



CANADA

Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 7

OFFICIAL REPORT
(HANSARD)

Thursday, October 10, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

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

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

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

THE SENATE

Thursday, October 10, 2002

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

Prayers.

SENATORS' STATEMENTS

PRIME MINISTER'S OFFICE

HER MAJESTY QUEEN ELIZABETH II'S GOLDEN
JUBILEE—NAMING OF PREMIERS TO
PRIVY COUNCIL TO COMMEMORATE OCCASION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, tomorrow and the next day, the capitals of Canada and of New Brunswick will welcome Her Majesty Elizabeth II, Queen of Canada. I am confident that the people of Fredericton, as representatives of all the people of New Brunswick, will continue to express the affiliation and affection that has been shown by Canadians who have greeted the Queen to date on this, her jubilee visit. I am equally confident that the people of the National Capital Region will be as gracious and pleased in their welcome.

Given that this special royal visit is being held on the occasion of the fiftieth anniversary of the coronation of the Queen of Canada, I would recommend that the Government of Canada mark this unique occasion by appointing all sitting premiers of Canada as members of Her Majesty's Privy Council, such as was done on the occasion of Her Majesty's visit to Canada in 1982 and at the centennial anniversary of Canada in 1967.

BRITISH COLUMBIA

TRINITY WESTERN UNIVERSITY—
OPENING OF LAURENTIAN LEADERSHIP CENTRE

Hon. Gerry St. Germain: Honourable senators, I wish to advise all honourable senators of the recent expansion of one of British Columbia's finer academic institutions. Trinity Western University, of Langley, B.C., has this week officially opened its Ottawa campus, Trinity's Laurentian Leadership Centre.

The Laurentian Leadership Centre is geared toward third- and fourth-year students who plan a career in business, computing science, communications, history, international studies or political science. Students learn about leadership, public policy, ethics and contemporary culture from fully qualified professors, and they benefit from the insight of guest speakers who are leaders in government and industry. Their internship enables them to learn directly from members of Parliament, CEOs in business and the information and technology sector, media or communications professionals or from personnel involved in a private organization. Students learn from the very people who may become their future employers, and they observe how these leaders address the weighty issues of leadership.

The purpose of the Laurentian Leadership Centre is to advance the mission of Trinity Western University by: introducing students to the operation of the federal government and the

political and business culture of Ottawa by enabling students to experience the workings of various offices in Ottawa through internships; enabling Western Canadian students to appreciate and eventually compete for federal government positions and offices; preparing some of Canada's future leaders in accordance with the university's mission by enabling students to see how Christians work in business and non-government organizations in the expectation that some of them will aspire to public service.

The Laurentian Leadership Centre is located at the former Laurentian Club, the one-time home of J.R. Booth, at 252 Metcalfe Street.

I want all honourable senators to know that Trinity Western is open to all, regardless of race, colour or creed. It is a great institution, right next door to where I live. I believe all honourable senators will join me in welcoming the Laurentian Leadership Centre to Ottawa.

BREAST CANCER AWARENESS MONTH

Hon. Catherine S. Callbeck: Honourable senators, I rise today to draw your attention to a disease that plagues this country. This month, Canadians across the country will be raising awareness of breast cancer.

I am happy to report that the number of deaths due to breast cancer has been declining in Canada. According to the Canadian Cancer Society, the death rate of people with breast cancer was 33 per cent in 1992, whereas it is estimated to be 26 per cent for this year. This is the lowest death rate since the 1950s.

As heartening as these statistics are, we still have a fight to continue. The breast cancer statistics are overwhelming. On average, 394 Canadian women will be diagnosed with breast cancer every week; 104 Canadian women will die of breast cancer every week; 1 in 9 women is at risk of developing the disease.

I am sure that breast cancer has touched all of us in some way, whether it is a mother, sister, wife, daughter or a friend who has suffered. It is my hope that the trend continues and the rate of deaths declines as we strive for a cure.

While it is important to raise awareness of breast cancer year-round, Breast Cancer Awareness Month provides an opportunity for Canadians to learn about the disease, about the importance of early detection and about preventive measures. It is also a time for us to remember those who have lost their lives to this disease.

CONFERENCE OF DEFENCE ASSOCIATIONS

REPORT ENTITLED "A NATION AT RISK"

Hon. J. Michael Forrestall: Honourable senators, it gives me great pleasure to stand in this chamber today and to commend the hard work and dedication of the members of the Conference of Defence Associations, as exemplified in their recent report on the

crisis state of the Canadian Forces, entitled: "A Nation at Risk." I should also like to associate my party, the Progressive Conservative Party of Canada, and myself with this report and its important conclusions.

The report demonstrates, credibly, that the Canadian Forces require an emergency budget infusion of some \$1.5 billion just to ensure that there is no further erosion of the military's operational readiness and capabilities. This point is not new; it is an echo of the Auditor General's earlier report, as well as reports from the Royal Canadian Military Institute, the Council for Canadian Security in the 21st Century, the Standing Committee on National Defence and Veterans Affairs and its Finance Committee in the other place, and the Standing Senate Committee on National Security and Defence of this hallowed chamber.

• (1340)

I should also like to thank especially the chief author of the report, Colonel Sean Henry — the dean of defence analysts in this country — and his colleagues, Dr. Richard Gimblett, Dr. Donald MacNamara, General Robert Morton, Colonel Howard Marsh, John Selkirk and Hugh Smith. These men have made a valuable contribution to the defence debate in this country, and I ask honourable senators to support their plea on behalf of a great national institution, the Canadian Armed Forces.

HERITAGE

GRANT TO BILL REID FOUNDATION

Hon. Jack Austin: Honourable senators, I rise to express my appreciation and that of many British Columbians and Canadians for the decision of the Government of Canada and, in particular, the Minister of Canadian Heritage the Honourable Sheila Copps, to provide up to \$500,000 to the Bill Reid Foundation, to ensure that the part of his art owned by his estate and by his wife, Dr. Martine Reid, can be purchased by the Bill Reid Foundation and thereby made available to the Canadian public, on permanent exhibition.

The Bill Reid Foundation comprises both a board of directors and a council of advisers made up of Haida artists and leaders of the Haida and other Aboriginal communities. Bill Reid's daughter is included, as are a number of Canadian and British Columbian cultural and business persons. Former Prime Minister the Right Honourable Kim Campbell is an adviser to the foundation.

At this time, the Bill Reid Foundation has been in operation for over three years and has raised funds for its operations. Currently, it holds \$500,000 in private donations toward this purchase obligation. Once it has acquired the collection, it will seek further private funds toward display of the collection and, of course, to make further acquisitions.

Bill Reid is among the leading artists of Canada, and his sculptures, totem poles, handmade jewellery and prints are highly prized by collectors. He is equally significant for leading a popular revival of Pacific Coast indigenous art forms and training many talented people who follow in his art field.

I know that Canadians who visit our embassy in Washington take great pride in *The Spirit of Haida Gwaii*, a bronze depiction

of a Haida legend. There is nothing like it in Washington and it represents something distinctly Haida and Canadian.

WORLD SIGHT DAY

Hon. A. Raynell Andreychuk: Honourable senators, in poor communities around the world, people are going blind at an alarming rate. One person in our world goes blind every five seconds. One child goes blind every minute, whether due to lack of sanitation, nutrition, education or health care. Blindness is, without a doubt, one of the most severe of disabilities. This is especially true for people already struggling to find security and enough food to eat. For them, their eyesight truly is a matter of life and death.

Canada has an opportunity to play a leadership role in reversing this trend of global blindness. At present, there are 45 million blind people in the world and another 135 million with severe vision impairment, or what we would consider legal blindness, comprising a total of 180 million people — six times the population of Canada — with a disabling degree of visual impairment.

Eighty per cent of this blindness is avoidable and 90 per cent of the world's blind people live in the developing countries. Statistics show that this is an increasing trend. Without proper intervention, the number of blind will increase to 75 million by the year 2020. It is time for this serious health issue to appear on the agenda of international relief.

On the occasion of World Sight Day, October 10, we should join forces to draw attention to the significant issue of global blindness. In cooperation with Vision 2020: The Right to Sight, an initiative of the World Health Organization and the International Agency for the Prevention of Blindness, it is hoped that the major causes of preventable blindness will be eliminated by the year 2020.

I ask honourable senators to help by drawing attention to this terrible problem both in Canada and in your international sphere of influence. The children need your help.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding with the routine business of the day, I should like to draw your attention to the presence in the gallery of Mr. Salim Sultan Al-Ruzaiqi, First Secretary at the Embassy of the Sultanate of Oman in Washington accredited to Canada. He is here at the invitation of the Department of Foreign Affairs and International Trade and, today, is the guest of the Honourable Senator Prud'homme.

On behalf of senators, we welcome you.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

ACCESS TO INFORMATION

COMMISSIONER'S RESPONSE TO REPORT OF ACCESS TO INFORMATION REVIEW TASK FORCE TABLED

The Hon. the Speaker: Honourable senators, I have the honour, pursuant to section 39 of the Access to Information Act, to table the response to the report of the access to information review task force, a special report to Parliament by the Canada Information Commissioner.

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. Pierre Claude Nolin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table an interim report relating to the expenditures incurred to date and an estimate of unaccounted expenditures by the Special Senate Committee on Illegal Drugs incurred during the First Session of the Thirty-seventh Parliament.

[English]

SPECIES AT RISK BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the protection of wildlife species at risk in Canada.

Bill read first time.

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

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

[Translation]

PEST CONTROL PRODUCTS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests.

Bill read first time.

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

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

[English]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Bill read first time.

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

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

[Translation]

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-11, to amend the Copyright Act.

Bill read first time.

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

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

[English]

PHYSICAL ACTIVITY AND SPORT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, to promote physical activity and sport.

Bill read first time.

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

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

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. E. Leo Kolber: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than June 19, 2003.

[Translation]

THE SENATE

NOTICE OF MOTION TO AUTHORIZE A COMMITTEE TO STUDY REPORT ENTITLED "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"

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

That the report entitled "Environmental Scan: Access to Justice in Both Official Languages", revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to a Senate committee for study and report;

That the committee be authorized to hear witnesses, visit official-language minority communities and ensure follow-up on this important report, in order to articulate the idea of restorative justice, in the framework of which the offer of services, in both official languages, should be mandatory; and

That the committee clarify the exercise of language rights by proposing amendments, in particular to the Divorce Act, the Bankruptcy Act, the Criminal Code, the Contraventions Act and, consequently, to other acts where applicable.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

Hon. Yves Morin: Honourable senators, I give notice that on Tuesday next, October 22, 2002, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the document entitled "Santé en français — Pour un meilleur accès à des services de santé en français";

That the papers and evidence received and taken by the Committee in the First Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report no later than December 31, 2002; and

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

[English]

NATIONAL SECURITY AND DEFENCE

GOVERNMENT RESPONSE TO REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"—NOTICE OF INQUIRY

Hon. J. Michael Forrestall: Honourable senators, I give notice that on Tuesday, October 22, 2002, I will call the attention of the Senate to the government response to the report of the Standing Senate Committee on National Security and Defence entitled: "Canadian Security and Military Preparedness," tabled in the Senate on Wednesday, October 9, 2002.

QUESTION PERIOD

PRIME MINISTER'S OFFICE

HER MAJESTY QUEEN ELIZABETH II'S GOLDEN JUBILEE—NAMING OF PREMIERS TO PRIVY COUNCIL TO COMMEMORATE OCCASION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate.

In 1967, which was Canada's centennial year, the Honourable Mr. Martin, who was at that time the honourable member for Essex—East, advised the other place that they would be interested to know that on January 11, 1967, the Prime Minister announced that he was pleased to advise that His Excellency the Governor General had been pleased to approve his recommendation that the premiers of all the provinces of Canada be appointed members of the Queen's Privy Council for Canada and that the membership of the premiers in the Privy Council, according to Mr. Martin, in that particular year symbolized, in a most fitting way, the unity and diversity that is so basic a feature of the history of this country. It was the achievement and preservation of that unity, while respecting the diversity that the provinces embody, to which Sir John A. Macdonald devoted his life.

Therefore, earlier today, during Senators' Statements, I drew the attention of the house to the fact that we are in the Golden Jubilee year, an occasion of great moment in our history. I spoke about the importance of marking these great occasions, as Prime Minister Trudeau did in 1982, when he recommended to the Governor General the appointment to the Privy Council of all sitting premiers of Canada.

Will the minister bring this matter to the cabinet table? Perhaps she might even lend her support to the recommendation.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Honourable Senator Kinsella makes an interesting proposal. As we all know, 1967 was the centennial year of Canada, the celebration of our one-hundredth birthday as a people. In fact, it did reflect our unity and diversity with the announcement of those Privy Councillors.

In the year 1982, we did not celebrate a particular anniversary of Canada. However, we certainly did celebrate a unique change in the Constitution of Canada, with the amending formula and, more important, the new Charter of Rights and Freedoms, which in my view was clearly a significant step forward for our constitutional documentation.

• (1400)

All premiers actively participated in the patriation of that constitutional document and the Charter, including the discussions leading up to that patriation and the evolution of the Charter.

The year 2002 represents a particular event for the Queen and for us as her subjects. I will certainly make representations, on behalf of the honourable senator, to the Prime Minister. However, this particular Prime Minister has been most reluctant to invoke the appointment of Privy Councillors and, in fact, to my knowledge, he has not appointed anyone outside cabinet.

Hon. Marcel Prud'homme: Honourable senators, I have a supplementary question. I recognize that it is most unusual to do this in public, but would the minister convey my great disappointment in this regard? I have said all over Quebec, in French and in English, that I am a monarchist, and I will remain a monarchist until Canadians decide what kind of future they want. I must express my very sad disapproval of the fact that, although I am the only one who was appointed a member of the Privy Council by Her Majesty's own hand, I have not been invited to attend any events this weekend. In the French culture, this type of oversight would demonstrate a lack of class. It is regrettable. I would have attended.

Regardless of public opinion regarding her visit, as long as she is the constitutional head of our country, I abide by the fact that I swore allegiance to her 16 times, I believe. I say, "Long live the Queen," until Canadians decide what kind of future they want.

Would the leader convey my great public sadness? I am not asking for an invitation; however, I do think that those in charge should have been cognisant of the very few people who have had that great honour bestowed upon them. Being *canadien-français* from Quebec, I think, had I been invited, it would have helped to establish a certain equilibrium.

Senator Carstairs: I thank the honourable senator for that intervention. As he well knows, choosing individuals to attend

functions of this nature is never easy. I found it a little bit strange, quite frankly, that I was not invited to a single event held in the Province of Manitoba during Her Majesty's visit there. However, that was the decision made by the Premier of the Province of Manitoba. The only good thing I can say is that I understand a great many young people were invited to that occasion and, had I been afforded the opportunity to appoint my own young person, I would have been very pleased to have done so, but I was not afforded that opportunity.

Clearly, there have been disappointments. The honourable senator is not alone in that. I understand there have also been expressions of disappointment in the Province of New Brunswick. Perhaps that situation has been rectified. However, I would add that these list gatherings do not always go, in my view, the way they should.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I would like to allow the minister to make a correction to her answer to Senator Kinsella's question. It is not all the provincial premiers who participated in and who agreed with the patriation of the Constitution.

In spite of his will, the then Premier of Quebec, even though he was a member of the Privy Council, never agreed with this patriation, and nor have any Quebec's premiers since. Could the minister correct her answer?

[*English*]

Senator Carstairs: Honourable senators, it is important to put that on the record. However, I did indicate, in my comments, that there was some disagreement in the Privy Councillor appointments. I understand that all sitting premiers, at that time, were so appointed.

Senator Nolin: Honourable senators, my point related to the minister's response to Senator Kinsella when she told us that all premiers supported the patriation of the Constitution. Clearly, I believe she should correct that statement. That did not apply to all the premiers. I believe Mr. Levesque was not supportive, almost the entire population of Quebec was not supportive, and nor have all the Quebec premiers since Mr. Levesque been supportive of that.

Senator Carstairs: Senator Nolin is quite correct. My comments should be appropriately corrected.

HER MAJESTY QUEEN ELIZABETH II'S GOLDEN
JUBILEE—VISIT TO NEW BRUNSWICK—
HELICOPTER TRANSPORTATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am sure my colleagues from New Brunswick, who will join Her Majesty in Moncton for a lunch, will be happy to bring greetings to her from our colleague, the Leader of the Government in the Senate.

[Senator Kinsella]

However, my concern is that Her Majesty should arrive there, because, honourable senators, the Queen is, according to the published schedule, to fly by helicopter on Saturday from the Sheraton Hotel in Fredericton to Sussex, New Brunswick, for some events there, and then from Sussex, New Brunswick —

Senator Forrestall: What kind of helicopter?

Senator Kinsella: That is my question. Can the Leader of the Government tell this house this: Is the helicopter a Sea King, or is the government using a different type of helicopter and, if so, what type?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have no idea what type of helicopter will be used, but I can assure the honourable senator that all plans have met with the approval of Buckingham Palace, as they must always do, and I can only therefore assume that the Queen feels completely safe.

However, I must add that we did have a minor incident on the Red River earlier this week in which, I gather, the boat in which Her Majesty was travelling experienced a mechanical failure and was required to be pushed by another boat.

I hope that there are no further incidents while Her Majesty is in our wonderful country, and I know that all of us are enjoying her visit during her Jubilee Year.

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ— CURRENT TRAINING PROGRAM OF THE 2nd BATTALION, THE ROYAL CANADIAN REGIMENT

Hon. J. Michael Forrestall: Honourable senators, I cannot resist. I would assure the Leader of the Government in the Senate that Her Majesty's mode of transportation would not be a Sea King because those helicopters are not permitted to fly over land, in the event that they are required to make an emergency landing. Incidentally, I understand that she will be transported in a Griffin, a very fine piece of equipment. If she has ever had to travel in a buckboard with steel wheels, she has my sympathy.

To return to the topic of several questions I asked in recent days, the minister is aware that the Second Battalion, Royal Canadian Regiment is continuing to engage in intense military training at CFB Gagetown. Could the minister explain why it is that the Second Battalion, Royal Canadian Regiment is conducting such extraordinary training, which includes live fire exercises and night operations? I also understand it has a huge ammunition allotment, perhaps larger than the Atlantic area can supply. Moreover, both maternity and paternity leaves have been cancelled, and the battalion is not even the so-called "ready" battalion, that being, in fact, the Third Battalion RCR that is located in Petawawa, as we all know.

Would the minister supply us with some information on that and on one of my supplementaries, as to whether Second Battalion, Royal Canadian Regiment is preparing for deployment, possibly to Iraq?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asks a question about the extraordinary training that is said to be going on. I have no knowledge that extraordinary training is indeed going on at this time.

As to the honourable senator's supplementary question, we try to keep our troops trained for all possible eventualities. At this point, the policy of the Government of Canada is to follow the directives and the directions of the United Nations, and, so far, the United Nations has not indicated, in any way, that it wishes to pursue war with Iraq.

• (1410)

Senator Forrestall: I am assuming, then, that extraordinary training activities are taking place with respect to 2RCR at Gagetown. What is 3RCR doing?

AFGHANISTAN—PRESENT LOCATION OF HEAVY MILITARY EQUIPMENT

Hon. J. Michael Forrestall: Can the Leader of the Government in the Senate advise us of the whereabouts of our heavy military equipment that we sent to Afghanistan? Is that equipment back in Canada, or is it sitting somewhere in the Persian Gulf, somewhere around the Arabian Sea, or in a Pakistani port?

Hon. Sharon Carstairs (Leader of the Government): As to the first part of the honourable senator's comments, I do not think he can assume anything, since I have absolutely no knowledge about what is going on at CFB Gagetown at the present time. I do not know whether extraordinary training is taking place or whether it is just regular training that is taking place.

As to the honourable senator's second question, we have put in a request for information on the heavy-duty equipment that was in Afghanistan but, as of this afternoon, we have not received it.

POSSIBLE WAR WITH IRAQ— CURRENT TRAINING PROGRAM OF THE 2nd BATTALION, THE ROYAL CANADIAN REGIMENT

Hon. J. Michael Forrestall: Was the Leader of the Government in the Senate not sufficiently interested in the question about training activities in CFB Gagetown when I posed it a week ago? Did she or her staff inquire, but for some reason prefer not to respond to it?

I am interested in knowing why leave is being cancelled, and why paternity and maternity leaves are being cancelled. What is going on? Canadians would like to know.

Hon. Sharon Carstairs (Leader of the Government): With the greatest of respect, honourable senator, it is my understanding that that question was only asked today. I do not have that information today. I do not know what is going on in terms of the training or the leave provisions that are in place at CFB Gagetown at the present time.

The honourable senator did ask me a question last week about the location of the heavy military equipment. That question has been put to DND staff, and I am anticipating an answer back, but I do not have that answer at the present time.

Senator Forrestall: That is fine; however, I would ask the honourable leader to see what she can find out about Gagetown, please.

UNITED NATIONS

[Translation]

POSSIBLE WAR WITH IRAQ—SECURITY COUNCIL
RESOLUTION TO SEND WEAPONS INSPECTORS—
REQUEST FOR OPEN MEETING

Hon. Douglas Roche: This morning, the Prime Minister confirmed that Canada would contribute armed forces if the UN Security Council mandates war in Iraq. The Security Council has not yet so mandated. In fact, the council is working hard now to draft a resolution by which UN inspectors will be given full and complete access to the entirety of Iraq, to determine if that country is developing weapons of mass destruction.

Can the Leader of the Government in the Senate tell us what Canada is doing now to ensure that the UN resolution can successfully resolve this crisis without war? Is Canada considering asking for an open meeting of the Security Council at which countries, such as Canada, could make a statement about how to have successful inspections?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me reiterate the position of the Government of Canada. I believe the honourable senator is quite clear and knowledgeable about the government's position, but let me put it on the record: The Canadian government has indicated, in the strongest possible terms, that it will meet any international obligations that are placed upon it or requested by the United Nations Security Council. The United Nations Security Council is, as you know, very concerned about sending weapons inspectors into Iraq, to assure themselves that there are no weapons of mass destruction in that nation.

I think the Security Council is — as I would hope all of us are — concerned that such weapons do not exist, but that if they do exist, then the United Nations resolutions will be followed and such weapons will be removed. That is the position of the Government of Canada.

The situation has not changed. As to an open meeting, to my knowledge, the Government of Canada has not requested such a meeting.

Senator Roche: I should like to reiterate my request that the Government of Canada considers seeking an open meeting, for which there is ample precedent in the Security Council, because it is vital that the United Nations, not the United States, makes the decision as to whether war should be mandated. This is a decision that will affect the lives of many Canadians. I think the government must exert every effort to ensure a solution that is fair and just in ridding Iraq of weapons of mass destruction. Can the minister give renewed assurance to those Canadians who are following this matter so carefully, as to how we can avoid the crisis of war?

Senator Carstairs: I can reassure Canadians that a strong position has been taken by both our Prime Minister and our Minister of Foreign Affairs, that our obligation, as we see it, is to the United Nations and not to the United States.

FINANCE

ALLOCATION OF ADDITIONAL RESOURCES
TO PROVINCES

Hon. Jean-Claude Rivest: Honourable senators, this morning, the provincial ministers responsible for education and occupational training met in Western Canada. They urged the federal government to increase its contribution and financial assistance to provincial governments, so as to meet pressing needs in the training of specialized manpower, because there will undoubtedly be a shortage in the near future, all across Canada.

In Quebec, there have been studies and a heated debate on the fiscal imbalance that exists between provincial governments and the federal government.

In light of her experience in the Manitoba legislature, could the minister remind the Prime Minister and the Minister of Finance that the increase in needs — particularly in health and education — puts the provinces in a difficult situation.

Could the minister also ask them if the federal government can do more to meet the needs of Canadians?

[English]

Hon. Sharon Carstairs (Leader of the Government): The question that was asked by the honourable senator, quite frankly, in part reflects a position that is taken by the Province of Quebec, and that is that the Province of Quebec thinks there is a fiscal imbalance between the potential of provinces to raise funds vis-à-vis the potential of the federal government to raise funds. Interestingly enough, many provinces in this country chose to reduce their taxes long before the federal government considered itself to be in a position where it could reduce taxes. The position of the federal government is clear, that if there was room to reduce taxes, there was also fiscal room to provide additional services. The provinces make the choice, just as the federal government makes the choice.

As to the honourable senator's specific reference, however, to health care, I think all of us are awaiting, with great interest, the report of the Romanow Commission. I understand it will come down next month, that it will meet its deadline. We will certainly have to examine that report, as to what additional resources it considers necessary for the health care of Canadians both from the provinces and from the federal government. The government has indicated that it would meet at least its obligations from the federal perspective.

• (1420)

The Senate is expecting a report to be tabled, later this month, that I suspect will indicate a need for further resources. There will be a federal-provincial first ministers' conference, in January 2003, to deal with this issue so that, hopefully, we can put health and the health care of Canadians on a better footing.

[Translation]

Senator Rivest: The provincial governments did indeed cut taxes in order to reach targets for economic growth that benefited by and large all Canadian workers. Unless I am mistaken, Madam Minister, the Government of Canada did the exact same thing.

It is difficult for the provincial governments to accept that their demand is being refused under the pretext that they reduced their taxes. In recent years, the Canadian government did the same thing to reach targets for growth and economic support.

The issue is not whether the federal government was justified in lowering taxes. When it comes to health, education and professional development, the needs of Canadians are pressing. That is the fundamental problem.

These responsibilities come under provincial jurisdiction, of course; however, it is also the responsibility of the Government of Canada to be aware of the needs of Canadians and to provide the money required to satisfy these needs.

[English]

Senator Carstairs: Honourable senators, it could be argued that eliminating deficits is also a way to sponsor viable economic activity. Many Canadian provinces chose not to eliminate their deficits before they introduced tax reductions. The federal government went in the opposite direction by choosing not to reduce taxes until there was no longer a deficit.

My argument was simple: Federal and provincial governments make choices about whether they will increase services or cut taxes. Sometimes they are able to do both, but in many circumstances, governments are not able to do both. Then, it is the choice of the level of government as to which preference they put at the top of their list.

BUSINESS OF THE SENATE

Hon. Nicholas W. Taylor: Honourable senators, I have been bothered by the introduction of bills that this house considered last session. I am aware that, according to the *Rules of the Senate*, we cannot reinstate or call back a bill and begin with the first reading stage. However, the House of Commons can call back a bill that they had considered in a previous session. Some of their bills that have been presented here have already been passed by the House of Commons. In other words, they were in the Senate prior to prorogation. How is it that the House of Commons can get away with introducing a bill in the Senate when they have already disposed of it in the previous session, without going through the disposal process themselves?

In view of the large majority the government currently holds in the Senate, there is always the possibility that we may be led by the nose or that we may respond too quickly to orders from the Prime Minister's Office. Would it not have been better, had the House of Commons requested that we reconsider bills that we were considering in the last session? It is one thing for the House of Commons to reintroduce the bills they were considering, but it is another thing for them to reintroduce a bill that we were previously considering.

Since we do not have the capacity to reintroduce a bill that we were studying, is it not logical that they would ask us to reconsider a bill that they had passed in the last session?

The Hon. the Speaker: Does any other senator wish to comment on this point of information?

I would draw to the attention of honourable senators that the procedures of the other place are entirely a matter for the other place, just as our procedures are entirely a matter for us in this place.

The bills that came today were all given first reading and have been put on our Orders of the Day for second reading at the appropriate time. That is the procedure that we follow in this place when we receive legislation from the other place. The honourable senator has not put into question the procedures of the House, but merely acknowledged that they exist. Accordingly, I do not think I can be more helpful than to make that statement.

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ—CURRENT TRAINING PROGRAM OF THE SECOND BATTALION, ROYAL CANADIAN REGIMENT—POINT OF ORDER

Hon. J. Michael Forrestall: Honourable senators, I am sometimes uncertain as to what constitutes a point of order and what constitutes a question of privilege. What follows is a point of order in a sense, but I believe it also involves a question of privilege.

On page 32 of *Debates of the Senate*, the Leader of the Government in the Senate will read that I did indeed ask:

Could the minister explain why it is that the Second Battalion, Royal Canadian Regiment, based in Gaagetown, New Brunswick, is presently conducting extraordinary training...

I am curious as to why the minister's staff missed that question and why she thought that I had not asked it. I did indeed ask it and I would not want a misunderstanding. If I am wrong, then I apologize. Otherwise, could the honourable leader obtain that information?

While the minister is on her feet, may I say that I am not at all surprised by her not being invited to be with Her Majesty, but I am very disappointed?

Hon. Sharon Carstairs (Leader of the Government): I must apologize to the honourable senator. He and I suffer from the same affliction. I wear double hearing aids and he does as well. Sometimes I think we just do not hear one another, particularly if I do not have the microphone right beside my ear as quickly as possible.

I can only assure Senator Forrestall that my staff reads the *Debates of the Senate* carefully and they listen to his comments. If he asked that question, I can almost guarantee that the request for information has already been made. If it has not, then I will ensure that it is made today.

Senator Forrestall: I would appreciate that.

ORDERS OF THE DAY

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 Taylor*).

Hon. Nicholas W. Taylor: Honourable senators, I rise to speak to the motion by my honourable colleague from Alberta, Senator Roche. Most Canadians would support this motion. There is a feeling in the land that we may be forgetting the rule of law and remembering the rule of might instead.

• (1430)

It could be said that we should blindly support the U.S. There is no doubt the U.S. is our friend. As someone said, they are a friend of ours, whether we like it or not. The fact of the matter is that they are better served if we do point out, from time to time, that there may be other ways of doing things. Also, I suppose, from time to time, it does not hurt to mention to the biggest guy on the football team or the meanest kid in the schoolyard that maybe diplomacy may be used rather than brute force. I believe there is a tendency, when you have as much force at your fingertips as the leadership in the U.S. has, to utilize a short, tough solution to the problem.

I was particularly interested in Iraq because, as a geologist for some years spending time in different parts of the Middle East, I am quite aware that oil bears a very heavy hand when it comes to declaring policy. I remember, as a young geologist in 1952 in Iran, when the Russians, the Americans and the British all invaded that land, which did not have much armament, to restore the Shah. That did not last long. As you know, he was later replaced and the Ayatollah took over. Oil was at the centre of that invasion. The old Darcy exploration company, which Churchill had started, which later became BP, drew a great deal of its oil from Iran. As time went on in the Middle East, they came close to another crisis when the nationalization of the oil companies started in Iran, Saudi Arabia, Libya and so on. Once Iran nationalized the oil company and formed the NIOC, National Iranian Oil Company, the other countries wondered why they should only get a few cents a barrel for their oil when the U.S. and Western European developers could get it out of the ground, send it over to some

place that did not have a tax, like Bermuda, the Bahamas or Luxembourg, raise the price from \$1.50 to \$10 or \$11, and then sell the oil to the refineries in their own country, who in turn sold it to the consumer.

Oil was and is very important in the economics of the Middle East. The fact that the private companies were pushed out after Iran set an example, and the state oil companies, went a long way toward raising the price of crude oil during the first crude oil crisis we had, when oil prices rose from \$2 to \$10 or \$11 a barrel. Of course, you can imagine the amazement that was felt by many people in the national oil companies in the Middle East when we swallowed the \$10, just turned around and passed it on to consumers, and they were quite happy to go along with it. The idea that oil can be raised to almost an indefinite limit is very puzzling, an idea OPEC is still trying to deal with today. The fact of the matter is that when you buy a litre of gasoline, whether it is in Canada, the U.S. or Western Europe, a minor amount of the cost goes back to the Middle East or back to the country that owns that oil. The rest is tax.

I am not trying to give a step-by-step outline on Iraq. Of course, when Iraq invaded Kuwait, we assessed the situation and we bought the idea that it was a big bully going into the little country next door rather than the idea that it was a big bully who already had a third of the reserves in the Middle East. By moving on to Kuwait, Iraq would have increased their reserves by 10 per cent to 15 per cent or so. That would have put Iraq in a bargaining position to “look OPEC in the eye” and perhaps raise the price of oil exported to the United States.

Although a lot of people felt that going into Kuwait was rescuing a smaller country, let us face it, the Emir of Kuwait was anything but a model of democracy. He still is not a model of democracy. There are no women allowed in the Kuwait Parliament. There are no elections for the Kuwait Parliament. Be that as it may, we went in and slapped Iraq around for trying to expand its control of the oil industry.

One of the things I am afraid of today when we talk about attacking Iraq or going into Iraq is how much is based on how much a danger Saddam Hussein is to others and how much is based on the idea that we want to ensure that the oil capability of the Middle East still remains handy and available to us in Western Europe and North America.

Let us face the facts. Saddam Hussein was financed and armed by the Americans for years when he was going into Iran, probably for the very same reason that the Americans and British went into Iran in 1952, which would be to ensure that Iranian oil would flow back into the businesses of North America. Although Saddam Hussein was not successful in taking over Iran, he was successful in acquiring an army at the expense of the U.S., which he then used to try and take over Kuwait.

I cannot understand the aspect of the peace treaty that gave the British and the Americans certain fly-over zones in Iraq. In other words, the British and the Americans fly over two thirds of Iraq every day. In fact, about once a week, according to even the Americans, bombs are dropped on Iraq when they think that there is just cause. Sometimes they bomb only radar installations. As a matter of fact, they have been known to bomb commercial radar installations in airports. The thought enters my mind: “How can Saddam be out there arming himself to the teeth when we have been flying over him every day?” It is hard to explain

what goes on, how suddenly he has weapons in hand when the British and Americans have been flying over and bombing Iraq. How is Saddam Hussein supposed to have at his fingertips the chances to upset the whole world, or at least to have weapons of mass destruction? No one has gone so far as to say he has the ability to deliver those weapons of mass destruction.

One of the other arguments that the public makes quite often is that Saddam Hussein may be working on an atom bomb. That is not a great secret anymore. I want to quote from an editor/writer from the *Smoky Lake Signal*. That is a small paper produced in a town located in northeast Alberta. The editor's name is Lorne Taylor. He is not related to me. For some reason or another, Taylor seems to be a very popular name in Alberta. There must have been "prairie-prolific" ancestors that came across at one time. Nevertheless, as far as I can see, he is not related to me. He comes from a very intellectual and erudite family that has had newspapers all through Alberta. I quote from his editorial:

...It's hopeful that Saddam Hussein will allow UN weapon inspectors into Iraq. The fear is that he is ready to build a nuclear bomb.

But weapons of mass destruction aren't just to be found in whacko republics. There are now 35,000 nuclear weapons in the world today, containing an explosive power equivalent to 700,000 Hiroshima bombs. There just aren't enough weapons inspectors to see them all. The United States, in its Cold War build up against the Soviet Union, built 10,656 bombs. Russia has an estimated 10,000 still left. There are 400 in China, 350 in France, an estimated 200 plus in Israel, 185 in the United Kingdom, 60 in India and from 24 to 48 are thought to be in Pakistan.

There are enough bombs to make the earth shake and bake everyone on it, even without Saddam Hussein.

• (1440)

The idea that we would pick out one dictator, one wacko in this world full of wackos — and I will exclude Canada in this — and go in and start batting his ears around does not seem to make sense. Let's face it, there is an atom bomb right next door. Both Pakistan and Israel have atom bombs, and there are no guarantees of what may happen down the road there. Everyone today has the capacity to make an atom bomb.

Think about the reaction of Muslim radicals throughout the world if an attack were made on Saddam Hussein. Regardless of our opinion about Muslim radicals, they are influential in areas such as Egypt. I do a lot of business in Cairo, and one of the problems there is that Muslim radicals are trying to push out the government of the day. In Indonesia, Muslim radicals have been known to rampage. In certain parts of Indonesia, in areas that are controlled by Muslim radicals, it is unsafe for Christians to venture out.

There are also Muslim radicals in Pakistan. Pakistan is held up to be a "great model" of democracy. In Pakistan, the opposition is not allowed to run in an election; only one slate is allowed. So, a

country that does not allow the opposition to run in elections, a country that has atom bombs, yet somehow Pakistan is our friend. I should like to remind honourable senators just a few years ago Saddam Hussein was also our friend.

My point is that we cannot attack a country just because it may not be heading in the direction we would like. I would suggest that there are other ways to handle it.

Nevertheless, I would be willing to go along, reluctantly, if the United Nations were to vote in favour of a resolution to attack because Saddam Hussein was stonewalling the inspectors. Certainly, the last thing we should be doing is going along just because the U.S. wants it. The U.S. may suggest it, it may do a lot of other things, but unless the UN sanctions a military attack, let's not touch him.

Hon. Bill Rompkey: Honourable senators, I listened carefully to what Senator Taylor has said, and I want to support the motion. However, I wonder if the honourable senator could comment about the UN itself, its constitution and its track record, because what bothers me is the effectiveness of the UN itself. I realize the UN is the only organization of its nature that we have, but if you were to ask Major-General Lewis MacKenzie and General Dallaire how effective the UN has been, they might have some interesting observations.

My question for the honourable senator is this: How long do we wait for the only organization we have to take effective action, given its track record? We have a man in charge of Iraq that evidently cannot be controlled within his own country. It is a given that there is no one within Iraq who will control Saddam Hussein. There is no one in the general area that wants to take any action.

Senator Taylor: Honourable senators, the honourable senator asks some very good questions. I will try to answer the last one first. I will give the honourable senator the same answer a friend of mine in the Iranian government gave me when I was last in Tehran: "Who are you going to put in if he goes?" He is sort of the balance of power between the Shia Muslims in the south and the Kurds in the north.

The Hon. the Speaker: Honourable senators, I am obliged to advise that Senator Taylor's time has expired. Is leave granted to complete the response to the question?

Hon. Senators: Agreed.

Senator Taylor: As I said, my friend in the Iranian government said, "Who are you going to put in?" "At least he controls the country," my friend said, and this from a country that fought him for eight years. My friend says that regardless of how bad Saddam Hussein is, he keeps the area in balance, keeping in mind the Saudis on one side, the Turks on another, the Kurds on the other, and so on. In other words, as bad as he is, he is a stabilizing influence.

As to the effectiveness of the UN, it worked quite well in Korea.

In Bosnia, the UN was partly handcuffed because it did not get the cooperation of the U.S. and other countries. That led to the fact that the U.S. and NATO, without the UN, attacked the Yugoslavs in the Kosovo situation. I do not see how leaving the UN out in that case made the situation any better.

I think in the long term, whether we like it or not, we have to stick with the rule of law. If we were to look at our own society, sometimes the police do not punish people the way we want or as often as we want, but as a general rule, our courts and our police forces are better when they have those checks and balances, rather than taking the law into their own hands.

On motion of Senator Rompkey, debate adjourned.

[Translation]

THE SENATE

OFFICIAL LANGUAGES COMMITTEE— CHANGE TO RULE 86—MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill:

That Rule 86 of the *Rules of the Senate* be amended:

by replacing paragraph (1)(e) with the following:

“Official Languages

(e) The Standing Committee on Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.”; and

That a Message be sent to the House of Commons to acquaint that House that the Senate will no longer participate in the Standing Joint Committee on Official Languages.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, I would like to go back to the time when the Joint Committee on Official Languages was created. It was created in large part to attempt to stem the assimilation of Francophones outside Quebec and to find ways to help minority communities, the English-language communities in Quebec and the French-language communities outside Quebec, survive.

In the very beginning, the members of the committee understood the stakes very well. At the time, there were Conservatives, Liberals and New Democrats in the House of Commons. The three parties agreed with the committee’s mission, and the very foundation of Canada was never questioned.

We were to ensure that the Official Languages Act met the needs of our minority communities. The differences that we had were often on the means used to meet these needs.

[Senator Taylor]

• (1450)

In those days, we had great champions, men and women of conviction who clearly understood what the stakes were. People like Jean-Robert Gauthier, Jean-Maurice Simard, Senators Gildas Molgat, Louis-J. Robichaud, Serge Joyal and many more sang the praises of having two official languages.

I too sat on the committee at that time. It was an honour and a privilege to work alongside these champions, who were always prepared to show newcomers how to contribute to the work of the committee and eventually take over.

When the Bloc Québécois and the Reform Party arrived, however, the whole picture changed. In 1993, the Bloc Québécois was the official opposition in the House of Commons. This was a group of separatists who wanted to show that Canada was not viable and that our policies on official languages and the protection of linguistic minorities simply did not work.

The separatists took every opportunity to put down French-language minorities. They called us everything from “dead ducks” to “warm corpses”, heralding: “Francophones outside Quebec are finished.” Still today, the separatists continue to make a distinction between Quebec and English Canada and give the impression that Quebec is French-speaking while the rest of Canada is English-speaking. Since 1993, the separatists are supported by the Reform Party, a doctrinaire anti-French party wanting to see Canada divided by a French-speaking Quebec. Interesting expressions like “territorial bilingualism” are now being used.

In short, not much has changed, and one of these two regional parties is still the official opposition in the other place. One would have to be dreaming in Technicolor to call on the Bloc Québécois and the Reform Party to help linguistic minorities. As for the Progressive-Conservatives and the NDP, they do not have the human resources to work for the advancement of minority communities. Since 1993, these communities have been neglected by the opposition parties and, all the while, the assimilation rate is climbing.

I appreciate the work done by Senator Shirley Maheu and MP Mauril Bélanger, but I see that they had limitations because of the two parties whose interests differ from those of our linguistic communities.

I would like to congratulate these two for their excellent work, and particularly their work to ensure that hockey continues to be broadcast in French as *La Soirée du hockey*. They are now working to improve the access to health care in French, in Canada.

Mauril Bélanger is a very dedicated man. He travelled around the Acadian regions this summer on his own time. This is clear evidence of what he is contributing to the cause of minority communities in Canada.

I do, however, have some problem with the idea of continuing to take part in the work of a Joint Committee on Official Languages. At the Standing Committee on Rules, Procedures and the Rights of Parliament, some senators commented that the Senate was in support to this. The few senators invited to comment were all from Quebec. I myself asked to appear before

the committee and was not invited. There is a need to weigh one's words before saying that all senators agree with continuation of this joint committee, for this is not the case.

All senators need to understand that the challenges and problems of Quebec are not the same as those in the isolated regions which are, for the most part, minority regions. It is far easier to be a Francophone in Quebec than in Nova Scotia or P.E.I. The infrastructure in place in Quebec is not as available in those provinces.

I go back often to my French-language community in Nova Scotia and, every time I do, I see the inroads made by assimilation and Anglicization. The situation seems to be spreading to P.E.I. and Newfoundland, as well as some of the communities in the West. I sometimes fear the process of assimilation has gone too far to be stopped.

The Senate says it is there to protect minority communities. There is even a little Senate publication that says that this institution exists in order to protect the interests of the aboriginal and French-language communities outside Quebec. Perhaps the Senate ought to practice what it preaches in its little pamphlets.

I have often given the Joint Committee on Official Languages the benefit of the doubt. I was even co-chair for a time. To be brutally frank, I saw clearly that it was not working at all and asked to be dropped from the committee. I had lost confidence and hope in such a committee's ability to advance the interests of the linguistic minorities.

The argument put forward by the House of Commons to the effect that elected members represent interests that are not represented in the Senate seems obvious. There are no separatists here in the Senate and their arguments are of no interest to me. They do not believe in a united Canada. I am tired of the Reform Party, which worries about the English on cereal boxes and which is always talking about territorial bilingualism.

With the arrival of regional parties, some of us have tried to make up for the deficiencies of the Joint Committee on Official Languages, which has become less useful, by creating a caucus. I was a member of that caucus, which was made up of members of Parliament and senators who would meet once a week.

We hired the former Commissioner of Official Languages, D'Iberville Fortier, and we named our group the Louis-J. Robichaud Group, because Louis-J. Robichaud was its founder. There were Conservatives, Liberals and NDP members in that group, and they listened to all those who were being ignored by the joint committee.

• (1500)

Unfortunately, the group has been dormant for a while. It is not because of a lack of interest but, rather, because we lost several key figures, including Senators Simard, Molgat, Duhamel, and Senator Gauthier for health reasons, as well as Roméo LeBlanc, who was appointed Governor General. However, the members of the Robichaud group made a very valuable contribution. This is an ad hoc committee, and perhaps it is not the ideal way to meet the needs of the communities.

The Senate must take its responsibility seriously. It must provide a forum and be receptive to the actual needs of minority communities in Canada. The talent of our senators is diminished

when they have to discuss the merits of a united Canada, or the merits of English on cereal boxes. Our credibility as protectors of minority communities could be undermined if we engage in these games. Communities will often resort to unorthodox means to promote their cause — the approach of a single party or the Liberal Party — but that is not the solution. Communities must be able to come before a Liberal group and before other parties, so that the problems of everyone can be examined. We must also ensure that these groups do not rely on judicial means — which happens all too often — to get satisfaction.

[English]

To conclude, the dream of the Bloc and the Reform philosophers is to have a French-speaking Quebec and the rest of Canada to become English. I suggest that this is the worst possible scenario for the unity of our country.

To paraphrase Minister Fry, many communities in Canada are being anglicised as we speak. We have a decision to make. We can continue with a joint committee weakened by regionally based and separatist opposition parties, or we can accept our responsibility and our obligation here in the Senate, to respond to the needs of Canada's linguistic minority.

We have the talent and experience in the Senate to make a difference. The joint committee went sour in 1993. There has been progress in the past number of months under the strong leadership of Senator Maheu and Mr. Bélanger, but can we sustain it?

[Translation]

We must create a Senate committee that will meet the needs of our communities. For these reasons, I support Senator Gauthier's motion and initiative.

[English]

Hon. Joan Fraser: Honourable senators, I had not intended to speak at this time, but Senator Comeau has inspired me.

I, too, have put in some time on the joint committee, not as much time as many of my colleagues, but enough to come to some opinions about it.

I was particularly struck by Senator Comeau's view of the dynamic that affects the committee now given the number of parties in the other place that must be represented on it. I agree that this has created its own set of problems. If they were the only problems, I would still be hesitant about Senator Gauthier's proposal, as I do not think that temporary conditions justify changes in something as fundamental as committee structure.

The more I reflect on the matter, the more I believe that there are inherent difficulties in a joint committee of this nature. Joint committees work best when they examine matters directly related to Parliament. For example, the Standing Joint Committee on the Library of Parliament functions well, as does the Standing Joint Committee for the Scrutiny of Regulations.

The Standing Joint Committee on Official Languages is a slightly different beast. One of the problems inherent in its nature is that it cannot study legislation because legislation must pass through the committee structure of each rather than through the joint committee.

I was struck by this fact in the last session of Parliament when the Standing Senate Committee on Legal and Constitutional Affairs spent a long time giving rigorous study to a bill that was concerned purely with matters of official languages, in particular with regulations or other government orders that might have been published in only one language. The Senate committee did an excellent job on that bill. The amendments that the committee made to the bill strengthened the bill immeasurably and served the cause of linguistic justice in this country. However, would it not have been preferable to refer the bill to a committee on official languages that had built up years of expertise?

Bills concerning official language minorities do come before this chamber. A joint committee is limited in that it does not have the ultimate role of examining legislation. It is limited perhaps more in the other place than here in the degree of attention that its proposals will receive from those who sit in the seats of power because that committee has no power. It can only recommend. It cannot block a bill. For those reasons, it would be constructive to have a Senate committee with the normal powers of a Senate committee.

I say this with considerable regret. On the face of it, it would be wonderful if we could just go on with a real working joint committee. I second those who have observed that in recent months, perhaps because the other place was galvanized by hearing about what was going on in this chamber, the joint committee has worked better than it had in my earlier experience with it. Nonetheless, I have come around to the view that a Senate committee might be more productive.

I have one wish for that committee and one slight concern. As it proceeds about its work, I earnestly hope that it will remember that there are not just minority francophones in Canada; there are minority anglophones in Canada as well. That is the community that I represent in this place.

By the nature of this place, our minority will always be less well represented than francophones outside Quebec because this place is set up to represent the provinces. There are francophone minorities in many provinces. There is an English minority in only one province. Therefore, our numbers will always be smaller in this place.

It will be very important for honourable senators who work on this committee to remember that the anglophone minority in Quebec exists and that despite the mythology attached to it, it also has serious concerns.

Senator Comeau was remembering some of the labels that have been attached to francophones "hors Québec," as we used to say, dead ducks, "cadavres chauds." The label that has been attached to us that some may be familiar with is White Rhodesians. The labels were not true for francophones and they are not true for anglophones either.

[Senator Fraser]

• (1510)

We have gone through enormous wrenching adjustment in the last generation, an adjustment that is a long way from being over. There are matters strictly within the federal purview that are worth examining, such as the dramatic under-representation of anglophones in the ranks of the federal public service in Quebec, even though anglophones now in Quebec report a very high degree of bilingualism so that language is no longer an obstacle, as it might have been in the past.

As for francophone communities outside Quebec, other problems affect our community life. It may be news to many senators, but assimilation is not just a problem affecting francophones. In regions of Quebec outside Montreal and outside the National Capital Region, I assume, it is the anglophones who are being assimilated, which has direct implications for the provision of community services throughout Quebec.

There is also the fact that because of Quebec's unique position as the home of North America's francophone minority, provincial policy focuses very largely on the legitimate needs of francophones, which sometimes has dramatic implications for anglophones. For example, provision of health care services to anglophones in English, particularly outside the Montreal region, often rubs up against the provincial legal requirement that everyone must be able to work in French, including those giving service to anglophones.

The federal government cannot change provincial law, nor would I wish it to try to do so, but it can have an impact on spending patterns through its own financing programs.

These are the issues that I hope a Senate committee, when it is established, as I believe it will be, will bear in mind. The needs of the francophone minority outside Quebec are a permanent part of this country's condition and must never be forgotten — never. We would fail in our duty to Canada if we neglected those needs, but I would submit that the same is true for my own minority.

Hon. Tommy Banks: Would Senator Fraser entertain a question?

Senator Fraser: Certainly.

Senator Banks: I, too, believe that the Senate will form such a committee. It was among the first things I heard when I came here, and I would not demur from the opinion clearly held by most senators. However, when one is tearing down a house that is falling down, it is well to look at the house that will replace it.

On Tuesday last, I asked Senator Gauthier a question in respect of what weight would be given to what will now undoubtedly become two respective committees. Yesterday, we received a document to which I have paid a lot of attention. The joint standing committee is distinguished not only by the fact that it cannot review legislation, but also by some of the things that it must do. It must review the administration of the Official

Languages Act and all regulations made under it and reports of the Official Languages Commissioner and of the President of the Treasury Board and of the Ministry of Canadian Heritage that are made under the act.

When I asked Senator Gauthier the question about the committee, he said, quite rightly, that the Senate could do what it likes when it comes to forming a committee and that we are not constrained in any way by this act from doing so. However, this act does not say, I suggest again, that two committees might be charged with these responsibilities of review. Just to refer to the French version of that reference in the act, it states that Parliament will designate or constitute “un comité.” That is, I think, irrefutably clear.

Therefore, “a committee” of Parliament will be charged with the ongoing review of all of those things which I previously listed having to do with the Official Languages Act. My concern is that the committee that will do those things as set out in the act will be now a committee of the House of Commons.

Does the honourable senator see any possibility that these responsibilities, as set out in the Official Languages Act, will fall at any time and in any way to the Senate committee, which otherwise, I have no doubt, will do wonderful work? That work would include, I hope, protecting the francophone minorities in my province, which are substantial and important to me, and I know the same is true of my colleagues from Saskatchewan.

Senator Fraser: That is an interesting question. First, on the matter of the French text, my understanding of French grammar is that “un comité” is the only way to translate the two English phrases “a committee” or “one committee.” There is no possible distinction between the two in French.

I am not a lawyer, but I would think that this act is not necessarily limiting. In effect, it is instructing Parliament to have at least one committee.

In any case, this chamber is free to set up the committee that it chooses and to give it the mandate that it chooses. It would be a fine thing if there were two committees, but if by some sad outcome of this debate there were to be only one committee and it was our committee, I would think that our committee would do an excellent job.

Whatever the public may think of the Senate in general, Senate committees are acknowledged everywhere to do fine work — good, thorough, far-ranging work. I see no reason why this committee would not uphold that tradition.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I would like to make a few comments. I read this document with interest, despite the awkward manner in which it was distributed. The fact remains that it was circulated. I agree completely with the comments made by Senators Comeau and Fraser.

With the Committee on Illegal Drugs, I experienced a situation where we demonstrated that the Senate can deal with issues that are highly controversial in a rigorous, precise, exact and in-depth manner.

The history of our country has shown us that the language issue, formerly known as the religious issue, was at the very heart of the federal agreement. However, if we read the texts of our predecessors carefully, we understand that it was actually the language issue.

If we reread the parliamentary texts from that era, particularly those by Quebeckers, but even those by some Anglo-Ontarian parliamentarians from Ontario, we see that the federal contract was based on the respect due to this balance.

My colleagues mentioned their life experience. They also mentioned terminologies that were disrespectful of this minority language reality. For these reasons alone, the Senate, which is removed from partisan squabbles, should reflect seriously and intelligently on issues that are sometimes highly controversial.

It is our duty to do so, not just our right, but also our duty.

• (1520)

I attended a few meetings of the joint committee. I have great respect for the honourable members who attended regularly, including those from the Bloc Québécois. I am thinking, for instance, of the co-chair, Mr. Bélanger, who has my full respect.

The formula is not working. When matters get too contentious, the committee is overrun by partisan squabbles. We are then reduced to agreeing to half-hearted measures that fall short of our mandate. This goes to the heart of the federal arrangement and what our ancestors agreed to. Had it not been for this respect, my ancestors would not have approved the federal pact. If there is one house capable of upholding this respect, it is no doubt the Senate.

In the document distributed yesterday, there is an argument that could mislead someone who is not paying attention. In the Official Languages Act — and Senator Banks just asked a very relevant question — where it says “un comité” in French, it is not restrictive. It means any committee. Otherwise, we would have worded it differently in French. It could have read “au comité”, referring to a committee of the Senate or of the other place.

As Senator Fraser said, if we work conscientiously — and I am convinced that we can do a thorough job — the Senate committee will prevail in the end.

Coming back to the Act, when I read the motion put forward by Senator Gauthier, the Official Languages Act is not mentioned. The honourable senator talks about establishing a committee of the Senate to examine matters relating to official languages, that is all matters relating to official languages — particularly those that pose a problem — not only those pertaining to the Official Languages Act, which, obviously, will have to be included in the terms of reference of this standing committee of the Senate.

When is there turmoil over the linguistic issue? Not when all is going well, but when all is going badly! In Quebec, the French issue is not a major problem. I agree, however, that the linguistic issue may at times cause problems for the English-language minority community. As a Francophone, whenever I travel outside Quebec, I make a point of tuning in to the French stations of Radio-Canada because, to me, this is the last lifeline left to the French-language communities outside Quebec. Travelling across certain provinces, the Francophone reality would be hardly noticeable, were it not for Radio-Canada.

We have a duty to ensure that Senator Comeau does not feel compelled to admit that the battle has been lost and that there is no point in continuing our effort. As a Quebecker, I insist on this. It is all very well to note that it is hard to live in French outside Quebec, but as a Francophone I also have a duty to do everything I can for the French-language minorities living outside Quebec. We need to understand that they are not alone. As a senator, I have a duty to address this issue far more seriously.

Senator Gauthier's motion is, in my opinion, totally appropriate. We ought to have rolled up our sleeves a very long time ago and decided that, regardless of what goes on in the other place, we will do our duty. As we are going to do a serious job, a rigorous and in-depth job, I am convinced that our recommendations will have the great good fortune of finding acceptance in the other place. If they decide to have their own committee, all the better for the minority language groups throughout Canada. I wholly support this motion.

I read the document distributed yesterday and was not impressed. I respect the co-chairs of the committee, but it was far too narrow, whereas the mandate of an Official Languages Committee needs to be very broad, and up to the task of dealing with the problems generated by the existence of Canada's official languages. It must certainly not be reduced to enforcement and regulations relating to a single law, that is the Official Languages Act.

Hon. Gérald-A. Beaudoin: Honourable senators, I have been a member of the joint committee for at least two or three years. We have succeeded, in some areas, in achieving our objectives.

However, there is a legal problem, in that the French version of section 88 of the Official Languages Act, 1988 refers to a committee of either the Senate, the House of Commons or both. The English version is not as specific. In my opinion, what they wanted was to have a committee. A joint committee was set up. I was a member of that joint committee and, on a few occasions, we wondered whether there should be a Senate committee.

I have sat on the Standing Senate Committee on Legal and Constitutional Affairs, which works really well. The House of Commons has a Justice Committee that works well. So, we can have two committees. Did the legislator intend to prevent the Senate from establishing a committee in its area? I do not think so. If the legislator had wanted to deny a legislative chamber, such as the Senate, the power to set up a committee, it would have said so in a much more explicit manner. In my opinion, we can establish a Senate committee.

[Senator Nolin]

The question that remains is: Is it a good thing?

My experience within the joint committee has taught me that the scope of our work is so broad that it would be possible to have two committees. One could also have powers different from those of the other. This should not be ruled out. If I were asked whether I accept that the Senate create a Committee on Official Languages, my answer would be yes. I would accept such a committee because we have examples of other committees in other areas — I mentioned the Standing Senate Committee on Legal and Constitutional Affairs because I know it very well — where this works very well.

I remember that when we amended section 93 of the Constitution for Quebec, a joint committee, co-chaired by Senator Lucie Pépin and Member of Parliament Denis Paradis, considered the issue. This worked wonderfully. A joint committee also examined the constitutional amendment for Newfoundland, Term 17.

• (1530)

Now, should we necessarily have a Joint Committee on Official Languages, and official languages alone? I think not. The Senate has obvious jurisdiction in this area and if it had been intended to exclude the Senate, it would have been set out much more clearly in section 88 of the Official Languages Act.

This is an extremely broad area that is of great interest to us. Language rights are one of the most important constitutional rights in Canada. There are others, such as the division of powers and the Canadian Charter of Rights and Freedoms.

I support Senator Gauthier's proposal to create a Senate committee on language rights.

Hon. Raymond C. Setlakwe: Honourable senators, I agree with Senator Beaudoin. I have been a member of the joint committee for almost two years. Experience has taught me that it is not a bad idea to have some contact with members of the other place. It gives us an opportunity to better understand their way of seeing things.

I have a great deal of respect for Senator Gauthier and for the tremendous work he has done for the cause of French, not only outside of Quebec, but throughout Canada. I bow to his great wisdom and support his motion, despite the reservations I have had in the past.

Hon. Eymard G. Corbin: Honourable senators, obviously, I support this initiative. I was among those within my parliamentary caucus who used to complain — several years ago — about how this committee functioned. For this reason, I refused to sit on it when I was asked. Senator Murray and myself were the first to co-chair this committee. At the time, we had to deal with quite a few changes and we had to deal with complex

and sensitive issues and we had to educate the public service and Canadian agencies that were responsible for implementing the Official Languages Act.

Things have evolved since then. I shall not repeat the comments made by a number of our colleagues regarding the need to create a Senate committee to study these issues.

I would like to express hope. First, there is no need to duplicate what the other place does when it comes to issues to consider. The Senate Committee on Official Languages will have to be innovative and get to the bottom of important issues. It will have to do fundamental work and not hesitate to review the terms of reference of the Commissioner of Official Languages. It seems to me that the role of the Commissioner as an ombudsman is no longer sufficient. Perhaps other responsibilities should be assigned to the Commissioner.

I do hope the Committee will find time on occasion — once a year or once every two years — to travel and meet, in their regions, the people who are struggling to keep their head out of the water and avoid assimilation.

More often than not, we hear in Ottawa spokespersons of associations representing minority groups. There is more however. It is important that we personally immerse ourselves in the regions to get a feel for what the living and survival conditions of these linguistic minorities are, be it in Quebec, the Gaspé, Saskatchewan, Alberta, British Columbia or Prince Edward Island. These are regions I have occasionally had a chance to visit, knowing the community gives a much different perspective from what we hear in Ottawa. I think the house is ready for the question, Your Honour.

[English]

Hon. Lowell Murray: Honourable senators, I will not oppose the motion of Senator Gauthier, persuaded, as I have been, by the first-hand evidence of those who have taken part in the joint committee over the past nine years or so that the committee no longer functions as it should. I acknowledge this fact with a heavy heart entirely for the personal reasons evoked by Senator Corbin. He and I were co-chairs of the very first committee set up in 1980 or 1981.

We ought to realize that, while we are walking away from a dysfunctional situation, we are also losing something. There was a certain important symbolism to that joint committee and a certain important reality. To begin with, it did represent both houses of Canada's Parliament on an issue that, as Senator Beaudoin has pointed out, is absolutely central to our existence as a country. The symbolism continued with the fact that, while one chair would come from the Senate and one from the House of Commons, one was to be a supporter of the government and one was to be a supporter of the opposition; one was to be a francophone and one was to be an anglophone. Therefore, some care was taken in the design of the committee. Our friend Senator Joyal, who was then a member of the Trudeau cabinet, was central to that planning and design.

The committee worked very well, and the message was not lost on those in and outside of Ottawa who had the responsibility of implementing the Official Languages Act and the policies of the government and of Parliament in the field of official languages. We never had the experience of having to put up with junior emissaries who had been sent to the committee as witnesses by

departments of the government. If we wanted the minister, the minister came. More frequently, we wanted the deputy head of the department or agency to come and explain to us what they were doing in that particular department or agency to implement the law and the policy. They came knowing that they would be grilled, and the prospect of that grilling, I think, helped to improve the performance of many departments and agencies. The most senior bureaucrats in the country, the heads of agencies such as the Bank of Canada and the RCMP, appeared before us more than once to answer questions from us, as members, and to hear comments from the Commissioner of Official Languages, who sat at the table as the Auditor General might sit at the table in the Public Accounts Committee of the other place. There was quite important symbolism and there was reality in this very effective process.

• (1540)

I take Senator Fraser's point that we could not study legislation. Joint committees do not do that. However, when we made recommendations, as we did to Parliament and to the government, they were not ignored. Indeed, many of them were implemented in the Official Languages Act of 1988. In our files, Senator Gauthier and I have letters from former Prime Minister Trudeau commenting *in extenso* on recommendations we had made for changes to the act, the policy and so on.

For most of the 13 years between the early 1980s and 1993, it was an important committee. I rather lost track of it in 1984 the Conservative government came in and others from my party joined and took the chairmanship of the committee. As I recall, an anglophone Liberal senator from Quebec, Senator Wood, became the co-chair from the Senate.

In any case, in a way, I want to lament the passing of a good idea and a good concept that worked well for a long time. It contributed significantly in its way and in its time to linguistic justice. I express the hope that the day will come again when we can return to that concept.

Motion agreed to.

INDEPENDENCE OF SPEAKER IN WESTMINSTER MODEL OF PARLIAMENT

INQUIRY—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) rose pursuant to notice of October 8, 2002:

That he will call the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.

He said: Honourable senators, it was one week ago today that the government compromised the independence and neutrality of the Speaker of the Senate by appealing his decision on a motion, not because the decision was incorrect, but simply because it did not suit their desires. This was an unfortunate attack on the doctrine of the independence of the Speaker. It also runs contrary to the doctrine of responsible government that many who have occupied these buildings of Parliament have fought so vigorously to develop and defend.

What do we mean when we speak of the independence of the Speaker? In general, it is in the expectation that the Speaker will moderate our deliberations without partisan considerations, and that he will refrain from partisan activities while he holds the honoured post to which he has been appointed. When we look at other Speakers in the British Commonwealth, one can plainly see that these commitments are part of a common minimum standard among the commitments of any Speaker. One underscores the fact that a dignity is attached to the office of Speaker. In the order of precedence of Canada, after the Governor General comes the Prime Minister. After the Prime Minister, comes the Chief Justice of the Supreme Court of Canada. Next comes the Speaker of the Senate, to be followed by the Speaker of the House of Commons.

In a paper entitled: “Theory Building and the Parliamentary Speakership,” presented by Tom Urbaniak to the Annual Conference of the Atlantic Provinces Political Science Association at St. Thomas University on October 6 last, only three days after the unfortunate appeal of the Speaker’s ruling in the Senate, it is observed that it is the common practice of the Parliament of Westminster — the mother of parliaments — that the Speaker not only renounce his partisanship, but that the Speaker also run as an independent in subsequent elections.

Since so much of our politics in Canada is organized around parties, giving up partisanship altogether may be too stringent a sacrifice to ask of our Speaker. However, the Speaker does undertake fairly onerous duties, and the least the Speaker’s own party could do is respect the authority to preside over debate that they have given him and allow him to make unbiased rulings, confident that they will not be challenged and overturned for specious reasons having nothing to do with the proper regulation of debate and everything to do with unvarnished partisanship.

I would note that the doctrine of the independence of the Speaker is a relatively recent phenomenon, one on which I think we would be ill-advised to turn back the clock. Urbaniak theorizes that it arose as a product of two historical forces — the rise of the doctrine of responsible government and the development of the party system in parliamentary affairs.

He argues that before responsible government there was no need for even a façade of independence. The Speaker was often either the representative of the Crown or a political advocate known as a “Champion of the House.” The paper I have cited states:

Even towering and magnanimous figures such as Thomas More (who served as Speaker of the House of Commons for part of the 1620s) were not independent. For his part, More vacillated between his loyalty to the King and his defense of the rights of the Commons.

It was up to the Speaker to organize ad hoc coalitions to pass the Crown’s agenda. However, even then, when the House was too methodical for the Crown’s liking, the Speaker told the Crown to wait. When this model of representative governance began to falter in Canada in the 1830s, it was the Speaker who

rallied against the Chateau Clique. Prior to the development of responsible government, the Speaker was a very political figure, rather than an umpire.

The development of the doctrine of responsible government meant that the executive branch would be drawn from the ranks of the legislative branch, rather than being *de facto* as well as *de jure* residing outside the House of Commons, as was the case historically. This, in turn, resulted in an executive branch which was responsible to the legislative branch, since it had to hold the confidence of the legislative branch — not the other way around. Some observers have referred to this as a “fusion of branches” as contrasted with the “separation of powers” practised by the government of the United States. This fusion of branches, though, does not mean a fusion of schedules.

With the government now being physically represented in the House, the need for the Speaker to act as representative to the Crown in the political sense was eliminated. The government was in a position to organize its own coalitions to pass its legislation.

The other force that led to the independence of the Speaker was the rise of the modern party system in Parliament, with its rigid disciplines. Political parties emerged in the late 19th century as a result of the mass enfranchisement — however limited compared to today’s standards of universal suffrage — of that era. Mass enfranchisement meant that only political parties were able to mobilize sufficient local resources to effectively deliver votes to the polls. The evolution of the political party also created the mechanism which enabled elections to deliver majority governments as a matter of routine. With confidence of the legislative branch as the basis for a government’s continued existence, party discipline made sure all those elected with the support of a political party in turn supported the party’s government. This further eroded the partisan nature of the Speaker.

Today, we have a Speaker who can be independent, who can moderate the deliberations of both the other place and of this chamber free from the need to take political positions. Since we have a Speaker who can do these things, he should do these things. He should moderate our proceedings and deliberations free of concern that his rulings will be subject to arbitrary reversal by the whim of the majority.

It is, and should be, of concern to all of us in this chamber that challenges to the rulings of the Chair could seriously impair the decision-making ability of this place. If the Speaker reaches the point where he begins to wonder if correct rulings will routinely be subject to arbitrary reversal, he may find himself considering making incorrect rulings to avoid the embarrassment of being overturned.

• (1550)

The other place, honourable senators, has solved this problem through a rather simple mechanism of removing the appeal mechanism. The Speaker’s rulings are not subject to challenge under the terms of Standing Order 10 from the other place, which reads:

The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a point of order or practice, the Speaker shall state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House.

Indeed, there is a long history behind ensuring the independence of the Speaker. According to this very interesting paper of Professor Urbaniak:

There were, admittedly, occasional incidents that called into question the chair's impartiality, such as Henry William Brand's *ultra vires* 1881 expulsion of several Irish Nationalist members of Parliament who were determined to obstruct the business of the House. Such episodes, however, were often followed by rule changes, proposed by the governing party, which shielded the Speaker from future similar untenable situations and assured the government that, if it persevered, its legislative agenda would be sustained.

Recent events in this chamber, at a time when the government's agenda was in no real danger, suggest that an effort to shore up and reinforce the independence of our Speaker may be in order. Perhaps it is time for us to adopt a policy similar to that of the other place and remove the rulings of the Speaker from the realm of arbitrary challenge.

On motion of Senator Kinsella, for Senator Oliver, debate adjourned.

PARLIAMENT HILL

ACCESS TO PRECINCT—MOTION— DEBATE ADJOURNED

Hon. Eymard G. Corbin, pursuant to notice of October 2, 2002, moved:

That the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service do take care that during this Session of Parliament streets and roads leading to the Senate precincts be kept free and open and that no obstruction be permitted to hinder the passage of Senators to and from the precincts of this House; and

That the Clerk of the Senate do communicate this order to the Commissioner of the Royal Canadian Mounted Police and the Chief of the Ottawa Police Service.

He said: Honourable senators, I do not wish to hold you up too long with this question. I think it is a rather simple matter, one that takes its authority and power from the fundamental law of this country, the Constitution.

Before dealing with specifics, I should like to return to an exchange I had on December 6, 2001, with the Honourable Senator Kroft, following a complaint that I brought to the attention of the house generally, to the Leader of the Government

and to Senator Kroft. I wish to read the response that he gave to me when I asked him about the policy of the Internal Economy Committee with respect to the privilege of honourable senators to have unfettered access to the precincts of Parliament and, indeed, to this place, the Senate of Canada.

Senator Kroft responded:

Honourable senators, there is never any reason for anyone in any capacity to act in an inappropriate fashion in carrying out their duties.

I had earlier complained that I had been bawled at by a constable when I came up to the gates of the Hill. Senator Kroft continued:

I would not want to speak to the conduct of a particular individual in a particular case.

Let me make a more general comment, honourable senators. First, since the honourable senator has addressed this question to me in my capacity as the chairman of the Internal Economy Committee, let me assure him that this entire situation is under a constant monitoring and review by the committee. The administration through the clerk is part of a process whereby the Senate is represented in the broad monitoring of security issues on the Hill. I would like to say quite clearly that if there is implicit in the question — and I am not sure if there is — that a different rule should apply to us as senators or as parliamentarians than to anyone else coming on to the Hill, at that point I would take issue with the honourable senator. I believe that consideration has to be given to the rights and privileges of senators and members of Parliament. Unfortunately, it is possible that those who will do us ill have unfettered access to senators' cars when they are parked in places that are not controlled or observed at all times.

The policy is that all honourable senators, all members of Parliament and all members of the administration approaching the Hill are treated equally — no better and no worse, if I may put it in simple terms, than anyone else. To try to qualify security measures according to some other standard would be inappropriate and would be ineffective in terms of good security measures.

I thanked the Honourable Senator Kroft for his amiable answer, and I also said that I thought he was half right. I replied:

There is such a thing as privilege for parliamentarians. I think it is being abused currently.

I could add today that there is also such a thing as contempt for Parliament.

My motion is not unusual in the sense that the order I am proposing was put in both Houses of the Westminster Parliament, separately on their own will and authority, not by way of a message sent from one House to another and back and forth. They have the absolute power and discretion to determine the privileges of their respective House and of its members.

• (1600)

At this point, I should like to quote from Chapter 12 of *Erskine May*, page 210, the chapter entitled “Sources of Parliamentary Procedure.” At the bottom of that page we can read the following:

Certain orders and resolutions (to which the term “sessional” is more particularly appropriated) are renewed regularly on the first day of each session in the House of Commons, and are to all intents and purposes standing orders except that they do not regulate the procedure of the House itself, but in the main prescribe rules for the conduct of persons, who are not Members, in their relation to the House.

That would encompass people or agencies charged with security and freedom of movement on or near the precincts of Parliament.

In *Erskine May*, as well, in the same chapter, under the title, “Access to the Houses of Parliament,” we can read the following:

To facilitate the attendance of Members without interruption, both Houses, at the commencement of each session, by order, give directions that the Commissioner of the Police of the Metropolis shall keep, during the session of Parliament, the streets leading to the Houses of Parliament free and open, and that no obstruction shall be permitted to hinder the passage thereto of the Lords or Members. The police accordingly give every facility to Members and officers of the two Houses to cross the streets and approach the Houses of Parliament without interruption and where necessary hold up the traffic for this purpose. The Speaker has informed the House when for some special reason it is expected that the police will have difficulty in complying with the terms of the Sessional Order.

I could read you the very short list of the sessional orders.

In the Commons other business is constantly entered upon before the report of the Queen’s speech by the Speaker. The order of business on the first day of a session should be motions for the issue of new writs and then sessional orders.

It is under sessional orders in each respective House of Westminster that the following is issued. This is an extract from the House of Lords debate from Wednesday, June 20, 2001:

Stoppages in the Streets—Ordered, That the Commissioner of the Police of the Metropolis do take care that during the Session of Parliament the passages through the streets leading to this House be kept free and open; and that no obstruction be permitted to hinder the passage of the Lords to and from this House; and that no disorder be allowed in Westminster Hall, or in the passages leading to this House, during sitting of Parliament; and that there be no annoyance therein or thereabouts; and that the Gentleman Usher of the Black Rod attending this House do communicate this order to the Commissioner aforesaid.

I have a number of extracts of precisely the same text for the British House of Commons.

[Senator Corbin]

We have not adopted that practice in this country because it is assumed that that would be a practice that would flow normally from the provisions of the Constitution of Canada.

At this stage, I should read to you section 18 of the 1867 Constitution Act which states:

The privileges, immunities and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

What brings me today to propose that, at the beginning of a new Parliament, at the beginning of a new session, we should follow the example of the mother of parliaments in dealing with access to Parliament?

We are all here by command of the Queen. If you read your parchment with the great seal on it you will notice that we are here by command of the Queen and that we are expected to attend when Parliament is in session. That leaves us no choice. It flows from that, that if we are commanded to attend, then there should be no obstruction whatsoever in our progress to the precincts of Parliament Hill.

However, we have a loose and sloppy practice. Nowhere is it encoded by rule or otherwise except by precedents and occasional rulings of the Speaker of the other place. I am not aware of any incident concerning this house or a member thereof, but there have been a number of precedents where the Speaker of the Commons has seen very clearly prima facie cases of contempt of Parliament as a result of members being prevented, for a number of assorted reasons, from accessing the Hill. There are Canadian precedents, but we do not have a general rule. We certainly do not have an order. We all say that we have privileges. The nature of the privilege is not well understood. It is not one that applies nominally to honourable senators. It applies to us in our quality as members of the Senate of Canada, in as much as it is a way of ascertaining that we can access this place without impediment when we are called here to do our work.

That is why I have proposed this motion. It is worded much more simply than the one used at Westminster, and I hope that we would make this one of our first orders of business every time we are called into a new Parliament or session, because my personal experience and the experience of other honourable senators I have discussed this matter with is that the police authorities of the city of Ottawa certainly do not understand what this place is all about, and do not hesitate to stop us in our progress towards the Hill.

• (1610)

The Hon. the Speaker: Senator Corbin, your 15 minutes have expired. Is leave granted, honourable senators, for Senator Corbin to continue?

Hon. Senators: Agreed.

Senator Corbin: The events of September 11 have fostered great tension in our relations. Perhaps that is not so for all of us, because those who walk to the Hill do not have a problem. However, those of us who drive to the Hill are treated somewhat differently because matters of security are involved. I ask the following, although I believe I have the common sense answer to it: Are the privileges of members of this house to be subsumed by considerations of security imposed on us by the government and enforced by a corps of police? That is the fundamental question.

An honest attempt has been made by Senator Kroft, who is a gentleman with whom I have no quarrel, except that I believe he does not fully understand the nature of parliamentary privilege in terms of our unfettered access to this place. Senator Kroft and his committee have made an honest attempt to reconcile matters of security and matters of privilege, so as to obviate the possibility of contempt of this house.

Honourable senators, contempt does not necessarily arise from privilege, but in this case, it certainly would. We have an absolute right under the Constitution and in what flows from the Constitution to come to this place directly, if I may say.

I said earlier that I had been bawled at by RCMP constables. I have complained in this place. As well, I have had the following said to me: "I do not understand French, and that is your problem because I have the right to speak English." This is the place, of all places, where the Official Languages Act should first apply. The first modern initiatives were taken here, under the roof of this building, and finessed over the years. Nevertheless, we still encounter dinosaurs who do not know what the official languages are. I hold the people responsible for assigning officers to duty, responsible for ignoring the act.

There is no reason, after 35 years of official languages, for this kind of situation to develop. I complained to the office of the Commissioner of Official Languages. The language ombudsman communicated with the RCMP commissioner and we were given assurances that this would not happen again. One day after receiving that letter it happened again. I suppose that is the nature of Canada.

The RCMP have to understand, just as the people charged with security within this building understand, that senators, above everyone else, including members of the House of Commons, have a right to unfettered access to their respective Houses.

Honourable senators, I am not suggesting that they do not do their duty, but rather I am suggesting that they be better informed as to the rights and privileges of this house. If such an order were to go out at the beginning of each session, it would be helpful in providing an amiable and cooperative refresher on appropriate procedure. We are not in this place as tourists. We are here by command of Her Majesty and we have a job to do. For that reason, we should be respected.

Hon. Lowell Murray: Honourable senators, I cannot speak to Senator Corbin's personal experience but I appreciate the point he has raised. We ought to assert more often and more officially our right to access to and movement within the precincts of Parliament.

However, before I vote for such a motion, I should like to know what the honourable senator believes its practical effect will be. Anyone who drives onto Parliament Hill these days must do so through one of two points of entry. One entry point for people who drive is at the corner of Bank and Wellington Streets, where there are two lanes entering. One of those lanes is reserved for members of the Senate and of the House of Commons. The process is to drive to a checkpoint, stop for a matter of seconds to identify oneself as a senator to the satisfaction of the constable, and proceed to the parking areas on Parliament Hill.

Is the honourable senator suggesting that this constitutes what he calls in his motion an "obstruction" that must be removed?

Senator Corbin: Any kind of barrier is an obstruction, honourable senator, whether it is a stop sign or a command by the police to stop. I do not mind if the police stop me, and the process has been substantially improved for senators. I do not know about the members of the other place: I do not care what they do.

The current process at the central entrance, the one in front of the Peace Tower, beyond the lawn, is that the RCMP constable on duty is attended by a constable of the Senate who readily identifies a senator driving in through the gate, and we are told to proceed. That is the way it should be.

The set-up at the Bank Street corner is not ideal. On several occasions when I have tried to use that entrance, there has been a padlocked chain closing off the front entrance and there has been no Senate constable in attendance. I have been asked to produce identification. "Where is your Senate sticker? Why do you not have your Senate sticker at the front?" I replied that the sticker was in the back of the car because, when I received it, I was told to put it on the back windshield. Delivery trucks, in spite of signs that say, "This lane for senators and members of the Commons only," use that lane. We have to wait. Should we wait? That is not what the Constitution says, in that sense.

The changing of the guard each day in the summer months creates a problem, too. I do not mind an RCMP officer stopping me and saying: "You are Senator Corbin. I know you. Go ahead." However, every day or every other day, they change the guard and we have to go through the whole process again, if a Senate constable is not in attendance. It becomes annoying and it delays things. The wording of the orders of the Lords and of the Commons in Westminster includes access to and egress from Parliament.

That corner where we exit is a mess any time after 3:30 p.m. on most days. We have the parliamentary buses stopping at the very gate. If senators could get into the exit lane and turn left, they could be on their way home or to some other business. The parliamentary bus stops there. The government has bought these beautiful white cars that display the RCMP emblem. The cars are stationed all over the place here, but not one RCMP officer is available to assist in egress from this place. There are many annoyances of this kind that make life unduly annoying and sometimes downright difficult for us.

• (1620)

This motion seeks to enable senators to sit down with the police, perhaps once a year, and review the parliamentary privileges that we have because this is our place of work, privileges that others do not have. This motion would ensure that the police would have a better working knowledge of parliamentary privileges.

My hope is that staffing could be arranged in such a way that senators would be readily identified. I have been in Westminster. I have been at l'Assemblée nationale. I have been in Bonn when it was a capital city. I have seen different treatment even under the highest security situations, in Bonn, for example. Members of either House were always treated with respect. First of all, people who were there on a regular basis recognized the members as members of the House. This allowed for a much better arrangement.

I am not asking for any privileges in terms of security. I am simply asking that my parliamentary privileges be respected.

On motion of Senator Robichaud, debate adjourned.

[*Translation*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 22, 2002, at two o'clock in the afternoon.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, October 22, 2002, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, October 10, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10							
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10							
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10							
C-11	An Act to amend the Copyright Act	02/10/10							
C-12	An Act to promote physical activity and sport	02/10/10							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

==:

CONTENTS

Thursday, October 10, 2002

	PAGE		PAGE	
SENATORS' STATEMENTS				
Prime Minister's Office				
Her Majesty Queen Elizabeth II's Golden Jubilee—Naming of Premiers to Privy Council to Commemorate Occasion. Hon. Noël A. Kinsella	96	Social Affairs, Science and Technology Notice of Motion to Authorize Committee to Continue Study of Document Entitled "Santé en français—Pour un meilleur accès à des services de santé en français". Hon. Yves Morin	99	
British Columbia				
Trinity Western University—Opening of Laurentian Leadership Centre. Hon. Gerry St. Germain	96	National Security and Defence Government Response to Report Entitled "Canadian Security and Military Preparedness"—Notice of Inquiry. Hon. J. Michael Forrestall	99	
Breast Cancer Awareness Month				
Hon. Catherine S. Callbeck	96	<hr/>		
Conference of Defence Associations				
Report Entitled "A Nation at Risk". Hon. J. Michael Forrestall	96	QUESTION PERIOD		
Heritage				
Grant to Bill Reid Foundation. Hon. Jack Austin	97	Prime Minister's Office		
World Sight Day				
Hon. A. Raynell Andreychuk	97	Her Majesty Queen Elizabeth II's Golden Jubilee—Naming of Premiers to Privy Council to Commemorate Occasion. Hon. Noël A. Kinsella	99	
Visitor in the Gallery				
The Hon. the Speaker	97	Hon. Sharon Carstairs	100	
<hr/>				
ROUTINE PROCEEDINGS				
Access to Information				
Commissioner's Response to Report of Access to Information Review Task Force Tabled	98	Hon. Marcel Prud'homme	100	
Illegal Drugs				
Report of Special Committee Pursuant to Rule 103 Tabled. Hon. Pierre Claude Nolin	98	Hon. Pierre Claude Nolin	100	
Species at Risk Bill (Bill C-5)				
First Reading	98	Her Majesty Queen Elizabeth II's Golden Jubilee— Visit to New Brunswick—Helicopter Transportation. Hon. Noël A. Kinsella	100	
Pest Control Products Bill (Bill C-8)				
First Reading	98	Hon. Sharon Carstairs	101	
Criminal Code Firearms Act (Bill C-10)				
Bill to Amend—First Reading	98	National Defence		
Copyright Act (Bill C-11)				
Bill to Amend—First Reading	98	Possible War with Iraq—Current Training Program of the Second Battalion, Royal Canadian Regiment. Hon. J. Michael Forrestall	101	
Physical Activity and Sport Bill (Bill C-12)				
First Reading	98	Hon. Sharon Carstairs	101	
Banking, Trade and Commerce				
Notice of Motion to Authorize Committee to Continue Study of State of Domestic and International Financial System. Hon. E. Leo Kolber	98	Hon. J. Michael Forrestall	101	
The Senate				
Notice of Motion to Authorize a Committee to Study Report Entitled "Environmental Scan". Hon. Jean-Robert Gauthier	99	Hon. Sharon Carstairs	101	
<hr/>				
ORDERS OF THE DAY				
Sanctioning of Military Action Against Iraq Under International Law				
Motion—Debate Continued. Hon. Nicholas W. Taylor				104
Hon. Bill Rompkey				105

	PAGE
The Senate	
Official Languages Committee—Change to Rule 86— Motion Adopted.	
Hon. Gerald J. Comeau	106
Hon. Joan Fraser	107
Hon. Tommy Banks	108
Hon. Pierre Claude Nolin	109
Hon. Gérald-A. Beaudoin	110
Hon. Raymond C. Setlakwe	110
Hon. Eymard G. Corbin	110
Hon. Lowell Murray	111

	PAGE
Independence of Speaker in Westminster Model of Parliament	
Inquiry—Debate Adjourned.	
Hon. Noël A. Kinsella	111
Parliament Hill	
Access to Precinct—Motion—Debate Adjourned.	
Hon. Eymard G. Corbin	113
Hon. Lowell Murray	115
Adjournment	
Hon. Fernand Robichaud	116
Progress of Legislation	i



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