the nation have genuine heritage protection and only 12 per cent have even partial protection. In B.C, the figure is even lower: nine of 52 light stations are currently designated as fully or partially protected heritage buildings. That figure is too low by any standard.

Honourable senators, another shortcoming of the current system is that the public has no right to participate in the process of selecting or designating heritage lighthouses. On the West Coast, community groups such as the West Vancouver Historical Society and local governments would have loved to have been involved with the renewal of nearby lighthouse sites. They have been curtailed in their efforts by regulations in place, while local light stations deteriorate.

A third and crucial drawback of the current system is that there has been no provision made to adequately protect the sites that are given heritage designation. The Canadian Coast Guard does not have a mandate to protect the cultural significance of the lighthouses and is not in a position to provide the care needed to maintain these heritage buildings.

Bill S-43 will address all of these issues. This bill now gives the Minister of Canadian Heritage the authority to recommend to the Governor in Council that a lighthouse be designated as a heritage lighthouse. This proposed legislation also empowers Minister Copps to request that the Historic Sites and Monuments Board consider the heritage status of any lighthouse and report its findings to her. In the course of its deliberations, the board must give the public an opportunity to make representations about the heritage designation of that lighthouse.

The bill also ensures public participation in this process by allowing members of the public to submit a petition to the minister proposing a heritage designation for any light station. In Bill S-43, we have added a specific time frame in which this must occur. The bill requires that petitions be presented within two years of the act coming into effect. Within five years of the act coming into effect, the minister must first consider all of the lighthouses mentioned in the petitions; second, determine which of them should be designated as heritage lighthouses, and whether

any related sites or structures should be included in the designation; and third, make recommendations to the Governor in Council. Within 90 days of that five-year period expiring, the minister must publish a list of all of the lighthouses that she has considered for heritage designation and indicate which of them has been recommended for this status.

Bill S-43 prohibits anyone from altering or disposing of a heritage lighthouse without obtaining authorization from the Minister of Canadian Heritage and without giving public notice of their intentions. The bill also allows members of the public to object to the minister about any plans to make changes to a heritage lighthouse site so that, in Senator Forrestall's words, "it cannot be turned into a McDonald's." On the West Coast, we would say, "a Starbucks."

The minister is empowered to authorize the applications if no objection is filed, to reject them with reasons or to refer them to the board for advice. There is great flexibility. Here again, the board is required to give all interested persons a reasonable opportunity to make representations concerning the application. The board is required to submit its findings to the minister within six months. The minister may then authorize or refuse the application in question.

Honourable senators, one of the valuable additions to this new bill is clause 17, which requires the owner of a heritage lighthouse to maintain it in a reasonable state of repair in a manner that is in keeping with its heritage character. Another addition is that Bill S-43 amends the Canadian Heritage Act to include heritage lighthouses within Heritage Canada's jurisdiction. Also new to this bill is a definition of a lighthouse that states:

> ..."lighthouse" means a tower or other structure, including its fixtures, that was built to contain, contains, or once contained a beacon light or other signal to warn or guide marine vessels, whether or not it is now in use as a navigational aid.

Bill S-43 also includes a definition of "related site or structure." The bill states:

> ..."related site or structure," in relation to a lighthouse, means the site on which the lighthouse is situated or any other structure, work or related fixture on the site.

Former lightkeeper and lighthouse historian Don Graham, to whom we circulated this bill, has told us that this is a particularly important aspect of the legislation because there is now nothing in place to ensure that heritage status will also cover historic dwellings or equipment that are integral to the heritage value of a lighthouse site. His concern is fog alarm buildings, still a critical part of the protection that lighthouses offer to marine users. In particular, the diaphone foghorns, of which there are three remaining on B.C.'s coast, put Canada in the forefront of aids-to-navigation technology when they were invented at the turn of the last century because they were the first consistently reliable foghorns. Even the sound of the diaphone foghorn has heritage value. The Oral History Division of Simon Fraser University did what they called a "Vancouver Soundscape"; its highlight was the diaphone foghorn.

Jim Delgado, Executive Director of the Vancouver Maritime Museum, has also given us positive feedback on Bill S-43. He calls the bill well thought out in terms of its financial impact on the government, for two reasons: First, the bill works within the existing system so it does not create any new bureaucracy or programs. The second is that Heritage Canada has in place a uniform set of standards and criteria that allow it to assess the significance of a heritage site. That means that not every light will qualify for heritage designation, which will make this process cost effective.

• (1600)

The museum director believes that the public input and consultation provided for in this bill will ensure that valuable sites will not fall through the cracks, and that those responsible for heritage sites will be held accountable for the condition of these lighthouses.

He also points out that the bill's promise is in its potential to create opportunities and partnerships within local communities. Under this proposed legislation, members of the public will be able to apply to the Minister of Heritage to modify heritage light stations. Concerned community members could then turn light stations into interpretive centres or tourist destinations, allowing them to become part of the larger community. The importance of the bill, he says, should not be just to save the light stations, but also to allow them to become part of the larger social fabric.

We designed this legislation to make it easier to protect our heritage lighthouses. On the West Coast, our lighthouses are particularly vulnerable because of harsh ocean and weather conditions. Time is the biggest threat to most of them, so we hope to enact this legislation quickly. In addition, current government practices of sometimes destroying or blowing up heritage lighthouses, or any lighthouse, are enemies of preserving our past.

I am thinking particularly of the Lucy Island light station, which was built in 1907 as one of two light stations marking the entrance to Prince Rupert's Metlakatla Channel. In 1907, Prince Rupert was supposed to be the end of the railway. It was supposed to be the Pacific port because it is closer to the Orient than Vancouver. This dream of the northern railway, the Grand Trunk Pacific, was the dream of Charles Hays who, on the "night to remember," April 12, 1912, set sail for home on the *Titanic*, the new luxury liner. Along with so many of his shipmates, he perished that dark night, as did the dream of Prince Rupert.

Eighty-one years later, an 11-year-old, Allan Richards, wrote a letter to historian Don Graham, narrating his experience of seeing the home that his family had lived in and loved on Lucy Island being burned to the ground as a "cost-cutting move to save taxpayers' dollars." The Richards family was the last to live at Lucy Island before the light station was automated. As his family and their possessions were being ferried to the ship that would take them to Prince Rupert for the last time, Alan watched from the stern of the boat as the old home was burned to the ground. He particularly remembers how the paint his father had painstakingly applied each summer to the side of the house bubbled in the heat of the fire.

It is to prevent such actions that I ask honourable senators to support this bill and allow us to protect our history as well as our present and our future.

[*Translation*]

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

BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-441, An Act to change the names of certain electoral districts.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, my remarks on this bill will be brief. You will recall that I promised last week:

> Honourable senators, I advise the House that I will be speaking to this bill next week.

I owed it to myself to resume debate at second reading. I know that I have very good personal reasons for not doing so, but I am going to do it! I want to be consistent with what I have said in the past.

Those who have sat in the other place know that I have taken a particular interest in electoral law for 38 years, having, on many occasions, represented some of my colleagues before the courts following censuses and electoral redistributions. On one occasion, I would have liked to represent the entire City of Montreal so that a friend who is now a senator could have had a riding that made more sense than the one the legislation had reserved for her. I could not interfere in West Montreal. I had been given responsibility for East Montreal. Senator Nolin and I took the case to court and won.

My interest in electoral law goes back many years. I am also interested in the essential role of the Senate in an issue that can only generate a great deal of partisanship in the House of Commons.

[*English*]

I am always surprised when I hear a member of the House of Commons ask why senators have an interest in this process. I am of the opinion that senators should be involved in the redistribution process because we have no interest in the boundaries and the names, and we would like to do the best job possible in this endeavour that was started under the leadership of the Right Honourable Prime Minister Pearson.

As the president of the Young Liberals of my area, I personally met with members of Parliament, that is, members of the House of Commons and senators. I hope that one day it will be recognized that the term "Members of Parliament" applies to the representatives of both Houses of Parliament. However, the press in its ignorance and even scholars in their ignorance still say, "Members of Parliament and senators are in conflict with each other." That distinction has no Constitutional basis.

I find Bill C-441 to be unacceptable. However, good representations were made by members of the other place, no less than my very good esteemed friends.

[*Translation*]

Rick Laliberté, Ghislain Lebel, Robert Lanctôt, Francine Lalonde, Antoine Dubé, Suzanne Tremblay and John Reynolds asked me why I would not support the bill this time.

[*English*]

In essence, this is a capricious bill. It fulfils the dreams of some members. I believe that more than 25 people here understand what I am talking about. Those who have been elected to office will know that sometimes a village is not included in the name of a district, and some people believe that is good. Let us call a spade a spade. It is not my custom to avoid calling a spade a spade. We know the true meaning of this. They are neither constitutional nor historical reasons. They are political reasons. Having been elected, I understand that. I always resisted changing the name of Saint-Denis to something else. It would have brought me a lot of votes, but how many more votes do you want when you have 90 per cent of them? It is comparable to certain districts on the West Island where Mr. Charest is expecting to get 98 per cent of the vote instead of 97 per cent. I do not understand why he does not intend to concentrate on the areas outside of Montreal in order to win the election. However, that has nothing to do with Bill C-441.

• (1610)

I have an amendment that will be defeated in committee, but I wish to establish now, for the future, how we can achieve what we want without changing the names of these electoral districts. We are supposed to be responsible. Any change brings expenses. It seems that some people do not understand that.

When René Lévesque passed away, in the frenzy of his death, everyone wanted to change the name of Sherbrooke Street to Boulevard René Lévesque. In essence, it was a good gesture. However, no one quantified how much money it would cost the businesses that had to change their calling cards and letterhead. Every time we change the name of something in a panic, who can say no? We say yes, but then we realize that there is a cost attached to it. That is exactly the case for these 14 clauses in the bill, five of which are being introduced by the Alliance, five by the Bloc, one by an independent PC, two by the Liberals and one by the NDP. They are all in agreement.

I give as an example a member of the Bloc with whom I have an extremely good relationship, Madam Francine Lalonde. She is the member from Mercier. The bill purports to change the word "Mercier," which is an historical name in Quebec. He was a great man. He was a sovereignist in his own way. Here is a man who takes a hike and he will be replaced in his district by "le bout de l'île." I called her and asked, "Quel bout?" It is true that some people who live at the end of Montreal Island say, "I come from the end of the island, but during that time you disposed of the historical name Mercier." If I were to name the 15 changes, honourable senators would find them to be hilarious.

I will give another example. The name that Madam Tremblay wants to have changed is Rimouski-Neigette-et-la Mitis. She wants to change it to Rimouski-Neigette-et-La Mitis. It took me a few minutes to discover the difference. It is the same name, but "La Mitis" would be spelled with a capital "L" instead of a small "l". Being precise in French, for her it was a mistake. I must admit that this mistake was made by the Senate when this bill came forward the first time. The French and English versions were not in agreement. Bill C-441 is all about changing current names to other names.

Imagine being the Speaker of the House of Commons. The Speaker does not call on members by their name in the other chamber. It is becoming hilarious. I often sit in the gallery. I can report — and the Liberals will love this — that on the night of the big scandal in Public Works two nights ago, I could not sleep so I went to the see the debate. There were seven members sitting on the opposition side in the House of Commons and nine members on the government side all night for the biggest scandal of the century. If there were a real scandal, I imagine that there would have been at least 200 members present. That is how they proceed over there.

We must realize — and this is one of the places where I can be helpful — that we are continuing with a bad precedent. I favour the simplicity of names. I will propose an amendment in committee, but I will not process it here. I was ready to accept one change of name. It is going from extravagance to a good historical name; that is, the district of Lévis. I had to see who was the member of that riding. I did not know if it was a Liberal member or a member of the Bloc. The name of the district changes from complicated to very simple — Lévis-et-Chutes-de-la-Chaudière to plain Lévis. Lévis is a highly historical name in the province of Quebec. That would be good for the Speaker of the other place and it would cost nothing.

If we pass this bill — and we will pass it, it seems — I would not object. However, I want to bring to the attention of honourable senators that some corrections should take place in the future. Simplicity should be the rule. No change should take place between censuses. What is the process? There is now a census that has been terminated, 10 commissions have been appointed to look into the redistribution of the seats in each province, and there will be an appeal. In return for letting this bill pass second reading today, my hope is that at least one witness will be called — and he is ready to appear — namely, the Chief Electoral Officer of Canada, to give his view as to what this represents. The Chief Electoral Officer should come here and give us his review. I discussed this with people at Elections Canada and they gave me good proposals. Once the census is finished, once the electoral committees of each of the provinces is appointed and once they publish their first report, we will know the names of the districts. Members of Parliament — that is, members of both the House of Commons and the Senate — should be allowed some input. I will go to the court if I do not like the outcome. I was always successful. Some ministers on the other side will remember that. They are members in the other place because of my representations. The first redistribution was wrong, and they were coming into my district, where they would not have been elected. The judge accepted the representation that I put forward and there was no opposition to it. That is the place to go. I think members who want to change the names of electoral districts should start reflecting on what kind of name they want. Once they have made that decision — and, as much as possible, these names should be historical — they should go to these commissions and say, "I would like my district to be known as the following." That should be the end of it until the following census. That way, money would not be spent reprinting the maps. If we pass this bill today — and I suggest that we do so now — they will have to reprint all these names listed here. There will soon be a new map and new names. That is the way it is done.

As I do not see the senator who should properly refer this bill to committee, I will ask the Deputy Leader of the Government if he wants to propose the second reading of this bill and send it to committee. I am told that the Standing Senate Committee on Legal and Constitutional Affairs is the appropriate committee to receive the bill. I will not hold out any longer. I will keep my word. I said that I would speak to the bill this week and I kept my word. This bill should go to committee.

• (1620)

Perhaps the able chair of the committee has heard about one witness. There are some who would be delighted to appear. This might force them to explain what they want. We could invite these 14 members to come to explain the meaning of this. I am sure two or three would come. I learn something about the history of Canada by talking to these people.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

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 Roche*).

Hon. Douglas Roche: Honourable senators, as I enter into the current health care debate in the Senate, I wish to state at the outset that health care is a right, not a commodity. The values of the Canadian society that built the medicare system must be protected from, not subsumed into, the new marketplace conditions.

As we go forward in meeting the new challenges to health care, let us immediately reaffirm that governments have an obligation to use sufficient resources to implement health policy for the common good of all. The debate about health care reform involves the renegotiation of the social covenant defining social obligations and commitments between government and society.

This debate is taking place in a period of phenomenal growth in medical science and technology, which offers a range and level of health care that Canadians of previous generations could only dream of. However, the promise of better care does not come without a price tag. The amount of the bill, when it must be paid, how and by whom, has been the subject of intense debate across the political spectrum and has been studied for two years by the Standing Senate Committee on Social Affairs, Science and Technology.

With the tabling of Volume Five, the committee provided a guide to moving forward on these questions. I was heartened to learn yesterday that the Canadian Healthcare Association, which represents a broad range of health system managers and trustees, supports 18 of the 20 principles elaborated in Volume Five.

In offering some thoughts on Volume Five, I want also to make some suggestions for Volume Six, which will present recommendations on the financing and restructuring of health care.

First, let me commend the committee members and staff on the work they have done, and also thank the chairman for bringing before us such highly qualified experts.

I would also like to praise the Commission on the Future of Health Care in Canada, which I attended when the commission held hearings in Edmonton. I was very impressed with Roy Romanow's work and look forward to his main report.

The health care debate, thus far, has been essentially one about money. The list of what we expect from our health care system, and hence its cost, is growing and can only continue to grow as new technologies and treatments become available, our population ages and Canadians become better informed and thus more demanding of better quality and timely access to their health care system.

However, funding has not grown at the same rate as our expectations. It is certainly true, when considering tax transfers, that the federal government has largely restored health care funding to the level it was at before the cuts in the mid-1990s to reduce the deficit. The government increased its cash contribution to health care to $12.5 billion in 1998, invested an extra $11.5 billion in 1999, injected $2.3 billion into the provinces in 2000 to help bring health care technology up to date, and is increasing the total Canada Health and Social Transfer by $21 billion between 2000 and 2005.

Although very welcome, in the face of rising cost pressures even this increase is inadequate to maintain the health care system as we know it. It is a fact that waiting lists continue to grow. Our health care system is at an important juncture and tough choices must be made.

However, agreement typically ends here. At one end of the spectrum are those who say that the system is in crisis, and that costs are spiralling out of control. At the other end are those who claim that the system is fine where it is and, with a few inefficiencies ironed out, it is perfectly sustainable. I believe the answer is somewhere in the middle. The health care system is definitely under stress, but it is not in crisis, and no dismantling is required.

Many terms are used interchangeably in the media and in discussions about what our options are: public, private, payer, insurer, for-profit, not-for-profit, et cetera. This confusion hints at the complexity of the subject. However, there has been an oversimplification in terms of the options being placed before Canadians. The choice has been boiled down to one between injecting more money into the system or accepting a parallel, private one.

The Volume Five report puts it this way: If the government decides not to fully implement all of the principles, especially Principle 20, the care guarantee principle, then we are effectively choosing the continued rationing of services and continued lengthening of waiting lines that characterize the status quo. However, we are entitled to step back and ask why we are hinging all we are saying about health care on this one guarantee. Surely, guaranteeing a national home care system would produce a better result. Could it not be that we are setting ourselves up by saying "all or nothing"? Considering that some experts fundamentally disagree with some of the 20 principles outlined in Volume Five, this could very well be the case.

In other words, there are elements that lie outside this clean distinction and, by simplifying our challenge as an either/or issue, we are doing little to reduce the complexity of the decisions facing us.

The reason our task is so complex is that the question of health care reform is essentially one of values. The health care debate has so far been largely limited to one of private versus public financing. It is not, as some incorrectly claim, an exercise in choosing one over the other. We already have both. This is a fact often lost in the discussion.

More precisely, and as Volume Five correctly states, where best to draw the line between public and private involvement in the health care system is one of the issues that must be addressed in the overall debate about health care reform. To do so in a way that benefits all Canadians and ensures the best quality care demands a close look at what we value as a society, and what those values say about reform.

Although Volume Five states that it wishes to avoid this uniquely Canadian debate over ideology, it nonetheless touches upon it, as it should. The fact that Volume Five does not recommend user fees or private insurance is an expression of Canadian values.

Honourable senators, values are a necessary component of public policy-making, since we are tasked with making decisions for others. In this case, we are charged with ensuring the health of all Canadians and are thus involved with an emotionally charged issue that necessarily invokes a discussion of Canadian values. This is a good thing. We must understand the values that brought us to where we are, and we must remember them as we move forward with recommendations for the future.

• (1630)

A constant challenge from witnesses who commented on Volume Four, the preceding volume, was to change the focus of the discussion from the marketplace to a discussion of the core Canadian values that underpin the health care system. It was

rightly said that an understanding of these values and a critical analysis of new and emerging values can clarify our objectives, and thus provide a map to guide us through the funding options for health care reform.

What do Canadians value when it comes to funding health care? Dr. Nuala Kenny, Chair of the Department of Bioethics at Dalhousie University and former Deputy Minister of Health for Nova Scotia, summed them up for the committee. The first value is one of collective responsibility or solidarity. There is a sense that we are all in the same boat, and when we are talking about health care, we are talking about all Canadians.

A second key value is fairness, understood as equity, that is, a belief that we should treat people the same while taking into account individual differences.

The third value is compassion. This is the human dimension of health care, the recognition that the health care encounter touches on fundamental experiences related to illness, dependence and mortality. It is this human dimension that we risk losing in an increasingly commercialized view of health care.

The fourth Canadian value is one of efficiency in how the system manages its resources. The Canada Health Act makes an important point about efficiency. It expresses the conviction that delivering this kind of good is done better by the state than by the market.

It is the myriad of issues surrounding this last value that grab headlines and around which the committee has focused its energies. What are we aiming for in health care reform? Is it more efficiency, more caring, accountability, more choice or something else?

The Volume Five report does an important job in examining the single-insurer concept and in trying to come up with a better mix of public-private health care delivery. We must also focus on other core values and use them to define our objectives before we get into any implementation exercise that would serve to undermine them.

I am specifically worried that there may be a drift towards what Dr. Arnold Relman, Professor Emeritus of Medicine and Social Medicine at Harvard Medical School and Emeritus Editor-in-Chief of *The New England Journal of Medicine*, when he appeared before the committee, referred to as the commercialization of medicine and of health care systems. I was surprised that the testimony of such a distinguished witness did not find its way into the report.

I share Dr. Relman's concern that commercialization would compromise other values that do not necessarily involve a price tag. Zeroing in on these values is an essential exercise in ensuring that any recommendations have relevance in the Canadian context. In other words, honourable senators, we must address the troubling disconnect between talk of values and talk of reform if reform is to be effective.

On this point, I should like to commend the Ecumenical Health Care Network for its work on a covenant of Canadian values that underpins the health care system. The Romanow commission is taking the idea seriously as a way to help underpin the values that need to be affirmed in organizing reform.

To date, the dominant language of reform has been the language of the market. The notion is that we can simply transplant the logic of the marketplace into the health care system and thus introduce a degree of competition that would theoretically lead to greater efficiency. Let Adam Smith's "invisible hand" do the work. Although it seems to work well for fast-food chains, cars and coffee, I would suggest, and I think most Canadians would agree, that health care represents a unique social challenge that is not readily adaptable to market logic.

It is no surprise that market values are often embraced when talking about health care reform. They are widely embraced in our society and provide the fuel for liberal democracies throughout the world. However, health care represents an entirely different challenge. With health care, we are talking about a public good provided to all, without exclusion, whereas the market, by its very nature, is exclusive: Goods go to those who can afford to pay for them. In other words, we simply cannot impose market mechanisms on health care as we do with other sectors of the economy and expect the creases to be ironed out by the law of supply and demand. Regulations may promise some degree of confidence to market advocates, but the fact remains that governments are best suited to provide social goods, whether education, security or health.

In practice, there are aspects of our health care system that are for profit. Hospitals, for instance, must make up some 30 per cent of their own budgets by turning a profit at the cafeteria or by renting television sets, private rooms and so on. The difference is that this profit is reinvested into the hospital and thus the bottom line remains the care of patients and not dividends paid to shareholders. The key is to ensure that market values do not interfere with other important values.

Take the market value of choice, for instance. Who could argue against increased choice unless, of course, we consider that choice is often congruent with privilege? User fees, privatized services, medical savings accounts can all increase choice for those who can afford it. Where does this leave the value of fairness?

The editorial in the May 28, 2002, issue of *Canadian Medical Association Journal* stated:

> The trouble is that health care is such a complex and fatally *human* institution that any attempt to "rationalize" any part of it has unintended consequences.

The Hon. the Speaker *pro tempore***:** Honourable senator, I regret to inform you that your speaking time has elapsed.

Senator Roche: Honourable senators, I would seek leave to continue.

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

Hon. Bill Rompkey: Honourable senators, we would be prepared to allow perhaps three minutes for Senator Roche to finish.

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

Hon. Senators: Agreed.

Senator Roche: Thank you, honourable senators.

The recent study by Dr. Philip Devereaux, of McMaster University, which was published in the same issue of the *Canadian Medical Association Journal*, suggests a higher death rate in for-profit hospitals. This finding should serve as a warning to those who would implement reforms without first understanding their consequences. This view was reinforced for the committee yesterday when it heard from Ms Sharon Sholzberg-Gray, President and CEO of the Canadian Healthcare Organization. Her organization is very much opposed to Volume Five's Principle 13, which, if implemented, would create internal markets. I certainly do not want internal markets to be an invite to private corporations to flood the system.

The Canadian Healthcare Association urged the committee to consider the inherent problems with internal markets and the United Kingdom's failure in trying to implement them. All of the evidence suggests that, by creating this extra market layer in the health care system, we would be driving up costs.

With regard to the Canadian Healthcare Association's concern with Principle 8, service-based funding, it appears that the committee and the association are closer than originally thought, in light of yesterday's meeting.

I close on my essential point: We must let our values guide us if we are to clarify our objectives and thus provide sound recommendations in Volume Six as to how the system should be financed. In recommending solutions that only address economic efficiency without first studying their potential impact on other core Canadian values, we will have made little progress. We must strike a balance between the efficiency needed for economic sustainability and the moral and ethical demands of health care.

• (1640)

Framed this way, the financing debate can lead to only one conclusion: Since we value health care as a public good and since the government most efficiently provides the administration and funding of health care, it is government that must lead the reinvestment in the health care system. Along with restructuring and better efficiency, Canadians want the medicare system widened. The provision of home care, for those who cannot take care of themselves but who do not need the services of high-tech hospitals, should be publicly funded in an appropriate manner. This would meet a growing need and reduce hospital costs. The May 27, 2002, Pollara survey that found some 70 per cent of Canadians willing to pay more to improve health care is a reassuring sign that the government would have public support moving in this direction. The federal government certainly has in it the capacity to properly finance health care. All it needs is the political will to implement it. A dedicated tax that is equitable should be instituted.

We are currently hearing calls for more government spending on the military. This must not be done at the expense of meeting the health care needs of Canadians. As the Prime Minister correctly stated, the military must compete with other spending priorities. In giving priority to the health of Canadians, the government would be sending a clear signal that it intends to remain the guarantor of a health care system for all Canadians. The nature and humaneness of a society in which current and future generations will live depends on such decisions.

Hon. Catherine S. Callbeck: Honourable senators, it is my pleasure today to rise and to speak to the recent report of the Standing Senate Committee on Social Affairs, Science and Technology concerning the state of the health care system in Canada. Let me begin by thanking Senator Kirby and Senator LeBreton, the chair and deputy chair of the committee. This report is the result of their leadership, the hard work of all the committee members, the researchers and the clerk, as well as the expertise and the testimony of witnesses.

In my comments today, I will provide a brief overview of some of the committee's main findings and will highlight some of the gaps in our health care safety net that I feel are of particular concern to Canadians, especially Atlantic Canadians. Such gaps include the coverage of drug costs and home care.

After hearing the testimony of hundreds of individual Canadians and organizations, the committee drew three important conclusions that form the basis of our report. The first conclusion that we came to is that, as it is, our health care system is not fiscally sustainable. It desperately needs the infusion of new funds. There must also be stability and predictability in health care funding.

Our second conclusion comes with the realization that the simple addition of new funds alone will not revive our health care system. Rather, the new funds must be coupled with a restructuring of the system. We need to ensure that it is functioning as efficiently as possible. For example, as Senator Keon told us, restructuring will help to solve problems, such as manpower problems. This will help to ensure that the health care professionals are able to function at their full potential — that doctors are not doing the work of nurses, and nurses the work of nurses' aides, as is currently the situation. I will not discuss in detail those two conclusions as they have already been talked about by other members of the committee in this chamber.

The third conclusion we reached is that the federal government has a strong role to play, and the public expects the government to play this role. For example, regarding funding and the federal role, Principle 5 of the report states:

> The federal government should contribute on an ongoing basis to fund health care technology.

Principle 6 says:

> The federal government should increase its investment in those areas of health and health care for which it already has a major responsibility.

In addition to its role as funder, the government must play a role in the human resources crisis that is facing our system. Toward this end, Principle 14 states:

> A national (not exclusively federal) strategy must be developed to achieve both an adequate supply and optimal use of health care providers.

I feel that the development of such a strategy is vital, and join my colleagues in their concern about the shortage of health care professionals. For example, as the Canadian Nurses Association told the committee, there will be an estimated shortfall of at least 59,000 nurses by the year 2011. This shortfall could even be as high as 113,000 if all the needs of an aging population are taken into account.

The shortage of health care professionals is particularly prominent in rural and smaller areas of Canada. As the President of the Society of Rural Physicians of Canada told the committee early in our study:

> Rural Canada has 9 million people and is growing. It is scattered over 10 million square kilometres. The number of physicians serving this population is proportionately under half of that serving those in the cities.

Many rural areas and smaller provinces, such as my home province of Prince Edward Island, have a difficult time attracting and keeping health care workers. Currently, 37 per cent of the doctors in Prince Edward Island are over the age of 50, and many are considering retirement. However, it is very difficult to find replacements.

A recent article in the *Journal-Pioneer*, one of Prince Edward Island's local newspapers, exemplifies the problem well. In early May, the Journal did a story on Dr. Kent Ellis. Dr. Ellis will be retiring in July after practising medicine on the island in a rural area for 43 years. He will soon turn 70, and works between 70 and 90 hours a week. It has taken him years to find someone to replace him. It is getting harder in all areas to secure sufficient doctors, but especially in rural areas. It is very important that the federal government play a role in the human resources crisis in our health care system.

The committee also found that there is a leadership role to be played by the federal government. For example, Principle 19 of the report states:

> Programs that enable people to be responsible for their own health and to stay healthy must be given high priority...

The federal government should play a leadership role in implementing the population health strategy for all Canadians. This is particularly important as we are increasingly seeing the impact that irresponsible lifestyle choice has on the health care system. Obesity is a good example of this. Obesity rates are increasing across Canada, especially in children. This leads to a number of health problems, such as the onset of diabetes. Thus population health can improve the overall health of Canadians and save the health care system thousands of dollars.

Honourable senators, it must be noted that if we are to ask Canadians to take more responsibility for their own health and to evaluate what they are willing to pay for, it is fundamental that the system is structured in such a way that will provide Canadians with confidence that their commitments are being taken seriously. One way of instilling such confidence is outlined in Principle 20 of the report, which states:

> For each type of major procedure or treatment, a maximum waiting time should be established, and made public. When this maximum time is reached, the insurer (government) shall pay for the patient to receive immediately the procedure or treatment in another jurisdiction including, if necessary, another country.

Today, too many Canadians complain about the long waiting lists for procedures. This recommendation would reduce the complaints and certainly instill Canadians' confidence in our health care system.

• (1650)

Honourable senators, this report has been well received. However, the committee still has a lot of work to do. We have many difficult issues to consider. For example, as I have alluded to, we will have to examine how the differences between rural and urban areas will impact the implementation of the principles and recommendations offered in this report. What might work well in urban centres may not be feasible in smaller areas.

We will also have to examine policy that could be used to close the gaps in our health care system to ensure that no Canadian suffers undue financial hardship to receive the treatment they need. This is of utmost importance, as we are hearing that many Canadians, particularly those residing in the Atlantic provinces, have no protection against catastrophic levels of drug expense.

I have spoken in this chamber of the situation of an Islander, Wilna Toombs, who was told she must liquidate all her assets before the government would provide her with any help in paying for the drugs she needs to survive. The cost of these drugs is approximately $100,000 a year. We need some kind of pharmacare program in Canada to take care of these catastrophic drug prices. This problem is particularly visible in Atlantic Canada, where Canadians spend more per capita annually on drugs than any other region in Canada.

Senator Roche has mentioned home care, and I want to briefly talk about it. It represents another significant gap in our health care safety net. Spending on home care continues to be very limited. As many witnesses told the committee when we were working on Volume Two of the report, they were very concerned that individuals who need home care services do without them because they cannot endure the cost. For example, in 1999, *The Toronto Star* reported on a cross-Canada survey that indicated that home care clients had to spend an average of $283 per week for home care services.

Honourable senators, it is very important that we address home care, not only to ensure that Canadians receive the services that they need, but also as a means to improve the overall efficiency of our health care system. As one witness from the Canadian Home Care Association told the committee, there are four fundamental benefits to home care. First, it enables the health care system as a whole to operate more cost-efficiently. Second, it reduces pressure on acute care beds and emergency rooms by providing medical interventions in alternative settings and using hospital resources only when they are needed. Third, it reduces the demand for long-term beds by providing a viable choice for aging Canadians to maintain their independence and dignity in their own homes and communities. Finally, it helps support family caregivers to sustain their commitment.

In closing, honourable senators, it is important that we deal with issues affecting the health care system now in order to ensure that health care continues to be something that instills pride in Canadians. I extend an invitation to all of senators and to all

Canadians to read the report, and encourage you to offer your opinions as to how the various recommendations could be implemented. The committee welcomes all comments and feels it is important for Canadians to be involved in the process of discussing changes to the health care system, as ultimately they will have to determine what they want the health care system to include.

On motion of Senator Pépin, debate adjourned.

[*Translation*]

CONSULTATION PROCESS OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT DEPARTMENT ON ABORIGINAL SELF-GOVERNMENT

INQUIRY—DEBATE ADJOURNED

Hon. Aurélien Gill rose pursuant to notice of June 4, 2002:

> That he will call the attention of the Senate to the consultation process by the Department of Indian and Northern Affairs regarding self-government and governance.

Honourable senators, I recently read the speech delivered on April 18 by the Minister of Indian Affairs and Northern Development, entitled "Beyond the Indian Act."

This speech deals with federal policies on aboriginal self-government. I believe that everything is in this text and that the essence of the Canadian position is presented in it.

I would like to share with you some of my reactions and comments. Let me say from the outset that they are more positive than negative.

No one can claim that the Minister of Indian Affairs and Northern Development does not know his files and, more important, that he is not aware of the realities to which we are all confronted.

The minister considers, and rightly so, that we are at a turning point in our history and that we can no longer wait 50 years to drastically change the course of things. The Indian Act is obsolete and, above all, it is shameful.

It was drafted in another era by thinkers who had a different mentality. In fact, today, these people would be very surprised to see us debate the future of the First Nations, since the whole act is based on the principle that the Indians had no future as Indians and members of a First Nation. Thankfully, mentalities have changed.

However, the act is still there, and this is the problem. The minister, who wants to move ahead on this issue, recognizes that the Indian Act is a major obstacle on the path to self-government.

He is making an honourable attempt to eliminate or circumvent the most difficult obstacles, including federal trusteeship, which still exists.

In fact, the measure called "First Nations Governance Initiative" seeks to break the historical and cumulative effects of the trusteeship. In principle, no one can be opposed to rigour, accountability, responsibility and a better control of finances, resources and basic information. It is of course necessary to put some order in the general administration of Indian communities and affairs. Where does this disaster come from, if not from the extended federal trusteeship, through the power of the "father in trust" of all Indians, namely the minister or his representative? The administration of Indian Affairs in this country has left a deep imprint on habits and mentalities. Our leaders were humiliated for a long time.

[*English*]

I have vivid memories of what a band council was in 1950: a puppet in the hands of the Indian agent, who exercised all the powers and made all the decisions. That is why I got into politics, to do what I could to reverse this situation.

• (1700)

[*Translation*]

In my mind, the Indians had to take back power at its roots, as they say. However, the road to change is long. I can bear witness to that before you. I, like so many leaders of my generation, will tell you that the obstacles were and remain numerous. Something has always been in the way somewhere. You need not worry, I am not going to dredge up the past in its entirety. The minister puts it clearly and is the first to recognize the abuses of paternalism and the terrible effects of dispossession on all native peoples. Like him, I know that the future stretches before us, and we have certainly moved on.

Since the time of my youth, in the past 50 years, what has changed? What has not changed? The Canadian Constitution now recognizes our existence, our rights and our contributions to this country. This is a huge step. For the past 40 years, we have been negotiating our territorial rights throughout Canada. The minister points out that the process is lengthy and costly. The legal passage is narrow, fraught with disputes and, I will say it again, costly. I agree totally with that statement.

The process is in fact reductive, and the minister recognizes, furthermore, that the federal government cannot itself establish the value of the claims. However, in this litigious context, where the lawyers have become too important, where the judges are exhausting themselves rather than the politicians, a new generation of native leaders has nevertheless learned its lessons.

Yes, the native peoples have more power than they have had nationally or in the context of the federal political agenda, but locally, have things really changed?

The band councils are at the mercy of every wind because they are a product of the system of trusteeship. As we speak, social and economic conditions on the Indian reserves are deplorable, as deplorable as they have been in the past.

Forty years ago, a broad national consultation process was organized with leaders and communities, and the conclusion reached was that economic development was desperately needed by the Aboriginal communities. Efforts have been made since then. Money has been spent, but we are still just about in the same place. Indian reserves are not propitious places for economic development, or for social and cultural development. The key to these lies in the capacity for self-government, for this is the source of the pride required for the responsible administration of projects.

We have been talking about economic development of Aboriginal communities for many moons without changing a thing. There must be a hang-up somewhere, if we have not been able to make any progress. In the speech I have already referred to on First Nations governance, it is clear that the minister is very much attuned to these issues and very much abreast of developments. We cannot help but agree with the points he raises. He also says how urgent it is to better manage the economic environment, to foster self-government and to break with the past.

[*English*]

It is promoting new approaches, new laws, that prove it is possible to achieve a better management of land and resources, money and finances. Most of the minister's measures are good ones, and they are rooted in a spirit of justice. I want to underline that spirit.

[*Translation*]

However, I see a problem, a problem that is not the minister's responsibility, but one that he will have to deal with. It is true that First Nations' governance policy has not provoked much enthusiasm among Aboriginal political classes. It is true that it is extremely difficult to establish strong lines of communication between parties. One has to wonder why communication is always difficult between people who are dealing in good faith. I think that the problem stems from the political nature of the reality we all want to improve.

The minister has to work with the legacy of the act. Band councils and everything related to these councils are products of the act. Our nations' leadership was decapitated for more than a century and the Indian reserve is the symbol of this decapitation. In the past, our societies spawned great political leaders. We know how to be as responsible as anyone else, but we have been robbed of this power for a long time and our political will has been denied for a long time. I am coming back to this point because it seems critical to me. The minister's ideas are good and his intentions are also good, but he will not succeed without the support of Aboriginal leaders. If he does not get this full support, he needs to make getting it a priority. The only way to bring Aboriginal leaders on board is by truly confirming their responsibilities.

The Indian Act never recognized our peoples. It talks about Indians and kinds of Indians from a legal and administrative point of view. There are no peoples, only statuses. I am both fascinated and worn out by the ambiguity surrounding the notion of First Nation.

In the province of Quebec, my home province, when we talk about First Nations, we mean Innu, Cree, Mi'kmaq, Anishinabe, and so on. However, too often, when the term First Nation is used in Canada, what is meant is a band, a band council, or an Indian reserve. This is wrong. We are peoples. First Nation peoples must be recognized throughout Canada because, with rare exceptions, an Indian reserve is not a First Nation.

Recognizing authentic cultural and political entities promotes the emergence of new political structures, and these political structures are not, nor will they be, band councils. They are original political organizations, systems that must be created if necessary, new political realities we need throughout Canada. These realities will only come about if we create them. We must leave behind the limitations of the act, the straitjacket of the Indian reserve and the band council.

Assuming that it survives real self-government, yes, the latter must administer its budgets properly, be accountable and have the necessary powers for good local government.

[*English*]

However, it is the national structures, the leaders who are active in those structures, and if necessary the Canada-wide structures of the First Nations, which must see to the implementation of an effective system through their own political powers. The federal government cannot act in place of our leaders, and it cannot breathe new life into the old ways of doing things.

[*Translation*]

A First Nation is not an Indian reserve, and all of the old ideas in the former policy have to disappear in favour of an entirely native political world. I know that the Minister of Indian Affairs shares this general view, but that he thinks we can no longer wait.

He thinks that we must act quickly, long before the ideal solution has been found. Still, I insist, although I share the minister's hopes and although I am happy to see how far we have come, that it is time to return political power to its rightful holder.

If there is cleaning up to do, our leaders will look after it. They will try out the new structures. They too are concerned about the future, better health and prospects for our people. Every major change must go through our political classes. For the time being, however good I consider the work of the minister, I believe that the fault I spoke of remains unchanged. The solution is not coming from native peoples; it is coming from a federal perspective.

We can do no good without the authority that goes with it. It is vital in the very near future that discussions on change never be at odds with the pride of the native political class. I am all too familiar with this. I do not want any more of it.

I think the prime investment must be in building productive links between native leaders and the government, which is looking for solutions to this Canadian problem that has gone on for too long.

We are entering a historic period in which the native peoples will be responsible for their future. Societies normally take full charge of their successes and their failures.

On motion of Senator Watt, debate adjourned.

• (1710)

[*English*]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO EXAMINE ADMINISTRATIVE CONTRACT AT GOOSE BAY, LABRADOR AIRFIELD

Hon. Bill Rompkey, pursuant to notice of May 30, 2002, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the administrative contract now in existence at the Goose Bay, Labrador airfield, as well as the Request for Proposals to renew the contract, to ascertain the effectiveness of this method of base operations in Canada in providing services for both military and non-military training activities;
>
> That the Committee submit its final report no later than July 12, 2002; and;
>
> That the Committee be permitted, not withstanding usual practices, to deposit the report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, I know the hour is late, but I do feel that I have to put on the record some of the reasons for this motion and the situation behind it.

To put it simply, as I said to Senator Murray some time ago, this is our Devco. We can remember the work the Senate did on that. Goose Bay is a single-industry, isolated northern town which feels that its future is in some doubt, and I wish to give those who have that concern an opportunity to be heard and to analyze the situation and recommend what might be done to prevent any loss of industry and employment in that community.

Before the Second World War there was no community in Goose Bay. People came from the coast to build homes, schools, churches, hospitals and businesses, and those are still there. However, the economic foundation of the community is still military, defence. I would underline that one-third of the members of the Labrador Inuit Association live in Goose Bay, and many are associated with the base or the work done on that base.

Not all of the people who live in Goose Bay are Aboriginal. Some are from the Island of Newfoundland and elsewhere. As a community, they think that their future is in doubt.

Since 1994, the Government of Canada has operated what they call "alternative service delivery," and Goose Bay was the first defence base to be operated under that system in the country. That means that a private company has a contract with DND to operate the base. That company is a British company called Serco. The contract is up for renewal, which has given people some concern, as there already has been some downsizing and loss of employment as a result of letting the contract.

There is a substantial community of 10,000 people, with 1,000 jobs at the base. That is the underpinning of the economic foundation of the community. It is in the context, though, of perhaps the biggest and richest nickel mine in the world, which many people predict will start soon as result of negotiations between the Government of Newfoundland and Labrador and Inco. The stopping-off point for that mine will be Goose Bay. It will be a fly-out centre. It will not be a dormitory town, but a communications and transportation centre for the mine.

However, I do not believe, and nor do they, I think, that this will provide a complete economic foundation for that community. Presently, there is still a need to attract the air forces of the foreign nations that fly in and out of that base. I am referring to the Royal Air Force, the Royal Netherlands Air Force, the German Air Force, the Italian Air Force, the air forces of those NATO countries that train at Goose Bay and have since the 1960s and 1970s. That is the economic foundation of the community. They pay for those services in good currencies. The problem is that, while DND has to fund the base, the foreign money goes to the Minister of Finance, whoever he happens to be at any given time.

That, in a nutshell, is why I want this motion to be passed, and why I want to see the situation analyzed.

What is the intention of the allies? The Dutch have already said that they are looking for alternate venues to carry on their operations, and the fear is this may provide some sort of domino effect.

How has the contract worked? Has proper marketing been done of both civilian and military training? Could the alternative service delivery be provided in another way? What is the continuing government commitment to Goose Bay? These are questions that I think are legitimate, that we need and want answered. People very much want the Senate to provide a forum to air their views and, hopefully, put a fair and equitable analysis on the situation.

I trust that honourable senators will support this motion.

Hon. Lowell Murray: Honourable senators, first, and parenthetically, with regard to Voisey's Bay, I cannot forebear to mention that it appears this project will go ahead if the negotiations between Inco and the Government of Newfoundland and Labrador succeed. However, it is important, indeed vital, as appears to be the case, that the Minister of Finance opens his purse and puts in something in excess of $100 million by way of sweetening the project. I felt I should mention that in justice to the new Minister of Finance, who would want me to do that, even though Senator Rompkey has neglected to do so. I am not sure Mr. Tobin would want to make much of it, but let us put on the record what the main considerations are in getting this long-awaited, if that is what it is, project at Voisey's Bay.

I do appreciate the courtesy of my honourable friend in alerting me some days ago of his intention to propose this reference to the Standing Senate Committee on National Finance. He has also consulted with other members of the committee on this matter, as I have done. He has made the case convincingly enough as to the importance of this matter, in particular to the people of Newfoundland and Labrador, and I do not for a moment dispute anything he has said in that respect.

I rise simply to make a few points for the benefit of the house with regard to the Standing Senate Committee on National Finance. Honourable senators will be aware that we have had quite a heavy agenda in recent times and we continue to have quite a heavy agenda.

• (1720)

I presented two reports earlier today, and we still have before us the Main Estimates for 2002-03. More specifically, we have embarked on a study of the financing and accountability of arm's-length foundations that have been set up by the government for public policy purposes. In that respect, on Wednesday, June 12, we will have before us Mr. Maurizio Bevilacqua, Secretary of State for International Financial Institutions, and Mr. Kevin Lynch, Deputy Minister of Finance. At the initiative of Senator Cools, the deputy chair of the committee, and with considerable interest on the part of, among others, Senator Kinsella, we will also open up a subject that I think will not be easily shut down — the activities of the National Capital Commission. Mr. Marcel Beaudry, Chairman of the NCC, will be before us on Tuesday, June 11.

Honourable senators, the reference that Senator Rompkey has put forward calls upon us to deal with this matter of the Goose Bay airfield and base and to report by July 12. Senator Rompkey has indicated to me that hearings would take no more than two days, and I accept that. He has gone so far as to propose a list of witnesses, if this reference is passed.

If the Senate should rise for the summer on or around June 14, that would mean that the committee would have to undertake this reference after the Senate has adjourned for the summer. I have no objection to that. I live 60 kilometres from Ottawa and I have no problem in attending. However, if we are to pass this reference, there should be some undertaking on the part of the leadership on both sides that it will be possible to produce a working quorum for such meetings, which I would convene probably in the week beginning June 17.

As well, I have to tell the Senate that our staff resources are quite limited — our budget is very low. I do not feel that I can add this project to the others in which the staff from the Library of Parliament are now engaged. It would, therefore, be my intention, if this motion passes, to engage some research assistance from outside our usual sources at the parliamentary library. This will cost money, and I say that for the information of my colleague Senator Kroft, who is Chairman of the Standing Committee on Internal Economy, Budgets and Administration, and for the information of his colleague Senator Furey, who is the Chairman of the Subcommittee on Budgets. I will have to go, cap in hand, to find funding for research assistance. I am aware that the kitty is almost depleted in terms of research funds, although there is some money left. I am also aware, with respect to the money that remains, that Senator Kenny of the Standing Senate Committee on National Security and Defence and Senator LaPierre of the putative subcommittee on Canada's cultural identity are already jostling at the trough for the few dollars that are left.

I simply want to flag those issues for the benefit of honourable senators and, of course, to assure them that, subject to these considerations being taken into account, the committee and I are, as always, in the hands of the Senate.

Some Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): I am quite in favour of Senator Rompkey's motion, but Senator Murray has posed some problems that are not insoluble, and I would hope that someone somewhere would say: "Yes, the funds are available, and membership on the committee is available." I would have to consult my caucus on Tuesday to find out if the members of the Standing Senate Committee on National Finance or substitutes are available after the break. I would be hesitant to say yes today and then find that, in a few days, I have to come back and say, for whatever reason, that we cannot guarantee membership on this side.

Senator Murray: With regard to the second matter, I am happy to inform my leader that I consulted with Senator Doody, who is a member of the committee and who shares Senator Rompkey's interest. He will be there, and Senator Bolduc has indicated that, during the week of June 17, he could be present. There remains only Senator Stratton, who may want to reflect on the matter over the weekend.

There also remains the money question. While no one can commit anyone, I suppose I would like to have some earnest of best efforts from someone on this matter.

Senator Rompkey: On the point of membership, I have consulted with our people and I think we will have a complement on the committee, including myself. On the question of finance, while I cannot obviously say anything definitive today, we have had some discussions, and we are exerting whatever influence we have on that particular issue.

We must leave it on a positive note at this time.

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

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 11, 2002, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 11, 2002, at 2 p.m.

CONTENTS

Thursday, June 6, 2002

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Communication Canada – Publishing
Ottawa, Ontario K1A 0S9

Available from Communication Canada – Canadian Government Publishing Ottawa, Ontario K1A 0S9