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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, October 29, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

THE LATE HONOURABLE HARTLAND DE MONTARVILLE MOLSON, O.C., O.Q., O.B.E.

TRIBUTES

Hon. Michael A. Meighen: Honourable senators, Canada recently lost one of its most dedicated and distinguished citizens and we lost a former colleague, one of the most admired of all.

[English]

Described by author Peter Newman as the Canadian establishment's quintessential figure, Senator Molson's life stands out as one rich in personal accomplishment and public service. Although born into a well-respected and highly successful family whose roots in Montreal go back to 1782, Hartland Molson, from his earliest years, lived the adage, "To whom much is given, much is expected." Or, as he used to put it — somewhat more in the vernacular — "Money is a heavy responsibility...if you are lucky enough to have some dough, you owe something, you have to contribute." And contribute he did!

[Translation]

After leaving the Royal Military College, Hartland Molson got his degree as a chartered accountant and joined the firm of McDonald Currie, where he worked until the crash of 1929, which led to his being laid off for the first and only time in his life.

[English]

Relaunching himself as a venture capitalist, he, along with fellow visionary Henry Ford, established the first plant in Canada to produce soya oil, meal and flour. Unfortunately, this venture was a good half century ahead of its time, and it failed within a year. Undaunted, Hartland Molson qualified as pilot and, together with his brother Tom and the legendary Billy Bishop, founded Dominion Skyways, a bush airline transporting supplies and equipment for northern mining, prospecting and surveying parties. This venture proved to be somewhat more successful, but in 1938 he sold his interest and joined the family brewing firm.

A decorated fighter pilot during the Battle of Britain, he flew 62 combat missions before being shot down and wounded, for which, characteristically, he blamed only himself for committing the cardinal sin of straightening out his aircraft without looking around.

After the war, Hartland Molson resumed his multi-faceted career. As a businessman, he combined his breadth of vision with

an accountant's knowledge of high finance to lead Molson's through an unprecedented and highly successful expansion across Canada.

As a sportsman — a real sportsman — he bought the Canadian Arena Company and, hence, his beloved team, Les Canadiens de Montréal. Under his hands-on presidency — and I know Senator Mahovlich can attest to the fact that he was a hands-on president — Les Canadiens finished first in the National Hockey League eight times and won the Stanley Cup six times. I think Senator Mahovlich can probably take more credit for that than Senator Molson, but I know he was equally pleased.

As a philanthropist, his generosity was legendary and widespread, to say the least, both to organizations ranging from the Canada Council to the Canadian Paraplegic Association, as well as to countless citizens' groups and individuals across the country and beyond, including the Boy Scouts, as Senator Di Nino has reminded me. As a parliamentarian, many here will remember that he served with high distinction in this place from 1955 to 1993, when he voluntarily retired.

[Translation]

Some senators will undoubtedly want to share personal memories of Senator Molson in one of these areas. However, I would simply like to briefly talk about his life in the world of hockey and in the Senate. These are the two facets of his life that I know best and regarding which he was most passionate, I believe.

[English]

Hockey for Hartland Molson was not a business, although his brewery business benefited handsomely from it. It was, rather, an affair of the heart, perhaps because he himself was highly accomplished at the sport, having played at RMC in Kingston, when, incidentally, his team reached the finals in the Memorial Cup in 1926, in Switzerland and in France, and then during the 1930s as a sometimes extra for the Montreal Maroons. Moreover, Jean Beliveau is quoted as saying, "When the Molsons walked into the Forum, I always had the feeling that they loved the game so much and the Canadiens so much that they forgot that they owned the team." Or, as Hartland Molson himself put it: "The club is more than a professional sports organization. It's an institution — a way of life."

Right up until the end of his life, Hartland Molson was a familiar figure to spectators and television viewers across the country, sitting in his box directly behind the team bench. He was also a familiar figure in the dressing room of Les Canadiens — but only after winning games! He steadfastly refused to venture in after a loss, perhaps because he knew that his players took defeat as hard as he did — or perhaps the reverse.

Hockey is probably the reason that I became Senator Molson's stepson. My mother and he had known each other all their lives, but, after the deaths of their respective spouses, it was hockey that brought them together. Senator Molson, as honourable senators can well imagine, had no lack of admirers among the widows of

Montreal, but I have no doubt that my mother's love and knowledge of the game — and having been, in her youth, an avid fan of the Montreal Maroons — gave her a competitive edge or, as we would say in hockey parlance, the man advantage. That is something that happily led to their marriage in May of 1990.

Senator Molson believed strongly in the role and usefulness of the Senate. Honourable senators are well aware that he sat as an independent, not because of any lack of conviction — he had plenty of those — but because to do otherwise would have conflicted with his business life.

• (1410)

During his 38 years here, Senator Molson sat on almost every committee and chaired a number of them, most notably, perhaps, the Rules and Orders Committee from 1969 to 1983. However, he became increasingly concerned that the true purpose of the Senate was being frustrated by “a very obvious deterioration in the atmosphere of the house and with a substantial, almost catastrophic, decrease in public support.”

On May 26, 1993, in his resignation speech, which was characteristically short, to the point and overly modest, Senator Molson spoke as follows:

The last thing I want to do today is to criticize, but I must observe that some of the problem has been created by the great increase in petty partisanship which has gone beyond party loyalty. I hope that some day a group of independent senators will regain its number with the result that we have seen in the House of Lords of some leavening in their relationships.

Food for thought for all of us, honourable senators.

Hartland Molson was a passionate, although not uncritical, Canadian. He believed in the fundamental greatness of this country. He believed in tradition and the importance of our history and of our roots. He believed that Canadians were a match for anyone in the world, particularly when acting together with a sense of purpose. As a bilingual anglophone Quebecer, he was, to use his own words, “in complete sympathy with the objective of preserving the French culture and language, and making the French language the prime language throughout Quebec.”

Honourable senators, Hartland Molson will not be soon forgotten. He lived his life with a profound sense of duty and of fairness. He leaves Canada a remarkable legacy of character and of conduct. To his daughter, Zoë Murray, to his three grandsons, Charles, Andrew and Maximilian Hardinge, and to his many nieces and nephews, I extend my heartfelt sympathy, knowing, as I do, that my sentiments are shared by all of his colleagues and former colleagues in this place, as well as by friends and admirers across the country and abroad.

As a fellow fisherman who on several occasions shared with him the delights of his beloved Bonaventure River in the Gaspé, I should like to close with *The Angler's Prayer*, which was included in his funeral service on October 4, in Montreal:

God grant that I may fish, until my dying day,
And when it comes to my last cast, I thee most humbly pray,
When in the Lord's safe landing net, I am peacefully asleep,
That in his mercy I be judged, as good enough to keep.

Honourable senators, Hartland Molson was indeed a keeper!

Hon. Senators: Hear, hear!

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, on July 28, 1955, the Right Honourable Louis St. Laurent appointed 13 individuals to the Senate of Canada. One of those, as we have just heard from our honourable colleague, was Hartland Molson. However, among the others was my father, appointed on the very same day. I soon met Senator Molson when I came here as a 13-year-old because my father, like the others, was being sworn into the Senate and was beginning his duties.

I have to tell Senator Meighen that beer to me in those days meant Olands. I had come from Nova Scotia, and that is the only beer that I knew of. I am sure some drank other brands, but the one that we knew was brewed by the Olands family. I remember my father introducing Senator Molson as the other beer maker in Canada. I remember that very fondly.

Of course, I then went on to learn so much about that class of 1955, which included such legendary people as David Croll, for example, and Chubby Power. It was quite a group of appointees that was assembled on July 28, 1955.

Of course, I knew of Senator Molson's contributions to Canada. I believe it is true that he is someone without peer in the annals of Canadian history.

One can look at the number of awards that Senator Molson was given. He was an Officer of the Order of Canada, the Order of the British Empire, the Order of Quebec, a Fellow of the Institute of Chartered Accountants and of the Chartered Institutes of Secretaries, a recipient of multiple honorary doctorates and a Knight of the Order of St. John of Jerusalem.

What is much more important than all of his professional successes, and his clear success with the Montreal Canadiens, was that he was a man predominantly identified with Montreal and the culture of Quebec within Canada. He was a patron to numerous charitable and cultural institutions, including the Douglas Hospital, the Canadian Paraplegic Foundation and, of course, his own Molson Foundation.

He lived a life guided by old-fashioned and time-honoured principles: a respect for his heritage, a sense of duty to his country, and a sense of personal responsibility for his fellow countrymen. As a result, he will be greatly missed by Canadians.

I should like to express my sincere condolences and those of all my colleagues to the Honourable Michael Meighen, to his extended family and, of course, to Senator Molson's family.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while the name "Molson" is most identified with one product in particular, it in fact goes back many generations, which have all been actively and generously associated with many facets of Canadian life.

The first Molson came to Canada at the end of the 18th century, still a teenager, and over the years was to be involved in trade, banking, transportation and politics. Succeeding generations carried on in his wake, and in recognition of the opportunities afforded them, they became the most generous of benefactors to the extent that many cultural, educational and medical institutions today continue to benefit from their great generosity.

Hartland Molson was a true descendent of his pioneer ancestor. His commitment to his community was exemplary in both word and deed. As a member of this place, he brought to it a respect and devotion that are an example to the rest of us.

As an aside, I well remember that during those long GST vigils, the best refuge, once the government whip was out of sight, was Hartland's office, where more than the family brand was available. The office was replete with Montreal Canadiens memorabilia. Hartland was one of the last of the professional team owners known as sportsmen. He was a proud Montrealer, proud to be deeply involved in an activity that made all Montrealers proud. It is no coincidence that some of the Canadiens' most memorable seasons were under Molson's ownership.

While senators keep the title "honourable" after retirement, I think we can all agree that few deserved it as much as Hartland Molson. May he rest in the peace he so rightly deserves.

Hon. Senators: Hear, hear!

Hon. B. Alasdair Graham: Honourable senators, I join with my colleagues in saluting the late Senator Hartland Molson, who has been described as a war hero, as a statesman, as a visionary in business, and as a sports entrepreneur who presided, at one time, over the most exciting sports franchise in the world. Hartland Molson was a true gentleman in every sense of the word.

To me, he was an exemplary senator and my friend, who always expressed an unusual interest in my activities. Many times, when I returned from an election-observing mission, Senator Molson had questions about my experiences and impressions of a particular part of the world.

I want to recall a little story. Some honourable senators may recall the late Danny Gollivan, who in his brilliant broadcasting career gave verbal colour, great imagination and much excitement to the millions of fans who followed the heroics of the Montreal Canadiens in some of the glory years between 1950 and 1984. My friend Danny Gollivan died in 1993. A short time later, some of his friends and admirers agreed that a memorial scholarship fund should be established in Danny's name at St. Francis Xavier University. I was asked to be the general chairman of that fund.

Immediately, I sought out Senator Molson to be the honorary chair. He was quite reluctant. He hesitated at first but promised to get back to me in a few days. When we finally connected, I was in Pakistan to help convince authorities in that country that election observers would be helpful in assessing and confirming to the

world the fairness and legitimacy, or otherwise in some cases, of the ensuing election.

• (1420)

In any event, the phone rang in my hotel room. It was my secretary in Ottawa with Senator Molson on the other end of the line. "Where are you, old boy?" he enquired. "I am in Islamabad," I replied.

"You are crazy," he said.

"Do you think I would be crazy, Hartland, if I asked the Molson Foundation for \$50,000 to support the Gallivan Scholarship Fund?" I asked.

Long silence. Then: "I am leaving the country for two weeks next Friday afternoon," he said. "If you can make it to my office in Montreal by Friday morning, we will discuss it."

To make a long story short, by various circuitous routes and many time changes, I presented myself bleary-eyed, but relatively intact for me, to Senator Molson at 10:30 a.m. on Friday. After much discussion about my trip and the scholarship fund, Senator Molson, at the age of 86, personally drove me back to my hotel. We got the \$50,000 and officially launched the campaign on Hockey Night in Canada in one of those memorable encounters between those old rivals, the Toronto Maple Leafs and the hometown Habs.

Senator Molson has been described, as mentioned by Senator Meighen, as the establishment's quintessential figure. He was, indeed, one of the great Canadians of our time. He knew his place and he respected the place of everyone who walked the face of the earth. We salute the memory of this great Canadian, and we extend our condolences to our colleague Senator Meighen and all of the other members of his extended family.

Hon. Senators: Hear, hear!

[Translation]

Hon. Roch Bolduc: Honourable senators, in my riding that is 100 per cent Francophone, everyone knew the name Molson.

I clearly remember Senator Molson, especially when the Quebec Nordiques were giving a hard time to the Montreal Canadiens. When the Nordiques won, I would wait until Senator Molson was sitting comfortably in his seat and then I would walk by him and say, "Sorry!"

Some will remember that during the tumultuous period when the Senate debated the goods and services tax, the GST, it was difficult to rise and speak. Senator Molson, who supported this measure, waited for his turn until 3:30 a.m.. For 40 minutes, he spoke about the importance of this tax and the fact that, although it was not popular, it was necessary for Canada.

My colleagues across the floor, who were sitting in opposition at the time, did not spare him. I was ill at ease, because a man of his age, who was worthy of respect and who was courageous, did not deserve to be almost insulted. I remember that Senator Molson gave his speech, waited for the blues, corrected them and, at 6 a.m., grabbed his hat and left. I thought this was extraordinary.

[English]

Hon. Francis William Mahovlich: Honourable senators, it was with great sadness that I heard of the passing of the Honourable Hartland de Montarville Molson. A proud Canadian, his prestigious career in the business community earned him widespread recognition and influence. He was known as a war hero in World War II, where he flew over 60 missions as a fighter pilot during the Battle of Britain. In the political arena, he always stood up for what was in the best interests of Canada and, in the world of sports, this man was instrumental in promoting the game of hockey in Canada as President and Chairman of the Board of the Montreal Canadiens.

Never in my life have I met a person so passionate about the game of hockey. It was his vision and underlying support for the team that helped propel the Montreal Canadiens to five consecutive Stanley Cup championships. Not only was he a great leader for the organization, he was also one of the greatest fans, faithfully attending Montreal home games.

Mr. Molson consistently demonstrated excellence in what I believe to be one of his finest qualities, his people skills. He provided unwavering support to management and players by treating all of us with dignity and respect. It is incredible how a team can come together when management demonstrates vision and courage.

I fondly recall the time when we were trying to form an association in 1957 with players like Ted Lindsay, Jimmy Thompson of the Toronto Maple Leafs, and Doug Harvey of the Montreal Canadiens. I spoke to Mr. Molson about this. There were six owners at the time, five of whom did not want an association at all, and Hartland tried to convince them it was not that difficult. He handled unions with the breweries all the time and never had a problem. However, our association was defeated, and it was not until 10 years later that we finally got things together and formed an association so that we received a decent pension. However, I appreciated Mr. Molson's concern for the players at that time.

A great Canadian, Hartland Molson will be fondly remembered. I wish to extend my sincerest condolences to his family.

Hon. Joseph A. Day: Honourable senators, I join my other colleagues in the Senate to pay tribute to Senator Molson. Hartland Molson, as Senator Meighen has indicated, was a graduate of the Royal Military College. He was also the Honorary Chancellor for many years and the Honorary President of the Royal Military College's Club of Canada, the alumni association. One of his favourite activities was the annual

Molson Brewery party that he hosted in Montreal to provide the graduates and the cadets of the military college with an opportunity to understand the brewing process and, coincidentally, to sample the plant's output.

Senator Molson was a lifelong supporter of that wonderful national institution from which he graduated, the Royal Military College. He continued to have many business projects with some of his fellow graduates, such as Billy Bishop, Senator Godfrey and Bud Drury. I join honourable senators, along with the cadets, graduates and friends of the Royal Military College, in saluting the life of Senator Hartland Molson.

• (1430)

Hon. Marcel Prud'homme: Honourable senators, with the permission of His Honour, I should like, on a future date, to use Senators' Statements to pay homage to an independent senator from Quebec, Senator Molson, who was appointed in 1955, because I did not expect tributes to come today. At that time, I will say a few words about my relationship with Senator Molson.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Georges Rawiri, President of the Senate of the Gabonese Republic. He is accompanied by Mr. Étienne Guy Mouvagha Tchioba, President of the ADS parliamentary group; Dr. Jean Marie Aganda-Akelaguelo, President of the PGP/RDP parliamentary group; Mrs. Martine Bondo, senator, Foreign Affairs Commission of the PDG group, which is the party in power; Professor Paulin Nguema Obam, President of the Cultural Affairs Commission of the PNB/RPG group; and Mrs. Charlotte Kombila, of the RNB/RPG group.

On behalf of all senators, I welcome you to the Senate of Canada.

[English]

SENATORS' STATEMENTS

HEALTH

TIMELY REVIEW OF NEW DRUG PRODUCTS

Hon. Shirley Maheu: Honourable senators, last February the Government of Canada launched its innovation strategy with a goal for Canada to rank among the top five countries in the world in terms of R&D performance by the year 2010.

[Translation]

While this is an ambitious objective, it is possible to do a lot within the framework of existing programs that currently impede such improvements.

[English]

One such program is the Therapeutic Products Directorate at Health Canada. It now takes more than 700 days to review and approve a new drug submission when Health Canada's own target time is 345 days. That is incredible, given that Industry Canada released its own science and technology strategy in April 2002, stating that, if private firms in Canada cannot get a timely review and approval of new products, they will go elsewhere, thus hindering any possibility of helping Canada rank any higher in the world.

[Translation]

I would like to quote in more detail from this report which states:

Not only are the economic and scientific opportunities based on those new products lost to Canadians, but so too are the opportunities that are presented by the application of those ideas in society.

For example, persistent delays in approvals of new drugs could convince the drug makers to relocate out of Canada. Canada would lose not just the R&D performed by those firms and the economic returns from the production of the drugs.

But, it is also possible that Canadians needing innovative new drugs could face substantial delays in receiving them.

[English]

Honourable senators, if the Government of Canada wants to achieve its goals through the innovation strategy, it must ensure that all departments are working together. By reducing review and approval times for drug submissions at Health Canada, we can help improve the overall R&D investments from the pharmaceutical industry in Canada, which will help the government bring Canada's standing to the top five countries in the world.

[Translation]

BREAST CANCER AWARENESS MONTH

Hon. Yves Morin: Honourable senators, October is Breast Cancer Awareness Month. Breast cancer is one of the most serious, distressing and common types of cancer that Canadian women have to cope with today.

[English]

We still do not fully understand what causes breast cancer, but an increasing number of risk factors are being discovered, and that will play a role in the prevention of breast cancer.

Recently, for instance, Dr. Pierre Band, a scientist with Health Canada, has shown that teenage girls almost double their risk of breast cancer later in life if they take up smoking within five years of their first menstrual period. The risk persists even if they quit smoking in their early twenties. This is a very important discovery.

[Senator Maheu]

As you know, the incidence of smoking is rapidly increasing among Canadian teenage girls. It is, in fact, becoming, in my opinion, the major issue in women's health.

Similarly, Dr. Christine Freidenreich from the Alberta Cancer Board has recently shown that lack of physical exercise increases the risk of breast cancer by 30 per cent. Even daily walking for a period of 30 minutes is an effective preventive measure.

Dr. Freidenreich is supported by the Canadian Breast Cancer Research Initiative. This organization is a unique partnership of public, private and non-profit organizations, including the Canadian Institutes of Health Research. It ensures a coordinated research program that builds on the strength of all its partners.

[Translation]

It also subsidizes the research of Dr. Jacques Simard, the director of the Laval University hereditary cancer laboratories. Dr. Simard, an internationally known researcher, has demonstrated that there are two genes, BRCA1 and BRCA2, which identify a definite predisposition to breast cancer.

[English]

Honourable senators, there is, at present, no definitive prevention for breast cancer. However, it is through research conducted by researchers, such as Drs. Band, Freidenreich and Simard, that we will win the battle against this dreadful illness.

[Translation]

LA FRANCOPHONIE SUMMIT, 2002

Hon. Pierre De Bané: Honourable senators, for several days now, the only references made in this chamber relating to the Francophonie summit recently held in Beirut have had nothing to do with the Francophonie, the tragedy of the Palestinian people or the causes of the crisis in the Middle East, which has gone on for more than half a century with repercussions that cannot be overestimated. I would therefore like to make a few comments.

At the Moncton summit, the one prior to Beirut, invitations were the sole responsibility of the Canadian government, as was the case in Beirut.

At the Moncton summit, Canada, as the host country, invited all heads of state and of government, without exception, who were members of the Francophonie, regardless of any reservations we might have with respect to some of those invited.

One of the pillars of Canada's foreign policy is that we are opposed to the exclusion of any country whatsoever from membership in international organizations. This basic tenet of our foreign policy is a constant and one we have proclaimed loudly, particularly in favour of Israel.

Sayed Nesrallah is a high ranking Shiite leader and, as such, one of the invited guests from among the dignitaries of 17 religious communities making up the Lebanese social fabric and the Parliament of that country.

It is significant that, while some people are scandalized that the Canadian Prime Minister, along with the premiers of Quebec and New Brunswick, did not leave the hall in which all the leaders from Lebanon were present, including religious leader Sayed Nesrallah, this gentleman was seated immediately next to the Venerable Patriarch of the Melkite Greek Catholic Church, Patriarch His Beatitude Gregorios III Laham, B.S., one of the key figures in the universal Catholic Church.

All heads of state and of government of countries that are traditional allies of our country acted exactly as the Prime Minister of Canada did.

[English]

Canada had a single choice with two options, namely, to do as Prime Minister Chrétien did or to withdraw. Given that Canada had chaired the previous francophone summit, this would have been an enormous faux pas with significant consequences.

Honourable senators, one thing is certain: Nothing Canada could have done would have changed the attitude and decision of the Lebanese government to invite the Secretary General of the Hezbollah, which has over 11 members of Parliament.

Finally, honourable senators, this time let each of us accept the urgency to bring an end to the tragedy in the Middle East. All peoples of that region, without exception, must be able to live the life of freedom, safety and dignity. It is only under these conditions that a lasting peace will rein in this region. Boycotting an international meeting will not put an end to a crisis that has reigned for more than 50 years.

• (1440)

[Translation]

ROUTINE PROCEEDINGS

PROPOSED REGULATIONS AMENDING THE IMMIGRATION AND REFUGEE PROTECTION REGULATIONS (IN RELATION TO THE SAFE THIRD COUNTRY AGREEMENT) AND REGULATORY IMPACT ANALYSIS STATEMENT

DOCUMENT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, pursuant to subsection 5(2) of the Immigration and Refugee Protection Act, I have the honour of tabling copies in both official languages of the document entitled, "Proposed Regulations Amending the Immigration and Refugee Protection Regulations and Regulatory Impact Analysis Statement."

[English]

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joan Fraser: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications. This report outlines the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 113.)

HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Shirley Maheu: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Human Rights. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 114.)

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lowell Murray: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on National Finance. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 115.)

NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Colin Kenny: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on National Security and Defence. This report deals with expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 116.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament. This report deals with the expenses incurred by the committee during the First Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 117.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FIFTH CONFERENCE OF PARLIAMENTARIANS OF THE ARCTIC REGION, AUGUST 11-13, 2002— REPORT TABLED

Hon. Francis William Mahovlich: Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association to the Fifth Conference of Parliamentarians of the Arctic Region, held in Tromsø, Norway, from August 11 to 13, 2002.

[Translation]

OFFICIAL LANGUAGES

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

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, at the next sitting of the Senate, I shall 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 the Standing Senate Committee on Official Languages for study and report; and

That the Committee review the issue of clarifying the access and exercise of language rights with respect to the *Divorce Act*, the *Bankruptcy Act*, the *Criminal Code*, the *Contraventions Act* and other appropriate acts as applicable.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION AUTHORIZING COMMITTEE TO ENGAGE SERVICES

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bill, subject-matters of bills and estimates as are referred to it.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

NOTICE OF MOTION AUTHORIZING COMMITTEE TO CONTINUE STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on issues facing the intercity busing industry;

That the Committee submit its final report no later than Friday, December 20, 2002; and

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-seventh Parliament be referred to the Committee.

HUMAN RIGHTS

NOTICE OF MOTION AUTHORIZING COMMITTEE TO ENGAGE SERVICES

Hon. Shirley Maheu: Honourable senators, I give notice that, tomorrow, Wednesday October 30, 2002, I shall move:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Shirley Maheu: Honourable senators, I give notice that tomorrow, Wednesday, October 30, 2002, I shall move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY NEED FOR NATIONAL SECURITY POLICY

Hon. Colin Kenny: Honourable senators, I give notice that, on Wednesday, October 30, 2002, I shall move:

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

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

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

That the Committee report to the Senate no later than February 28, 2004, and that the Committee retain all powers necessary to publicize the findings of the Committee until March 31, 2004.

AGRICULTURE AND FORESTRY

FINDINGS IN REPORT ENTITLED "CANADIAN
FARMERS AT RISK"—NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that, on Thursday next, October 31, 2002, I will call the attention of the Senate to the findings contained in the report of the Standing Senate Committee on Agriculture and Forestry, entitled "Canadian Farmers at Risk," tabled in the Senate on June 13, 2002, during the first session of the Thirty-seventh Parliament.

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—NEWS ARTICLE ON TROOPS
EXCHANGING SEWAGE TRUCK FOR
BREAKFAST AND DINNER

Hon. J. Michael Forrestall: Honourable senators, we regret the injuries sustained by your most able deputy.

Honourable senators, my question is for the Leader of the Government in the Senate. A Sun chain newsstory stated that we exchanged our sewage truck for breakfast and dinner. Can the government explain to this chamber why it is that we, a G8 nation, had to depend upon Americans to feed our troops breakfast and dinner in Afghanistan?

• (1450)

I wonder if the Leader of the Government in this chamber or, indeed, the Leader of the Government in the other place, or any Canadian with any responsibility or pride, can explain why it is that we have to pay for breakfast and dinner for Canadian troops by exchanging the services of our sewage truck? It is outrageous.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. Having read the story, I anticipated that the honourable senator would ask the question. As such, I made the appropriate inquiries. The claim is untrue. There were adequate amounts of food sent for our troops for breakfast, lunch and dinner.

However, it is often the case that we exchange pieces of equipment. That part of the story is correct. When the Canadians learned that the Americans had to burn their sewage, it seemed appropriate to lend them our sewage truck in order to be able to perform that operation.

While I am on my feet, I will answer a question that the honourable senator asked last week about a 10 per cent cut to the reserves. I am assured that there have been no plans and no action taken with respect not only to a 10 per cent cut to the reserves, but to any other aspect of the regular forces.

PRINCE EDWARD ISLAND RESERVE
REGIMENT—CONDITION OF VEHICLES

Hon. J. Michael Forrestall: Honourable senators, I appreciate that piece of news because it was a very alarming suggestion.

I also welcome the news with respect to the methods of payment adopted by the Canadian government in exchange for services extended to us not only by the United States but also by other nations, because the story in the Sun media newspaper was unbelievable and somewhat outrageous. However, I am very concerned about the impact of the lack of resources on the Canadian Armed Forces and the reserves in particular, in this case.

Can the Leader of the Government confirm for me that the Prince Edward Island Regiment, a reserve armoured reconnaissance regiment, has no Iltis jeep vehicles in operating condition? I think there are over 20 of them altogether, but I cannot confirm that. Could she confirm for me, or does she know from her briefings, whether this regiment has been rendered unable to train because of the condition of these vehicles?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must tell the honourable senator that I do not have that information at my fingertips. I also have to say that, in light of a number of other serious questions that he has brought to my attention where none of the information has been 100 per cent accurate, I would doubt that this information is 100 per cent accurate either. However, I will do my best to seek out the information and return it to him as quickly as possible.

Senator Forrestall: Honourable senators, if the honourable leader wishes to make gibes like that, she may go ahead. The honourable leader is aware that we sometimes ask these questions so that she might refute them with some degree of accuracy.

Can the leader tell me, if she finds that the Prince Edward Island Regiment is unable to train to the full extent because of its inability to operate its Jeeps, the government's intention with respect to this equipment?

Senator Carstairs: Honourable senators, I will certainly put the question; the honourable senator has asked it. Obviously, the regiment in Prince Edward Island is an important regiment to Canada; as such, it would be important for it to have the equipment necessary to do the training that must be undertaken.

I must suggest that the honourable senator and I may have a slightly different view of Question Period. When I asked questions in the Manitoba Legislature, I always knew what the answers were.

PUBLIC SERVICE

MINORITY HIRING GOAL

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It arises from a front-page story of yesterday's *Ottawa Citizen*, indicating that the Public Service of Canada will miss its minority hiring goal. More than two years ago, the Government of Canada undertook a plan to correct decades of racism against visible minority hiring in the public service by undertaking a program of hiring one visible minority candidate for every five new hires in the public service. The government approved an action plan and allotted \$30 million for departments to lay the groundwork for one in five of all new hires being visible minorities by March 2003. The public service has warned that they are not anywhere close to meeting that target. Honourable senators, the lackadaisical efforts of this government to ensure equality in promotions in the workplace in the Public Service of Canada are not something that visible minorities or Canadians generally find acceptable.

Will the Leader of the Government outline what extraordinary steps her government is prepared to take now to ensure that the important one-in-five target will be met in the timelines established three years ago, to assure visible minorities their rightful place in the upper echelons of the Canadian public service?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the senator for that. I am beginning to read the opposition members pretty well. There were two questions I asked my staff to research between yesterday and today: one was Senator Forrestall's question and the other one was Senator Oliver's. I know this issue is a deep concern to Senator Oliver; as such, I wanted to have an answer for him if I possibly could.

The task force presented quite ambitious targets. The public service is working extremely hard to meet those targets, although it recognizes that it is going to be difficult. The figures have, however, improved from 5.7 per cent to 10 per cent. That is clearly not the objective we have set for ourselves, so the goal is to work even harder to try to achieve that. It will be difficult, bearing in mind that we must ensure that the merit principle is fully used in hiring. Like my honourable colleague, I believe we can find visible minorities who have the skills, ability and training, to be hired under the merit principle.

Senator Oliver: Honourable senators, can the minister explain why the diversity agenda of the government has failed? Madame Mawani is quoted in *The Ottawa Citizen*, as follows:

The expectation was for a whole cultural change. The action plan wasn't just about numbers but rather once you have diversity and representativeness that in itself propels more diversity...It was not seen to be creating momentum to accelerate and propel the diversity agenda of government.

Why has the diversity agenda of this government failed, and what is the Governor in Council prepared to do to correct this injustice? Minister, there are more than 250 associate deputy minister positions in the Public Service of Canada at present, and visible minorities fill less than 3 per cent of them. Will the government take some positive action immediately to correct this deficiency?

Senator Carstairs: Honourable senators, the honourable senator talks about diversity, and I certainly agree with him. There is no question among those who are members of my gender that there is a sense within the culture of an organization that, when the numbers increase, attitudes within that organization change significantly. The reality is, however, that DMs and ADMs are not replaced that often. They are usually replaced from the ranks, and are usually replaced by individuals who come from just underneath that level. What we need to accomplish within the representation of our visible minorities is to increase the base level of representation in our community of public servants. That is gradually being achieved, as I indicated in my answer to the first question, with growth from 5.7 per cent to 10 per cent. We need to get much further than that, to reach a goal of one in five, as he has indicated.

• (1500)

It will take some time, honourable senators. We have not failed. We are moving toward that objective, one that will take us longer to reach.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Is it not true that the appointments of deputy ministers are made by Order in Council?

Senator Carstairs: The honourable senator is absolutely correct, but the appointments are made on the basis of merit and experience.

Senator Kinsella: Why has this government not chosen a more realistic objective, such as 25 per cent of all deputy minister positions, and use its Order in Council authority to go out and search Canada for candidates? The government may not find, to use my honourable friend's terminology, the qualified persons within the current ranks of the Public Service of Canada, but would she not agree that they would be found in Canada?

Senator Carstairs: I would agree that we would find them in Canada. The government also wants to ensure that the public service is an operating institution that rewards those who have performed well within our institutions. The government wants to see that growth rises from the bottom.

As the honourable senator knows, a serious problem has been the retention of good public servants. One way that the government can ensure employee retention is to ensure also that those employees know there is movement for growth.

Senator Kinsella: Surely the minister would agree that employee retention is enhanced if the participants in the service recognize that there is no glass ceiling, whether it is confronted by women in the public service or by members of visible minorities. Would the minister agree that affirmative action, employment equity, is simply that: government making a positive decision to find the people in order to break down the systemic discrimination that, frankly, we have not been able to break down in the past 10 years?

Senator Carstairs: As I indicated in my responses to the Honourable Senator Oliver, we are breaking it down, which is why we have gone from 5.7 per cent to 10 per cent and are aiming to reach higher targets.

FINANCE

REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

Hon. David Tkachuk: Honourable senators, I rise to make reference to a story in today's *The Globe and Mail*, entitled, "Ottawa kills bank merger talks."

By way of letter, Finance Minister Manley has asked for the advice of and is consulting with the Standing Senate Committee on Banking, Trade and Commerce and the Standing Committee on Finance of the House of Commons regarding the impact of bank mergers on the public interest. Today, *The Globe and Mail* reports that the Prime Minister's office killed merger talks between the Bank of Nova Scotia and the Bank of Montreal. Who is in charge of government policy regarding these matters? Is it the bureaucrats and the political officials in the Prime Minister's office or is it the Minister of Finance?

Hon. Sharon Carstairs (Leader of the Government): Clearly, honourable senators, the Minister of Finance has not written to the Senate committee and the House of Commons committee without some consultation with the Prime Minister.

What is being requested, and what I know the Senate Banking Committee and the House of Commons Finance Committee will undertake, is a study of a specific interpretation of the policy on bank mergers.

The news story citing that anything has been cut or killed is not accurate. The government has determined that it wants both committees to study the issue.

Senator Tkachuk: Honourable senators, the Minister of Finance has sent a letter requesting to consult with the Senate committee, but the committee has not yet met to discuss the request. To assist honourable senators in their deliberations as to whether we should agree to this request, or whether we should even look at it, my question is in respect to the specific government policy.

Will the minister undertake to obtain a letter from the Prime Minister's Office clarifying this policy? We are very interested in this subject. Talk of a bank merger or no bank merger has a profound effect on the stock market. No one knows what is going on. The market is going up with one comment and down with another. I do not think that is good for investors. There appears to be no clear policy.

Would the minister write a letter to the Prime Minister asking him to clarify whether this story is true? Are bank mergers off until the Prime Minister leaves office, which, as far as I am concerned, cannot be too soon, sometime in 2004?

Senator Carstairs: Frankly, honourable senators, that request is redundant. The government policy is clear. The government policy is that set forward by the Minister of Finance. He has requested that the Standing Senate Committee on Banking, Trade and Commerce and the House of Commons Standing Committee on Finance define the broad public interest that they think mergers would serve. That is what the Senate committee has been asked to do. As the deputy chair of that committee, I hope that is what the honourable senator will agree to do.

Senator Tkachuk: What is the government's policy on mergers?

Senator Carstairs: Honourable senators, the government has asked for further clarification from a Senate committee that did excellent work in the past on bank mergers and has asked for the finance committee in the other place to do the same kind of excellent work. The two committees are to present that information to the Minister of Finance as soon as possible so it can become part of the guidelines.

THE SENATE

REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, since when does a Senate committee become an extension of a government department? I understand, from the original reply of the Leader of the Government, that she understood that the Standing Senate Committee on Banking, Trade and Commerce would take on this responsibility. Does that mean they are to interrupt their current work and abide by the wish of the minister? I find this rather repugnant, frankly.

Senate committees are to be independent of government, including the examination of government legislation. I completely object to any assumption that a Senate committee will automatically do something because it received a request in a letter from the Minister of Finance.

Hon. Sharon Carstairs (Leader of the Government): I met yesterday afternoon with the Chair of the Standing Senate Committee on Banking, Trade and Commerce. I probably misunderstood what the chair had said to me. He came to me and indicated that this request had been made of the Senate Banking Committee. I indicated that if there was a willingness, on the part of committee members, to study the request, I hoped that they would proceed.

FINANCE

REQUEST FROM MINISTER OF FINANCE THAT THE BANKING, TRADE AND COMMERCE COMMITTEE STUDY POLICY ON BANK MERGERS

Hon. David Tkachuk: Normally, I do not ask more than two questions, but this is a very confusing subject for me. Judging from what the minister has said, I still have no clue as to the government's policy on bank mergers.

Minister Manley also issued a press release citing that the Senate committee would be studying this matter, yet no agreement had been given by the committee confirming that it would have a look at it. I do not know if the committee will look at this matter or not. That is for all of the members of the committee to decide. The committee has been asked to consult, which was nice of the minister, and committee members will meet to discuss the issue.

Perhaps the minister can explain how all of this came to pass and give this chamber some guidance as to the government's policy because some honourable senators are not really sure.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators have, in the past, conducted very thoughtful and considered studies on the issue of bank mergers. They went on

to state to the Minister of Finance that they wished to be consulted before any further evolution of policy was developed with respect to those same mergers.

The Minister of Finance has made a request of the Standing Senate Committee on Banking, Trade and Commerce — he has not ordered or demanded — because of the committee's indication that it wishes to study any future policy initiatives in this area.

The minister has asked the committee to conduct public hearings into the broad public interest issues that are raised by specific merger proposals with a view to clarifying, in particular, the public interest and what the Senate Banking Committee thinks, through their thoughtful consideration, would be the public interest.

If the Senate Banking Committee chooses not to study bank mergers, then that is the choice of that committee. However, I can imagine the criticism that would be raised in this chamber if the committee had not been asked in the first place.

AGRICULTURE AND AGRI-FOOD

DROUGHT IN WESTERN CANADA—INFLUENCE OF CURRENT WEATHER CONDITIONS ON CROP INSURANCE

Hon. Leonard J. Gustafson: My question is to the Leader of the Government in the Senate.

In addition to the drought that has hit a great deal of the Prairies, we now have the unfortunate situation of a blanket of snow covering most of the area. In certain regions, approximately one third of the crops have not been harvested. Has the government given any consideration to or is it even aware of this problem? Will consideration be given to this situation?

Hon. Sharon Carstairs (Leader of the Government): I believe all of us who live in Western Canada would have been happier if the snow had come a little later than it did because snow, as the honourable senator knows even better than I do, is a very necessary part of the water table development in Western Canada. Snow in and of itself is good. Snow at this particular point in time is not particularly good. The government, as the honourable senator knows, has introduced \$600 million in transition funding. There is no other movement afoot at this particular point to add to that package.

Senator Gustafson: Honourable senators, the problem which exists is this: If a farmer has crop insurance, but does not harvest his crop, he does not receive crop insurance. His crop must be harvested before he can receive a crop insurance payout, as meagre or as bountiful as the crop may be. This is a most unusual situation. I cannot recall when we have had snow at this time of the year and the kind of temperatures we have had, that is, 10 to 12 degrees below normal. This is a serious situation.

Would the minister discuss this matter with the Minister of Agriculture, with the cabinet and, at the same time, make the Prime Minister aware of it? I know this is a recent occurrence, but it does merit some consideration and understanding.

Senator Carstairs: Honourable senators, I will certainly bring Senator Gustafson's concerns to the cabinet.

[Translation]

ORDERS OF THE DAY

TAX CONVENTIONS IMPLEMENTATION BILL, 2002

THIRD READING—ORDER STANDS

Hon. Fernand Robichaud (Deputy Leader of the Government) moved the third reading of Bill S-2, 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.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would repeat my earlier comment. I wish to comment on the bill tomorrow and not today.

Order stands.

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Maheu, for the second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Hon. Charlie Watt: Honourable senators, I believe that Bill C-10, as it relates to cruelty to animals and firearms, needs to be addressed. I do not think any of us would condone cruelty to any animal.

From time to time, animal rights groups apply pressure on us to say and do things that we would not normally say or do. I believe that, today, we are being pressured regarding the question of cruelty to animals.

Honourable senators, and in particular Senator Joyal, have already said that this bill is not easy to understand because it involves matters that are not directly related to cruelty to animals, such as the requirement for amendments to the Firearms Act. I am of the opinion that amendments to the Firearms Act should be dealt with separately. They should not be a part of this bill.

As honourable senators are probably aware, the people that Senators Adams, Chalifoux, Christensen and I represent are people who live with a lot of stress in their environments. I believe that passage of this bill will add to the stress of those people who hunt and utilize animals as part of their livelihood. All Canadian citizens, regardless of whether he or she is an Inuk, an Indian or a Metis, have the protection of the right to life under the Constitution. At times, I feel proper justice is not being administered. I blame that on no one. Much of it has to do

with the fact that Aboriginal people took what they had for granted. Pressure was applied from outside, and the government reacted by moving in and trying to improve certain situations which relate to us. From time to time, however, they make greater mistakes than they should.

Honourable senators, the measures contained in this bill will be hard to apply. Knowing what I have in my backyard, and knowing how the people in the North live, I believe that enforcement of this proposed legislation will cost a lot of money. I do not think that there are enough police in this country to police every part of it in order to enforce the proposed provisions of this bill.

If the government seriously thinks that this is a matter that requires legislation, why would it not restrict itself to dealing with animals that are in captivity and not the wild stock? When I say "wild stock," I am referring to wild animals. According to Senator Joyal, there is no distinction made in the bill between those two classes of animals. To pass this bill would be very dangerous.

This bill should be carefully and thoroughly studied and fleshed out so that we can understand, once and for all, what this measure is supposed to do. The government does not pass a law for the sake of passing a law and without knowing what they are doing. If it was a mistake to push this measure forward, we can understand that mistakes are made, and we can correct that. Senate committees are ideally suited to make that sort of determination. Honourable senators, this bill seems to be all over the map. It appears to be unworkable and it will end up costing a lot of money to implement. I would remind you that we still do not know the effects of Bill C-68, which implemented the gun control measures.

Recently, in my small community, I was notified that the police enforcement officers are seriously contemplating going into the warehouses of citizens because certain rifles have been used to kill people. That, honourable senators, will put added stress on our people. That situation still has to be rectified and has not been rectified as a result of this measure.

Honourable senators, I encourage you to seriously consider this proposed measure. I know that no one wants to be cruel to animals.

• (1520)

You have probably seen pictures in *National Geographic* or a film from the National Film Board showing an Inuk person seal hunting on flat ice. What do we look for in the flat ice? We do not see seals. We look for breathing holes and we identify those breathing holes. They are about the size of my finger. We have to use harpoons; we cannot use rifles. If we use a rifle, we lose the seal, and that is a waste. We also use harpoons when we are whale hunting. Why do we use a harpoon rather than a rifle? It is so that we do not end up losing the whale.

Will the traditional equipment that we still use today and which is important to us be outlawed by this measure? If that is to be the case, then it means that, although the Constitution states that we have the right to life, it does not apply to the Inuit in the North.

I hope honourable senators will take this matter seriously.

Some Hon. Senators: Hear, hear!

Hon. David Tkachuk: I have a question for the Honourable Senator Watt, if he will permit one.

Senator Watt: Certainly, honourable senators.

Senator Tkachuk: Senator Watt began to touch on the heart of the matter towards the end of his speech when he talked about the seal hunt and the whale hunt. Does the honourable senator have a lot of concern about the courts' interpretation of what is cruel to an animal? What may seem cruel to city folk who only worry about trapping a mouse here or there is very different from what rural people, farmers and others go through in order to put meat on the table. I would like to know more about the honourable senator's concern about what the courts may do in interpreting the definition of cruelty and how that will affect, especially, the people in the Northwest Territories, Northern Quebec and other parts of Canada, who hunt for sustenance or who make their living in this way.

Senator Watt: Honourable senators, I thank Senator Tkachuk for his question.

The honourable senator is right. I am worried about it. I only put forward two examples of what this law could mean. I am not even sure whether we will be able to catch and release fish. That will probably be considered to be cruelty. That will affect not only my people but also outfitters across the country. That is one area of concern.

In answer to the honourable senator's question as to whether or not I worry about the Supreme Court of Canada having a role to play to come up with a definition of cruelty, I would say that, yes, I do worry about it. From time to time, they have been asked to come up with an interpretation when there is uncertainty about the definition in a statute. This is important. It could create all sorts of further stress for the people we represent. I believe we should do what we can to fix the bill, if we can. If we cannot fix it, I think we should kill it.

Hon. Marcel Prud'homme: Does not some of the difficulty arise from the fact that there is a great lack of education among Canadians of what Canada is all about? This is not the first time that we have gone through this debate. Is it not the role of the Senate, in the view of the honourable senator, to be able to stand up and say, as well as some organized lobby would say it and with as much pressure as a lobby could exercise, that we in the Senate, in our wisdom, will take our time and determine who is affected by this bill and then vote accordingly? Is it not a fact that we do not understand what this country is all about and what the true role of the Senate is in this federation of ours?

Senator Watt: Honourable senators, I could answer the honourable senator in many different ways in regard to his question as to whether the general public of Canada has a good understanding of what this country is all about. One of the

reasons I accepted my appointment to the Senate by Pierre Elliott Trudeau was because I recognized that the role of the Senate is to represent minorities and the regions. That mandate sat well with me, so I accepted the appointment I was offered.

How can we educate the general public of Canada so that they understand their responsibilities? We must start here. The Senate is a perfect instrument with which to deal with these issues, not only in passing but also in depth. If one day the Senate is televised, we may have a way to educate the general public of Canada. The House of Commons does not seem to have the same kind of global village attitude that is held by Senator Adams, Senator Chalifoux, myself and others. We can speak freely here. That is not the case in the other place at times. I agree that this is the place to educate the public.

Hon. Anne C. Cools: I rise to speak to second reading of Bill C-10 to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. In 1995, the government and then Minister of Justice Allan Rock placed Bill C-68, the Firearms Act, before us. That bill passed despite strong opposition from many members of the House of Commons and senators, myself included. In fact, here in the Senate, the government supporters refused to allow any amendments to Bill C-68. Since then, this new Firearms Act has proved to be a complete failure. Politically, its adoption cost the Liberal government many House of Commons seats and has caused what may be irreparable damage in Western and Eastern Canada, particularly in Alberta.

Many Liberal members of Parliament now regret their support of the bill. One such member gave a speech in Ottawa to the Financial Management Institute on October 22, 2002. The member for Sarnia-Lambton, Mr. Roger Gallaway, stated:

A good example of unchecked policy nonsense becoming law is the federal gun registry, a piece of legislation I today regrettably supported. As a policy framework the objectives of that bill were handed over holus bolus to the "experts" at the federal Firearms Centre.

For 85 million dollars, according to the testimony of departmental experts, a gun registry would be put in place that would trace the flow of guns in Canada. This would be a real check on the flow of weapons to those with criminal tendencies. Several years and perhaps one billion dollars later the bill is a shambles — it is a joke. You in this room know something about financial projections, flow sheets, costing and estimates. Can you imagine being out on an estimate by 1250 per cent or being twelve and a half times wrong?

The Edmonton Sun reported on Mr. Gallaway's speech in an October 23 article by Andrea Sands headlined, "Grit MP blasts gun legislation," and in another article by Mike Jenkinson on October 24, headlined, "Roger That, Roger."

There are many members of Parliament like Mr. Gallaway. However, their concerns are unheard today as they were unheard in 1995.

Honourable senators, the extravagant cost of Bill C-68, and particularly the firearms registry, has been repeatedly raised in the Senate and in Senate committees, all with no response from the current or former Minister of Justice. On November 21, 2001, in the Standing Senate Committee on National Finance, during an examination of the Supplementary Estimates (A) 2001-02, the witnesses were Treasury Board officials. Senator Terry Stratton asked a question of Mr. Richard Neville, the Deputy Comptroller General of the Treasury Board Secretariat, saying:

When will we quit spending money on guns? What are we at now as a total number? You are now asking for a staggering sum of \$158.6 million in new appropriations. The minister responsible at the time — the Minister of Justice, Mr. Rock — sat in that very chair and promised us that it would be no more than \$85 million. What are we at now?

• (1530)

Senator Stratton added:

The concern I have is that this is \$689 million, which is virtually \$600 million more than the minister promised it would be. How can someone be that incredibly wrong?

Honourable senators, the National Finance Committee's tenth report presented in the Senate on December 4, 2001 reported on this burgeoning expenditure on the firearms program and on senators' concerns. It read:

The Committee noted that additional funding in the order of \$158.6 million (an increase of 51.5 per cent) is required by the Department of Justice to cover its operating expenditures. The largest proportion of the increase (\$90.5 million) is dedicated to the Canadian Firearms Program. A smaller but significant amount of \$26.6 million is allocated to cover the additional cost for unique legal cases. The costs surrounding the Firearms Control Program continue to be of concern to Senators. Since inception, the overall cost of implementing the program, including current planned spending, will reach \$689.67 million.

On December 11, 2001, Senator Lowell Murray, the Chairman of the National Finance Committee, while speaking in the Senate to the motion for the adoption of that tenth report, said:

...the officials let us know that this would bring the overall cost of the program to \$689.6 million. It is reaching for \$700 million. This is a program in respect of which Parliament and the country was told by the then Minister of Justice, Mr. Rock, that it would cost \$80 million and would be recoverable.

Honourable senators, this ministry ignores senators' concerns and Senate reports.

Honourable senators, the Minister of Justice and the government have never accounted for this and have never provided any explanation to Parliament. They do not seem to think it is their duty. Further, they are now galloping forward with new amendments to this bad legislation and are about to create a firearms commissioner in Bill C-10. This is unconscionable.

On October 22, 2002, the government sponsor of Bill C-10 in the Senate, Senator Mobina Jaffer, adopted the posture that was held in 1995 by the then Minister of Justice, Allan Rock, and the then Secretary of State for the Status of Women, Sheila Finestone. This government's approach was that the firearms program was a function of the oppression of women, particularly women's risk for domestic violence and homicide from men, their spouses and mates. The government's gender feminist mantra of 1995 was that Canadian women live in a constant state of fear of imminent death inflicted by men with firearms in their homes. This mantra was repeated by the government supporters in certain radical gender feminist organizations as they were trotted out, one after the other. Senator Jaffer is relying on the tired and fallacious assertions that evil, vice, aggression and violence are the domain of men, and that virtue, goodness and light are that of women. The gender feminist assertion is that women are morally superior to men and that men are morally inferior to women, or that men are morally defective.

In 1995, Minister Rock told us repeatedly that firearms was a gender issue, a women's issue, and that spousal and domestic violence against women was a major reason for Bill C-68 and the firearms registration scheme.

On April 13, 1995 the *Toronto Sun* reported on Minister Rock's meeting with the Ontario Women's Liberal Commission. The article headlined, "Women at risk: Rock," and quoted Minister Rock as saying:

There are women who are at risk in their homes and police didn't have the information or the tools to protect them.

That is why they needed the tools to register all firearms.

Sheila Finestone, the then Secretary of State for the Status of Women, also echoed this. On December 6, 1994, in her news release titled, "Government committed to better protection for women and children." Mrs. Finestone said, "Firearms control is a life and death issue for women in Canada."

The debate on Bill C-68 was falsely and wrongly framed as a gender issue. The debate was permeated with emotionally-laden appeals to our natural abhorrence of violence and to our natural repugnance of violence in intimate and family relations. These draconian measures were advanced amidst a swirl of hollow and false assumptions couched in the notion that women must be protected from men and from the patriarchy. At the time, honourable senators will remember, I described it as "patriarchal nonsense."

The rights and liberties of Canadians have been violated in the name of misguided policy, policy that is mere social engineering built on a foundation of scientific fiction. Social engineering and gender feminist ideology had been the base of this public policy. It is therefore, honourable senators, no surprise that these policies and laws are failing and collapsing under their own weight of fiction.

Honourable senators, on October 22, 2002 Senator Jaffer told us that, "A vast majority of domestic homicides are committed with rifles and shotguns." Does she mean more than half of what, of 5, 10, 100 or 10,000 persons? She also said, "This is why any practical approach to domestic violence must include proactive action regarding shotguns and rifles."

Such language is statistically and scientifically vague and elastic, but is emotionally provocative. Such vagueness obfuscates and confounds the issue, issues that are difficult and complex. Further, it is a difficult task to discover the actual numbers of domestic homicides by firearms from gender feminist advocates or from ministers of the Crown.

I have queried feminist advocates and cabinet ministers and even Senator Jaffer, trying to find out the actual quantum of women about whom they make these claims; in short, to discover the actual number of women.

Honourable senators, I shall now record the actual numbers of homicides obtained from Statistics Canada's Canadian Centre for Justice Statistics for the year 1994, which data was the most current data when Bill C-68 was then before the Senate. In 1994, the total number of women killed by spouses or intimate partners was 77; that is, killed by all methods of killing. Of that 77, the actual number of women killed by shooting, by firearms, by spouses or intimate partners was 23. Twenty-three, honourable senators, is this magical number.

Honourable senators, I want you to know that I spent many hours, days and weeks sieving through Statistics Canada data to obtain that number. It was a number that if you looked through the entire debate on Bill C-68, you would never find it except in my speeches.

Statistics Canada defined "spousal and other intimates" as "spouse, legal and common-law, separated, divorced, boyfriends, extramarital lovers and estranged lovers."

Honourable senators, a total of 77 women were killed by spousal and intimates in 1994. The grand total of all homicides by all causes was 596. Of that 596, 196 were killed by firearms; that is, by shooting. Therefore, simple Grade 1 arithmetic tells us that 400 homicides were committed not by shooting, a figure double that by firearms.

Honourable senators, I shall provide a breakdown of the causes of homicides for that 400. Of this figure of 400, 154 were killed by stabbing, 106 by beating, 83 by strangulation, 51 by other means, and 6 from unknown causes. Of these 196 homicides by shooting, I wish to further say that 157 were males and 39 were females. Of the 39 females killed by shooting, as I said before, 23 were killed by either a spouse or other intimate using a firearm. Therefore, when Senator Jaffer said, in her context of violence against women, because this debate seems to always go forward in the

context of violence against women, "A vast majority of domestic homicides are committed with rifles and shotguns," the imagery conjured up is of hundreds, if not thousands of women. In fact, in 1994, of the total 77 women killed by spousal and other intimates, 23 were killed by firearms by their spousal and other intimates.

• (1540)

Honourable senators, I invite the Minister of Justice to address this question of domestic homicides of women by using science, and without using social engineering and without using gender ideology. In 1995, Minister Rock expected us to believe that Bill C-68 came about as a result of the terrible murders of women. The fact is that 157 men were murdered by the same terrible means. Let us understand that what we are talking about here is a terrible thing. In fact, the evidence shows that men are shot in far greater numbers than are women and are killed in greater numbers by other means as well. The evidence also shows that most homicides do not involve firearms but are by other means, as explained earlier, stabbings, human hands, beatings and so on. I invite the current Minister of Justice, Mr. Cauchon, in our committee hearings on Bill C-10, to place the foundation of this policy before the Senate, because it is clear that the protection of women from their mates is not now and never has been the reason for Bill C-68 or is not now the reason for the amendments contained in Bill C-10. The evidence presented by the government does not support this; in fact, the evidence points in the opposite direction.

Honourable senators, about domestic violence, I shall say here that the American scholars of domestic violence, being Drs. Murray Straus, Richard Gelles, Susan Steinmetz and Jan Stets, all tell us that the domestic assault rates of men and women are equal and that mutuality, symmetry and reciprocity are the norm — men and women hit each other at equal rates. The research by these scholars has found that men and women initiate and perpetrate violence at the same rates. Their data and conclusions have been replicated and confirmed in Canada by the Canadian scholars of domestic violence, particularly the research of Drs. Merlin Brinkerhoff, Kim Bartholomew, Donald Dutton, Eugen Lupri and Reena Sommers.

Honourable senators, in 1971, my dear friend and associate Erin Pizzey opened the very first shelter in the world for battered women. She did this in Chiswick, near London, England. In 1974, she authored the famous book *Scream Quietly or the Neighbours Will Hear*. In the July 5, 1998, United Kingdom's *Observer* newspaper, in an article entitled "Men are strong, men are bullies and men are violent. Men don't cry when their wives beat them up — this is the unreported face of domestic violence," Erin Pizzey wrote about the women at her refuge. She said:

...of the first 100 coming into the refuge, 62 were as violent as the partners they had left.

Honourable senators know that Erin Pizzey and I were two of the world's front-runners in the field of domestic violence.

Honourable senators, may I have leave to complete my remarks?

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

Hon. Senators: Agreed.

Senator Cools: Honourable senators, it is time —

The Hon. the Speaker: Senator Cools, Senator Robichaud has stood.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am in favour of granting whatever time the Honourable Senator Cools needs to conclude her remarks.

[English]

Hon. Herbert O. Sparrow: Is His Honour including questions that may be asked?

The Hon. the Speaker: No. The effect of Senator Robichaud's condition, in effect, of granting leave — his was the only voice that I heard — was that the time is extended for Senator Cools to complete her remarks. My interpretation of that would be that it would not include questions.

Senator Taylor: Could His Honour repeat that?

The Hon. the Speaker: There are some other senators who wish to —

Senator Cools: I should like to know the basis of the rules in this place for any senator's comments to be interrupted in this way by a debate. I should like to know the basis in these rules, if it could perhaps be explained to me.

The Hon. the Speaker: The situation we find ourselves in, Senator Cools, is that at the expiry of your time I asked honourable senators — to be more precise, you asked honourable senators — if leave would be granted for you to continue. Senator Robichaud —

Senator Cools: That was granted, Your Honour. It seems to me that the rules provide for a —

The Hon. the Speaker: Senator Cools, I would ask you to let me complete my comments, which are in response to your question to me.

Senator Cools: This is a joke.

The Hon. the Speaker: Senator Robichaud rose. The practice here is if there is a dissenting voice to the request for leave, leave is not granted and as such there would be no permission to continue. I believe Senator Robichaud clearly stated that he was in agreement to give leave for you to finish your remarks. I could be wrong; therefore, I hope Senator Robichaud will rise, when I take my seat, to correct me if I am wrong.

Senator Sparrow then rose to ask whether the interpretation I have just given was correct, and, in effect, I said yes to Senator Sparrow. Senator Prud'homme has risen, and I would give him an opportunity to be heard because really what we are looking at, Senator Cools, is a question of whether you are to be given leave to continue and, if so, whether there are conditions attached, and I gather that there are.

Senator Prud'homme, did you wish to speak? I will then give the floor to Senator Cools on this matter.

Hon. Marcel Prud'homme: Honourable senators, I shall be brief. I would have hoped that Senator Robichaud, knowing how strongly some senators feel about this, would also include questions. I will not have any questions; I will speak in due time. However, this place is a house of debate, and this is a very important piece of legislation, as are many others. Some senators have stronger views than others and, as such, will take a little longer. I think senators have understood that by agreeing to grant leave. However, questions are also very important in order to complete a good debate, and I am sure Senator Robichaud will agree that questions will be included.

The Hon. the Speaker: Senator Cools is certainly right that this is not a matter for debate. In any event, Senator Robichaud has been invited to reconsider his position.

[Translation]

Senator Robichaud: Honourable senators, having to rise from time to time to give consent is not something I am fond of doing. In order to ensure that as many senators as possible can speak, we have accepted this practice, however.

When an honourable senator has nearly finished speaking, we agree to give him or her a little longer so that he or she can finish. I have had a lot of comments on this. We have a duty to be consistent, if we want to continue this practice and if we do not want the debates to go on and on. For consistency, I must stick with the consent, with reservations, I have just given.

[English]

The Hon. the Speaker: It is not a debatable matter, Senator Sparrow. However, because you are a very senior senator, I will hear you.

Senator Sparrow: Perhaps Senator Cools might permit me —

Senator Cools: I am going —

The Hon. the Speaker: Senator Cools, you have leave to proceed to finish your remarks.

Senator Cools: I think what is going on here is extremely improper and unparliamentary. The fact of the matter is that the rules are very clear, which is that if a senator wishes to have an extension of time he or she puts a question to the rest of the Senate, to all the senators, not to the Speaker and not to the Deputy Leader of the Government.

• (1550)

The question is one to be resolved between the individual senator and the rest of the senators. I put my question as clearly as I could to honourable senators. I distinctly heard them give consent. As far as I am concerned, that was the end of the matter. At that point I should have been permitted to complete my remarks in peace without the record showing a collection of this senator and that senator jumping up and down and putting in a few words during a speech that I took some considerable time to prepare.

Honourable senators, the fact is that we are here to debate. If some honourable senators do not want to endure a bit of debate, that is okay, they can leave. If they do not want to listen to other senators, they can leave.

Some Hon. Senators: Hear, hear!

Senator Cools: The chamber is for those who wish to debate issues. This is a fundamental issue that has been put before us. There are radical and revolutionary proposals in this bill. Senator Watt was absolutely right when he spoke about it. This is a bill that is deserving, demanding and compelling of our attention. As far as I am concerned, the time that we are giving it is insufficient. Honourable senators, I was talking about domestic violence. When you read your interjections on the record, you will see how poorly it looks.

Honourable senators, I was talking about Bill C-10 and the foundations of Bill C-10 and Bill C-68. I was speaking on the issues of the phenomenon of social engineering and the manipulation and use of the terrible tragedy that is domestic violence as a means of advancing what I would consider to be certain social engineering.

Honourable senators, it is time for this government to admit that aggression, violence and homicide are human problems and not gender problems. It is time for the Minister of Justice to admit that this failed gun registration policy is not about public safety but, rather, about a government seeking inordinate control and surveillance over its citizens, and about a government seeking to establish itself as the sole custodian of firearms and the sole custodian of the instruments of force, even unto that government destroying civil liberties, destroying the rural ways of life and destroying Canadians' natural interaction with nature and outdoors as the hunters and the anglers have experienced for centuries.

Honourable senators, I move now to those clauses of Bill C-10 that will address cruelty to animals and will amend the Criminal Code. I operate on the assumption that cruelty to animals and the violation of animals is something that concerns us all very deeply. I think that all honourable senators would be concerned with humane responses.

Of particular interest are the issues that Senator Joyal raised before, namely, the new provisions of the Criminal Code that Bill C-10 will create and, in particular, the new kind and quality of offences. Currently, the Criminal Code treats of offences

against the person and of treats offences against property. Currently, the sections on property include provisions about cruelty to animals. I believe those provisions are dealt with around section 446 of the code.

Bill C-10 will create a new category of offended, that being animals, and it will also create the consequent offences against animals. Bill C-10 proposes sentences for these new offences against animals that will match sentences for crimes such as infanticide, with its maximum penalty of five years. This bill provides that there would be a maximum penalty of five years for particular crimes against animals, while the same Criminal Code provides no protection whatsoever for crimes against pre-born human children. This approximation will, of necessity, demand an examination of the relationship between these new animal provisions and the absence of provisions in the Criminal Code for the protection of pre-born children.

Honourable senators, it is time to examine these important questions and to study the role of the Criminal Code in protecting animals, in protecting pre-born humans and in protecting the newly born.

The Hon. the Speaker: Honourable Senator Tkachuk, I believe that the record is clear. Senator Robichaud rose when leave was asked to extend Senator Cools' time, and he made it clear at that time and in a subsequent intervention that leave was granted on condition that it was leave only for Senator Cools to complete her remarks. If Senator Cools wishes to ask for further leave, I suppose that would be in order.

Senator Cools: I understand that senators would like to ask me questions. I would be happy to receive those questions, and I would be happy to answer.

The Hon. the Speaker: Is leave granted for questions to Senator Cools?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Hon. David Tkachuk: When the honourable senator raised the issue of the incidence of the commission of murder in 1994, I believe she said that 23 women were murdered by firearms.

Senator Cools: By spouses and other intimates.

Senator Tkachuk: Of that 23, does the honourable senator have the numbers as to the murders that were committed by revolvers or hands guns versus long guns? We already have one of the most stringent firearm protection practises for handguns in the world.

Senator Cools: Yes, we do, and I am sure that most of us are very well aware that this country already has probably one of the most stringent gun control regimens. I am aware of the number the honourable gentleman is asking about, since I did some research into that in the past. However, I do not have it here with me, although I do have just about everything else.

Senator Tkachuk: If that information could be forwarded to my office, I would appreciate it.

[Senator Cools]

Senator Cools: I would be happy to do that. Honourable senators should clearly understand that I was dealing with 1994 statistics because that was the last complete year of data that was available at the time Bill C-68 was introduced in the Senate. The data at the time was current. If you will recall, I said in my remarks just a few moments ago that the number of women killed by firearms by intimates was 23. Another bit of data that showed up in that same year was that the number of babies killed under age 12 months was 27.

I have heard numbers like, “60 per cent of,” and phrases such as “a great majority of.” Is it 60 per cent of 3 or 60 per cent of 10,000? However, when I studied mathematics and when I studied these kinds of phenomena, I was always taught that proportion is only worth something if you are given the absolute number. Therefore, when you hear 60 per cent of this, it could be 60 per cent of two, or six, or three. It would be helpful if the government, in particular the Minister of Justice, would try to clarify this record once and for all. There is no subject matter on which there is more confusion and opprobrium in this country than on this question of domestic violence.

The Government of Canada, right now in the person of Minister Cauchon, has a duty to clean the slate and to put the proper facts before us. I have never been able to understand how Minister Rock was so successfully able to convince so many members of Parliament and senators in this chamber that the question of firearms was a gender question when the data shows that the clear majority of people afflicted or dying by firearms are men.

I did not address the number of firearm deaths by suicide. Those are murders, too. We are now living in a community that seems to have had its history vanish and has separated itself or ruptured itself from its own legal tradition. The fact of the matter is that that is what suicide is. I can see Senator Kinsella looking at it. It was called self-murder and until quite recently it was illegal.

• (1600)

Volumes have been written on the phenomenon that suicide is self-murder, and every one of us has a collective public interest in each other's lives. I did not touch on that at all.

Honourable senators, it would be helpful if the minister could attempt to bring some clarity to this dark area because it is such a painful area. Make no mistake. I worked in the field of domestic violence for many years, and it is a difficult and unpleasant area. Most of us are shocked and horrified by it. When a piece of legislation is advanced in that context, it makes it difficult for opponents to cut through the confusion. The confusion has been vast, as has the obfuscation. I am hoping that this committee, under the chairmanship of Senator Furey, will use that very able scalpel mind of a chairman to cut through much of the rubbish.

Senator Sparrow: The honourable senator made reference to the Standing Senate Committee on National Finance and perhaps some other committees working on this matter. She mentioned that there would be some cost recovery so that the program would not cost the taxpayer any money.

Senator Stratton: Eighty million dollars.

Senator Sparrow: My concern is that cost recovery is still a tax on the people. They have to pay for that expense. The government can suggest that the program will not cost the people anything because it is based on cost recovery. I have heard that comment on other occasions, but it is a false premise. Cost recovery is a tax on the people. Was that issue considered in your committee?

Senator Cools: Honourable senators, I tend to agree with Senator Sparrow on that point. That is a fact. In 1995, the issue of partial or some sort of cost recovery was raised again and again. In point of fact, I do not think the Standing Senate Committee on National Finance has looked at that particular issue directly. However, I would be happy to ensure that we look at it during the next round of studying the Main Estimates.

The real point to be made is that the government, in the form of the Minister of Justice, Mr. Rock, came before various committees, our national and Senate caucuses, and said, essentially, that those who do not like it can hold their noses and vote. It will be a program, it will be done quickly and it will only cost this amount.

The fact of the matter is that the program is not costing that amount. The evidence is that the cost is now up to \$1 billion and climbing, and not a single person in government is taking responsibility for this fact. There will be a time in this country when we will have to begin to admit that there must be responsible government or to go the other way and unmask the lie that there is no responsible government in this country. One would think that any minister of the Crown, when presented with a Senate committee report like that, would be on his feet, running to Parliament to provide explanation. Not so.

Honourable senators, this situation is unique. Governments shrug, as do ministers, and move on as if we do not exist. One can raise these issues again and again, committees can articulate them again and again, reports can state them again and again, and governments simply ignore us, which is getting tiresome. We then wonder why governments are collapsing in public opinion polls. We wonder why.

Senator Sparrow: I thank the honourable senator for that response.

As far as guns are concerned, perhaps the question of ballistic evidence was discussed in the Finance Committee or some other committee to which the honourable senator referred. There must be some ballistic record in order to trace guns and to have effective gun control. I do not believe that in the Canadian system we have ballistic reports on every firearm, be they handguns or long-barrel guns. I am waiting for the next shoe to fall where all guns would have to be tested with respect to ballistics and a record put in place. If such a system is in the works — and I ask if the committee has considered this possibility — the cost, in turn, will be unbearable for the Canadian people. They have to be forewarned.

Senator Cools: I thank the honourable senator for his question. He should consider me forewarned. This legislation and these intrusions into people's homes and property, particularly those gun owners who have owned generations of guns inherited from old homesteads, grandfathers, et cetera, has infringed on private ownership rights. As far as I am concerned, we are forewarned.

I should like to suggest that the Senate undertake a special study on the impact of this firearms regimen. I can tell honourable senators that this kind of social control being exerted and exercised over people is diabolical. Somewhere in this country there are hosts of records containing lists of people's personal property and addresses, which I think is ungodly.

I did not go into it much because the issue that grated on me several years ago was of the poor usage of the notion of domestic violence. I know something about the pathologies of couples. It is the other aspects of the particular Firearms Act that have not been given much attention, such as how guns have been confiscated and other extraordinary powers put into this act with the creation of firearms inspectors, and so forth.

As Senator Prud'homme said earlier, if we know anything about Canada, we know that it is largely rural. The existence of Canada is based on a grand interaction with nature and the wilderness. When a group of people from Toronto conceptualized a plan such as this firearms control and then proposed to impose it on largely rural areas, especially areas where my Aboriginal friends such as Senators Watt and Adams come from, it was the bounden duty of the Senate to constrain and stop that action. Something is fundamentally wrong when a government consistent acts against the public interest of the citizens of the land.

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

Senator Sparrow: Honourable senators, I do not know if this is a point of order. It may be the wrong time.

As I tried to rise earlier to request leave to ask a question, leave was granted to the honourable senator to extend the time of her speech. The Deputy Leader of the Government said that he would grant leave to extend the time, but there was no provision for me as I stood to request leave to ask questions. It seems to me that it would be in order for me to stand when she is finished and request leave to ask a question. Would that not be correct?

The Hon. the Speaker: It is a point of order, and I will respond as best I can.

Senator Robichaud: It is not a point of order.

The Hon. the Speaker: The matter of whether a question will be received is up to the senator who has the floor. Senator Cools had the floor. It was therefore necessary for her to ask for leave in that it is within her power to say no if she does not want to receive a question. That is why all questions go through the senator who has the floor, in this case Senator Cools.

Senator Sparrow: If I receive leave from my fellow senators, then I ask the question. The honourable senator does not have to answer the question. If I have leave to ask the question, it follows that she can answer the question. If she decides that she does not want to answer the question, that is her privilege. However, my privilege of requesting leave to ask a question cannot be taken away.

• (1610)

The Hon. the Speaker: Honourable senators, I do not want to get into too detailed an exchange. The comment I made earlier as to the person who is empowered in this situation is the person entitled to the floor. In this case, that was Senator Cools. To open it up to all other senators to ask for leave only to find Senator Cools was not prepared to accept a question should be avoided. In order to avoid that, then it would be better for the presiding officer, in this case me in the chair, to go through Senator Cools. That is my reasoning for doing what I did.

Senator Cools: I should like to make it clear that senators need never worry or fear, because whenever senators want to ask me a question, I am invariably prepared to answer the questions, because I am a great believer in exchange, dialogue and debate in this chamber.

The question I should like to have answered is the same question that I raised earlier — that of granting leave. In point of fact, no intervention is needed from the Speaker. The rules are clear. It says that the senator wishing to make the request must place the request to the chamber, to the senators, and the senators must respond. There is no need for an intervention even from the Speaker.

What I should like to have clarified is the following: If a senator asks for leave to continue, following which an honourable senator rises and puts his suggestion — which is what transpired moments ago when Senator Robichaud rose — what happens, then, if 10 senators rise?

Let us imagine that the scenario looked like this. Let us imagine that Senator Robichaud said, "I propose that the honourable senator have 15 minutes," following which another senator rose and said, "She should have 5," or another senator rose and said, "She should have 10," whatever. How is that operationalized? How is that mediated? In other words, if Senator Robichaud has said, "She can have 20 minutes extra to speak," for example, would it be sequential? I think this is a question His Honour cannot answer.

The Hon. the Speaker: Senator Cools, I shall try to shorten the matter. The rules provide that when leave is requested, it must be granted without a dissenting voice; in other words, it must be unanimous. We are, in effect, changing the rules. If there is a senator wishing to put a condition on leave, then it seems clear that the minimal condition would be the one that is applicable. That would be the best answer I could give.

Senator Cools: Your Honour, I think it is safe to say that if a senator makes a request of the other senators, every senator has the ability to say "yea" or to say "nay."

What I do not understand is the process by which one senator or two can rise and place conditions that have not been debated or considered by the rest of the chamber. That is what I do not understand, the authority by which any individual rises midstream of an agreement that has already been made, midstream of a consent that has already been granted, to then, perhaps, make his or her own suggestion. There are clear rules in this place about how senators make suggestions, and they are usually made on motions with movers and seconders.

The Hon. the Speaker: On this point of order, I do not think I need to add more to what I have already said. I think it is clear.

Senator Robichaud: I think His Honour indicated clearly that without any dissenting voice, consent is given. I am being encouraged right now that, in future instances, I will be the dissenting voice and say “no” and deny consent, and everything will end right there.

Senator Sparrow: I think it then follows that all senators will deny leave on any of the issues. Certainly, the Deputy Leader of the Government asks more often for leave than anyone else. If we are not going to allow leave in these circumstances, then we should not allow it anywhere.

If honourable senators will check rule 4(k)(iii) regarding “Leave,” they will see that nothing stands in the way. No other rule in the Senate rule book takes away the right of leave of the Senate to grant anything. They can grant anything at any time. We do not have to go through the Speaker, we do not have to go through the Deputy Leader of the Government, the Leader of the Government or the Leader of the Opposition. We are masters of our own house. We have to return to that issue and always remember that senators are the masters of their own house.

Senator Cools: I am with you.

The Hon. the Speaker: On the point of order, Senator Prud’homme.

Senator Prud’homme: Welcome back. Not much has changed. Welcome back to reality. However, that is not the point.

I am a bit surprised; I will not say “shocked.” It is my hope that good heads will prevail here. Senator Robichaud said something that, I am sure, on second thought, he would not like to leave as his final comment on this matter. He said that from now on he will get up and say “no.”

Senator Robichaud: That is not what I said.

Senator Prud’homme: If the honourable senator were to carry through with that thinking, I would not wish to sit in a Senate that is deprived of granting extra time to some senators. It is very difficult, honourable senators, to say, “I give 5 minutes to this one but 15 to the other.”

I remember a recent debate that was of great interest to me — I will not mention which one. We had given consent. The senator, who spoke very eloquently from the government side and with whom I agree, spoke for another 45 minutes. No limit was put on him. Was it because he is a member of the Privy Council? Was it because he is close to the authorities? It is a dangerous precedent that could affect all honourable senators here.

When Senator Robichaud made his last comment, I saw some senators applaud rather vigorously. That makes me very unhappy knowing that they are very happy to be told that from now on Senator Robichaud will say “no,” and that will be it. That is not why we came to the Senate.

As honourable senators know, debates arise in this chamber. We do not abuse the rules. We do not sit that long. We are well paid. If there are honourable senators who are unhappy, they have the option to say: “I cannot sit in that Senate. They are stupid. They are imbeciles. They talk too much.” However, the rules are the rules.

I think some senators who have great interests speak for a lot of others who may not like to get up, honourable senators.

I should like to ask my friend — and when I say “friend,” I do not use and abuse that word; I have good communication with Senator Robichaud — to clarify his comment. He will probably get up and say that I misunderstood. Thank God, if I did.

Impatient senators may say, “Well, if Senator Robichaud does not do it, I will do it.” I will be watching those who will say no. They had better be participating in committees and in the works of the Senate from now on.

[Translation]

Senator Robichaud: Honourable senators, I would like to explain myself. I did not say I was going to refuse consent to extend the debate, but that I might be encouraged to do so. I do not want this to be construed as a threat to anyone in any way. I do not want in any way to limit debate but, rather, to follow a practice implemented after consultation and meetings with the leadership to ensure smooth progress of the debates so that all senators may have an opportunity to take part.

Honourable senators, I am not keeping a stop watch on the senators as they speak. I am simply agreeing to allow the senator who had the floor a reasonable time to finish his remarks. That is all there is to it.

• (1620)

[English]

Hon. Nicholas W. Taylor: Honourable senators, I would give my interpretation of rule 34 of the *Rules of the Senate of Canada*. We seem to be confusing rule 34(1) and rule 34(2). Rule 34(1) allows someone on the floor to rise and ask whether the senator will yield the floor. If the senator agrees to yield the floor, the other senator may finish the allotted time. Rule 34(2) allows for questions. It is clear that the question has to be asked within the time allotted for the senator who is speaking.

I know that the Honourable Senators Sparrow and Cools may not agree, but it is incumbent upon the person making the speech to allow time for questioners to ask their questions. I do not think that whoever is making the speech can run on and on and expect to have time allotted for questions afterwards.

If a senator is allowed 5 or 10 minutes extra to complete his or her speech, then it is incumbent on that person to recognize that bobbing heads usually mean that senators are ready to ask questions. I realize that some of my honourable colleagues do not get up often, but one can usually tell when they are ready to rise and request an opportunity to ask a question.

Rule 34 states clearly that the questioner must ask questions within the time allotted to the speaker. Therefore, the speaker has the responsibility to shorten the speech in order that questions may be asked.

The Hon. the Speaker: Honourable senators, we have had a useful exchange on this sometimes difficult matter of when leave should be granted.

Senator Kinsella: Can we appeal now?

The Hon. the Speaker: I will not take it under consideration because the rules are clear. I would now ask honourable senators if they are ready for the question.

On motion of Senator Tkachuk, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-seventh Parliament.—(3rd day of resuming debate).

Hon. Joan Fraser: Honourable senators, it is a particular pleasure to be able to participate in this debate. The Speech from the Throne reflected Canadian values and concerns, and I could continue at some length about all its positive aspects, notably, if I may say, its stress on minority language rights. However, out of a sense of charity toward you all, I shall confine myself to just one element. It is one of the most important subjects that we shall address in our parliamentary careers: global warming.

[Translation]

The government is saying that it will present a resolution on the ratification of the Kyoto Protocol by the end of this year. This is a very controversial issue in some regions of the country, including Alberta. I am very pleased to note the progress that seems to have been made yesterday at the federal-provincial meeting.

I understand the concerns of those who would like to know all the details of all the implications before signing the protocol. However, even if I understand these people, I cannot side with them.

[English]

Honourable senators, I have listened to the arguments against ratifying the Kyoto Protocol and to the arguments in favour of at least waiting longer, and I simply have not found them persuasive. I do find persuasive the argument that the probable costs of not ratifying or of delaying action yet again are far higher than the costs of ratification could be.

Let me list some of the arguments that have made against acting. Some critics still say that the science of global warming remains unclear. Perhaps, in fact, global warming is not a

problem at all, or at least not a problem created by humans. Others, more numerous, say that the ratification of Kyoto would cost too much, wreaking havoc on Canada's economy, particularly on the economies of Alberta and Ontario. They say that we should not ratify until we have a detailed implementation plan in place. They say it is unfair to hold Canada to Kyoto's requirements when this country accounts for only 2 per cent of global emissions of greenhouse gases when our largest partner, the United States, has refused to accept Kyoto and when many countries, including some of the largest countries, such as China and India, are not included in this accord, even though they are serious polluters.

We can set aside the case of the United States. That country is well advanced in implementing emissions controls that will get it to where Kyoto would take it.

How do the other criticisms stack up to examination? Not well, honourable senators.

Look at the science first. It may be true that there is still no absolute, diamond-hard proof that global warming will have the effects that we fear. The only way to get that kind of proof is to wait until it happens — wait while deserts spread even more, while ice and permafrost melt even more, while sea levels rise and inland water levels fall even more, while more tropical diseases spread north, while even worse droughts and forest fires devastate more and more of our territory, and while floods and ice storms grow more frequent and more serious.

We could wait. Then when we had finally seen that all this had occurred, I suspect that some diehards would still be muttering, "All of this was just part of nature's grand cycle and nothing to do with human activity." Some people still choose to believe that the earth is flat.

I, however, choose to believe the more than 1,000 of the world's top climate experts who constitute the Intergovernmental Panel on Climate Change. Rarely do you have so many experts studying anything as intensively as these people have studied climate change. These experts say that, due to humanity's production of greenhouse gases, we have a problem. We have a problem now.

Honourable senators, you merely need ask Senator Watt, for example, about the changes in the Arctic in recent years. Our problem will get much worse. The only real questions are how much and how fast. Some of the coming changes are, in fact, inevitable. However, we can, if we start to act now, slow the trend and lessen its ultimate impact.

[Translation]

Let us now look at the infamous issue of cost. How much will it cost us to implement Kyoto? There is no doubt that the cost will be significant. It could be as much as 2 per cent of the gross national product, which seems impressive. However, we must be careful here. We are not talking about a reduction of the GNP, but about a growth somewhat smaller than it might have been without Kyoto. In other words, our economy may have grown by only 28 per cent by the year 2010, as opposed to 30 per cent. This is not huge from a national perspective, or even a regional one. A decision by Alan Greenspan may have as much impact on our economy, without anyone crying foul.

[Senator Taylor]

Yes, a great collective effort is required to meet the challenge of Kyoto. Yes, it might be tough at times. By the year 2010, our greenhouse gas emissions will have to be down to the equivalent of 571 megatonnes of CO₂. This means a reduction of 112 megatonnes, or 16 per cent, compared to the 1997 level, the last year for which I have figures.

[English]

Of course, the required cuts look bigger if you calculate them on the basis of what we will be emitting in 2010 if we do not address climate control. I am referring to the famous figure of 240 megatons that is often quoted. However, we will act. In fact, the action plan that the federal government announced two years ago will have cut our yearly emissions by 65 megatonnes by the time we reach the Kyoto deadline, so we are already well down the road. The plan made public last week will take us further. It will not be impossible for us to make it the rest of the way and it will not bankrupt us, either.

• (1630)

In any case, honourable senators, think about the cost of not acting. There are estimates that Canadians are already paying more than \$1 billion a month for the effects of extreme weather events. That is about 1.5 or 2 per cent of our GDP. That is the figure now, not in 2010. As the insurance industry, among others, keeps pointing out, the trend and the cost have been rising rapidly and will go right on rising unless we decide to act. Seen in that light, Kyoto starts to look much less expensive.

Should we sign before we have every detail of our implementation plan nailed down? In my view, the answer must be yes. We do already know quite a lot about what we have to do, thanks to the enormous consultation process that has been going on for five years and more. It is an enormous process, contrary to some of the mythology that we hear. I am sure we shall know even more by year's end, given the intense political process that is now underway. It is true that we will not know every last little detail, or even perhaps some of the big details, such as how much credit the world will let us claim for various elements of environmental virtue. That is no reason to delay commitment when delay can have such a high price. As many people have pointed out, we did not have every detail pre-planned when we entered the Second World War. Jacques Cartier did not have a detailed chart when he sailed into the Gulf of St. Lawrence. We can never know exactly how great endeavours will be accomplished because the very greatness of the endeavour means that it will create both new challenges and new achievements or discoveries. All we can know is that if we do not start, we cannot accomplish anything.

Honourable senators, there is one last criticism of the Kyoto accord that I should like to address: the one about Canada having to make serious cuts in emissions even though it contributes so little of the world's greenhouse gases, while so many other countries are not touched at all by the Kyoto Protocol.

In fact, we do emit quite a lot of greenhouse gases. On a per capita basis, we are right up there at the high end of the list. Furthermore, the impact of global warming is already and will continue to be more severe in northern latitudes — here — than in the rest of the world. We have an even greater self-interest than the rest of the world in minimizing it.

Bear also in mind, honourable senators, that Kyoto is just a first step. The developing countries will be asked to start pitching

in at the next stage, starting in 2013, and it will be crucial that they do so. How can we ask them to make sacrifices for the sake of the world's climate if we, who have so much more wealth, so much more technological skill and so many resources of all kinds, have been unwilling to take actions that will be far less painful for us than they will be for the poor countries of the planet? Again, it is in our own very direct self-interest to show that we are prepared to practice what we preach.

[Translation]

It goes without saying that the protocol is not perfect. However, a majority of the world's countries supported it and we cannot reject it on the grounds that we would have liked it to be even better. It is much too late for that.

[English]

Honourable senators, if not us, who? If not now, when? Our children and grandchildren — people already alive today, as well as future generations — will not accept the excuse that it was too hard or too inconvenient to act now. They would face far greater hardship, far greater inconvenience, as a result of our inaction.

On motion of Senator Stratton, debate adjourned.

LOUIS RIEL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Thelma J. Chalifoux moved the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Chalifoux*).

She said: Honourable senators, I rise this day to speak to Bill S-9, a bill that honours Louis Riel as a Metis patriot and Canadian hero and to acknowledge the Metis people.

Let me first say that it is a great honour and privilege to speak today to this bill. I will do my best to tell honourable senators what this means to me. Mr. Guy Freedman, a Metis writer from Manitoba has assisted me greatly in this story of our Canadian hero.

It is ironic that 116 years ago, the Metis people and Riel's family gathered in St. Boniface, Manitoba, to honour this great man and lay him to rest at a funeral attended by hundreds of his family and his supporters. Most Metis, in fact, most Canadians know a great deal about Louis Riel. More is written about him than Sir John A. Macdonald, but what is written is largely controversial and pretty much everyone has his or her own opinion. Was he insane? Was he a hero and a prophet? Just who was he? One thing is for sure: He was the leader of the Metis people at a time when all hell was breaking loose out West. History shows that he was truly a remarkable man.

Louis Riel came into this world on October 22, 1844, at Red River Settlement on a particularly beautiful sunny morning, according to his mother. Forty-one short years later, Manitoba's Father of Confederation was hung from the neck until dead at the gallows in Regina.

Like other great people the world has known, such as Martin Luther King, who were taken from us too soon, we remember on the day of his death. It is of course a political statement, and if one thing can be said about us Metis, we are political to the teeth.

To help us put things in perspective, allow me to tell honourable senators about the funeral arrangements following the execution of our great Metis leader, Louis Riel. Many people openly protested his hanging, yet protest and appeals from government leaders to the people of the western plains had no effect on the government of the day. To the people of the western plains and all the descendants, Louis Riel represented a fair and just society, an inclusive society, a new nation that could take its rightful place in Canada's future.

Riel's body eventually was returned to his family by train. His funeral cortège was a mile long and hundreds of people packed the church, with as many waiting outside in December's cold in St. Boniface, Manitoba, his beloved home. In contrast to many funerals for leaders and fighters for the rights and fair treatment for the masses, Riel had a hood on his head and a noose around his neck. Father Alexis Andre, his priest who had double-crossed him, was by his side on the gallows. Father Andre was crying openly, and it was a very erect, very calm Riel who whispered to him "Courage father."

At Riel's very public hanging, the clergy began to recite the Lord's Prayer. Before the prayer was finished the trap door suddenly snapped open, the rope jerked, swayed back and forth violently, and then came to a dead stop.

It took almost a month before Riel's body was taken back to his beloved home by train. There was reason to believe it would be tampered with. Let me tell honourable senators the real story.

Riel's body was interred in a shallow grave beneath the floor of the church while the son of a local Regina French-Canadian businessman and Riel supporter kept armed vigil by it for many days. There was no open attempt made, but at night there were foot steps in the darkness and faces peering in the window. At last, when the feeling seemed to have died down, Governor Dewdney informed Mr. Bonneau that on a certain night a boxcar would be left on the Albert Street siding to convey the body to Winnipeg. Young Bonneau dug up Riel's frozen body and taking it in his arms, stumbled through the snowdrifts in Victoria Park, confined it in a box and loaded it on the boxcar. Bonneau accompanied it to Winnipeg where he delivered it to Riel's friends and family.

• (1640)

Young men like Bonneau are a part of what we are all about. Even though not Metis, he was no doubt a follower of Riel's vision of what Metis are still fighting for: self-government and a land base. We still have friends like Bonneau.

Riel accomplished in death what he could never do in his life: unite the Metis people. I believe his gruesome hanging and the

subsequent mistreatment of Metis people across the homeland made all the Metis people understand what he was fighting for and what all Metis people were up against.

This bill has a very special meaning for those of us who have been involved with the everyday struggle of our nation, our people, for dignity and justice.

When the government of the day executed Louis Riel, they effectively executed a whole nation of people. We were denied the right to speak our language. We were not allowed to hold public meetings. We had no voice. Our organized government structures were destroyed.

Government orders could not take away the dreams and visions that Louis Riel had instilled in the people of the West and the people in Quebec who were struggling to retain their own cultural identity so similar to ours and yet be a part of the new Canada. Riel was our hopes and dreams of what Canada could be from coast to coast to coast.

Under the leadership of Louis Riel, and before Canada acquired jurisdiction over Rupert's Land and the territory known as Red River, he established a provisional government based on the principles of tolerance and equality of representation between the Metis majority, the French, the English and the First Nations.

This government elected Louis Riel as its president and drafted a unanimously adopted list of rights for the governance of this territory. This list of rights was accepted by the Government of Canada as the basis for the entry of the territory into Canadian Confederation and for the passage of the Manitoba Act.

Manitoba became the fifth province to join Confederation and the first province of Western Canada. The name Manitoba was submitted by Louis Riel and chosen by the Canadian Parliament. Thereby, he is recognized as the founder of Manitoba.

Louis Riel was elected three times to the House of Commons: on October 13, 1878, January 13, 1874 and September 3, 1874. As a result of political pressure, he was never allowed to take his seat.

I see all of these events as the beginning of Western alienation which carries on to this day. The people of the territories had become increasingly concerned about the lack of respect and their rights as Canadian citizens. Does all this sound familiar even in this day and age? The people looked to Riel's leadership to assist them in defending their homes, their families and their lands.

In March of 1992, the House of Commons and the Senate of Canada unanimously adopted resolutions recognizing the various and significant contributions of Louis Riel to Canada and to the Metis people, and in particular recognizing his unique and historic role as a founder of Manitoba. In May of 1992 the Legislative Assembly of Manitoba unanimously passed a resolution recognizing the unique and historic role of Louis Riel as a founder of Manitoba and his contribution to the development of the Canadian Confederation.

[Senator Chalifoux]

Why should the arrowhead sash be a recognized symbol? Our Metis priest, Father Guy Lavallée, gave an opening prayer at the First Peoples Constitution Conference in Ottawa on March 14, 1992. I had the privilege of being there. His words are so profound as to why the sash should be our symbol that I would like to repeat his words as he prayed for us at that time. He said:

I would therefore like to end my prayer, God, on a theme that I started out with at the beginning, namely, a Métis symbol. Let's take a minute and look at the sash. There are other Métis symbols such as our flag, the fiddle and the famous Red River jig.

But Métis people, God, have been wearing the sash proudly for many years. When I look at it, I notice that it is composed of many interconnected threads. Many strands, many patterns, many colours contribute to the overall design of this sash. Our Métis culture, God, is like the sash. The lives of the Métis have been woven together from a variety of cultures, languages, traditions and beliefs. For example, God, we are the descendents of the English, of the French, of the Indians — Cree and Ojibway — and Scots to name a few. We speak a variety of languages: English, Canadian French, Michif French, Michif Cree, and Mashkégon.

Look at the sash. It is a composite. It is a mixture. It is Métis. It is made up of a variety of elements, like the lives of the Métis. Look at its patterns, its fabrics, its colours. Nonetheless, these disparate elements form an integrated whole. Similarly, the different ethnic backgrounds and different languages of the Métis all blend into one another to form a rich tapestry like the lives and culture of the Métis.

God, this multicultural nature of our identity is what makes us unique, is what makes us Métis. In many ways, God, I think we represent what Canada should be as a unified country.

God, we, your Métis people, recognize our uniqueness before you here today.

At this moment, God, we do not have any fancy ritual to perform for you, nor did we bring any special present to offer you. However, what we do have to offer you, God, is ourselves, our lives, the Métis Nation of Canada with its history, its pains, its joys and its dreams.

And it is in the same spirit of our forefathers at Red River in 1870 and in Batoche in 1885 that we commit and dedicate ourselves to build a truly unified Canada from sea to sea to sea, no less than what Louis Riel and Gabriel Dumont would have wanted if they were alive with us today.

The fight for justice continues today. On September 27, 2002, the Metis National Council unanimously adopted the following definition for us as a nation, similar to the very one that Riel had developed under the provisional government. It states:

Métis" means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation.

Historic Métis Nation" means the Aboriginal people then known as Métis or Half-breeds who resided in the historic Métis Nation homeland.

Historic Métis Nation Homeland" means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-breeds as they were known then.

Métis Nation" means the Aboriginal people descended from the historic Métis Nation which is now comprised of all Métis Nation citizens and is one of the "Aboriginal Peoples of Canada" within the meaning of section 35 of the Constitution Act, 1982.

Distinct from other Aboriginal peoples" means distinct for cultural and nationhood purposes."

This definition is similar to the one that Riel himself had declared.

In the past two weeks, the CBC aired the retrial of Louis Riel. The final result of this trial was most profound. Almost nine out of ten Canadians declared Riel innocent of the charges against him. Therefore, I now urge all my colleagues to support this bill, as Canada truly does have wonderful, dedicated heroes, and Louis Riel is one of them.

On motion of Senator Stratton, debate adjourned.

• (1650)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. J. Michael Forrestall moved the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator Forrestall*).

He said: Honourable senators, today it is my pleasure and privilege to stand and speak to Bill S-7. This is not a partisan issue; it is not a money issue. Steps must be taken to preserve and protect Canadian heritage for future generations, whether it be heritage properties, railway stations, lighthouses or, perhaps someday soon, our Western Canadian icons, the grain elevators. These are monuments to the Canadian way of life. For all of those senators who are familiar with Nova Scotia, New Brunswick, Prince Edward Island, the St. Lawrence basin, Newfoundland and Labrador, for all those who are familiar with these places, who are familiar with the trails of these areas, they can immediately conjure up the beauty and the serenity and the peacefulness of a lighthouse standing sentinel. I am told that people have been so impressed with this beauty and serenity that it warranted a major article in a German magazine.

I ask you to imagine no more Peggy's Cove Lighthouse, no light at Grand Manan Island, no Gannet Rock Light. Forget about West Point Light in Prince Edward Island or Cape Spear in Newfoundland. What would become of our world, the world we enjoy?

Honourable senators, each day we sit idle, coastal communities throughout Canada, whether on our beautiful East Coast or along the scenic St. Lawrence or the Great Lakes, the Great Lake of Winnipeg or the majestic shores of the Pacific, we face the loss of our historic lighthouses. Lighthouses have been the source of salvation for sailors in littoral waters for hundreds of years, and they have served as the centres of our coastal communities. Beautiful pictures of lighthouses from around the world adorn many a prominent wall. Why? Because they are symbols of man's conquests of the high seas and oceans. In the past, lighthouses captured the hearts and souls of people around the world, as they represented the first sight of land upon their arrival as newcomers or upon their return home by water. No question exists of their place in the human heart and their simplistic beauty set against rugged, dark coastlines and violent, sometimes, seas. One does not have to be from the shores of the Atlantic or Pacific to be attracted to lighthouses.

The Lighthouse Preservation Society, based in Nova Scotia with representatives from across Canada, has done much work to examine the plight of Canada's lighthouses and has attempted to save them from destruction. There are other groups on the West Coast that have also attempted to preserve this valuable part of Canadian Maritime history. Our colleague and a supporter of this bill, the Honourable Senator Patricia Carney, has worked tirelessly with "light keepers" on the West Coast to protect stations and the keepers themselves. I cannot tell you how many times I have followed her up a spiralling staircase, to sometimes dizzying heights, to help her in the furtherance of this valuable cause, a cause that I suggest without fear is one that would bring credit to the Senate.

The last time we had an accurate measurement, there were just over 500 lighthouses left in Canada. Only 19 of 500 have full heritage protection. Another 101 have partial protection and some degree of recognition as historic sites. The rest sit in no man's land, I suppose, at the present time.

What does this protection and heritage status mean in real terms? I call your attention back to Bill C-62, the Heritage Railway Stations Protection Act of 1988, upon which this bill was modelled. Why, if heritage sites are so special, was another proposed act required to protect our heritage railway stations found in most Canadian communities? The answer, sadly, is that even with heritage designation these historic railway stations, some dating to Confederation, could be sold, transferred, altered or destroyed with very little recourse to the public or their concerns. The Heritage Railway Stations Act set up a process of public consultation prior to any action being taken with regard to these valuable sites and imposed stiff penalties in the event precipitous action was taken that damaged a historic railway station. In our research, it was determined that Canada's 19 heritage lighthouses and 101 partially recognized sites are in the same vulnerable position as Canada's historic train stations were prior to the passage of Bill C-62.

This is the very purpose of Bill S-7. I draw your attention to clause 3, which states:

The purpose of this Act is to preserve and protect heritage lighthouses by

- (a) providing for the selection and designation as heritage lighthouses;
- (b) preventing the unauthorized alteration or disposition of heritage lighthouses; and
- (c) requiring that heritage lighthouses be reasonably maintained.

The bill defines "heritage lighthouse" as follows:

...a lighthouse designated as a heritage lighthouse under section 6, and includes any related site or structure that is included in the designation.

The bill defines "alter" as follows:

...to restore or renovate, but does not include to perform routine maintenance and repairs.

The "Board," in this case, means the Historic Sites and Monuments Board of Canada. The minister responsible for this proposed legislation will be the Minister of Canadian Heritage.

Clause 4 of the bill states:

This act applies to lighthouses within the legislative authority of the Parliament of Canada.

Clauses 6 through 10 of Bill S-7 enable the Governor in Council, on recommendation of the Minister of Canadian Heritage, to designate lighthouses and their related properties as heritage lighthouses and to set out a process for their designation as heritage structures.

Clauses 11 to 16 protect heritage lighthouses. I draw the attention of honourable senators to clause 11 in particular, which states:

No person shall remove, alter, destroy, sell, assign, transfer or otherwise dispose of a heritage lighthouse or any part of it, unless the authorization to do so has been given by the Minister under this Act.

Clauses 11 through 16 lay out a process for public consultations with regard to the disposition of heritage lighthouses.

• (1700)

Clause 17 simply requires that the owner of a heritage lighthouse maintain it in a condition in keeping with its heritage character. This is nothing more than most municipalities, indeed, if not all, require of homeowners. No one wants an eyesore next door; thus, heritage lighthouses must be maintained.

Clause 18 empowers the Governor in Council to make regulations. The clause simply amends the Department of Canadian Heritage Act, giving the minister jurisdiction over heritage lighthouses.

In the end, honourable senators, this bill will enhance the powers of the Minister of Canadian Heritage and will allow for public consultation and the designation, preservation and general upkeep of Canada's heritage lighthouses.

Honourable senators, I ask you for your support and remind you that this bill passed through the Senate in the last session of Parliament, went to the other place and was virtually through there when prorogation caught up to it. I hope such a fate will not befall the bill this time. I commend it to honourable senators.

On motion of Senator LaPierre, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—special study on the health care system) presented in the Senate on October 24, 2002.—(*Honourable Senator LeBreton*).

Hon. Marjory LeBreton moved the adoption of the report.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (salary increase for Senior Executive Group) presented in the Senate on October 24, 2002.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy," tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, I believe that the Chair of the Standing Senate Committee on Banking, Trade and Commerce is waiting anxiously and would appreciate it if I

stood the order. I will therefore defer to Senator Kolber by asking that the order stand.

Order stands.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

Hon. Yves Morin, pursuant to notice of October 10, 2002, moved:

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]

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move that the last paragraph be struck.

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

Senator Kinsella: Honourable senators, I moved this motion in amendment so that there is consistency with the decision taken regarding another committee last week. I know there is a question here, and that question needs to be examined carefully.

A number of committees have concerns around the communication of their reports. Rule 95 may come into play, as perhaps will other matters. However, for the expeditious movement of our work, I do not think it is necessary for the work of the Standing Senate Committee on Social Affairs, Science and Technology today to have that particular authority. Therefore, I see us, by making this amendment today, not interfering at all with the work of the committee.

The Hon. the Speaker: Is the house ready for the question on the motion in amendment?

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion in amendment agreed to.

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

Hon. Senators: Question!

The Hon. the Speaker: It is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion agreed to, as amended.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT

Hon. E. Leo Kolber, pursuant to notice of October 23, 2002, moved:

That in accordance with the provisions contained in section 216 of the *Bankruptcy and Insolvency Act* and in section 22 of the *Companies' Creditors Arrangement Act*, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*; and

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

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. E. Leo Kolber, pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

• (1710)

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. E. Leo Kolber, pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

Hon. Thelma J. Chalifoux, pursuant to notice of October 24, 2002, moved:

That the Standing Senate Committee on Aboriginal Peoples, pursuant to the input it has received from urban Aboriginal people and organizations, be authorized to examine and report upon issues affecting urban Aboriginal youth in Canada. In particular, the Committee shall be authorized to examine access, provision and delivery of services; policy and jurisdictional issues; employment and education; access to economic opportunities; youth participation and empowerment; and other related matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 27, 2003.

Motion agreed to.

SPEECH FROM THE THRONE

POINTS OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on Wednesday, October 2, Senator Murray rose on a point of order to comment about two issues relating to the opening of the second session of the Thirty-seventh Parliament and the Speech from the Throne that was read by Her Excellency, the Governor General in this chamber on September 30. The first had to do with the sound system and the fact that the volume of the translation was so high as to be disruptive, not only to the senators but also to the Governor General herself. While it was unclear what might have been the cause of this problem, the senator urged that steps be taken to prevent it from happening again. The second matter of the point of order related to the behaviour of several senators, and visitors in the galleries as well, who applauded portions of the Speech from the Throne, contrary to established practice.

As the senator mentioned, the Governor General, as the Queen's representative, must be kept from any political involvement. Accordingly, her speech is always to be heard in silence. The applause was inappropriate and ought not to be condoned. This intervention by Senator Murray led to a series of other observations about various aspects surrounding the opening of the session.

[Translation]

Senator Carstairs, the Leader of the Government, then spoke in support of the observations made by Senator Murray and added one of her own. One of the MPs who came to the bar of the Senate to hear the Speech from the Throne actually took a senator's seat and only gave it up after the Government Whip requested that he join his Commons colleagues behind the bar. To

avoid any similar occurrence in the future, Senator Carstairs suggested that notes be prepared advising everyone about the traditional decorum that is expected during the Speech from the Throne.

[English]

When Senator Kinsella, the Deputy Leader of the Opposition, rose to speak on the point of order, it was to agree with the remarks of both Senator Murray and Senator Carstairs. At the same time, he raised three other issues about the opening events that troubled him. The first was another problem touching on decorum. In the senator's view, it was improper for senators and others to rise when the justices of the Supreme Court entered the chamber to take their seats in front of the throne where the Table is normally located.

The second matter had to do with the sitting of the Senate at 11:30 a.m. when Senator Smith was formally introduced. Since the time for the Speech from the Throne had been set in the proclamation for 2:00 p.m., the senator wondered by what authority the Senate held the earlier meeting. Finally, Senator Kinsella cast doubt upon the Senate proceeding that followed the Governor General's departure after the Speech from the Throne, because the mace was not in its proper place on the Table.

[Translation]

Other senators also participated in the discussion on the point of order. Senator Austin spoke about the broadcast cameras using "cheap shots," as he described it, of senators to project a certain image of this place. For his part, Senator LaPierre wondered what all the fuss was about and defended the practice of applauding elements of the Speech from the Throne. Senator Prud'homme suggested that strict rules should be in place regarding cameras and what is to be portrayed. Senator Grafstein spoke to defend the importance of parliamentary tradition and to explain his actions with respect to the entrance of the justices of the Supreme Court. Senator Cools also agreed with Senator Murray's point of order and lamented the declining knowledge about parliamentary government in a constitutional monarchy. Then Senator Comeau used the opportunity of the point of order to raise a question about attendance. Finally, Senator LaPierre spoke again to suggest that the photographers should be removed from the chamber.

[English]

I wish to thank all honourable senators for their contribution to the discussion. It is clear that some elements of the opening did not go as well as they should have, and that some practices seem to be misunderstood. I will try to deal with each of the different matters in turn. First, however, it is useful to point out that the role of the Speaker during the Speech from the Throne is not the same as during the Senate sitting. With Parliament assembled in this chamber, with the Crown representative on the throne, the senators in their places and the Commons at the bar, I do not think that it can be said that the Speaker is presiding over the proceedings. Nonetheless, I do think that it is important that all of the concerns raised in the point of order be addressed even though they may not be legitimate points of order.

With respect to the problem that we had with the sound system, this point of order and the concerns of Senate officials prompted an investigation that determined that there were some difficulties associated with a sudden breakdown in the sound system just

prior to the opening, and that there had been insufficient time to perform a final sound check before the ceremonies began. As well, there were other sound-level problems with the equipment of the broadcaster. In any case, I have been assured that steps will be taken to avoid these problems in the future.

[Translation]

As to the matter of the applause made to certain parts of the Speech from the Throne, I am in agreement with the view that it is not proper and it should be avoided. This is for the reasons that were cited by several senators. The government prepares the Speech from the Throne that is a declaration of its agenda for the session. The merits or objections of this agenda should be expressed, not in the presence of the Governor General but during the time the Senate allocates for the Address-in-Reply. At the same time, I must acknowledge that should applause occur, or should any disapproval be expressed, I, as Speaker, am not in a position to stop it. To rise and then cut off any audible reaction to a passage of the Speech from the Throne when it happens would be to compound the offence. It would put the Governor General in an embarrassing position and would seriously detract from the dignity of the event.

[English]

This is also true with respect to what happened when the justices of the Supreme Court entered the Senate to take their seats. By practice, senators should not rise, but would it have been acceptable for me to intervene to stop it? I do not think so. It is for this reason that I agree with the suggestion that was made by several senators that notes should be prepared to accompany any material issued explaining the schedule of the proceedings relating to the opening. In other words, the best approach is to do more in order to ensure that those in attendance are aware of the proper procedures.

In the matter of the MP who took a seat within the bar, this was clearly a violation of tradition and also of the *Rules of the Senate*. Members of the other place, when they come to the Senate to witness Royal Assent or to hear a Speech from the Throne as they did on September 30, should always remain behind the bar. Rule 126 reserves several places "without the bar" for former senators or members of the House of Commons who wish to follow the proceedings of the Senate during a sitting. At no time ought members to take a seat inside the bar. Senator Prud'homme indicated that a senator invited the member to take a seat. Other senators, however, objected, and the government whip was successful in persuading the member to leave. This incident should not have happened, yet it provides one more reason to prepare and distribute some documentation explaining the traditions and practices that are to be observed at the opening of a Parliament.

• (1720)

Senator Kinsella raised questions about the authority for the morning sitting and about the propriety of the sitting following the Speech from the Throne given that the mace was not on the Table. Research has been done to determine the history of our practices. The results are interesting and it may provide Senator Kinsella with part of the answer to his first question. As Speaker, however, I have no authority to give a decision on a constitutional question or a point of law, and there is clearly an aspect to this question that is constitutional in nature.

Prior to 1930, the proclamation announcing the date of the opening of Parliament, whether for a new Parliament or a new session, did not indicate the time of the Governor General's arrival on Parliament Hill. Even before the change in 1930, the Senate always met earlier. This happened for several reasons: to receive the message from Rideau Hall indicating the time for the opening; to acknowledge a new Senate Speaker appointed by the government; and, frequently, to introduce new senators. The Journals suggest that all of these sittings were brief. It is less clear before 1930 whether these meetings took place a short time before the Governor General's arrival or some hours before, though some of them clearly took place a few hours earlier. This is more clearly the case in many of the openings since 1930, but not all. While every opening of a new Parliament has involved an earlier sitting of the Senate, a small number of the openings of a new session have been timed to coincide with the Governor General's appearance in the Senate for the reading of the Speech from the Throne. What occurred, therefore, on September 30 is well within the practices that the Senate has followed since 1867.

The issue of the mace is also interesting. Again, without taking a position one way or the other, Senator Kinsella suggested that I, as Speaker, consider the matter of the proper place for the mace following the departure of the Governor General when the Senate conducted some business. As honourable senators will recall, certain proceedings did take place on September 30, following the established practice. In accordance with the *Rules of the Senate*, the pro forma bill is introduced and read a first time, and I met my obligation to report the Speech from the Throne. In addition, the Deputy Leader of the Government moved the motion for the creation of the Committee of Selection. During these proceedings, the mace was present in the chamber but not on the Table, which had been removed temporarily. So far as I could determine, the Table has been removed at every opening since 1920, when the Senate first occupied this chamber. Indeed, whenever there is a "large" opening, senators' desks are also taken away and replaced by rows of benches. The Speaker's Chair is also removed for part of the day so as not to obstruct the Governor General's access to the Throne. These modifications to the chamber, including as well the installation of platforms for cameramen, are now an established part of the preparations related to the opening ceremonies of Parliament. None of these modifications, including the absence of the Table, undermine the legitimacy of the Senate's brief sitting following the Speech from the Throne. The mace is present, even if not on the Table. This is the minimum requirement and it is sufficient. As Marleau and Montpetit, at page 238 of *House of Commons Procedure and Practice*, explain with respect to the mace in the House of Commons:

The Mace is integral to the functioning of the House; since the late seventeenth century, it has been accepted that the Mace must be present for the House to be properly constituted.

[Translation]

Another question was raised about the practice of treating the morning sitting as one distinct from the afternoon event. The history on this is mixed. It appears to date back to 1930 and has been followed intermittently since. How it figures in the tabulation of senators' attendance is an administrative matter, not a procedural one, and I will not offer any comment on it.

[English]

Finally, several senators deplored the use of "cheap shots" by television cameramen. A suggestion was made that the Senate should insist on rules or guidelines comparable to those applied in the House of Commons during sittings. Presumably, such guidelines would be formulated by the Standing Committee on Rules, Procedures and the Rights of Parliament. Among other things, these House of Commons guidelines require the camera to focus with a head shot on the member. In the alternative, it was proposed that cameras be banned from the opening. Frankly, I do not think either option is feasible. The opening is not a regular sitting of either the Senate or the House of Commons. Moreover, there are a variety of different camera crews and still photographers present, and it would be difficult to impose on them the rules that are applied by the House of Commons to its proceedings on its own camera crew. They are too restrictive for an event like the opening.

This resolves the issues that were raised during the discussion that was initiated by Senator Murray's point of order. As I indicated earlier, there is little that I, as Speaker, am able to do to regulate the proceedings related to the Speech from the Throne. Where possible, however, steps will be taken to minimize and hopefully avoid the technical distractions that occurred on September 30. As well, I will undertake to have prepared a document explaining the traditions and practices of the opening of Parliament and make it available for circulation before this event next occurs.

I thank honourable senators.

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

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