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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, October 9, 2002

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

Prayers.

I applaud all teachers for their hard work and commitment to students and thank them for their efforts in inspiring and guiding the growth of our future leaders.

SENATOR'S STATEMENT

WORLD TEACHERS' DAY

Hon. Ethel Cochrane: Honourable senators, I rise today in recognition of World Teachers' Day, which was celebrated on October 5 under the theme "Teachers Create Dialogue Every Day." It is an occasion when we turn our attention to the important role that teachers play and to the many contributions that they make in helping to shape individual lives in society as a whole.

In this room today, there are honourable senators who have worked hard as teachers and educators. I commend them for their efforts and achievements in such an important profession. However, I should also like to note that we all have a connection to the teaching profession. Without a doubt, everyone here today has been greatly influenced by the teachers in their lives. Each one of us, if asked, would have no difficulty identifying at least one teacher who had an especially significant impact on his or her life and could instantly recall special memories of that teacher.

Teachers train us academically to become proficient in reading, writing, math and other fundamental skills, but their influence goes far beyond. They teach us to listen, engage in discussion, form arguments and become respectful listeners. They help guide us on the path to critical thinking. They instill in us morals and basic principles on how to live our lives and help shape us into strong, responsible members of society. Quite simply, teachers help us learn about ourselves and to become the best that we can be.

I should like to take this time, honourable senators, to draw attention to a recent achievement by teachers and students in my home province of Newfoundland and Labrador. I was thrilled when I read last week about the huge improvements made in reading and writing by our Grade 3s. I have spoken here before on the critical importance of literacy, and I am so very encouraged by these numbers that I must share them and highlight the fabulous work being done in this particular area.

Results from this year's Criterion Reference Tests show that 79 per cent of students in my province are reading at the required level, up from 63 per cent last year. Their writing skills are particularly impressive, with approximately 90 per cent writing at the required level and more than one third of students entering elementary school with exemplary writing skills. That is fabulous. These results illustrate just one way that the efforts and dedication of our teachers make a powerful and lasting contribution to our students and society.

[Translation]

ROUTINE PROCEEDINGS

SUPREME COURT JUSTICE MARIE DESCHAMPS

COPY OF COMMISSION TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a copy of the commission constituting the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, Deputy of the Governor General, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure, dated August 7, 2002.

I ask that the said commission be printed in the *Journals of the Senate*.

(For text of commission, see Journals of the Senate, p. 55.)

NATIONAL SECURITY AND DEFENCE

GOVERNMENT RESPONSE TO REPORT OF COMMITTEE TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table two copies, in both official languages, of the document entitled: "Government Response to the Report of the Standing Senate Committee on National Security and Defence."

[English]

BROADCASTING ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-8, to amend the Broadcasting Act.

Bill read first time.

The Hon. the Speaker: 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.

• (1340)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART OF 2002 ORDINARY SESSION OF
PARLIAMENTARY ASSEMBLY OF COUNCIL OF
EUROPE, JUNE 24-28, 2002—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association to the Third Part of the 2002 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from June 24 to 28, 2002.

[Translation]

THE SENATE

NOTICE OF MOTION TO AUTHORIZE A COMMITTEE
TO STUDY ACCESS OF HARD-OF-HEARING PEOPLE
TO TELEVISION PROGRAMS

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 57(1)(a), I give notice that, Tuesday next, October 15, 2002, I will move:

That a committee of the Senate be authorized to examine and assess the obstacles confronting deaf and hearing-impaired persons who want full access to television programming, films, or any other form of communication or official announcement dealing with health, the maintenance of order or public safety.

[English]

PANDEMIC OF HIV/AIDS

NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 56, I give notice that on Tuesday, October 22, 2002, I will call the attention of the Senate to the pandemic of HIV/AIDS that is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day; and the role that the Government of Canada could play in fighting the disease that is destroying much of the emerging Third World.

QUESTION PERIOD

FOREIGN AFFAIRS

RELATIONSHIP BETWEEN ISSUED PASSPORTS AND
NUMBER OF ELIGIBLE APPLICANTS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, Auditor General Sheila Fraser drew our attention to the fact that there are more SIN cards in Canada than there are Canadians over the age of 20. Could the honourable senator tell us how many Canadian

passports there are in Canada and whether there is a relationship between that number and the number of Canadian citizens?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, the federal government has recently implemented tougher regulations with respect to the types of passports and their issuance because it was discovered that earlier passports were too easily copied. The new passport will be more difficult to copy. We know that baptismal certificates, which were used for identification purposes in the past, will no longer be viable for that purpose. I will try to obtain information for the honourable senator on the number of active Canadian passports that fall within the five-year period of validity.

RCMP—CONFIDENCE IN PASSPORT
AS IDENTIFICATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank the honourable leader for that undertaking.

By way of supplementary, a Canadian citizen from my province of New Brunswick, who volunteers for the Girl Guides of Canada, travelled to the RCMP Division Headquarters in Oromocto, New Brunswick, to undergo a required criminal record check. She tried to use her Canadian passport as her photo identification but was told by the RCMP that her passport, the internationally recognized proof that she is a Canadian citizen, was not acceptable as a form of identification. She was told that the RCMP would accept a provincial photo identification card, if she were to purchase one.

Could the Leader of the Government in the Senate tell this chamber why the RCMP no longer has confidence in the Canadian passport and refuses to accept it as a form of identification when conducting criminal record checks?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know whether the RCMP has ever accepted passports as a legitimate form of identification. That fact would have to be known before the honourable senator's question could be answered accurately. The RCMP establishes its own rules with respect to criminal record checks. I will ask their officials for information on their process, which should indicate why this piece of identification is not used.

Certainly, I use my passport regularly for photo identification when I board planes because that is a requirement. I feel confident that a passport is a positive form of identification. In my province of Manitoba, we do not have photos on provincial identification cards, such as the health card.

Senator Kinsella: I thank the honourable senator for her reply, but I would hope that she would share my view on the Canadian passport. If it is to mean anything, it must bear the kind of security integrity that she alluded to in response to my first question. The Government of Canada must have sufficient confidence in the issuance of the passport, at least at the level of confidence that other countries have in the passports issued to their nationals. The policy of the Government of Canada must be that it stands behind the passports that are issued. Canadian passports must not be similar to the identification documents issued by the local McDonald's.

Senator Carstairs: Honourable senators, with the greatest respect, the Government of Canada deals at arm's length with the RCMP. The RCMP sets its protocols and procedures. I do not think that, in any way, indicates a lack of confidence in the Canadian passport system. Indeed, I am confident that the Government of Canada thinks that its passport system is secure, especially since it was recently made more secure.

INTERNATIONAL TRADE

UNITED STATES—SOFTWOOD LUMBER AGREEMENT—STATUS OF NEGOTIATIONS

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate and relates to the softwood lumber industry. The government appears to be indifferent to the softwood lumber dispute that has created a crisis for B.C. workers, their communities and industry. I understand that, yesterday, an announcement was made about a \$246-million aid package. Many people in British Columbia and, in particular, many people in the industry do not believe that the industry can be bailed out financially but that it must be "negotiated out." Could the honourable leader bring the Senate and Canadians up to date on the status of the negotiations?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right in that the government announced a \$246.5-million package to help communities, to assist in research, which will involve our Aboriginal communities, and to develop a program of skills development. The funds are in addition to \$75 million that had been announced previously for R&D and \$20 million to ensure that Canada's message about the need for free and fair trade in lumber was heard and understood in the United States.

In addition, honourable senators, a WTO ruling has recently been announced, which would confirm their earlier preliminary ruling, that the softwood lumber dealers and workers in Canada have done nothing that would warrant the kind of actions taken by the United States.

On another front, Minister Pettigrew continues to work with his American counterparts to try to reach a negotiated settlement. Talks are continuing. It is difficult to deal with a neighbour who, despite consistent rulings against it, refuses to recognize its obligations.

• (1350)

Senator St. Germain: Honourable senators, my supplementary question relates basically to the relationship between our two nations. If there is a breakdown in the relationship with our American counterparts, whether caused by the Prime Minister and the government of the day, is the government prepared to accept that fact, which is key to resolving this important issue? The softwood lumber issue can be compared to the fisheries issue some years back, and it will put thousands of Canadians out of work.

I do not see the U.S. stance as partisan or as an attack. Relationships break down, between people and between nations. When they do break down, they can be costly. In this case, this

issue is being cited as a breakdown in the relationship between the governments. Is the present government prepared to look at this issue from that angle?

Senator Carstairs: With the greatest respect, honourable senator, what this government is not prepared to do is roll over and play dead. It will defend our sovereignty at every opportunity. We will have our own foreign policy. We will have our own trade policy. We will act, in every respect, like the independent, sovereign nation that, in fact, we are at the present time.

The honourable senator's own leader, quite frankly, has a totally different attitude about relationships with the United States. Let me make clear that I am speaking about the Alliance leader, not the Conservative leader. The attitude of the Alliance leader is on record, and, quite frankly, I find it totally unacceptable in a sovereign nation.

The relationship continues, I believe, in some ways to be positive. In other ways, we will continue to have disputes. We will do our best to show the Americans that they are wrong, but we will not bow down before them.

Senator St. Germain: Honourable senators, I honestly believe that this is why we have a problem: The Leader of the Government in the Senate is confusing sovereignty and dealing with a good customer. This is strictly about business. This is not about the Americans trying to come in and tell us what to do. The Americans handle their trade actions through their various trade commissions.

If this government is so concerned about sovereignty, why are we not doing anything about our military to protect it? It is not a question of rolling over and playing dead. It is not a question of what is being said in the other place by the Leader of the Alliance Party. It is a question of dealing with the issue for British Columbian workers and their industry, but mainly the workers. There are thousands of people whose jobs are in jeopardy today.

We can go on about the sovereignty rhetoric, but the Americans buy \$10 billion worth of lumber from us every year. If we erode that commerce because we are riding our high horse of sovereignty, we will get blown out of the water, much like we are right now. If the government's position is the same as the minister's position, as she has stated it here today, I can well see why we are in trouble. Is the government prepared to change it?

Senator Carstairs: It is because of the workers in British Columbia and other regions that the government announced yesterday a \$246.5 million package. That is in addition to \$95 million announced earlier.

The point is that we are dealing, as best we can, with our workers. There was the question, for example, as to why there were no loan guarantees as part of the package announced yesterday. Quite frankly, there were no loan guarantees because we do not want to do something that would result in further negative action being taken by those so-called negotiators south of the border.

The government is acting in a rational and reasonable way. If the honourable senator is suggesting that the government should take every single attack that the United States throws our way, not challenge them, not take them to the World Trade Organization, then he is wrong, in my opinion.

FOREIGN AFFAIRS NATIONAL DEFENCE

REVIEW OF FOREIGN AFFAIRS AND DEFENCE POLICY—REQUEST FOR DETAILS

Hon. Douglas Roche: Honourable senators, yesterday the Leader of the Government in the Senate confirmed that there will be a review of Canada's foreign policy and defence policy. The minister said that both reviews will take place at the same time. The minister also said that Canadians will be consulted.

It is my wish to return to the question I put to the minister on April 24 concerning the manner of the review. First, could the minister tell honourable senators the timelines for this review; second, how MPs and senators can participate in this review, whether it be through the committees or otherwise; and third, the role of the NGO community in Canada in participating by giving their views on Canada's policy in foreign affairs and defence? How will that be done?

Hon. Sharon Carstairs (Leader of the Government): I wish to tell the honourable senator that those timelines have not yet been developed. If the honourable senator has some ideas as to how such a review should take place, I would be delighted to bring those views to the discussion table at cabinet.

Senator Roche: Honourable senators, I will take that as representation, which I normally give to the minister. Is the minister saying that she will accept a proposal from one senator as to how Canada's foreign and defence policies should be reviewed in an appropriate manner?

Senator Carstairs: The honourable senator might be quite surprised at the number of times that I take information that I receive in this chamber forward to the cabinet table. Of course, that is exactly what I was asking. If he will submit to me his ideas as to how such a review should take place, I will be delighted to bring it to the Minister of National Defence in the cabinet.

Senator Roche: I understand the minister is confirming the Minister of Foreign Affairs as well as the Minister of National Defence for this joint review. Is it one review with both ministers?

Senator Carstairs: Since it is a review of foreign affairs and national defence policies, it will go forward to both ministers.

HUMAN RESOURCES DEVELOPMENT

AUDITOR GENERAL'S REPORT—ISSUANCE AND TRACKING OF SOCIAL INSURANCE NUMBERS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates again to the Auditor General's report and deals with the integrity of the issuing process of the social insurance numbers. It seems that

there is, in fact, a lack of diligence in the issuing process for social insurance numbers. Even as we speak now in the Senate, HRDC is issuing numbers without receiving adequate information that could prove to be instrumental in determining cases of fraud in the system.

How can the government justify doling out these numbers without first acquiring adequate information relating to the citizenship and identity of the applicant? The minister will know that the Auditor General brought this issue to the attention of the government as long ago as 1998. The current report asks why the government has not done something about this matter.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I am sure he is aware of the government's press release of today that stated that, effective immediately, HRDC will accept only original identity documents as proof of identity for a SIN number. Also, effective immediately, they will deactivate any SINs that have not been used in five years. Further, HRDC is seeking authority to introduce expiry dates for all SINs belonging to people who are neither Canadian citizens nor permanent residents.

There was also a response from government to the 1998 Auditor General's report indicating that the government was no longer accepting baptismal certificates for identification. SIN investigations since 1998 have increased to 6,500 annually. Resources have been dedicated to fight SIN fraud. A SIN investigation management function has been introduced in response to the 1998 report. In fact, in the three years prior to 1998, there were only 13 related prosecutions, but in the years following the report there have been 51. Hence, there has been a consistent movement. However, the Auditor General has said that these efforts are not enough, and that they have not taken place quickly enough. HRDC has replied today, saying: "We hear you. We will move even more quickly on our reform agenda in this area."

• (1400)

Senator Oliver: In her reply, the minister referred to the five-year rescission period. Could the minister shed some light on whether having an arbitrary cut-off period like five years could, in any way, do harm to senior citizens or elderly people who may not have cause to use their numbers on a regular basis, say, like the minister, who travels? Will this in any way be prejudicial to seniors?

Senator Carstairs: I do not know whether the question is about SINs or passports.

Senator Oliver: I am referring to SINs.

Senator Carstairs: The idea, quite frankly, is to implement a system similar to what we have with passports. I think we would find that senior citizens would use their passports less often in a five-year period than their social insurance numbers, for the very reason that SINs are included on income tax forms. I suspect, therefore, that it would not be considered a dead number but a very active number.

NATIONAL DEFENCE

REPORT OF CONFERENCE OF DEFENCE ASSOCIATIONS—OPERATIONAL STATUS OF EQUIPMENT—RETENTION OF PERSONNEL

Hon. J. Michael Forrestall: Honourable senators, the minister seems to be very forceful today — bless her.

Honourable senators will all know that the Conference of Defence Associations reported that, within 18 months, half of the army's vehicles — it seems to me that only yesterday we purchased a bunch of them, but it was probably a while ago now — will not be available for use because there is no money for spare parts and there is a shortage of maintenance personnel. Only 50 per cent of our new Coyotes are ready for action, for example, due to lack of skilled trades personnel.

What steps is the government intending to take to ensure that, at the very least, we can drive our trucks and man our armoured vehicles? In spite of the comforting words from the Prime Minister that the next budget will include an increase in the defence budget, we are talking about 18 months or two years from now and we cannot wait that long.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As to why I am more forceful today, during my briefing for Question Period, hammering sounds were coming through my ceiling from Senator Lynch-Staunton's office. As a result, my voice grew louder as the briefing period went on. I brought that good voice with me into the chamber this afternoon.

Honourable senators, let me first say that yesterday we did a thorough review of the incident that the honourable senator referred to with respect to Iraq and could find no evidence that such an incident had, in fact, taken place.

Senator Forrestall: Did you check the Italian press?

Senator Carstairs: With respect to how we will get adequate vehicles up and operating, as the honourable senator knows, the increase in the defence budget was substantial this past year. It certainly did not meet what the honourable senator wanted, but it was substantial year-to-year, over the previous year. The Minister of National Defence is making every effort to ensure that our troops and their equipment are in the best possible condition.

Senator Forrestall: Honourable senators, the report deals with a large number of factors, not the least of which is a clear warning that we are losing so many officers that the Canadian Armed Forces may not be able to command itself in operations. This, of course, leads to problems with morale in the forces. For example, the government deployed troops to Afghanistan but could not deploy their stoves and water purification facilities. Just because we have had to muddle through in the past, and in some cases have suffered casualties, that is no reason to do it again.

The Canadian Armed Forces need about \$1.5 billion almost immediately to maintain their current, albeit somewhat inadequate, combat capabilities. Is there the slightest possibility

of that money being made available to the leaders of the Armed Forces sometime this fall?

Senator Carstairs: The honourable senator has identified a serious problem, and that is the retention not only of enlisted personnel but, even more important, of officers within the armed services in Canada. There are many factors, certainly not the least of which is a vibrant economy whereby those officers who were well trained can find interesting jobs outside of the forces as a result of their expertise and knowledge. I can assure the honourable senator that the retention issue has been on the agenda of the Department of National Defence. It is hoped that changes in pay, which went into effect over the last two years, will help with that retention issue. The issue is not being ignored.

Senator Forrestall: Finally, if the economy is so vibrant and things are so good, why has this become a problem?

Honourable senators, the government has wasted almost \$1 billion cancelling the EH-101 contracts. It wasted \$1 billion on the Pearson airport. It wasted \$1 billion on punishing Canadians with the so-called long gun registration, and it lost \$1 billion in the HRDC scandal. I will not even mention the moneys wasted on golf courses and hotels in a certain riding and the money wasted on communications firms. Some current ministers seem to think that the treasury is their own personal piggy bank.

If the government had what was approaching \$4 billion to burn — in fact, it has done so, I believe — then when can we get \$1.5 billion for the Canadian Armed Forces?

Some Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, the honourable senator from the other side talks about wasted money in the procurement of good products for the military. That is his view; it is not the view of the government. We believe that the government is spending its money appropriately to get the very best product to put our enlisted service personnel in an advantageous position.

Senator Forrestall: When I came to the Parliament of Canada, our total budgetary requirement was slightly over \$6 billion — not \$60 billion, not \$600 billion, but slightly over \$6 billion. I am still here, and God only knows I cannot even count to as high as it is today. If the Canadian Armed Forces does not get the \$1.5 billion it needs, it will cost the Canadian taxpayer, our country, one of two things: either we will have no Armed Forces, or we will have an Armed Forces that is reduced to paramilitary work in aid of civil powers here at home.

Senator Carstairs: That is clearly the view of the honourable senator opposite; it is not my view. The government has consistently, over the last three or four years, added to the budget of the Department of National Defence. It is the government's hope that it will be able to continue in that process as in the years past, but the reality is that there are decisions to be made on moneys to go to health, moneys to go to research and development, moneys to go to education in ways that the federal government can spend it, moneys to go to the social safety network, and all have to be balanced one with the other.

• (1410)

BUSINESS OF THE SENATE

Hon. John Buchanan: Honourable senators, I have a question for the Leader of the Government in the Senate. I have a few comments I would like to make in leading up to the question.

The Hon. the Speaker: I regret to inform the honourable senator that we are down to two minutes for Question Period.

Senator Buchanan: I have only two minutes? One minute? I cannot say anything in a minute. Unfortunately, I am going to a one-hundredth birthday party in Halifax tomorrow, so I will not be here.

If I only have half a minute left, then it will give me more time to prepare for my question in two weeks.

Hon. Sharon Carstairs (Leader of the Government): Thank you, senator. I look forward to the question.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday Senator Cools rose on a question of privilege and drew our attention to certain remarks made by the Deputy Prime Minister and Minister of Finance, Mr. John Manley, regarding the monarchy in Canada. The senator cited a newspaper article in which the minister is quoted as saying:

It is not necessary, I think, for Canada to continue with the monarchy. Personally, I would prefer if we could have a uniquely Canadian institution after Queen Elizabeth.

[Translation]

In making her case, Senator Cools spoke of the Constitution, the oath of allegiance and the principle of cabinet solidarity. The Senator claimed that Mr. Manley's views about the Crown breached her privileges because, as she put it, "He expects me, as a government supporter, to uphold him and what he has done. I cannot do that," she continued, "I will not do that and I will not defend that. As a matter of fact, I condemn that!"

[English]

Several other senators spoke briefly on the matter. Senator Kinsella suggested that Mr. Manley would have saved himself considerable embarrassment had he exercised "custody of the tongue." Senator LaPierre questioned the claim of Senator Cools that the Deputy Prime Minister was actually seeking to overthrow the Queen. Senator Robichaud, the Deputy Leader of the Government, stated that the remarks of Mr. Manley expressed a personal opinion that did not in any way reflect the views of the government. Finally, Senator Murray raised some questions about the convention of cabinet solidarity.

[Translation]

In considering the merits of Senator Cools' question of privilege, it is useful to restate the modern definition of privilege as explained in the British parliamentary authority, *Erskine May's Parliamentary Practice*.

[English]

On page 65 of the twenty-second edition, it is stated:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

In addition, the *Rules of the Senate* provide certain criteria by which I, as Speaker, am bound to consider the prima facie merits of any question of privilege. Among the criteria listed in rule 43, a question of privilege must "be a matter directly concerning the privileges of the Senate, of any committee or any Senator." It must also "be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available." Finally, the alleged question of privilege must "be raised to correct a grave and serious breach."

In accepting the modern meaning of privilege and applying the criteria provided in our rules, I fail to see how the remarks of the Deputy Prime Minister constitute a prima facie question of privilege that affect the rights either of the Senate or of an individual senator. Senator Cools herself cited Mr. Manley's comments in which it is clearly stated that his views on the future of the monarchy in Canada are personal. They do not reflect the position of the government, a point that was reiterated by the Deputy Leader of the Government. Whether or not the Deputy Prime Minister's opinion breaches the convention of cabinet solidarity is not a matter that comes within the scope of parliamentary privilege. What is also clear is that the senator has not in any way been impeded in performing her parliamentary duties as a result of Mr. Manley's comments. Consequently, I must rule that there is no prima facie question of privilege in this case.

[Translation]

AUDITOR GENERAL

REPORT TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a copy of the report of the Auditor General of Canada presented to the House of Commons.

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, during oral question period, a document was distributed by the pages. This document was not personally addressed to any senator. The heading of that document reads:

[English]

"The Hon. Senator Shirley Maheu, Senator, The Senate of Canada," and "Mauril Bélanger, M.P., The House of Commons; Co-chairs of the Standing Joint Committee on Official Languages for the first session of the 37th Parliament." The document is dated October 8, 2002, yesterday.

My point of order consists in objecting to the use of those titles. I do not know if I should call it fraudulent. I will withdraw that assertion if necessary, but I am trying to find the proper word for the proper context. It does not matter who was co-chair in the previous session of Parliament. Those titles are obviously intended to impress people. As far as I am concerned, the Joint Official Languages Committee does not exist at this time, period. It has ceased to exist.

Second, I object to the fact that we should receive, collectively or individually, a document that bears the signature of a member of the other place. I think it is totally unbecoming. Third, this document seeks to counter the arguments advanced by the Honourable Senator Gauthier in a speech he put to this house yesterday. I think this is most improper. I have had a quick read of this letter. I know what it seeks to achieve, which is to cut both legs off Senator Gauthier regarding his initiative before this house.

• (1420)

Senator Gauthier is an honourable senator. I think it is totally unbecoming to circulate a document such as this during Question Period or at any other time that the question is not before the house. Permission of the house should be sought before circulating this kind of document; it has nothing to do with our current business or Question Period. The topic was not before us at the time the document was circulated, but it could be later today, at which point an honourable senator is entitled to seek the permission of his or her colleagues to have this matter tabled or used in debate by one of the co-signatories, who happens to be the Honourable Senator Shirley Maheu.

I object to this practice of general distribution at the time it was done and in the way it was done. In my opinion, it is mischievous because it seeks to anticipate a debate that could take place later on. This is not the time and place. If these honourable members of both Houses wish to seize our attention of this matter, they should address it to our offices.

Hon. Shirley Maheu: Honourable senators, the points were made directly to me.

Senator Corbin: No. They were made to all honourable senators.

Senator Maheu: The permission to distribute this letter was requested by my office through the clerk's office, then to the chair and to His Honour. It is my understanding that His Honour gave his permission. The pages came to me and asked, "What do you want us to do with the letters in the back? I asked them to distribute the letters.

If the pages should have waited until the matter was before us and while we were discussing it, that is one point. The documents could have been put into envelopes. I am not aware of the appropriate procedure, except that it came from the officials of the Senate.

The purpose of the document is not to knock the committee that we know we will be forming in the Senate. The purpose is to make sure that all senators know exactly what happened, exactly what we are doing and what is the impact. I am no longer chair or deputy chair of that committee. I am well aware of that fact. However, the Senate should know what happened and what has been said in the past.

As to whether the honourable senator should like someone to pick the letter up and mail it to his office, that is fine. I could also have another 100 letters printed and mailed to senators' offices. I apologize if I did anything wrong.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, since I am involved in this issue, albeit unwittingly, I want to say that I read the document. I have seldom seen anything so poorly drafted. This translation of a French text says, and I quote:

[English]

"Please note, this letter is a translation," and I would say a bad translation, "of the original French text. Accordingly, all references in this letter to Section 88 of the Official Languages Act relate to the French version." I have a couple of points to make in that regard.

The act is printed in both French and English. Both languages have equal status. I have always maintained that translators can translate whatever they like from one language to the other, but always say the same thing — not the same word but the same thing.

I do not want to accuse Senator Maheu of playing games with this issue. I got notice. I do not like some of the things that have been said in the letter, such as the House of Commons and Parliament should have been consulted. That does not make any sense.

The House of Commons and the Senate are both Houses and that is Parliament. Why should we consult the House of Commons if we want to create a committee of our own in this place? I do not understand. Why should they feel obfuscated or upset if we do not consult them? It does not make any sense.

I want to come back to the English text of the letter. It reads:

The Act clearly states **one committee**...

That is not true. The act never says "one." The act refers clearly to:

The administration of this Act...by such committee of the Senate, of the House of Commons or of both Houses...

Honourable senators, I regret to say that this letter is an example of a bad translation and a bad document. I thought we had concluded this debate. I gave a speech on this motion yesterday. I hope that Senator Maheu reads it carefully. This document will not be helpful at all in this debate. If the honourable senator wishes to participate in the debate, she should do so. I will listen to her carefully. However, do not use this document made by I do not know whom. I am sure the honourable senator is not the author of the document. She may have signed it, but I am sure she did not write it because she writes much more intelligently than that.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, since we are talking about this document, I must say that I find it offensive to have received it. I wish to remind the author of that letter that in French the word “section” does not exist in the English sense of “clause” or “section.” The proper term is “article.” A “section” in English is an “article” in French. You can tell the author that he wrote properly in the second paragraph of page 2, but that in the rest of the document he refers to “section 88,” which does not exist in French. It exists in English, but not in French.

[English]

Hon. Anne C. Cools: Honourable senators, I should like to say that Senator Corbin is absolutely correct and should be supported in this respect.

The distribution of this document in this chamber is improper. In the last few moments, the discussion has moved from a point of order on to the substantive issues and the contents of the document in particular.

Honourable senators, in the interests of moving the matter along swiftly and carefully, Senator Maheu expresses in her intervention a perfect solution that removes and settles the problem once and for all. All that has to happen is for the pages to pick up the documents and then the honourable senator can distribute them to our offices. The problem is resolved and settled once and for all. This solution would not necessitate a ruling from His Honour or any other discomfort on our part.

I should like to express support for what Senator Maheu had to say. That is the easiest and simplest solution to the problem. Perhaps honourable senators can surrender the documents to the page and that will be the end of the matter.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, to the point of order that was raised by Senator Corbin, I would draw the attention of His Honour to rule 28, which speaks to the manner in which documents are tabled in the chamber.

Reference was made in one intervention in this discussion of whether order has been breached by officers of the house having done something or not having done something. If rule 28 is followed and if a document is properly tabled, then there is some responsibility on behalf of the Table officers. I do not think it is fair to predicate of the Table officers items that have not been tabled.

I agree with Senator Corbin that we must follow the rules carefully when documents are tabled. A number of items do come through the chamber, such as notices. They are non-existent documents as far as house business is concerned. Sometimes they are from a benevolent organization or a charity. Senators receive those documents for what they are. They are not house documents.

As the document in question is printed on the letterhead of a joint committee of the two Houses, then it draws our attention to whether a standing committee, a special committee or a joint committee has a different kind of status.

As has been mentioned, all committees have been *functus* as a result of the prorogation. The only exception I know of is the Standing Committee on Internal Economy, Budgets and Administration, which has a provision for the continuity of that committee.

• (1430)

We are in the process of establishing the committees once again. This is not the only document from a committee that has, to my knowledge, at least, crossed my desk. A week or so ago, a document was circulated under the letterhead of one of our standing Senate committees. That committee, too, was *functus*. Fortunately, the document was not circulated in the house, or I am sure Senator Corbin, who would have had my support, would have asked why it was being circulated.

Hence, there are two questions. The one before us now is that of this document not being tabled. It should have been tabled, if it is to be in this chamber. It is not like other pieces of information that are sometimes circulated. Some might argue that, technically, even those ought to be tabled, if they are to circulate in this house.

The point of order raised by Senator Corbin, as far as this document is concerned, is sustained by the Rules of the Senate.

SPEAKER'S RULING

The Hon. the Speaker: Seeing no other senator rise, I shall attempt to deal with this matter.

Senator Kinsella has referred to provisions in our rules for tabling of documents, of which we have had examples today. They are tabled and they appear in our journals. Occasionally, it is necessary to request leave for a document to be published, depending on the nature of the document and the nature of what it is being tabled.

Apart from that, honourable senators — and I have discussed this as recently as today with members of the Table — our rules, I believe, are silent on the distribution of materials within the chamber. We do distribute materials to facilitate debate. Motions or a copy of a ruling, such as the one given today, are sometimes distributed.

However, we do not have a rule with respect to the type of request that I received from Senator Maheu through the Table, to distribute a document on the basis that the document was of interest and relevant to a matter on our Order Paper that could come up later in the day, and that is the motion of Senator Gauthier, standing adjourned in the name of Senator Comeau.

This matter was discussed at one of the Speaker's advisory committees. It arose out of that discussion that documents should not be distributed, unless, as I have just described, they facilitate debate — for example, a copy of a motion, a ruling or a document that is being recited or spoken to at the moment in the

chamber — and that there should be no distribution without leave of the Speaker. From time to time, I have received requests, to which I have, in my discretion, replied either in the affirmative or the negative.

Today's point of order raised by Senator Corbin has clarified things based on what I have heard said in the chamber. I believe, notwithstanding the practice that has been followed, a good practice would be for no document to be circulated to senators, without leave of the Senate, other than the kind I described earlier, which is in facilitation of a debate or of a statement that is being made, and that would be the best way to leave this matter.

As to the questions of the orderliness of distributing a document with the name of a member of Parliament or the signature of a member of Parliament, that would be addressed if we follow the practice of distributing documents only with the leave of the Senate.

Honourable senators, I believe that addresses the problem that Senator Corbin has raised in his point of order.

[Translation]

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—MOTION ADOPTED

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of October 8, 2002, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated, commencing on this day.

Motion agreed to.

[English]

ORDERS OF THE DAY

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Supplementary Estimates 2002-03*) presented in the Senate on October 8, 2002.—(*Honourable Senator Kroft*).

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

He said: Honourable senators, I should like to take a few minutes to explain the contents of this first report of the Standing Committee on Internal Economy, Budgets and Administration.

The committee met on October 8, 2002, to review the proposal for Supplementary Estimates. The report requests funding for five items. The two major items — normalization for the Protective Service and replacement of printing equipment — were approved by the committee in June with the understanding that the administration would absorb the costs of these two items from internal sources until Supplementary Estimates could be obtained. Now is the time to seek that funding, in order to alleviate the financial burden on the administration. The proposed Supplementary Estimates are modest and would see our total Estimates increase by \$969,000, or 1.51 per cent.

In summary, the normalization of the Protective Service is \$260,000; printing equipment, \$599,000; extended leave management, \$50,000; production of committee report, \$35,000; and parliamentary exchanges and associations, \$25,000. The total of those figures is \$969,000.

Honourable senators, time is of the essence in this matter. The last date by which to submit requests to Treasury Board is October 11. To meet this tight deadline, this report must be approved by the Senate before the adjournment of Thursday, October 10. Supplementary Estimates (A) are scheduled to be tabled on October 31, 2002. Honourable senators, I urge you to support the adoption of this report.

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

Motion agreed to and report adopted.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Some honourable senators will remember that I took the adjournment on this debate yesterday in the middle of asking questions of Senator Roche. I will ask the questions, but they will be rhetorical since I am not now asking Senator Roche questions.

• (1440)

I agree with everything Senator Roche said, and I place a great deal of weight on what he said. Senator Roche is a man who was chosen by the Government of Canada to be our ambassador to the United Nations, with special responsibilities for disarmament. As Senator Roche has been our representative at the United Nations, he knows a great deal on the subject.

The main thrust of Senator Roche's comment is that nations ought not to act unilaterally or pre-emptively, unless there is a direct attack upon them or upon other nations with which they have a mutual defence pact, without the concurrence of the United Nations. I certainly agree with that stance, and I think that most Canadians agree. The government has made it clear that that is the position of Canada in the present circumstances.

I would ask Senator Roche to comment on two things because he sees the present question with great clarity and direct experience. Sometimes there is a different kind of light with which we look at experiences, and hindsight is always 20/20. There is an argument advanced with respect to the situation obtained in Europe before the outbreak of World War II, that a regiment of English riflemen could have marched in and enforced the provisions of the Versailles Treaty. Such a move would have been very unpopular. They would have been called imperialist bullies. Granted, it would have been unilateral, but if they had done so there might not have been World War II. Would Senator Roche comment on the possibility of projections sometimes not being what they seem because all projections are based on situations that we know now? As soon as those situations change, then the projection becomes different. The way we would look at it after the fact would become different.

My second question to Senator Roche is a corollary of the contention that Canada says very loudly and rightly to the world, "You must not and we must not act alone. We must act only together, multilaterally, to deal with these situations that arise from time to time." Having said we must act multilaterally, it follows that if our friends with whom we have treaties and with whom we, in those circumstances, agree, we must then be able to get into the boat, or on the train, or into the truck to deliver. We have heard that, these days, that would be a difficult thing for us to do. We have not only heard that, but it has been demonstrated in what is seen by some of us as an embarrassment: We managed barely to put about 800 people on the ground in Afghanistan, but fortunately they did extraordinary things and acquitted themselves extremely well. We could not replace them. When we brought them home after the extent of the time that one can reasonably ask someone to be in the field, we could not replace them.

Therefore, the second comment I ask Senator Roche to comment upon is, if it is right to say that we have to act together, is it also right to say that we have to be able to act together?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am having a hard time following the debate and figuring out who has the floor. It is my understanding that questions are to be asked during the period provided for a

speech, because yesterday the Honourable Senator Roche's time was up.

Will it become common practice for a senator, during the course of his or her speech, to ask questions on the speech made by another senator?

[English]

The Hon. the Speaker: Perhaps I can help, honourable senators.

Philosophically you have to understand that my bent in these matters is to facilitate the opportunity for honourable senators to debate, to speak about their positions.

You are quite right, Senator Robichaud, Senator Roche spoke to his motion. His time expired, and Senator Banks took the adjournment of the debate. When taking the adjournment of the debate, he made some mention of his hope that there would be an opportunity for the matter that he wanted to raise with Senator Roche to be raised in his participation of the debate. He took the floor on his own time. I am not sure how much is left, but more than the 15 minutes that he is allowed. During the course of his remarks he invited a question from Senator Roche, and perhaps I was remiss in not being more formal. I will do that now.

Would you accept a question from Senator Roche, Senator Banks?

Senator Banks: Yes, I would, Your Honour.

Hon. Douglas Roche: Honourable senators, the question is: Does Senator Banks agree with me in this comment?

Senator Banks raised two questions. The first one referred to Europe in its pre-World War II state. There was a certain comparison with the present situation in Iraq; namely, that because Europe was not prepared to deal with Hitler in the period leading up to 1939, a terrible war ensued that should have been avoided. I do not accept the comparison in the time periods because in the present instance we have the whole machinery of the United Nations that has been built up for the past 57 years, including the International Court of Justice, and many bodies within the UN structure that can build the conditions for peace. Mr. Kofi Annan, the Secretary-General, has pointed to these on several occasions. It is the fullness of those structures, including the centrality of peace and security in the world today, which is reposed in the authority of the UN Security Council. The international community, in its wisdom, after World War II, set up the UN with the Security Council as its core. If we move away or deviate to unilateral measures by countries, that will lead us back to the conditions that prevailed before World War II.

On the first point, we have to have confidence in the international structures that the international community has built up and that have worked in many instances, for which they have never been given credit.

The second question is on the capacity of the Canadian Armed Forces to make a contribution to peace and security. They did, in the manner they served in Afghanistan, and I pay my respects to them. Senator Banks wants to know why we do not have the

[Senator Banks]

capacity to do more. This is in the argument that is advanced today that we need more money to go to Canada's defence budget. Canada's defence deserves an appropriate increase, as do other functions within Canadian society.

• (1450)

Here is the point, honourable senators: We cannot have the quality of spending on Canada's Armed Forces measured by what is spent in the United States today under the Bush administration. In the past year, the Bush administration has increased the defence expenditures of the United States by \$50 billion. They are now spending close to \$400 billion, which is one half of what the entire world spends. Last year alone, the increase was greater than the entirety of the Russian military budget. It is greater than the next 15 countries put together. It is madness for Canada to be setting a criterion of U.S. spending for what we ought to be spending.

There are legitimate calls on the public purse in Canada, including health care and education. Many sectors require spending and cannot be heard just because some people in Canada — I am not saying the honourable senator is one of them — are saying that we must increase our spending to get up to the same level that the United States is spending today. I maintain that is false.

The policies of the Government of the United States are on their Web site and are clear to see. The aim of the Government of the United States is for full spectrum dominance in the world in the air, on sea and in space.

Canada has built a deserved reputation. I have reflected on this many times at the United Nations.

The Hon. the Speaker: I regret that I must interrupt the honourable senator. I remind him of the rule that when making a comment or asking a question it be brief. I should also advise the honourable senator that there are six minutes left in Senator Banks' time.

Senator Roche: I thank His Honour.

Canada's forces have played a role in the totality of Canadian foreign policy that has been centred on peacekeeping for many years. For Canada now to assume that we must have the military strength to go into combat and to fight under the U.S. desire for war that is being talked about, and the security policies that are being advanced under the Bush administration, is out of kilter with the history, traditions and values of Canada. We must be very careful in saying that we must increase our military spending to keep up with the United States.

Senator Banks: I wish to assure honourable senators that the style in which I was speaking when I rose was to continue the debate. I believe I said that my questions were, therefore, rhetorical. I expected that, because this was Senator Roche's motion, he might have time to answer them later.

To answer the question of whether I agree with what the honourable senator has just said, yes, I do. It would be madness to suggest that we should be spending money on the same order of magnitude as the United States, by any measurement — hard

dollars, percentage of GDP, per capita. No Canadian in their right mind would suggest that or even want it if it were to happen. I certainly do not.

I thank the honourable senator for his question. My answer is that I agree with him in the main and philosophically.

Hon. Lowell Murray: Honourable senators, I have a question for Senator Banks. I should like to know whether he agrees with the central point that the Iraqi regime must disarm or be disarmed insofar as weapons of mass destruction — to use the shorthand — are concerned?

Senator Banks: I absolutely agree. That is the central thrust of Canada's position. The position, as I understand it today, of the United States in their argument at the United Nations is that such a resolution must be put forward and that it must include that position.

In response partly to what the honourable senator has suggested, and in regard to what Senator Roche asked earlier, we must have two kinds of capability.

First, we must have a war-fighting capability in the event that the United Nations issues such a resolution and in the event that the conditions of it are not met. We must be at that table if we are to be at the other tables of the world.

Second, in respect of peacekeeping, which we also must be able to do, as opposed to peacemaking, there was a time not very long ago when 1 per cent of the world's population — Canada — provided 10 per cent of the world's peacekeepers. We were at the front of the line every time; we were there in very substantial numbers. We are now ranked thirty-fourth in the world in the provision of peacekeepers in the United Nations and other multilateral undertakings in the world. Both of those situations must be addressed.

Hon. John G. Bryden: Honourable senators, I have a question for Senator Banks. The honourable senator made reference to the Second World War and said that it could have been taken care of by a platoon of British riflemen, which would have saved expense and all of that. Would that be analogous to the statement of a functionary of President Bush who said that a single bullet would not cost very much?

Senator Banks: That is certainly not the case.

Senator Bryden: I believe Senator Banks made reference to the threat and the risk. Does he subscribe to further reasons for the involvement of the President of the United States, including the concern for secured oil supplies, the fact that the President is being hammered about the mismanagement of his own economy going into mid-term elections, and that the President is quoted as saying, "This man tried to kill my daddy"?

Senator Banks: I am learning more and more every day that, in this place, sometimes when people say one thing they mean something else.

On motion of Senator Taylor, debate adjourned.

AMERICA DAY IN CANADA

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as “America Day in Canada.”—(*Honourable Senator Buchanan, P.C.*).

Hon. John Buchanan: Honourable senators, I rise to strongly support Senator Grafstein’s motion. I will read the motion. It is very important that we all understand what the motion is about:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as “America Day in Canada.”

No one is asking in this resolution that this be a statutory holiday in every province. We are talking about a commemorative day. I strongly support the motion. I shall explain why.

For many years, in a political and a government sense, I looked in a different way at the United States of America than I had prior to becoming involved in politics.

• (1500)

I looked to the United States as a country from where many Nova Scotians moved back in the 1920s, 1930s, 1940s and even into the 1950s. It was almost as though people had gone away and were simply coming back home for a visit. It was that kind of situation.

Through the 1970s and, in particular, the 1980s, I learned more about the United States. From 1978 to 1990, I was a member of the Conference of New England Governors and Eastern Canadian Premiers. I learned a great deal about the United States that I had not known before. As well, the New England governors learned much more about Canada than they had known before. We became not just friends, as one country to another, but personal friends over those years.

Honourable senators, I also learned that many Americans in government really did not understand Canada-U.S. relationships. I recall the National Governors Association Annual Meeting in Boise, Idaho, at which the Canadian premiers were given two hours to discuss Canada-U.S. trade relationships. I heard grumbling, as we were heading to the convention centre, from governors of western states and southern states — not governors from the New England States or the northern border states — who said: “Why are we spending so much time with these Canadians? We should be discussing our largest trading partners

in the world, Japan, et cetera.” I suddenly realized that many of them did not understand Canada-U.S. relationships. After that session, however, they understood that the increase in trade between Canada and the United States the previous year was equal to the total trade between Japan and the United States. They had a new understanding. Since then, I have noticed that Americans in general, and various governors, senators and members of the house, understand Canada better.

Honourable senators, for the past eight years, I have been a member of the Canada-U.S. Interparliamentary Group, which I have enjoyed. In fact, I enjoy all of those groups. However, quite frankly, the Canada-U.S. Interparliamentary Group is the one for which I have the most time. Members of Parliament, both from the Senate and the House of Commons, travel to the United States, and their respective members travel to Canada. We have a great appreciation for what occurs between our respective countries. There is no doubt that their representatives who attend our yearly meetings understand the relationship between Canada and the United States, that we are the largest trading partners in the world — over \$1 billion of trade each day, which is in excess of \$450 billion per year. That is an incredible figure.

I was asked to speak a few years ago at the tenth anniversary of the Free Trade Agreement in Windsor, Ontario. Some members of this Senate, as well as members of the House of Commons, such as Joe Comuzzi and Susan Whelan, were there, and we talked about this great relationship between our two countries. Standing on the Ambassador Bridge, where about 8,000 trucks pass back and forth each day, one is able to see the tangible relationship between our countries.

Consider as well, honourable senators, that we have the longest, undefended border of any two countries in the world. That is an incredible situation in the year 2002, but it exists. It is the longest, undefended border in the world.

What does that all mean to us? I think to Canadians it means that we understand the United States and they are beginning to understand us much better. For instance, how many in this Senate — and I suspect it will be just about all honourable senators — can say where he or she was on the day that former President John F. Kennedy was assassinated? I can remember where I was, remember hearing about it. I remember watching television for most of that day. I am certain that all honourable senators can remember where they were on September 11, 2001.

As well as being the greatest trading partners in the world, the United States and Canada are probably, Britain included, closer in friendship than any other two countries in the world. Hence, I have no difficulty in recognizing and appreciating what happened on September 11 vis-à-vis the United States and Canada.

Honourable senators, we should never forget that 25 Canadians died in the World Trade Center in New York City on September 11, 2001. Not only were Americans killed in that tragic event, but also Canadians, Americans, Britons and people from other parts of the world. Not only was it an attack by terrorists on the United States, it was an attack by terrorists on our way of life in Canada. There are 25 families in Canada that are grieving their loved ones killed in that terrorist attack.

Honourable senators, I see nothing out of place about this resolution, nor do I have any difficulty whatsoever urging honourable senators to agree to the resolution.

When Senator Grafstein moved this motion, he said:

America now celebrates September 11 as Patriots Day in America, so I think it is right and proper that we commemorate September 11 in Canada as America Day in Canada, a day that changed America, changed Canada and changed the world, perhaps forever.

I agree with that statement. I am hopeful that every member in this Senate agrees with that statement and will vote for this resolution on the basis that we recognize and remember that the events of September 11 changed the world and changed Canada. One change is the strengthening of the great relationship that we have with our neighbour to the south — the United States of America.

Honourable senators, remember one thing: The United States of America has the greatest military force in the world to protect not only the United States of America but also North America, including Canada. Let us never forget that. I will certainly vote in support of Senator Grafstein's motion to establish September 11 as America Day in Canada.

On motion of Senator Bryden, debate adjourned.

• (1510)

NATIONAL DEFENCE

AFGHANISTAN—MOTION TO RECEIVE FORMER COMMANDING OFFICER IN COMMITTEE OF THE WHOLE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Wiebe:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, October 29, 2002, in order to receive Lieutenant-Colonel Pat Stogran, former Commanding Officer, 3 Princess Patricia Canadian Light Infantry Battle Group, Canadian Forces Battle Group in Afghanistan, February to July 2002, for the purpose of discussing the preparation and training prior to deployment as well as the experiences of the Canadian Forces in Afghanistan in the war on terrorism.

That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.—(*Honourable Senator Robichaud, P.C.*).

Hon. J. Michael Forrestall: Honourable senators, it is a great honour for me to rise today to speak to Honourable Senator Kenny's excellent motion for us to call Colonel Patrick Stogran, truly a living Canadian hero, before the Committee of the Whole so that we may hear firsthand of his preparations for and experiences in Afghanistan.

As honourable senators know, Colonel Patrick Stogran was a Commanding Officer of the Third Battalion Princess Patricia's Canadian Light Infantry Battle Group in Afghanistan. The Third Battalion of Princess Patricia's Canadian Light Infantry is a light battalion full of well-trained, highly professional young men and women. They are just as much at home on peacekeeping missions as they are at war. They are the very best of the very best, whether in the desert or jumping from the back of an airplane with a parachute. Colonel Stogran lead these brave Canadian soldiers and their American allies through Operation Harpoon in what I believe was our first offensive ground assault by Canadian troops since Korea.

Colonel Stogran had the distinct honour of commanding this battle group in Canada's first dedicated combat troop deployment for the purpose of waging war since the days of the Korean War. Any soldier can tell you that honour, duty and responsibility go hand in hand. Patrick Stogran had the honour — indeed, the greatest honour that any Canadian can ever have — to have responsibility for the lives of 800 young Canadians in this country's service. It was a staggering responsibility. By all accounts, Colonel Stogran was an excellent leader and an unsurpassed soldier. Yet Colonel Stogran, through no fault of his own, will forever have to live with the tragic loss of four young Canadian lives — two from my home province of Nova Scotia and one from my home area of Dartmouth. Thus, with command comes responsibilities and pressures for which nothing can prepare you. Having read an interview with Colonel Stogran sometime after the incident, he described it as "the most awful of his life." I have no doubt that that is true. Colonel Stogran will share that field of honour and, sadly, of horror with General Romeo Dallaire, Lieutenant-Colonel James Calvin and General Lewis MacKenzie, three other modern-day, living Canadian national heroes and a host of untold many others.

Colonel Stogran attended Royal Military College where he received a degree in electrical engineering. He then joined the infantry, and I guess he never looked back. Now he has been sent back to National Defence Headquarters as the Director, Land Requirements (Infantry), where Colonel Stogran will be responsible for ordering army equipment — a matter that I touched upon in this chamber earlier today — particularly for his beloved infantry. As he willingly accepted his new responsibilities, without doubt, he will perform here as well as he did in Afghanistan or in the Balkans on peacekeeping missions.

Honourable senators, Colonel Stogran is a great Canadian. I think it is only right that we invite him to come before the Committee of the Whole in this hallowed chamber to hear his story and, through him, the story of his soldiers. I applaud and urge all senators to support Senator Kenny's motion.

On motion of Senator Robichaud, debate adjourned.

[Translation]

NATIONAL SECURITY AND DEFENCE

REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"— GOVERNMENT RESPONSE—MOTION

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Banks:

That, within three sitting days of the adoption of this motion, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, tabled on February 28, 2002.—(Honourable Senator Murray, P.C.).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am grateful to Senator Murray for yielding the floor to me, since the debate was adjourned in his name.

At the beginning of the sitting, I tabled a document containing the government's response to the report of the Standing Committee on National Security and Defence, tabled last session. This report having been tabled, the motion should be dropped from the Order Paper.

I will move later that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration. It is important to note that a motion must not have the effect of forcing the government to act. A motion cannot require the government to respond to a committee report, only legislation is binding on the Crown.

Honourable senators, prorogation results in all business of Parliament being cancelled, including decisions seeking a response from government to committee reports.

REFERRED TO COMMITTEE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I wish to move that this motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for review and consideration.

[English]

The Hon. the Speaker: Honourable senators, Senator Robichaud has moved a motion, but I am not certain that I followed it properly. Perhaps he could repeat it.

[Translation]

Senator Robichaud: Honourable senators, I move that the motion, which is obsolete, since the report has been tabled, be referred to committee for consideration and review.

[English]

The Hon. the Speaker: It was moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Rompkey, that the substance of the motion of Senator Kenny, seconded by Senator Banks, be referred to the Standing Committee on Privileges, Rules and Procedure for study.

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

Hon. Lowell Murray: Honourable senators, I thank the Deputy Leader of the Government for having clarified the issue that motivated me in moving the adjournment of the debate on Senator Kenny's motion in the first place. I was bemused by the impertinence, indeed the audacity of the fact that Senator Kenny was purporting, by motion, to bind the Crown. This is an old argument that goes back many generations.

• (1520)

I recall reading about an argument in the House of Commons in the 1970s, when a motion similar to this or perhaps a draft rule was presented. The then-Leader of the Government in the House of Commons, our old friend Senator MacEachen, objected on precisely the grounds raised by Senator Robichaud today. Since that time, the House of Commons has placed in its Standing Orders a rule that purports to require the government to table a response to committee reports within a certain time frame, in much the same language as contained in Senator Kenny's motion.

I believe successive governments have treated this standing order as an invitation rather than a command because it will be obvious that, as the Deputy Leader of the Government has pointed out, only a law that has been passed by both Houses of Parliament and given Royal Assent can legally bind the ministry.

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

Hon. Senators: Question.

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

Motion agreed to.

UNVEILING OF PORTRAITS OF SIR JOHN ABBOTT AND SIR MACKENZIE BOWELL AND RESULTING INSIGHTS ON CURRENT EVENTS

INQUIRY

Hon. Lowell Murray rose pursuant to notice of October 2, 2002:

That he will call the attention of the Senate to

- (a) the unveiling of the portraits of former Prime Ministers Sir John Abbott and Sir Mackenzie Bowell, on Monday, June 3, 2002; and
- (b) insights to current events to be gleaned therefrom, including the challenge to Prime Minister Bowell by Sir George Foster, his finance minister.

He said: Honourable senators, I am reviving a notice of inquiry that I placed on the Order Paper last June.

My narrative of the events of June 3 last actually begins in the morning, with the annual memorial service in honour of members who had passed away during the year. As it happened, Monday, June 3 was also the morning after the stunning dismissal — if that is what it was — of Paul Martin as finance minister and just a week after the demotion of Don Boudria from Public Works and the firing of Art Eggleton as defence minister.

As politicians and ex-politicians filed into the Commons chamber for the memorial service, there was shock, dismay and anxiety among the Liberals. The memorial service, with its familiar hymns and meditations, seemed to offer them a calm refuge from the political turbulence outside.

Alas, there was to be no respite. Honourable members were jolted back to present issues by the first selection read from scripture by our old friend, retired Senator Richard Stanbury, from James, Chapter 4, Verse 13:

Why, you do not even know what will happen tomorrow.
What is your life? You are a mist that appears for a little while and then vanishes.

Senator Stanbury's well-intended, if infelicitous, exegesis was cold comfort to those Liberals still trying to glean, as through a glass darkly, the possible significance of all this upheaval for their own political careers. Senator Stanbury pressed on:

From Matthew, Chapter 6, Verses 19-21:

Do not store up for yourselves treasures on earth, where moth and rust destroy, and where thieves break in and steal.
But store up for yourselves treasures in heaven, where moth and rust do not destroy, and where thieves do not break in and steal.

A sensitive Liberal could be forgiven for making a mental note to see to it that, in future, someone more circumspect will be put in charge of the scripture selections. Allusions to moth and rust do not sit well with the anxious supporters of a government now in its third mandate, led by a Prime Minister who first came to Parliament almost 40 years ago.

In the context of the Prime Minister's unfortunate *ad lib* in Winnipeg about a few million dollars having been stolen in the greater cause of party and national unity, the pejorative scriptural references to thieves were, from a Liberal perspective, surely inopportune. This event would in normal Liberal times possibly be assigned to the federal sponsorship program, with the Maple Leaf flag covering, as it were, a multitude of sins. However, as a result of recent negative publicity, that possibility seems to be foreclosed, along with some of the companies involved.

If the readings were not such as to cheer up some of the living politicians who heard them, I am sure they provoked much jocularly among our dear departed colleagues, observing the scene from their heavenly perch above. Heath Macquarrie, like Stanbury a pillar of Presbyterianism, must surely have laughed aloud. Finlay MacDonald, a faithful if somewhat irreverent

Catholic, and Jean-Maurice Simard must have roared with mirth. Noted Liberal wit Sid Buckwold was probably among the first to twig to the unintended irony of it all. Even Bud Olson, who knew the scriptures at least as well as he knew politics, would not be able to suppress a chuckle.

The day was not over. On the afternoon of Monday, June 3, parliamentarians past and present were convened to the old Reading Room for the unveiling of the official portraits of two former Prime Ministers, Senator, the Honourable John J. C. Abbott and Senator, the Honourable Sir Mackenzie Bowell. Of course, the date for this ceremony had been fixed many months in advance. That it should take place in the midst of the momentous events of June 2002 was a coincidence so exquisite as to verge on the serendipitous.

I shall not attempt today to provide a biographical account of Prime Ministers Abbott and Bowell. That was done thoroughly and well at the unveiling ceremony by Speaker Hays of the Senate and Speaker Milliken of the Commons. I shall confine myself today to commenting on some aspects of their careers that seem to resonate eerily in the context of current events.

Sir John Abbott was chosen upon the death of Sir John A. Macdonald. He had been an able corporation lawyer and CPR director from Montreal, mayor of that city, and former law dean at McGill who served 20 years in the Commons before being appointed to the Senate in 1887. His reluctance to serve as Prime Minister can be appreciated from the following direct quotation:

I hate politics and what are considered their appropriate measures. I hate notoriety, public meetings, public speeches, caucuses and everything that I know of which is apparently the necessary incident of politics — except doing public work to the best of my ability. Why should I go where the doing of public work will only make me hated...and where I can gain reputation and credit by practicing arts which I detest to acquire popularity?

Clearly, he was not an enthusiastic recruit for the Prime Ministership.

On the day after he formed the government, Prime Minister Abbott reported to his colleagues in the Senate. Liberal and Tory senators alike had rejoiced in his appointment, and with it the prospect of more important legislation originating in this house. Senator Power, a Liberal from Halifax, offered a careful understatement:

I do not think — it may be that I should not speak so plainly here — that the position of the Senate in the eyes of the people in this country is so exalted that it will not bear an addition to its dignity.

For his part, the new Prime Minister noted the legislative role of the Senate and its right of inquiry, both of which could be carried forward free of the rancorous party feeling that attached to the elected house. "I never despaired of the Senate," he said, "never thought there was any danger of its functions not being appreciated by the people if it were only true to itself." As for his new responsibilities as Prime Minister, he said:

...the position which tonight I have the honour to occupy, which is far beyond any hopes or aspirations I ever had, and I am free to confess beyond any merits I have —

There were cries of “No, no.”

— has come to me very much in the nature of compromise. I am here very much because I am not particularly obnoxious to anybody.

HON. GENTLEMEN — No, No.

As one of his biographers put it: “Abbott, a grim, tired old corporation lawyer, took up the burden, carried it for eighteen months and found it every bit as bad as he had predicted.”

• (1530)

How bad was it? Well, to begin with, he inherited a scandal in the Department of — you guessed it — Public Works. Hector Langevin, whose name adorns the building across from here where today's PCO and PMO are located, was close, too close, to the contracting firm of Larkin, Connolly & Company. The minister had seen to it that the firm got contracts without the usual competition. Sound familiar? From that firm and others had come large amounts of money for the party treasury. Also sound familiar?

For more than three months, the dirty laundry spilled — if I may mix metaphors — out of this Pandora's box and into the newspapers. Investigators began looking into other departments and found irregularities everywhere. Contracts were signed for larger amounts of material than were needed, the surplus being kept by the contractor. When the investigators finally procured the books of one department, there were whole pages missing from the ledgers, foreshadowing the missing reports of 2002.

Then, as now, there was something of sex scandal. The Postmaster General, John Haggart, had hired a Miss Craig as a clerk. She had worked only intermittently for two months, and then dropped out of sight for five. However, she continued to be paid by a messenger delivering cheques to her sister. Miss Craig was believed to be a girlfriend of the Postmaster General, or a former girlfriend. In those days, the media did not put too fine a point on it, but the *Belleville Intelligencer* let readers draw their own conclusions when it commented: “The case has created a great deal of discussion not only about the Parliament Buildings in tones of levity, but in hotel corridors.”

Art Eggleton and his former lady might well wish for such opaque reporting of their personal and political relationship and what some would call the overlap between the two.

Abbott was not in the best of health, and these problems did not improve his disposition. In November 1892, he went to England, ostensibly in search of medical advice. While there, he sent in his resignation as Prime Minister and was succeeded by Sir John Thompson, who had been de facto Leader of the Government in the House of Commons. Tragically, Thompson died two years later. Again, the Governor General and his advisers in the governing Tory Party went to the Senate for a Prime Minister, this time Sir Mackenzie Bowell, who took office on December 21, 1894. Bowell got a reputation as somewhat indecisive when he could not make up his mind what inscription to put on the cabinet's funeral wreath for Mr. Thompson. “Just do not put ‘With Kind Regards’,” he was quoted as saying.

Bowell was a newspaper owner and editor from Belleville, Ontario. He served 25 years in the Commons and became a senator in 1892. I trust honourable senators will not be too shocked to hear that Bowell's Minister of Finance, Sir George Foster, opposed and undermined the Prime Minister from the beginning. Foster wrote to a friend that Bowell was old, vain and so suspicious he thought every time he saw two ministers talking together that they were plotting against him. Honourable senators, as Henry Kissinger is believed to have said, and as Prime Minister Chrétien would verify, “Just because I'm paranoid doesn't mean they're not all out to get me.”

Bowell had been Grand Master of the Orange Lodge in British North America. He had little sympathy for Roman Catholics or French Canadians, but he was almost the only political leader who emerged from the Manitoba Schools controversy of the 1890s with any honour. In 1890, the Liberal provincial government abolished French as an official language and set up a single system of non-sectarian public schools. The issue was hotly argued in the courts of Manitoba, Canada and at the British Privy Council. It bedevilled the governments of Macdonald, Abbott, Thompson and Bowell.

Notwithstanding his own religious beliefs, Bowell was determined to uphold the law and the Constitution. He supported remedial action to restore the rights of the Roman Catholic minority in Manitoba. For that, and other reasons, seven ministers who had long chafed under his leadership, led by his finance minister, resigned their offices a couple of days after they had presented a united front in a Throne Speech to open a new session in January 1896. The next day, Bowell told the Senate that his proposed remedial legislation

was but...giving to a portion of Her Majesty's subjects who have been deprived of their rights that which the Constitution and the highest court of the realm stated that they were entitled to — I feel it my duty, as far as in my power lies, to see that the remedy is given.

Many months later, the issue would be joined. The principled position lost. Sir Wilfrid Laurier's sophistry and political opportunism carried the day, won the 1896 election, and cost the Manitoba minority their constitutional rights for more than 80 years into the future.

In the House of Commons, the departed Minister of Finance insisted that there had been “no disagreement between ourselves and the Premier upon any question of public policy.” The words are almost identical to those used last June by Eddie Goldenberg as he spun from one media outlet to another to explain the departure of Paul Martin. One hundred and six years later, in the spring of 2002, it was the Prime Minister insisting that there is no policy difference and his former finance minister suggesting the contrary.

In the Commons, Sir Richard Cartwright, a Liberal MP, asked:

What sort of opinion are we to suppose these honourable gentlemen entertain of each other, if they have been sitting in Council, devising schemes for the welfare of Canada from day to day, and entertaining the opinion which apparently they must have entertained of each other, if we are to place the smallest reliance on the statements which have been circulated, broadcast through the newspaper press. I will say this one thing in conclusion before these hon. Gentlemen

rise, as I trust they will, to give some sort of explanation to the House of their extraordinary conduct, and it is that for my part I am prepared to grant — and I hope and I believe my friends are prepared to grant — the fullest consideration to the present first Minister, Sir Mackenzie Bowell, who, whatever his faults and sins may be, appears, so far as we can see, to have acted straightforwardly under very difficult circumstances indeed.

In the event, a rather torturous arrangement was made. Bowell was to remain as Prime Minister for another few months. Sir Charles Tupper returned from his post as High Commissioner to London, rejoined the cabinet and became Prime Minister upon Bowell's resignation three months later. It availed them nothing. The process had been so long and painful as to be fatal for the government. They were easily defeated by Laurier in the general election later in 1896.

The lesson in all this for the putative successors in Mr. Chrétien's cabinet and caucus, and for others who desire his early departure, is this: Do not prolong the agony.

The words are not from the Scriptures.

The Hon. the Speaker: Senator Murray, I am sorry to interrupt, but your time has expired. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Murray: The lesson is this: Do not prolong the agony.

The words are not from the Scriptures but they are the words the immortal bard placed on the tongue of his Macbeth: "If it were done, when 'tis done, then 'twere well it were done quickly."

The Hon. the Speaker: If no other senator wishes to speak to this inquiry, it is considered debated.

• (1540)

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE— INQUIRY—DEBATE ADJOURNED

Hon. Pierre Claude Nolin rose pursuant to notice of Wednesday October 2, 2002:

That he will call the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.

He said: Honourable senators, I am very proud to begin this inquiry on the final report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy."

Honourable senators, when we tabled our report with the Clerk of the Senate on October 3, we had little doubt that newspaper headlines would focus on the legalization of cannabis. However, it would be wrong to limit coverage to our recommendation to the creation of a criminal exemption that would allow controlled access to cannabis. The recommendations contained in the report are much broader, and have a much greater scope than the simple legalization of cannabis.

We set guidelines for a real public policy on all psychoactive substances, including drugs, tobacco and alcohol. We supported these guidelines through a process of reflecting on the guiding principles and through a careful assessment of the knowledge and scientific research. We took care to study the situation in other countries and to compare a variety of public policy options.

I will develop each of these points to conclude with the rationale for a policy allowing for controlled access to cannabis. Why should we develop a public policy on psychoactive substances that is general, effective, and encourages responsibility? It could just as easily be argued, as the free market supporters do, that there is no need to have any state control over what citizens decide to put in their mouths.

What, after all, justifies state intervention into matters that are, to a certain point, personal decisions? The state regulates numerous other social issues and consumer goods already, from drugs and foods to the environment, not forgetting infant toys. Analogies are insufficient, however, because in a number of these cases critics of state interventionism have called for the government to pull out of these areas and leave the market to regulate itself. Since users consider this the least harmful of all psychoactive substances and since there is little harm to society from it, cannabis is an ideal point from which to examine what justifies state intervention.

Among the points made in our report were the following: cannabis use does not escalate to the use of more dangerous and more harmful drugs; does not lead to violence; does not cause lack of motivation and academic failure among young people; nor does it cause irreversible damage to the cognitive and cerebral functions of users. We also demonstrated that, even though a degree of tolerance can develop, and even though a certain proportion of regular users — some 10 to 20 per cent — are at risk of developing dependency, this dependency is far less severe than those related to other drugs, including alcohol and nicotine. We found that there were a variety of patterns of use, not all of which were abuse.

We made a distinction between experimental and regular users, who in fact together make up the majority of users, and users at risk and abusers, who appear to comprise 0.5 per cent and 0.3 per cent respectively of the adult population between the ages of 18 and 65, some 20 million Canadians.

Approximately 10 per cent of this adult population had used cannabis in the previous 12 months. We proposed four criteria to distinguish between heavy users and others: context, quantity, frequency, and duration and intensity.

Cannabis is nevertheless a psychoactive substance, generally smoked, with a number of potentially negative consequences, including impairment of short-term concentration, memory, and motor coordination, possible carcinogenic effects and risks of bronchopulmonary diseases as well as possible negative effects on users under 16 years of age because of their immature cerebral system. Also, combined with alcohol use, which young people often do on festive occasions, cannabis significantly impairs driving abilities. I will add that criminalizing cannabis has various perverse effects: it fosters crime rings, which breed violence and corruption; it puts buyers in contact with potentially criminogenic elements; and it makes it impossible to control the quality and THC content of cannabis.

In short, while not particularly harmful in itself, cannabis still presents hazards to the health and well-being of users. This is the main reason behind government intervention: public health. Once it has been established that government intervention is justified, one must wonder what form the intervention ought to take. This is where our reflection on the guiding principles becomes really meaningful.

Several honourable senators will remember that the Le Dain Commission tabled its report on cannabis — or should I say three reports, given that two of its members submitted minority reports — in 1972. The members did not disagree among themselves so much on the interpretation of the research data as on what it would mean in terms of public policy.

Professor Line Beauchesne described the attitude of majority members as paternalistic, seeking to protect users against themselves, that of Mr. Campbell as moralistic, seeking to impose the moral values of the majority, and that of Ms. Bertrand as liberal, based on responsibility.

The committee considered the respective roles of ethics, governance, criminal law and science, based on four excellent working documents, including those authored by Professors MacDonald and Pires.

We basically concluded that state intervention on matters of psychoactive substances must be based on the following principles: the ethical principle of reciprocal autonomy of responsibility. Under this principle, it is not up to us to decide for others, even in their best interest, but to promote autonomous decision-making and to recognize the inherent differences in everyone: a principle of governance based on the need to assist human action, in other words, governing is not about controlling, but rather encouraging the exercise of responsible freedom; a legal principle whereby criminal law must not intervene unless human action causes harm to others, and a scientific principle whereby knowledge, which is always incomplete and in eternal and necessary construction, can help, not replace, people, communities and governments, when decisions have to be made.

Based on these principles, State intervention on psychoactive substances will essentially consist of providing intelligent information and education on various substances and their uses, risks, and dangers; supporting those who use them excessively or dangerously, and fighting illegal trafficking and driving vehicles or operating complex machinery while under the influence of these substances.

For this reason, the special committee of the Senate recommended that Canada develop a real integrated strategy that covers all psychoactive substances. If Canada needs such a strategy, it is because there is clearly no such strategy in place. Unlike most other Western industrialized countries, there is no place in Canada where leadership on this can take root. With all due respect for the political and administrative staff at Health Canada, this department is not, nor should it be, the place for this to occur.

In order to ensure a true “interdepartmentality” that would break through the isolation between departments and also to ensure national and even international visibility for a Canadian public drug policy covering all drugs, it is essential that a strong national secretariat be created. We followed, among others, the French practice concerning interdepartmental missions. In a federation like Canada, a national policy is not only a responsibility of the federal government. Its development must necessarily involve the provinces and territories, the municipalities, community social and health organizations and, of course, police forces. This is why we recommended that such a strategy include a national conference for all these partners, to identify priorities, set objectives and propose indicators of success, on a five-year basis.

Finally, a national policy cannot overlook knowledge, tendencies, practices, epidemiological research and basic research. Yet, among industrialized countries, Canada is also one of the very few that does not have a national observatory and that does not regularly conduct use surveys among the general public.

As for surveys targeting students, they are only conducted in a few provinces and they use different time frames and different instruments, thus seriously limiting the possibility of effectively comparing the data.

• (1550)

In order to remedy these serious shortcomings and to reinforce coordination between the various levels of intervention, identification of good practices and assessment of the situation, we recommended changes to the Canadian centre and creation of a true monitoring centre within that centre. I should clarify, I mean what is called in French le Centre canadien de lutte contre l'alcoolisme et les toxicomanies. It is high time that this moralistic terminology is eliminated. It can be seen that there is a slightly different approach in the two languages, where the French might be translated as anti-alcoholism and anti-addiction, the English is merely the Canadian Centre on Substance Abuse. It can be seen that the English title is less emotionally charged. This is not because of any lack of possibilities in the language of Molière. What is involved is not any kind of a battle, but rather empowerment, making it possible for stakeholders to do true prevention work, giving young people, among others, the tools to understand the differences between the various substances and their uses, and to use responsibly, and equipping decision-makers with the tools to make informed decisions about consumption rather than basing their thinking on myths and beliefs.

This is not an addiction, but rather a dependency. We cannot continue to term any and all illegal drug use drug abuse, as is done now because of the illegal nature of the substances concerned. Canadians let us know in the survey we commissioned that, regardless of what decisions are reached about legislation, they want to see informed debate and not keep being told just anything. We believe that, with this report, our committee has succeeded in accomplishing the most important thing, which is to trigger a debate on the basis of rigorous information and not myth.

What about legislation? It was clear to the committee that the legislation, criminal legislation in particular, is but one aspect of a public policy on psychoactive drugs, although of course it has its role to play. Yet, just as no one would think of reducing public interventions on alcohol or tobacco to nothing else but the Criminal Code, similarly one may well wonder why criminal legislation and its enforcement are of such importance, and are the main focus of any discussion of "other drugs."

We can try to tinker a bit with criminal law here and there, we can tinker all we want in fact, but criminal law will always have a limited use in any policy on psychoactive substances, and it often does more harm than good.

It is fascinating, even disturbing, to see to what extent any discussion on illegal drugs places criminal law at the centre of the debate. Obviously part of the blame, at least, lies with the international conventions that have come down increasingly hard on the source plants from the South, while establishing a system of controlled access to synthetic drugs manufactured by northern pharmaceutical companies, often from the very same source plants.

What is more, when we see to what point national legislation varies between different countries, we cannot help but acknowledge that these conventions leave room to manoeuvre that is often overlooked.

Having established that criminal law must only enter into the equation when there is a significant risk of harm being caused to others, having established that policy on psychoactive substances must first target public health, and having also established the characteristics of cannabis, it came as no surprise that the committee concluded that criminal law did not have much to do with it all.

[English]

The Hon. the Speaker: Honourable Senator Nolin, I regret to advise you that your 15 minutes have expired.

[Translation]

Senator Nolin: I have about six minutes worth of text, excluding questions.

[English]

The Hon. the Speaker: Honourable senators, is it agreed that Senator Nolin continue?

Hon. Senators: Agreed.

[Translation]

Senator Nolin: Honourable senators, some maintain that, in spite of all this, criminal sanctions remain the last defence against rampant use. We have clearly shown that the harshness of criminal provisions has no bearing on the use of drugs.

In countries as repressive as the United States, Canada or Sweden, the rates are such that the first two are at the top of the list, while Sweden is at the bottom. Rates for countries as tolerant as Spain, Italy, the Netherlands or Portugal are average in the case of the first three, while Portugal is also at the bottom of the list. Tendencies with regard to use vary according to factors that we do not know, but that are not related to prohibition.

We have estimated that, in Canada, over 13 per cent of those aged 12 to 65 have used cannabis during the past 12 months. More significant is the fact that we have estimated that about 225,000 young Canadians aged 12 to 17 use it daily — I repeat, daily. I cannot say whether the amount used is significant or not, or whether it is used before going to school or before going to bed, but these young people use cannabis on a daily basis. They account for close to 10 per cent of all young people in this age group, which includes some 2.5 million Canadians.

As well, these young people use this drug even though they know that they could be arrested, even though they know that the police conduct investigations in schools and spend millions of dollars on the DARE program, which is really ineffective, as we know. It seems to me that these figures speak for themselves.

What about cutting off the supply? In Canada, impressive police resources with huge powers have not changed anything: cannabis is just as available as before, and this is true anywhere in the country. Thirty years after the report of the Le Dain commission, the findings are conclusive in this regard.

Some will argue that police resources are inadequate, but how far should we go? In Canada, the involvement of the justice system in illegal drugs accounts for over 90 per cent of all public expenditures in this area. We estimated that costs relating to illegal drugs — the main one being the cost relating to police officers — amounted to about \$1.5 billion, or \$50 per capita every year.

More than 25,000 Canadians are convicted each year for simple possession of cannabis and, in each case, contrary to the oft-repeated rhetoric, simple possession is the main offence.

I repeat, how much further do we want to go? Surely, a minimum of imagination and creativity could be used, and consideration given to using alternative methods to improve the efficiency of public actions concerning psychoactive substances. This is why the committee recommended that a criminal exemption scheme be created, providing for controlled access to cannabis.

It was alleged that the number of users would increase. Certainly. Numbers will grow for a while; then, as observed in other countries, they will stabilize, and perhaps even drop. During that time, we will finally be able to carry out real prevention with respect to at-risk uses, and not delude ourselves into thinking that lines advocating abstinence, such as “just say no,” are effective.

Academic failure will increase, they say. Failure is not due to cannabis use, but rather to the existence of other underlying factors, which are aggravated or revealed by cannabis use. Tools to prevent at-risk use, which enable the teaching staff to recognize the signs, in combination with meaningful assistance resources for troubled youth, are much more appropriate than the threat of criminal sanction.

You are giving up and sending mixed messages to young people. We say: “Let us be clear and unequivocal; let us not encourage cannabis use.” We note its use, and we want to give society the tools and means to foster a sense of responsibility instead of blaming and making people feel guilty.

It is unethical to let young people smoke a psychotropic substance. It is even more unethical to play the game of organized crime and maintain the vicious circle of eternal struggle, corruption, violence and attraction for young people because of the appeal of easy money.

Whatever decision is made regarding legislation, let us at least bear in mind that it is but one element of public action and that, in a free and democratic society, a balance must be struck between the necessary government control and the fundamental rights and freedoms of the people.

[Senator Nolin]

• (1600)

More important, in an advanced modern society in which we can define our individual destinies without the traditional benchmarks of religions or of a single morality, we must promote the concept of accountability and a sense of deliberate belonging to the community.

I will conclude by pointing out how proud I am of the approach used by our committee. In spite of limited resources and a fragmented 28-month time frame, we have managed to provide a framework for a more rational debate on psychoactive substances and to provide Canadians with more balanced information and well-argued positions. I hope that our report will not only benefit Canadians, but will also be a source of inspiration and reflection for the international community, so that policies on psychoactive substances that are not merely based on first-degree truisms can be developed. Allow me to conclude with this most lucid quote from a U.S. president, who was a true visionary in his time:

[English]

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A Prohibition law strikes a blow at the very principles upon which our government was founded.

[Translation]

These are the words of Abraham Lincoln.

On motion of Senator Prud'homme, debate adjourned.

[English]

NATIONAL SECURITY AND DEFENCE

REPORT ENTITLED “CANADIAN SECURITY AND MILITARY PREPAREDNESS”—GOVERNMENT RESPONSE—MOTION—ORDER DISCHARGED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Banks:

That, within three sitting days of the adoption of this motion, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled: *Canadian Security and Military Preparedness*, tabled on February 28, 2002.

The Hon. the Speaker: Honourable senators, before calling for the adjournment motion, just to clarify our work today, I draw to your attention that it was agreed, on motion of Senator Robichaud, that the subject matter of Motion No. 6 by Senator Kenny be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. I should like to ask

agreement of honourable senators to modify the motion to add the words "if and when the committee is formed" and, further, that the motion of Senator Kenny be discharged from the Order Paper in that the subject matter has been referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Is it agreed, honourable senators?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I find this procedure rather abrupt because Senator Kenny is not here to participate in the debate. In his absence, perhaps we are proceeding in the right direction, but since he is the proposer of the motion, I should like to hear his views on this matter. I am sorry that is not being done. Unless there is undue haste to have this done, I would rather wait for our return after the Thanksgiving break or until tomorrow, if he is here, to carry on the debate.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I moved that this motion be referred to committee because I tabled the documents at the beginning of the sitting. This motion asks the government to produce a response to the first report of the Committee on National Security and Defence from the last session. The motion is no longer relevant, since the response has been tabled. Referring this motion to committee will allow us to know what the procedure will be, in future.

Hon. Roch Bolduc: Honourable senators, I am not an expert on parliamentary procedure, and without meaning to criticize His Honour, I find it strange to use the conditional: "when and if we do such and such a thing, we will be able to proceed." It becomes a precedent. His Honour's ruling was based on a ruling handed down from one or two years ago. As far as I am concerned, this is not practical. It means nothing. It will not happen until the committee is created. Let us wait until the committee is struck. This is not an urgent matter of war and peace for the country. We are talking about studying a report by a Senate committee.

[English]

The Hon. the Speaker: Apparently there is no agreement, so the motion will stand as originally moved.

I wish to draw the attention of honourable senators to the fact that this issue was the subject matter of an earlier ruling. I will not take the time to read it. However, the ruling indicated that it is in order to have a motion on the Order Paper that was put and passed. The only thing of significance is that on the basis of the ruling, such a motion would not be debatable until such time as the Rules Committee is formed. The only way that could be done is if the motion anticipated that the matter would be dealt with beforehand.

In any event, the matter will stand as it is. The motion of Senator Kenny will remain on the Order Paper because leave has not been granted to remove it, although I am not sure whether it is in order to participate with debate on a motion asking to do something which has been done. However, that issue will only come up if Senator Kenny wishes to speak to it.

To remind honourable senators, earlier today, under Tabling of Documents, Senator Robichaud tabled the government's response to the report of the National Security and Defence Committee, which was what the motion of Senator Kenny asked be done. However, the motion will remain on the Order Paper.

Senator Lynch-Staunton: I missed the tabling of the report by Senator Robichaud. That explanation quells my anxieties. I apologize for what I have said because it was done without total knowledge of the facts. I appreciate being reminded of what Senator Robichaud did earlier.

The Hon. the Speaker: I will put that aspect of my question again. Is leave granted to discharge the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: The motion will be discharged, but it is in order. I refer honourable senators to the ruling given earlier this week as to how we might proceed.

The Senate adjourned until Thursday, October 10, 2002, at 1:30 p.m.

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