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**Thursday, November 21, 2002**



THE HONOURABLE ROSE-MARIE LOSIER-COOL  
ACTING SPEAKER

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## THE SENATE

Thursday, November 21, 2002

The Senate met at 1:30 p.m., the Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker) in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### OSTEOPOROSIS SOCIETY OF CANADA

##### TWENTIETH ANNIVERSARY

**Hon. Yves Morin:** Honourable senators, in 1981, Ottawa's Lindy Fraser was 87 years old. Her mind and spirit were strong, but her body was frail. Her bones were losing calcium and weakening due to osteoporosis. She saw the same thing happening to people she knew, so she founded a self-help group for osteoporosis patients. The following year, the Osteoporosis Society of Canada was born. It was the world's first national organization of its kind. Today, the Osteoporosis Society of Canada is 20 years old. It is committed to providing the highest quality services, education and research to help prevent and treat the disease.

[Translation]

We now know that strong bones give children and young adults better protection against osteoporosis. The Osteoporosis Society provides information on foods that are high in calcium and other nutrients, and recommends certain bone-strengthening exercises as well. It works with physicians and other caregivers in improving public knowledge of osteoporosis, its diagnosis and treatment.

Some 1.4 million Canadians suffer from osteoporosis. It costs the Canadian health care system about \$1 billion yearly in long-term care, hospitalization and chronic care, but our researchers are working to reduce that figure.

[English]

Dr. David Goldzman, Chair of McGill University's Department of Medicine, is a world-renowned scientist in the field of bone metabolism. His basic research will lead to effective treatments for this condition. His colleague at McGill, Dr. Alan Tenenhouse, has developed the multicentre Canadian observational study on osteoporosis to evaluate the prevalence and the incidence of osteoporosis and fractures in Canadians. This important five-year study should be completed this year.

November is National Osteoporosis Month, a time to commend the contributions Canadian researchers are making to prevent and treat the disease, to acknowledge the clinicians who work with osteoporosis patients, and to salute the patients, people like Lindy Fraser, who saw a need and jumped in to help.

Finally, honourable senators, let us raise a glass of milk to the hard-working volunteers of the Osteoporosis Society of Canada.

### ROLE OF REGIMENTAL HORSE

**Hon. Lowell Murray:** Honourable senators, my advocacy on behalf of Canada's national horse during the first session of the present Parliament elicited much interest and comment on the part of horse lovers. One such person is Mr. Tim Jonkman of British Columbia, who wrote to remind me of the inadequate recognition of the many horse regiments that went from Canada overseas to war.

Mr. Jonkman grew up in Holland, became a Canadian citizen at the age of 21, and tells of how his old grandpa would squeeze his hand when Canadian soldiers marched by in parades in Holland in the 1950s.

Mr. Jonkman is of the opinion that Dutch children are better taught and better informed about Canada's role than are kids growing up in Canada. The love of the horse, he says, is an ideal tool to connect Canada's war history to today's youngsters.

Many documents on this subject are buried in the National Archives. There was the war horse named Bunny that belonged to the Toronto Police Force, whose chief agitated for its return to Canada and to Toronto in 1919 — obviously, a very special horse.

Then there is the story recounted in the *Canadian Geographic* magazine of February-March 1983 by Mrs. Katherine Inkster Ferguson of how a team of little Canadian horses put French Percheron horses to shame in France during World War II by delivering a load the Percherons could not handle. There is the letter written by one of our most renowned veterans, LCol. John MacRae, M.D., to his mother on April 25, 1915, describing how the horses would gallop back and forth to the front to ensure a steady supply of ammunition to the soldiers.

The good old horses would swing around at the gallop, pull up in an instant and stand puffing and blowing, but with their heads up, as if to say, "Wasn't that well done?" It makes you want to kiss their dear old noses and assure them of a peaceful pasture once more.

Mr. Jonkman urges interactive displays of our equine heroes and their soldiers; a cavalry monument to Canadian soldiers and their steeds; and tours of Canadian schools by the historic horse regiments to illustrate Canada's historic past.

Among the First World War paintings that adorn our Senate chamber, I draw to the attention of honourable senators the painting second from the south end, over the government benches. It is titled: *A Mobile Veterinary Unit in France*. The painter was Algernon Talmage. The notes about it state that:

The mobile veterinary units were part of the Canadian Veterinary Services and worked in the field to collect and give first aid to wounded, sick or overworked animals before transporting them by train to base hospitals.

I thank Mr. Jonkman for drawing this to my attention, and I am pleased to be able to share his views with honourable senators.

### NATIONAL CHILD DAY

**Hon. Landon Pearson:** Honourable senators, yesterday was National Child Day. I would have spoken then, but there were others before me. Never mind, we should be thinking about children every day, not just once a year. Today is just as good as yesterday.

I am delighted to report that there was a fine celebration of children and young people yesterday, both in the Senate foyer and in the chamber, to mark the day. If any honourable senators were inconvenienced by the bustle, I do apologize; however, I am hopeful that, for the sake of the children and for the future, you will rejoice, as I do, not only in the energy and commitment of the children present but also in all the others who were there to support the children.

Let me take this opportunity to express my heartfelt thanks to all members of the Senate staff who were so helpful in making the arrangements.

Ensuring that young people and their significant adults feel welcome in the Senate benefits all of us. The 250 or so young people who were here will never forget the experience of being in the chamber, where, surrounded by our great paintings of the First World War, they heard LGen. Romeo Dallaire call them to a life of service and engagement.

The message for National Child Day this year is based on the vision presented last May at the United Nations by children and youth, a vision they entitled: "A World Fit for Us." During the course of the celebration yesterday, Laura Hannant, a young girl from Ottawa, one of those who helped to write "A World Fit for Us," led a partnership of adults and young persons in reading the document aloud, in both French and English, to a chamber full of people.

Honourable senators, it is important to celebrate National Child Day not only this year but also every year. Let me remind honourable senators that when Senator Fairbairn moved second reading of Bill C-371, the Child Day Act, in 1993, she urged her colleagues, many of whom are still in this chamber, to accept the challenge it represents to create a Canada where all children have the same rights and opportunities as one another, no matter what their circumstances, to build their dreams into a future.

Honourable senators, nine years later, that challenge is still before us. As the events yesterday morning clearly demonstrated, children and young people cherish our partnership with them as they are making their way into the future.

### REMOVAL OF CAPITAL TAXES

**Hon. Donald H. Oliver:** Honourable senators, this is the time of year when pre-budget consultations are taking place. It is a time to reflect on needed tax changes; it is a time when individuals, groups and committees make known some of their concerns to the Department of Finance. I rise today to urge the Government of Canada to remove capital taxes.

Honourable senators, capital taxes have been called the worst of any taxes that we have. A tax placed on capital is the most regressive form of tax. Such a tax hurts productivity and punishes those who invest in industry. A capital tax attacks the profitability of corporations.

A recent Ernst & Young study on the subject of capital taxes indicated that business organizations, high-tech firms in a growth phase and companies with significant research and development costs could end up in loss situations because of capital taxes.

Capital taxes are levied on capital employed in Canada by Canadian corporations. Every dollar spent on plant, machinery and equipment becomes part of the base for capital tax. Capital taxes are like an excise tax levied on the purchase for investments.

When the manufacturers' sales tax was removed from capital, gross national product grew by 1.4 per cent. The same growth could be expected through the removal of capital taxes. This growth could be even greater, as these taxes are levied and paid annually. A cumulative effect would result from the elimination of this tax.

The capital tax is a specifically regressive tax for our financial institutions, as they are required by law to preserve a capital fund. Surely the taxes paid on capital from our financial institutions could be more productively used as business loans, generating investment and generating jobs.

In conclusion, honourable senators, in a time when we all refer to the state of the economy or the global marketplace, Canada can no longer afford to be out of step with the rest of the industrialized world. Canada must no longer be an anomaly among the countries seeking to attract investment dollars.

### CANADA-UNITED STATES RELATIONS

**Hon. Gerry St. Germain:** Honourable senators, it is reported in today's *National Post* that members of the Canadian delegation in Prague at the NATO meeting are quoted as calling the President of the United States a "moron" for his stance on Iraq.

The government may wish to reflect on the contributions and efforts of our friends to the south to building a relationship that is a true duality. Despite the many differences that make each of our countries truly distinct, we are really one people committed to democracy, peace and freedom. At the same time, we feel no threat to our own national identity. On either side of the world's longest undefended border live people who are proud of their own countries, but who are still unconditionally willing and able to depend on each other in times of need.

Despite our differences in geographic size and strategic positioning, we are equals in the eyes of each other. There is no mirror at the border, only one huge open window through which the freedom light shines as the warm light of opportunity.

Honourable senators, I believe we Canadians are the most privileged people on earth to live in a country that shares a long and wondrous North America frontier separated only by an undefended and often invisible geographic borderline with the peaceful, God-fearing, freedom-loving, enterprising, compassionate and patriotic people of the United States of America.

We look south and see people just like us, people who are proud of their history and identity and who are willing to defend us against threats to our sovereignty. Americans are willing to open their borders to free and relatively unfettered trade and to welcome us to their homeland without discrimination.

Close to my home in British Columbia stands the Peace Arch, one of the most majestic icons of the wonderful coexistence of our two nations. That unity has often seen our people fight side by side in trenches and on battlefields, in wars that we fought together to preserve democracy and to ensure freedom.

President Reagan said it best in 1985:

We are kin, who together have built the most productive relationship between any two countries in the world today.

I urge all honourable senators to encourage the government to stop attacking our best supporter and to work diligently to restore the great relationship we enjoyed only a few years ago.

#### MISTAKE ON ALLIANCE PARTY WEB SITE

**Hon. J. Michael Forrestall:** Honourable senators, somewhat with tongue in cheek, I draw the attention of colleagues to the following item found posted on the Web site of the Canadian Alliance, on their "Newsroom" page, under "Indian Affairs and Northern Development" — the department that is charged with responding to the needs of Canada's First Nations people, is it not?

**Senator Stratton:** That is correct.

**Senator Forrestall:** However, on the Canadian Alliance Web site, one will find a reference to members of the Canadian Alliance meeting with Indo-Canadians to mark the fifty-fifth anniversary of India's independence.

That event obviously had to do with the independence of India, and not the independence of Indian Affairs and Northern Development.

#### SECURITY WITHIN PARLIAMENTARY PRECINCT

**Hon. Marcel Prud'homme:** Honourable senators, I wish to thank Senator Kinsella for his generosity yesterday when he proposed that I be named as "Director *Emeritus*" of security. This gesture shows a civility of Parliament that was so nicely concurred with by the Honourable Leader of the Government in the Senate, a friend whom I have known since her time as a teacher in

Alberta, when I spoke to her students, even prior to her time in Manitoba. We go back a long way.

On a serious note, I wish to address the subject of security. There are many people who, as a result of events like the one earlier this week, lose their nerve and say that we should embark on a new kind of total security on Parliament Hill. I know that topic is being discussed at many meetings these days. I would not wish to see the Senate excluded from these deliberations, and I would also not wish any future decision to be taken in the absence of consultation with the Senate.

• (1350)

I should like to advise Senator Carstairs, Leader of the Government in the Senate, that, after having sat for many years on the Management and Members' Services Committee in the other Chamber and having had a good relationship with the security staff there, if volunteers are needed for that committee, I would be more than happy to serve and report faithfully to the Senate. However, we should not panic and make changes that will affect the Senate and our traditions in the wake of this sad incident of two days ago.

[Translation]

## ROUTINE PROCEEDINGS

### CLIMATE CHANGE PLAN FOR CANADA

TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the document entitled: "Climate Change Plan for Canada."

[English]

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### FOURTH REPORT OF COMMITTEE PRESENTED

**Hon. Lorna Milne,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, November 21, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

#### FOURTH REPORT

1. Pursuant to its authority under rule 86(1)(f)(iii), your Committee is pleased to report as follows:

[ Senator St. Germain ]

2. On October 23, 2002, Senator Lowell Murray, P.C., raised a question of privilege in the Senate regarding the announced intention of the Standing Committee on Social Affairs, Science and Technology to deposit a report with the Clerk of the Senate on Friday October 25, rather than tabling it on a day when the Senate was sitting. The Speaker *pro tempore* made her ruling on October 24, in which she stated that there was no *prima facie* question of privilege because the Senate had granted permission to the Committee to deposit any report with the Clerk without qualification.

3. Senator Michael Kirby, the chair of the Committee, in responding to Senator Murray's question of privilege on October 23, suggested that there were a number of issues related to the practice of depositing committee reports with the Clerk that needed clarification and that it would be useful to have the matter studied by the Standing Committee on Rules, Privileges and the Rights of Parliament.

4. Your Committee considered this matter at meetings on Tuesday, November 5, 2002, Wednesday, November 6, and Tuesday, November 19, during which, various concerns, issues and considerations were canvassed.

5. Your Committee notes that there are two ways to get a report before the Senate: presentation and tabling. Reports that are *presented* to the Senate — where the Senate is required to take a further decision in respect of the report, such as bills, committee budgets or requests from committees for certain powers — should never be deposited with the Clerk, but should always be provided to the Senate during a sitting. On the other hand, reports that are *tabled* — essentially reports for the information of the Senate, which would include substantive reports on special studies — can, in exceptional cases, be authorized to be deposited with the Clerk.

6. The general principle is that committee reports must be provided to the Senate before they can be released to the public and media, or otherwise made available. This is based primarily on the pre-eminent right of the Senate to have reports of its committees tabled or presented and made available first to its members prior to being released to the general public. At the same time, it is in the interest of the Senate that the important work of its committees gets the widest public exposure, and, in this regard, committees have been required for several years to develop communications strategies in connection with their studies and reports. The usual right of the Senate to receive reports first and the demands of publicizing committee reports are not mutually exclusive, although, on occasion, they may need to be reconciled. The

authority to deposit reports may also be useful during lengthy adjournments in the summer and winter or in anticipation of a prorogation or dissolution of Parliament, to ensure that the work of the committee is not lost or unduly delayed.

7. Your Committee makes the following recommendations:

That since the authority to deposit a committee report with the Clerk can only be granted by the Senate, in determining whether to agree to such an authorization, all Senators should be made aware that they are waiving their right to have the report tabled first in the Chamber, and should, accordingly, consider such motions carefully;

That in developing communications strategies for the release of committee reports, all committees must take into account that reports should first be tabled in the Senate before being released to the media, unless there are compelling reasons to do otherwise;

That motions authorizing the deposit of a report with the Clerk should not be made as part of a general order of reference to a committee, but, rather, the motion authorizing such deposition should be moved as close to the reporting date as possible, by which time the sitting schedule of the Senate is more likely to be known and a communications strategy will have been developed;

That, in proposing such a motion, the Chair of a Senate committee has the responsibility to advance compelling reasons and arguments as to why the Senate should depart from the requirement for the tabling of a committee report in the usual way;

That, in any event, when authority is given to a committee to deposit a report with the Clerk, it is incumbent upon the Chair, in consultation with members of the steering committee and staff, that they be required to ensure that all Senators are provided with advance notice of the impending tabling; copies of the report are released immediately upon its being deposited; and information on the report is made available at the earliest opportunity — by means of electronic distribution, briefings, and so forth.

Respectfully submitted,

LORNA MILNE  
*Chair*

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

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

## PHYSICAL ACTIVITY AND SPORT BILL

### REPORT OF COMMITTEE

**Hon. Marjory LeBreton**, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, November 21, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

### FOURTH REPORT

Your Committee, to which was referred Bill C-12, *An Act to promote physical activity and sport*, in obedience to the Order of Reference of Wednesday, October 23, 2002, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MARJORY LEBRETON  
*Deputy Chair*

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

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

## QUESTION PERIOD

### NATIONAL DEFENCE

#### OPERATION APOLLO—LENGTHENING OF TROOP DEPLOYMENT PERIOD

**Hon. J. Michael Forrestall:** Honourable senators, I have a couple of brief questions for the Leader of the Government in the Senate.

Might I ask the Leader of the Government whether current considerations are being given to lengthening the rotations of the national support element in theatre for Operation Apollo from its current status — and that does vary a little bit — to a one-year deployment period? I am sure the minister would agree that this is pushing the length of time we would expect our families to be separated. That disconnect is hard to overcome. I am sure the minister appreciates that fact. Has the minister any indication that this may happen? If so, can she give us an indication of how we might have arrived at that conclusion?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator asks an important question in light of what we would all regret, which would be a decision on behalf of the United Nations that it would be necessary to go to war with Iraq. The honourable senator is talking about those men and women who are presently serving in, basically, what one calls that theatre. No decisions have been made at this time. There is, however, an examination of all of the troops and where they are

located at the present moment because we do not know the time frame.

Regarding the actual rotations, as the honourable senator knows, some personnel have already been rotated, some ships have returned, others have gone over, and that remains the status at the present time.

#### AFGHANISTAN—DEPLOYMENT OF JOINT TASK FORCE 2 TROOPS

**Hon. J. Michael Forrestall:** Honourable senators, it goes without saying that Canadians far prefer to see their forces, men and women, kept away no longer than six months. However, I understand the difficulties surrounding that issue.

We note that the Australians have recalled their special forces from Afghanistan and have indicated clearly that the purpose is to prepare them for an assignment in Iraq. Can the minister tell us if JTF2 participation has been withdrawn from Afghanistan? Are they at home, on their way home or about to come home for similar preparation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that the JTF2 component that is presently in Afghanistan remains there. As to any other deployment of other JTF2 troops, that would have to be based on events that might transpire.

## CANADA-UNITED STATES RELATIONS

### DISPARAGING REMARKS TOWARD PRESIDENT

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. It relates to this morning's *National Post* story about President Bush, NATO and dealing with Iraq. It refers to the statement I just made as well. Can the minister tell us when our foreign relations policy or diplomacy practices was changed such that we now are foolish enough to refer to our neighbour, best friend and biggest trading partner as a moron?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let us be honest. The story is that someone may have made this comment. Certainly no member of the Chrétien government made that comment. Sometimes people act and say things that they regret later. There is an old saying that "sticks and stones can hurt my bones but names will never kill me." In fact, I believe it is inappropriate for people to make disparaging remarks about one another, and I do not think it does either side any good for those kinds of comments to be made.

• (1400)

**Senator St. Germain:** Honourable senators, I believe the honourable senator when she says she is sincere in her statement. However, I heard what I believe was a Liberal senator saying "He is," when I used the word "moron". It is disgraceful and unacceptable that, in this place, we should be referring to perhaps our best friend, our greatest ally, our biggest trading partner in that fashion at all, and I hope the honourable Leader of the Government in the Senate would agree with me.



**Senator LaPierre:** Most of the time —

**Senator St. Germain:** Yes, it is you; I know it is you, senator, who referred to Mr. Bush as a moron. If that is the way you want to conduct yourself as a Canadian, I must tell you that it does not reflect the general opinion in the region that I represent.

**Senator LaPierre:** It is better than to be a ...

## INTERNATIONAL TRADE

### RENEWAL OF SOFTWOOD LUMBER AGREEMENT

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate with respect to the ongoing trade negotiations in relation to the softwood lumber issue. Can the honourable senator enlighten us as to what is being done to improve this situation at the present time?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, let me begin with a comment. What I have always found most refreshing about the Senate chamber is the degree of civility that prevails on all sides, and is practiced by all members of this particular institution. I would recommend it not only to the other place but to Canadians generally in terms of our manner of speech and decorum.

In relation to the Honourable Senator St. Germain's question on softwood lumber, this file remains an extremely important one to the Government of Canada. However, as the honourable senator is aware, some elections have taken place recently south of the border, and that will bring about some changes in their Senate committees, effective as of January. Some of those new committee members will need to be brought up to speed. My understanding is that the government feels that things might progress a little more quickly from now on.

As the honourable senator is aware, Weyerhaeuser, which has been a long-term supporter of the Canadian position, has put forward a new position. It seems to me that negotiations always work best when they are aided and abetted by those whose primary economic base is in the United States. They can lobby effectively on behalf of Canada while we, too, are lobbying effectively on behalf of Canada.

## CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

### PROPOSAL TO PROVIDE EQUITY FINANCING AND LOAN GUARANTEES

**Hon. Donald H. Oliver:** Honourable senators, my question is to the Leader of the Government in the Senate. Earlier this month, it was reported that within the next few weeks CIDA, the Canadian International Development Agency, will announce a new financial institution to help finance exports by small- and medium-sized businesses in developing countries. The expected initial seed money will be \$100 million. One argument CIDA is using is they can earn a return of seven per cent a year. However, through access to information, we learn that the Department of Finance opposes this proposal, arguing that it would not be advisable for CIDA to be involved in any sophisticated financing such as a joint venture through equity participation loans or guarantees, since CIDA exposes lack of knowledge of the basic financial concepts, terminology and methodologies.

Honourable senators, could the government leader advise the Senate as to why the government is about to give CIDA \$100 million to get involved in equity financing and loan guarantees when it lacks the knowledge of basic financing concepts, terminologies and methodologies?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, no decision has been made on this file and, therefore, I cannot comment.

**Senator Oliver:** Perhaps the minister could note, in the deliberations that are ongoing, that we already have an Export Development Corporation, we have a Canadian Commercial Corporation and we have the Federal Business Development Bank. Do we need to have another bank run by CIDA?

**Senator Carstairs:** That is an interesting position that the honourable senator has put forward, and I will assure him that my colleagues will be made aware of that position. However, as I indicated earlier, no decision has been made on this matter at this time.

## HEALTH

### RED CROSS SOCIETY—COMPENSATION TO ALL VICTIMS OF TAINTED BLOOD

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate. Honourable senators, almost five years ago now, Justice Krever recommended that all victims of the tainted blood scandal be compensated. Sadly, the government ignored Justice Krever's recommendations and implemented a two-tiered compensation system for those victims who became ill from tainted blood received outside of the 1986-1990 period, and who were therefore ineligible for federal compensation.

Yesterday, the RCMP laid charges of criminal negligence causing bodily harm against four doctors, some of whom work for Health Canada, as well as the Red Cross and a U.S. pharmaceutical company. The government has argued that compensation could only be awarded to victims in the 1986-90 period because it was only during that time that governments were negligent.

In light of the RCMP charges, which the government leader will undoubtedly point out are just charges — and that is true — can the Leader of the Government in the Senate tell us why it would not be the right thing to compensate all victims of the tainted blood scandal?

**Hon. Sharon Carstairs (Leader of the Government):** The honourable senator has answered her own question. As she has said, these are charges, and as she knows, one of the cornerstones of the Canadian judicial system is that individuals are innocent until they are proven guilty. Until the charges have been laid and the judicial process has taken place, it would be inappropriate to speculate on what the outcome will be.

**Senator LeBreton:** Honourable senators, my point is that the fact that these charges have been laid should not take away from the actual compensation of the victims. In other words, I do not think that compensation of the victims should be connected to the charges. They should be compensated because they are victims of tainted blood.

However, in view of that, can the Leader of the Government in the Senate tell us how many victims of the tainted blood scandal there are at the present time who are not eligible for compensation because they contracted their illnesses outside of the 1986 to 1990 period of time? Has the government estimated what the cost would be to compensate these Canadians, as was recommended by Mr. Justice Krever?

**Senator Carstairs:** I can indicate two things this afternoon. First, the Government of Canada has paid \$875 million to fulfil its financial obligations to claimants under the 1986-90 Hepatitis C agreement. Funds are still available, of course, up to \$1.4 billion. The \$900 million that remains is in a trust for those individuals.

Second, a plan was put in place committing \$525 million for individuals infected with hepatitis before 1986. That amount has been put aside for their particular health needs.

## AGRICULTURE AND AGRI-FOOD

### DECLINE IN NUMBER OF FARMERS

**Hon. Leonard J. Gustafson:** Honourable senators, statistics have crossed our desks in the last few days indicating that the farm population, or farmers engaged in farming, has dropped by 16 per cent in some of the provinces such as Saskatchewan. In Prince Edward Island, I believe, the number is even higher. Over the last half dozen years, about 35 per cent of farmers are no longer farming.

Does the government not realize that this is a very serious situation, that we are losing our young farmers, particularly those under the age of 35, and that something should be done about it?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, there is no question that we are losing our young farmers. It is true, generally, of those who live in rural communities throughout this country, whether or not they are farmers. There has been a greater and greater movement to urban centres in Canada away from rural communities.

Those who depended in the past for their living on the natural resource sector, of which farming is one and fishing another, in which they were usually following in their father's or mother's footsteps, it seems are no longer choosing to do so and, instead, are pursuing other occupations. Some of that is a natural result of demographics. In Western Canada, however, some of it is as a direct result of the fact that farmers have not done well and have been subject in recent years to a number of natural disasters. That has certainly brought it home to the young people that they do not want to go through the stress that they see their parents going through, and so they are choosing alternative occupations.

• (1410)

As the honourable senator knows, the government has made significant monies available to the farm community. It continues to do what it can, along with its partners at the provincial level, to help the farming community.

## SAFETY NET PROGRAMS

**Hon. Leonard J. Gustafson:** Honourable senators, the Leader of the Government mentioned fisheries. Those in the fisheries have probably suffered as much as or, perhaps, more than farmers. Swedish and Russian trawlers have swept clean the ocean bottom. I am not an expert in fisheries, but that is what has happened.

The reason for my question is this: Will we see the same thing that happened to fishermen happen to farmers? These people provide food. We will need some young farmers one of these days and we will not have them. The safety nets have not been put in place.

In fact, earlier today I was talking to Bob Friesen, who is the President of the Canadian Federation of Agriculture. There is great concern that the safety nets for agriculture will not be in place by spring seeding. Will the leader look into this serious situation which is most important not only for farmers but for all Canadians?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator makes reference to safety nets on which the government is working. Since the honourable senator is an active farmer himself, he must be well aware that it is not the government alone that brings about the appropriate delivery of a safety net program. That involves the participation of the provinces and the farmers themselves, as it should. They must work cooperatively together. I will certainly urge, however, the Minister of Agriculture to move as quickly as he can on this file.

## THE CABINET

### COMPENSATION TO UKRAINIAN COMMUNITY FOR PROPERTY CONFISCATED DURING WORLD WAR I

**Hon. Consiglio Di Nino:** Honourable senators, my question is addressed to the Leader of the Government. For a number of years, the Ukrainian community has been seeking redress for assets that were taken away from them during the First World War, days which were dark and ugly for that community. They have been asking the Government of Canada for restitution of the assets that were confiscated at that time. Will the minister tell us of the government's position on this issue?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, members of the Ukrainian community who were Canadian citizens at that time have certainly indicated their dissatisfaction, and appropriately so, at some of the activities that went on as a result of World War I. In terms of compensation, however, I can assure the honourable senator that, while the arguments of the claimants have been put before government, no decision has been made.

**Senator Di Nino:** Honourable senators, I believe the minister used the word "compensation." I do not think that is the proper word to use in this case. I do not think members of the Ukrainian community are looking for compensation. I believe they are looking for restitution of the assets that were seized by the Government of Canada. Canadians of Ukrainian background had their homes and lands seized.

Does the minister not feel that, under those circumstances, the Government of Canada should entertain the return of the appropriate value of those assets that were seized at that time? I am not talking about compensation or other financial considerations.

**Senator Carstairs:** Honourable senators, the very fact that the honourable senator mentioned value is recognition of the fact that homes and lands cannot be restored because they have long been held by other individuals. Thus, the honourable senator is talking about value. If one talks about value, then one is talking about compensation.

### UNVEILING OF OFFICIAL PORTRAIT OF THE RIGHT HONOURABLE MARTIN BRIAN MULRONEY

#### SECURITY BREACH

**Hon. Gerald J. Comeau:** Honourable senators, my question is addressed to the Leader of the Government in the Senate and relates to the incident that occurred during the unveiling of Prime Minister Brian Mulroney's portrait on Tuesday.

We have now learned that the person in question visited the office of a minister's senior assistant and was apparently escorted to the ceremony by someone with a House of Commons pass. Given our proximity to the other place, will the minister assure us that the investigation of this serious breach of security will be made public so that all of us can be made aware of what happened? In that way, we on this side of the Parliament Buildings will be able to make known our comments on what happened.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, my understanding is that the Liberal whip of the other House is investigating this incident and will make a report. If that report is made public, then I will share it with honourable senators. If, for some reason, that report is not made public, and I do not understand why it would not be made public, then I will ensure that the leadership on the other side knows exactly what occurred.

**Senator Comeau:** Honourable senators, I hope that the minister will use her good offices and the powers that she has as a sitting minister to ensure that this report is made public. As well, I hope that she will use her considerable powers as a minister to ensure that if, in fact, an employee of the House of Commons did use his or her employee's pass, she will see to it that this employee's pass be revoked as well as the employee's employ?

**Senator Carstairs:** Honourable senators, before we have conducted an investigation it would be irregular for me to make an announcement of that sort.

We, in this chamber, often receive phone calls in our offices telling us that we have a visitor waiting at the entrance of the building. We then go down to the entrance and escort that person in. They are given a pass and go through the appropriate security systems. To the best of my knowledge, they are not escorted out of the building. I suspect that is the case when the honourable senator receives visitors in his office.

I think we need to find out what the procedures were and how they were followed before we make any judgments about what penalties should be put in place.

**Senator Comeau:** Honourable senators, I thank the honourable minister for reminding us that we do receive visitors in our offices and that we are mindful that they are just that, visitors to Parliament.

I am going by the press reports. We will have to wait for the completion of a full investigation. However, this ceremony on Tuesday night was an invitation-only ceremony. It was attended by the Prime Minister of Canada. We have to ensure that this person is kept secure because there are individuals who might wish to cause harm to him, to our ministers and even to our former prime ministers.

If this person was escorted by an employee with a pass to an invitation-only ceremony, then that employee should not be allowed to keep his or her employment on the Hill. It was a haphazard way of treating visitors.

**Senator Carstairs:** Honourable senators, I am not sure it was a haphazard way of treating a visitor. It was a haphazard way of breaching security. Let us be clear about that.

Honourable senators, in my view, we have a secure set of buildings. We do take individuals through the security systems in this place and in the other place.

However, I would not want visitors to be kept out of this building, nor would I want them not to have access to events such as Question Period. The reality is that the Prime Minister walks, of his own free will, through the corridors of this building, as do we all. I would not want to see any limitation put on that kind of movement.

The honourable senator has raised serious issues — and I do not want to diminish them at all — about what happened and about whether we need to increase security here. I maintain the position that until we know exactly what happened, we should not be prejudging the situation.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in this house, a response to a question raised in the Senate on October 31, 2002, by Senator Forrestall, regarding the FSME-Immun vaccine for tick-borne encephalitis.

#### NATIONAL DEFENCE

##### FSME-IMMUN VACCINE FOR TICK-BORNE ENCEPHALITIS—ASSESSMENT OF INOCULATED TROOPS TO DETERMINE PRESENCE OF CREUTZFELDT-JAKOB DISEASE

*(Response to question raised by Hon. J. Michael Forrestall on October 31, 2002)*

I can assure the Honourable Senator that we do not deploy Canadian Forces personnel on any operations without effective protection — including protection from potentially fatal diseases such as tick-borne encephalitis and malaria.

The Canadian Forces has used the tick-borne encephalitis vaccine since 1991 and will continue to do so where reasonable and appropriate.

The tick-borne encephalitis vaccine is recommended by highly credible public health agencies such as the World Health Organization, the United States Centers for Disease Control and Prevention, and Health Canada for travellers going to areas where contracting tick-borne encephalitis is a real risk.

The Canadian Forces Medical Group assesses all the medical risks that personnel may face on operations. Based on this assessment the Medical Group determines which vaccines and drugs are required.

In the case of the troop deployment to Georgia, the Canadian Forces Medical Group determined that based on troop location they would not be exposed to tick-borne encephalitis. Therefore, the risk of exposure to the disease did not warrant the use of the vaccine and our personnel were not inoculated.

#### ANSWER TO ORDER PAPER QUESTION TABLED

##### VISIT OF HER MAJESTY THE QUEEN— FLAGS ALONG CEREMONIAL ROUTE

**Hon. Fernand Robichaud (Deputy Leader of the Government)** tabled a response to Question No. 4 on the Order Paper asked on October 23, 2002, by the Honourable Senator Kenny.

[English]

#### POINT OF ORDER

**Hon. Lorna Milne:** Honourable senators, I rise on a point of order. During his statement about honouring horses, Senator Murray drew the attention of the Senate to the war paintings that are displayed in this room. The late Senator Molgat had several of these paintings restored, but not all of them. These paintings are all national treasures. Unfortunately, the one to which Senator Murray drew our attention either has been inadequately restored or has not been restored at all. Honourable senators will notice that there are chips of paint missing from the painting of the horses by Algernon Talmage.

Although this may not be a proper point of order, honourable senators, I want to draw the attention of the Senate to the condition of this painting.

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### ORDERS OF THE DAY

#### EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

##### SECOND READING—DEBATE ADJOURNED

**Hon. Nick G. Sibbeston** moved the second reading of Bill C-14, providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the

export of rough diamonds in order to meet Canada's obligations under the Kimberley Process.

He said: Honourable senators, it is my pleasure to speak to the second reading of Bill C-14.

By way of background to the bill, it is important to understand the international concern that persists about the link between the illicit international trade in rough diamonds and armed conflict, particularly in Angola, Sierra Leone and the Democratic Republic of Congo. While "conflict diamonds" constitute a very small percentage of international diamond trade, they have a devastating impact on peace, security and sustainable development in affected countries.

The Kimberley Process is the principal international initiative established to develop practical approaches to the conflict diamond challenge. Launched in May 2000, the process was initiated by several southern African countries in response to growing international pressure to address peace and security concerns, as well as to protect several national economies in the sub-region, including Namibia, Botswana and South Africa, that depend on the diamond industry.

The Kimberley Process, which is chaired by South Africa, now includes 48 countries involved in producing, processing, importing and exporting rough diamonds. These countries account for 98 per cent of the global trade in the production of rough diamonds and include all of Canada's major diamond trading partners. Canada has participated in the Kimberley Process since its inception. Over the course of nine plenary sessions and three ministerial meetings, the process has developed an international certification scheme for rough diamonds. In March 2002, Canada hosted a meeting of the Kimberley Process that achieved consensus on the scheme. Earlier this month, the participating countries met in Switzerland and renewed their commitment to the certification scheme and to the target implementation date of January 1, 2003.

Honourable senators, in Canada, the diamond industry is a relatively new industry. Our first commercial deposit was discovered in the Northwest Territories in 1991. BHB Billiton's Ekati mine, 300 kilometres northeast of Yellowknife, has been in operation since 1998. The nearby Diavik mine will begin operation in 2003, and two more mines in the region, one in the Northwest Territories and one in Nunavut, are likely to be operating in 2007. Annual production from these mines could reach \$1.6 billion, and they are expected to generate about 1,600 direct jobs and an additional 3,200 indirect jobs.

Last week, I had the opportunity to visit the Diavik mine site. It is a marvel of human engineering, built at a cost of \$1.3 billion. It is huge. In order to reach the diamond deposit, it was necessary to build a large, 6.6 kilometre dike and drain a portion of a huge lake. The ore body, called a Kimberlite pipe, is only 150 metres across, but it extends deep into the earth. Using eight 240-tonne trucks, each costing \$5 million, they will begin digging a conical pit one kilometre wide and spiralling over 300 metres deep to extract the ore. That ore will be processed on-site, turning

[ Senator Robichaud ]

hundreds of thousands of tonnes of rocks into suitcases filled with diamonds. The plant is automated so that human hands never touch the diamonds — for obvious security reasons — and it can be operated by six workers.

During the life of this one mine, over \$3 billion will be generated for governments in the form of taxes and royalties. Most of this will benefit the federal government. As the Northwest Territories is still a territory, the resources and lands are still controlled by the federal government.

The Ekati and Diavik mines are more than engineering miracles; they are economic miracles. Because of them, the Northwest Territories gross domestic product increased by more than 20 per cent last year. More practically, these mines have taken a new approach to partnership with northern and, particularly, Aboriginal businesses. In addition to employing hundreds of northerners directly at the mines, they have helped many northern Aboriginal businesses set up or increase their capacity through joint ventures and other participation processes.

The North is not the only beneficiary of this activity. Literally tens of thousands of person years of employment have been created in Ontario, Quebec, Alberta and British Columbia as a result of the diamond mines. Active diamond exploration is pointing to the prospect of additional mines in the Northwest Territories and Nunavut. Exploration has also been undertaken in Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Newfoundland, and this could lead to diamond mines in these provinces.

The diamond mining industry is growing. By 2011, it is expected that Canada will rank third globally in terms of the annual value of rough diamond production, after Botswana and Russia.

In addition to diamond mining, a small diamond cutting and polishing industry has grown up in Yellowknife, with over 50 cutters and polishers now. Tiffany & Co. of New York announced this fall that in the New Year it will construct a new plant in Yellowknife. These operations have an important training component that includes a number of Aboriginal apprentices. There is also an expanded facility with a training program in Matane, Quebec.

Both the mining industry and the diamond cutting and polishing industry are dependent on access to export markets, which are dependent on Canada's participation in the Kimberley Process.

The proposed international certification scheme includes a requirement that all shipments of rough diamonds imported to or exported from Canada be certified under the scheme and it bans trade in rough diamonds with countries that do not participate in the scheme.

Bill C-14 establishes the trade regulation regime necessary to participate in the Kimberley Process rough diamond certificate scheme. It provides the necessary regulations to produce the certificates without which Canada could not participate in the international trade of diamonds.

• (1430)

Honourable senators, this bill provides the authority to verify that natural, rough diamonds exported from Canada are non-conflict diamonds. It also gives the authority to verify that a Kimberley Process certificate accompanies every shipment of natural, rough diamonds entering Canada from the exporting country, certifying again that the diamonds have a non-conflict source.

There is provision in the bill for monitoring the effectiveness of the certificate scheme with a review of the provisions and operation after three years. For the review, the Minister of Natural Resources has indicated that he intends to consult with the stakeholders in the process, especially the NGOs who have been involved in the Kimberley Process from its early stages, such as Partnership Africa Canada and members of the industry, including diamond exploration and producing companies, and cutters and polishers. The result of this review will be reported back to Parliament.

Honourable senators, both the mining industry and the diamond cutting and polishing industry are dependent on access to export markets and, therefore, on Canada's participation in the Kimberley Process. Passage of Bill C-14 will put in place all of the authorities required for Canada to meet its commitments under the international Kimberley Process. The early passage of Bill C-14 will ensure that these authorities are in place by year-end when the process is planned for international implementation.

In conclusion, honourable senators, I ask for the support of all members of the Senate in passing this important bill in order that Canada can be in a position to implement the Kimberley Process in concert with our global partners.

On motion of Senator Bolduc, debate adjourned.

## CODE OF CONDUCT AND ETHICS GUIDELINES

### MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

**Hon. Herbert O. Sparrow:** Honourable senators, I wish to speak to the motion before the chamber. I will preface my remarks first so that I am not caught later. I wish to reassure honourable senators of what they already know, which is that I am not an expert on the Criminal Code or the Parliament of Canada Act, nor am I an expert on the *Rules of the Senate*, the Constitution or the common law. These things I have cited are items that would be affected by this motion for an ethics package.

Further, I wish to state that I am not in agreement with blind opposition to progress but with opposition to blind progress. Perhaps we are blinded by the fact that we think we are making progress. The motion before us for an ethics commissioner means that we have been caught in a web of someone else's making, namely, a concern over conflict of interest which has not and does not affect us.

If there is a concern over conflict of interest or poor parliamentary procedure, then the concern is with the cabinet of the government of this country, not with members of the Senate. I am not speaking for the members of the House of Commons. Somehow or another honourable senators are caught up in this web that lumps us all together.

This code of conduct proposal reminds me of the Minister of Agriculture who visited the province of Saskatchewan and returned to Ottawa apparently as an expert in farming. The statement he made was, "All farmers walk single file, at least the one I saw did." When we look at this issue, we are blanketing everyone in this web.

There is another illustration that I can provide. I was walking down the street not long ago and saw a chap snapping his fingers. I stopped him and I asked, "Why are you snapping your fingers like that?" He responded, "Well, it is to keep the elephants away." I said, "Are there elephants here?" He said, "No, there are not. That is why it is working."

**Hon. Senators:** Hear, hear!

**Senator Sparrow:** When we propose amendments to the act, we will be caught in this web. Some people will say, "See, I told you it worked. There is it no conflict of interest taking place." There was no conflict of interest before, so why would there be conflict of interest now? All we are doing in this process is snapping our fingers.

The Senate's rules protect the citizens of this nation, as do the Criminal Code, the Parliament of Canada Act, the Constitution and the common law. What are we doing bringing another set of guidelines when we are controlling ourselves within those parameters?

In my time in this place, no issues have arisen that would prompt such action to be taken by this chamber. If examples could be given underlining where we have to avoid these sorts of issues, then that would be one thing. However, we cannot adjudicate upon issues that may come before us in the future when we know nothing about them at this time.

Honourable senators are in a position to deal with conflict of interest issues or any other issues. As a member of this chamber, I want to be judged by my peers. I do not want to be judged by

someone outside of the parliamentary process, outside of this house. If I am to be judged for my actions, be they conflict of interest actions or other actions, I want to be judged by senators in this chamber. That is what this proposal is taking away from us, namely, that someone else will judge us without knowing what they need to know, without having the historical background or knowledge of the actions that the second chamber takes and the experience of the 100 or so years that this chamber has been in operation.

The Senate must be the master of its own destiny, the master of its own rules. If I am told that we have failed in the past in this regard, I will look to it.

• (1440)

What I am trying to say, if I have not said it clearly, is the fact that some people or groups are crying for the blood of cabinet ministers is not a reason for us to react and be caught up in this action. We can be swept into a net that we have no reason to be swept into and, in that process, destroy a part of the effectiveness of this body.

**Hon. Elizabeth Hubley (The Hon. the Acting Speaker):** Would the honourable senator entertain a question?

**Senator Sparrow:** Yes.

**Hon. Serge Joyal:** The honourable senator, of course, referred to the *Rules of the Senate*. He is contending that our rules are sufficient to meet the objective of maintaining the ethics of this place. Those of us who are familiar with the *Rules of the Senate* — that little red book that I see on the Table before us — know that essentially there are two rules that deal with the issue of ethics. The first rule, which everyone knows, is, of course, rule 65(4), which reads:

A Senator is not entitled to vote on any question in which the Senator has pecuniary interest not available to the general public. The vote of any Senator so interested shall be disallowed.

We all know that we cannot vote on an issue in which we have any "pecuniary interest."

This is a rather large field. "Pecuniary interest" does not mean "direct interest." It does not mean "indirect interest." We all know the difference between a definition that is broad and expansive and one that is limited.

It is important for us, honourable senators, to look at how the House of Commons handles this. The rule that applies in the House of Commons is rule 21 of the Standing Orders of the House of Commons. Let me read it, honourable senators, because there is a lesson here:

No Member is entitled to vote upon any question in which he or she has a direct pecuniary interest...

Let me stress the difference: In our place, the rule says “any question in which the Senator has pecuniary interest...” In the other place, the rule reads, in part, “a direct pecuniary interest.” Honourable senators, believe me, the court will differentiate between these two rules.

However, honourable senators, let me bring rule 94 of the *Rules of the Senate* to your attention. Rule 94 reads as follows:

**94(1)** A Senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the matter referred to any select committee, shall not sit on such committee and any question arising in the committee relating to that pecuniary interest may be determined by the committee, subject to an appeal to the Senate.

Honourable senators, this is serious business. It means that I, as a senator, having been appointed by this chamber a member of the Legal and Constitutional Affairs Committee and the Rules, Procedures and the Rights of Parliament Committee, cannot sit. Honourable senators, this means that not only can I not vote, but also I cannot question.

**The Hon. the Acting Speaker:** Honourable Senator Sparrow, your time has expired. Do you wish to ask for leave to continue?

**Senator Sparrow:** With leave, I would ask for a few more minutes.

**The Hon. the Acting Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Joyal:** I will conclude quickly.

What I want to draw to your attention, honourable senators, is the perception that our system is less stringent than that of the other place, when, in fact, on the basis of the text, our system is more stringent and covers more than that in the other place. On that part of the issue, I would tend to support the approach of honourable senators.

Does the Honourable Senator Sparrow not consider that we have mechanisms already, as provided in rule 94, that this chamber is, in fact, the court where any allegations of conflict of interest can be taken and finally resolved?

**Senator Sparrow:** The answer is yes.

**The Hon. the Acting Speaker:** Honourable Senator Sparrow, would you entertain another question?

**Senator Sparrow:** Yes, indeed.

**Senator Joyal:** The honourable senator says that we are covered by the Criminal Code, and I find myself in disagreement with him on this point. Section 121 of the Criminal Code deals with influence peddling. In that section, the word “official” is defined. The Supreme Court of Canada, in a case that most honourable senators will be familiar with — that is, *R. v. Cogger*, a former senator in this place — attributed “official” as including senators. This, to me, is a very dangerous situation.

I regret that Senator Oliver, our respected colleague, is not here today, because the report of the Special Joint Committee on a Code of Conduct of the Senate and the House of Commons — known as the Milliken-Oliver report — recommended, under “Duties and Procedures,” the following:

The Government should review the recommendations of the 1992 Special Committee on Conflict of Interest regarding amendments to the *Criminal Code* regarding the offences of bribery, influence-peddling and breach of trust to clarify the meaning of the word “official” in relation to Parliamentarians.

In fact, if there is any real danger today that any one of us is open to, it is with respect to that section of the code. Honourable senators all know the sanction if any one of us were found guilty. We would lose our seat, according to section 31(4) of the Constitution Act, 1867, which reads as follows:

The Place of a Senator shall become vacant in of the following Cases:

(4) If he is attainted of Treason or convicted of Felony or of any infamous Crime:

My point is to separate myself from the honourable senator by saying that if there is something we need to do in this house it is to amend the Criminal Code to clarify the word “official,” as recommended by the Milliken-Oliver report and by Senator Stanbury’s study in 1992. In that way, we would clarify the situation and ensure that we would not be caught by the web that the honourable senator has described. We need to act in one way, according to the objective of maintaining proper ethics in this place.

**Senator Sparrow:** I wish to thank the honourable senator very much. I would agree with him that that action should, perhaps, be taken. It might be the position of the Senate that it would like to bring forth an amendment in that regard to the Criminal Code.

Apart from that, though, the Criminal Code does oversee the actions of senators.

**Hon. Jeremiah S. Grafstein:** Honourable senators, would the honourable senator permit another question or two?

**Senator Sparrow:** Yes.

**Senator Grafstein:** Senator Sparrow alluded — and I agree with him — to a distinction between office-holders in the cabinet and senators. He referred to the fact that in the other place, and in the press, the media and the opposition are “after cabinet ministers.”

I do not agree, by the way, with many of the criticisms of the cabinet; that there is a clear and present danger. However, to deal with such a clear and present danger, the government has now included everyone in the same bag, under the proposed draft legislation.

I take it the honourable senator was saying — and please correct me if I am wrong — that there is a clear, constitutional difference between a minister who, to a large extent, acts under cabinet secrecy in dealing with administrative as well as legislative matters of governance, and senators here in the Senate, whose acts are totally transparent in the sense that every act that we undertake in this place is recorded in Hansard; every vote is recorded in the Hansard; every committee report is available to the public.

There are two separate models and separation of powers: There are the legislation and administrative powers contained in the cabinet — essentially administrative powers of governance — and the purely transparent legislative actions of senators here in the Senate.

Is that what the honourable senator was trying to differentiate in his brief allusion to the difference between the two?

**Senator Sparrow:** Yes, it was.

**Hon. Richard H. Kroft:** Would the honourable senator take yet another question?

**Senator Sparrow:** Definitely.

**Senator Kroft:** Out of great respect and deference to Honourable Senator Sparrow's experience here — and, no, he did not hear footsteps at the time with the clock — I am interested in what sort of document it is, or what instrument it is that we are dealing with here. In asking my question, I would draw a conclusion and enquire whether, perhaps, the honourable senator is in agreement with it.

What we have here is a draft and not a bill. This is not the government saying, "This is what we want to do and this is all we have to do, and all the normal alignments that come with that." I would look for the honourable senator's confirmation, based on his years of experience, that what we have before us is an invitation to address an issue. We have a stimulus to thought. We have an opportunity to look to the fundamentals of this place, what it is like and what is the right way for us to do it.

I am looking at this matter — and I hope others are as well — not as a do-or-die situation or as a proposition, "yea" or "nay," but as an opportunity to expand our imaginations and expand our understanding of this institution; to look to the experiences of institutions around the world, including the House of Lords, and say, "Is this the way we want to do this, or is there a better way?" Would the honourable senator agree that that is what we are being asked to do now?

**Senator Sparrow:** Yes, I think that is what we are being asked to do. The Leader of the Government in the Senate made a statement that we want input into the process.

Where I divide my thoughts is why we are caught up in this exercise. That is my concern: Why are we caught up in it? Why are we charged with the responsibility of making recommendations or changes? If the thought that goes forward from the chamber or

the committee is that we do not want to be part of that process, then we will design, if necessary, our own rules in our own time. We will not be caught up in this process of trying to rule on what the cabinet does or what their concerns are when, in fact, there is a clear difference in the Constitution between what they do and what we do here.

My concern is that we say that we do not want to opt for an ombudsman, or whatever it is called — I use that word because so many words are being used — an outsider to pass judgment on the ethics of this chamber. My answer to the honourable senator again is no, I do not want any part of a discussion on those issues. That is for another place, at another time, affecting the cabinet. If the House of Commons wants to be caught up in that exercise, so be it, but I do not want to see us caught up in it.

**Hon. Jack Austin:** Honourable senators, with the permission of the house, I should like to ask a question of the dean of the Senate, Senator Sparrow.

A number of good suggestions are made in this draft material. I am sure that Senator Sparrow has no objection to proper standards of disclosure and the improvement of the current rules, if honourable senators see the desire of advancing our own rule system, given public expectations with respect to transparency and disclosure.

I wonder if Senator Sparrow has looked into an aspect that troubles me. If there is any legislation proposed to be enacted here, we would violate the rights of Parliament which have been practiced for centuries now; rights that, as the honourable senator said in his speech, have asserted that, with respect to the conduct of any senator within the rules, it is the judgment of our peers as to what that conduct amounts to, and what sanctions should be applied.

In the draft material, has the honourable senator considered that the proposals therein would create a statutory intervention into the normal conduct of this chamber? All statutory intervention is reviewable by a court. Therefore, a court could, under the statute in question — and, of course, the Charter, together or separately, and probably together — interfere with the processes of this house in terms of the responsibilities of a senator. Has the honourable senator considered that issue? If so, does he have a view on it?

**Senator Sparrow:** Yes, I do, because it is a matter of concern if this matter does proceed on the basis that is being suggested. If it would end in legislation that would let the courts decide on the actions of the Senate, then, of course, that is the greatest danger in what we are proposing here. The legislative aspect is what we have to avoid. The courts cannot be above this Senate chamber. That is the point that the honourable senator was asking about, and that I am agreeing with.

**Senator Austin:** I have a supplementary question. In the honourable senator's experience in Parliament, would he not agree that the essential division between the courts and the legislature — the judicial function and the parliamentary function — would be blurred if legislation were introduced that would deal with the rights of Parliament?



**Senator Sparrow:** Indeed, it would be blurred between the rights of Parliament and the actions of the courts. I have no doubt about that.

• (1500)

**Hon. Tommy Banks:** Would the Honourable Senator Sparrow entertain yet another question?

**Senator Sparrow:** Yes, indeed.

**Senator Banks:** My question is a much more crass and mundane question than the ones that have been asked so far, which are of substance.

I now wish to move to the area of perception, which is perhaps not important at all, or it may occupy different levels of importance, depending on one's point of view. However, perception is important to me and to other senators, particularly the perception of this house, the honour of this house and the honour of senators.

The honourable senator has probably given a great deal of thought to Senator Austin's question about the separation of the judicial function on the one hand and Parliament on the other. When I arrived in the Senate, I was less understanding of the importance of that distinction, as I am sure is the case with other honourable senators.

Certain members of the public might look at what has just transpired and say, "You mean to say that you are above the law and that you are exempt from the law in some respects?" In this regard, I am speaking about areas other than those specifically referred to in the Criminal Code that apply to senators. However, with respect to ethics, for example, I suggest that the average man on the street — if there ever were such a thing — might be able to say, "Then you believe you are above the law."

Similarly, and still in the realm of perception rather than substance, in answer to the honourable senator's earlier rhetorical question of whether there are any instances of senators having done the wrong thing in this place, I know people who are totally unaware of anything else about this place, its value or what goes on here but who would immediately answer the question by saying, "Yes, I will name three right now." Thompson is as famous, sadly, as any member of this place has ever been, and most half-informed people would also be able to invoke the names of Cogger and Berntson from the Senate's fairly recent history. These examples do not substantively attest to the question before us, but they are questions of perception that are important to some degree.

Would the honourable senator assist me in expanding on what the observations would be if one were to successfully counter that kind of argument?

**Senator Sparrow:** Honourable senators, when we talk about Thompson, we must remember that he followed the rules. There is no question about that. The rules were changed because of a certain circumstance. That is a fact.

In regard to the other two senators, presumably crimes were committed outside of this place, outside of Parliament and outside of the government. Those laws were broken, not from this chamber, and not in acting as a member of Parliament or as a member of the Senate.

The honourable senator is saying that because a certain negative perception exists, we should change our direction for political reasons, not because someone is saying that they want some type of rule to indicate that we are doing something.

If we have done a poor job of selling our position, what we do and the ethical standards we have in place, that is our fault, which I can appreciate. However, we do not need to adopt additional rules that will infringe on what we may do or infringe on the possibility of those who may be appointed to the Senate to say, "No, because of..." This is a crucial point.

I do not wish to make rule changes that would hurt the Senate or the parliamentary process along the way just because that may be the politically correct thing to do now. I believe that is what would happen. We should not bend to the political pressures of the day; that is not our job. Our job is to govern on behalf of the Canadian people, through thick or thin, and to make decisions on behalf of all Canadians.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** On a point of order, honourable senators will recall — although it is not in the rules explicitly, one does find at page 141 of *Beauchesne*, our code governing debate — that there is a prohibition that, while speaking, a member must not "refer to the presence or absence of specific members." I mention that as a reminder to honourable senators.

**Hon. Peter A. Stollery:** Honourable senators, I also have a question for Senator Sparrow. As I look at this motion, and with a certain understanding of the operation of the House of Commons, two things are being discussed in which the Senate is involved.

At the outset, I should like to preface my question by saying that I agree with Senator Sparrow's observations yesterday that, under the Parliament of Canada Act, senators are effectively prohibited from doing many things. We are already tied up strongly under the Parliament of Canada Act.

Honourable senators, we are discussing a change to the Parliament of Canada Act. I understand, having inquired, that this change really only concerns the appointment of an ethics commissioner.

I understand that there must be concurrence with the Senate to change the Parliament of Canada Act because it is an act of Parliament. Both Houses of Parliament, plus the Crown, must concur in the appointment of the ethics commissioner. I would ask the Honourable Senator Sparrow to correct me if I am wrong.

**Senator Sparrow:** Honourable senators, this motion is broader than simply amending the Parliament of Canada Act. It indicates that the *Rules of the Senate of Canada* will be changed. We are governed by the Parliament of Canada Act. An ethics commissioner for both Houses is proposed. As I understand it, separate pieces of legislation would come forward. That does not just change the Parliament of Canada Act, necessarily.

**Senator Stollery:** Honourable senators, what would the ethics commissioner do? I am told that there will be changes to the *Standing Orders in the House of Commons*, which could be adjusted at each Parliament, and that those standing orders would be the base upon which the ethics commissioner would operate in the House of Commons. The *Standing Orders of the House of Commons* do not apply to the Senate. Would the honourable senator tell me if my interpretation is correct?

**Senator Sparrow:** Honourable senators, how should I know? Perhaps I am unable to answer the question effectively because I am not sure I understood the question.

What we are faced with is an ethics commissioner who would include the members of the Senate in his or her deliberations.

• (1510)

I might say that, in my opinion — and I was about to say my humble opinion, but I do not have one — to establish the ethics commissioner in his office will cost thousands of dollars. It is not a matter of something that already exists. It will be a huge department. As far as the Senate is concerned, I am sure history would prove that he would be much like the Maytag man with nothing to do, and yet we are caught up in having to declare and disclose many things that are unnecessary in order for senators to effectively do a better job.

**Senator Stollery:** Honourable senators, I will end with my final question. There are three elements. It seems the ethics commissioner has to be appointed by the Parliament of Canada Act, something which must be agreed to by the Senate. In the House of Commons the commissioner will be — and possibly unwisely, but nevertheless that is their decision — judging rules that the House of Commons will establish at the beginning of Parliament for the House of Commons.

Senator Banks and others have said that we could be seen as trying to get out of something, and I understand that. However, it seems that in the very proposal the House of Commons will have standing orders as to their behaviour in the House of Commons. It has nothing to do with the Senate. It starts right off with the House of Commons. It does not start off with the Senate. The standing orders do not apply here. Here, the *Rules of the Senate* apply, which are whatever rules we decide we want to have. Many of us, and I include myself, think that the rules we already have are strong and that the Canadian public is well protected by the Criminal Code, the Parliament of Canada Act, et cetera.

Honourable senators, I would like some advice. I do not see how, as a senator, I got into this, because even though it is decided by the House of Commons that they want to judge their conduct by appointing an ethics commissioner — and in the amendment to the Parliament of Canada Act it is clearly specified that, in the House of Commons, the commissioner judges them under standing orders that are apparently approved and can be changed, I suppose, at the beginning of Parliaments — I do not see how that affects the Senate.

From the beginning of all of this exercise, I do not feel a great load on my shoulders that must be removed, because it was already removed under the Criminal Code, the Parliament of Canada Act and all the other statutes that can inflict punishments and bad things on senators if they are in conflict or if they accept bribes or do whatever it is they should not do.

In this very proposal, it seems to say that we know that we are in charge of our own standing orders. The standing orders have to be approved by senators. We are the masters of our own house. Therefore I do not follow the logic that seems to be current, which is that because the House of Commons has decided to do something with their standing orders, that it follows that the Senate — a separate chamber, a different chamber, which is independent and self-standing — would pass standing orders that would apply in the Senate, and that would be the same as the ones they have created in the House of Commons.

I do not follow the logic of all of that and I wondered if Senator Sparrow had the same difficulty that I have had?

**Senator Sparrow:** Honourable senators, I wish now that I had asked Honourable Senator Stollery to write my speech for me because that is basically what I have been trying to indicate, which is that we are caught in this so-called web. If members of the House of Commons wish to have some control over the actions of the cabinet, and further controls over the actions of their own members, so be it. I believe it is not necessary for us to fall in with this bag of tricks that is basically being played on us.

On motion of Senator Joyal, debate adjourned.

## BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

### SECOND READING—DEBATE ADJOURNED

**Hon. Bill Rompkey** moved second reading of Bill C-300, to change the names of certain electoral districts.—(*Honourable Senator Rompkey, P.C.*).

He said: Honourable senators, this is the usual measure that we have had come before us from time to time for the change in names of certain ridings. I have agreed with the government whip in the House of Commons that I would sponsor that particular measure here in the Senate.

I do not have specific information before me today. If that is required, I can get it. Normally, in the past, we have dealt with these measures that come before us rather expeditiously, but I am in the hands of the Senate. If further explanation is needed, I can give that at a later date.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I wonder whether Senator Rompkey could explain to us why the bill that is before us has an error in it, and, rather than even dealing with it at second reading, why we should not just send it back to the other place advising them of that error?

At least there is this error — I will not say *inter alia*. If one examines the work that was done, the riding name-change that was proposed for Kelowna was to be to “Kelowna Lake Country.” What is in the bill is from Kelowna to “Kelowna-Country.” Thus there is an error in the bill itself, and perhaps Senator Rompkey could tell us what to do.

**Senator Rompkey:** Perhaps the honourable senator would agree that we could deal with that error in committee and make a rectification through our own procedures? That is what I would propose, if it is in order.

**Hon. Marcel Prud'homme:** Honourable senators, if no other senator wishes to speak, I will have a long discussion on this matter. I would prefer to ask for consent to take this bill under my name for the next sitting. We have already gone through all of that in June at the Justice Committee, and I know that Senator Joyal was extremely active, as was the Honourable Senator Beaudoin and many other people. It is the same argument that will be put to you.

• (1520)

Unless some other senators would like to speak, I shall volunteer and ask kindly that this bill be put in my name for the next sitting.

**Hon. Lowell Murray:** As with Senator Prud'homme, I have views on this general question, but I will spare the Senate my views for the moment.

Why is the House of Commons and the Senate proceeding with this matter at a time when redistribution is well under way? The preliminary maps by the redistribution commissions have been published. Public hearings are being held. The new boundaries will be effectively cast in stone before the summer of 2003, after which a year must pass before an election can be called on those new boundaries. Why are they proposing a change in the name of a riding that, for all I know, will be redistributed with its boundaries changed and its name changed as a result of redistribution?

**Senator Kinsella:** Honourable senators, the Honourable Senator Rompkey did invite our observations on the first part of his speech at second reading that, if we prefer, he would consult his notes. I think that is the sense of the chamber. Perhaps the Honourable Senator Rompkey himself wants to move the adjournment of the debate.

**Senator Prud'homme:** I withdraw my own request.

**Hon. Eymard G. Corbin:** Honourable senators, at this stage, you can consider what I am going to say in my speech on this matter.

It is a member's privilege to suggest a name change for his riding so that it adequately reflects the social context: the geography, the quality of the air, the quality of the water.

However, there is one other item in here that I find rather ridiculous, and a waste of time, more so because the name of that riding came before us during the last round of riding name-changes. I am referring to Rimouski-Neigette-et-la Mitis, which would become Rimouski-Neigette-et-La Mitis. The only change being proposed is that there would be a capital 'L' in the wording of la Mitis.

I cannot understand why this sort of thing cannot be done by way of editorial procedure. Why do we have to make corrections by way of legislation? This should have been caught by the member who proposed the name change in the first round the last time we did this. I consider these picayune matters a total waste of time. I am in favour of proper French, but why did the people responsible for this matter not do a proper job in the first round?

**Senator Rompkey:** Honourable senators, I would like to take the sound advice of Senator Kinsella, and consult my notes and adjourn the debate in my name.

**Senator Prud'homme:** Honourable senators, first, to proceed in the proper fashion. I had already made a motion, and I am ready to ask to withdraw my motion and abide by what is agreed between Senator Kinsella and Senator Rompkey. Otherwise, you will have two sets of decisions. I therefore withdraw my motion, honourable senators.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Milne, that further debate of the motion be adjourned until the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

On motion of Senator Rompkey, debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (study of motion authorizing the National Security and Defence Committee to travel) presented in the Senate on November 20, 2002.—(*Honourable Senator Milne*).

**Hon. Lorna Milne:** Honourable senators, I move the adoption of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** Honourable senators, I thought the Honourable Senator Milne was merely moving the motion for adoption. I did not understand that the question was being put. It is customary for the chairman of a committee to move the adoption of a report and then rise and speak to that report.

**The Hon. the Acting Speaker:** I apologize. It may have gone too fast.

**Senator Milne:** I understand that it has been passed.

**Senator Cools:** Honourable senators, what is the status? My understanding is that it is customary that we move the adoption and then the chairman speaks to the report. Has it been adopted?

**The Hon. the Acting Speaker:** Yes. I apologize. I may have proceeded too quickly, Senator Cools.

**Senator Robichaud:** It has been adopted.

**Senator Cools:** The report has many errors in it that I was trying to have corrected before it was adopted. I no longer know what our custom is here in this chamber, because I thought that the chairman moves the motion and then speaks to the report. Are we supposed to jump up and ask "Do you intend to speak or not?" We should clarify this procedure. I am sure that most honourable senators believed that they were voting on the motion to allow the honourable senator to speak.

I was sitting here looking at this report, and I just saw a couple of errors that I thought we would want to have corrected on the record and that I would want to call to the chairman's attention so that she could correct the report herself before it was offered up for a vote. If we look at the report, it says:

Debate on this motion was adjourned. The following day, Thursday, November 17...

— that must mean November 7, because November 17 was last Sunday. We did not meet on the weekend. There was no debate last weekend.

Then the next point I would make is that the report says:

The following day, on Thursday, November 17, an amendment was moved by Senator Sharon Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C., that the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Honourable senators, no such amendment was moved. The Honourable Senator Carstairs moved an independent motion. Her motion was not amending Senator Day's motion. It was, in fact, an independent motion. If you look to the record, Senator Day's motion was that the Standing Senate Committee on National Security and Defence be authorized to adjourn from place to place within and outside Canada for the purpose of pursuing its study. The motion that Senator Carstairs made was:

...I move that the question before the Senate be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Senator Carstairs never amended or offered an amendment to Senator Day's first motion. It could be said that her motion was intended to supersede the first motion. It seems to me that there is a collection of mistakes in this report.

The report continues:

Subsequently, Senator Noël A. Kinsella moved, seconded by the Honourable Senator Stratton, that the motion in amendment be amended by adding the words...

I am not sure now whose motion it was that Senator Kinsella was amending.

• (1530)

There is something very wrong in this report. If it has been adopted, then it is a certain sort of oddity. Perhaps I need guidance from my colleagues. How can such a report be corrected? Perhaps Her Honour has a suggestion. It seems to me that the chamber had not become aware that the report, in at least some of these technical ways, is flawed or incorrect. Something ought to be done.

[Translation]

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I think that this report has now been adopted. The question has been put, and senators have expressed their consent regarding the adoption of this report. I do not see why we should go back to motions that had been adopted previously. In fact, we had agreed on this issue two weeks ago. This report has now been adopted and we should simply move on to the next item on the Orders of the Day.

[English]

**Hon. Eymard G. Corbin:** Honourable senators, I rise to speak on a point of order. If things had not moved so rapidly, I would have proposed the adjournment of the debate because this matter came to our attention today. It proposes a major departure from the traditional practices of this house. It concerns the privileges of individual senators and, indeed, of the house itself. I would have wanted to comment on the report.

There is no way that a senator can be in attendance here and follow debate and at the same time digest a three-and-a-half page report.

**Senator Milne:** That is the wrong report. You are speaking of the third report.

**Senator Corbin:** Honourable senators, I am sorry.

**Senator Murray:** You made your point, senator.

**Senator Corbin:** I must have been sleeping at the switch. In any case, I will not let the fourth report fly by.

**Senator Cools:** Honourable senators, I think that Senator Corbin unwittingly has raised an important point, which is that had the situation not moved along so quickly, some honourable senator would probably have taken the adjournment.

What I thought we were looking forward to was the consideration of the report and a debate on it. Of course, I do not think that anyone anticipated that the proceeding would just spring to a vote without any debate. Perhaps in the future when an honourable senator rises and says "I move the motion," we should jump up quickly and say, "Let me know if you intend to speak or not so I can know whether to vote or to take the adjournment."

Something is clearly wrong in these circumstances. I do not think it is fitting, right or just, as the Honourable Senator Robichaud has suggested, to accept a document, in this case the third report of the committee, that contains particular errors and mistakes, especially on critical issues such as dates and the substantive intention of a particular motion. As I understood it, the motion made by Senator Carstairs was a superseding motion and not an amendment to the main motion. I do not know how, but I would like the record to be crystal clear. If the record shows that there was a unanimous vote, it was not my intention or my understanding to have been voting on the motion. I thought I was just voting to allow the chairman of the committee to speak so that we could all duly and properly debate the report.

On the substance of the report, there are some important questions that I would have liked to address.

**Senator Robichaud:** On a point of order, Your Honour.

We cannot, on a point of order, go in and out of the substance of the report, then question what has happened and try to rewrite what has been done here the last week we were sitting or even today. I think it is very clear. The question has been put and honourable senators have expressed their opinion on that question. The point that Senator Corbin made related not to the third report but to the fourth report. This was clear. There is a limit as to how we can debate matters that have already been debated and voted upon.

**Senator Cools:** No, Your Honour. Senator Robichaud's point of order is most invalid and not a point of order at all. We are not debating something that has already been debated. In point of fact, the third report has not been debated at all.

The point that I am raising is that the Senate has adopted a document that is flawed, and that is an important matter. It seems to me that every single senator has a duty. If any senator sees the chamber adopting something that is flawed, then that senator has the duty to call that fact to the attention of the Senate. It is not fitting, proper or judicious that we should knowingly adopt documents with mistakes in them.

**The Hon. the Acting Speaker:** Honourable senators, I did move too quickly, and for that I apologize.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Acting Speaker:** It has been moved by the Honourable Senator Milne, seconded by the Honourable Senator Rompkey, that this report be adopted now.

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

**Hon. Senators:** Agreed.

**Senator Cools:** Are we voting to allow Senator Milne to speak or are we voting on the question?

**The Hon. the Acting Speaker:** Excuse me, Honourable Senator Cools. I have asked the question. It has been put.

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

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Carried.

**Senator Cools:** Point of order. You cannot do that.

**Senator Stratton:** Yes, we can.

**Senator Kinsella:** We just did it.

**Senator Cools:** I was on a point of order.

**The Hon. the Acting Speaker:** The Honourable Senator Cools.

**Senator Cools:** I was attempting to say that once the Speaker of the Senate becomes aware that the question being put before the chamber involves a document, an account or a report containing faults that have been drawn to her attention, then she has a duty not to put the question. It is the duty of Her Honour not to put a question if there is a defect.

**Senator Robichaud:** Order, order! Her Honour is standing.

**The Hon. the Acting Speaker:** Honourable Senator Cools, perhaps we should take a moment to review what has happened. First, I did move too quickly. I gave the floor to you and I believe you had your say. I then rose again and asked if the house was ready for the question. I did hear an affirmative response, after which I went forward with the question and it was agreed upon.

Next item, please.

Motion agreed to and report adopted.

[Translation]

## KYOTO PROTOCOL ON CLIMATE CHANGE

### NOTICE OF MOTION TO RATIFY

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

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, pursuant to rule 58(1)(h), I will move:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

[English]

## FOREIGN AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEETING DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 58:

That the Standing Senate Committee on Foreign Affairs be empowered, in accordance with rule 95(3), to sit at 6 p.m. on Monday, November 18, 2002, even though the Senate may then be adjourned for a period exceeding one week.

• (1540)

**Hon. Peter A. Stollery:** Honourable senators, this matter is no longer relevant; I would ask that it be removed from the Order Paper.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Order withdrawn.

### MOTION TO REFER 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein,** pursuant to notice of November 20, 2002, moved:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and

urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

## Appendix

### RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6 - 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to “unequivocally condemn” anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms," and urges participating States to address "acute problems," such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;

10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic

criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

He said: Honourable senators, I rise in support of this resolution encapsulating the OSCE Parliamentary Assembly Resolution on Anti-Semitic Violence in the OSCE Region, including Canada — the OSCE being comprised of 55 nations, stretching from Vancouver in Canada to Vladivostok — a resolution that I supported energetically and endorsed and which was unanimously approved by all OSCE parliamentarians in the Reichstag in Berlin last July.

Honourable senators, hate always starts with words. Words can kill. Sadly, daily, we experience these painful lessons. Incitement to hate, anti-Semitism, starts with Jews, but never ends with Jews. This is the tragic lesson of history. The bitter lesson of European history is still scorched in our memories.

The treatment of Jews, some political philosophers have argued, has been a test, or at least one benchmark, of a free and open civic society. The ugly faces and voices of anti-Semitism have not been seen or heard with such ferocity and force, nor witnessed, since the 1930s. Licence, even reaching into international fora, has been granted to acts of anti-Semitism — incitement to hatred — always leading to violence.

In Canada in the past year, four synagogues have been scorched or burned, more than at any time in our entire history. In Canada, more than two incidents of anti-Semitism per day in the last year were collated this past spring — all this, in Canada, in the 21st century.

After 1989, when the Berlin Wall finally came tumbling down, I never thought that I would ever have to open a dossier on anti-Semitism, certainly not a dossier in the 21st century. Yet, in England, in Germany, in France, in Denmark of all places, and, worse, even in Canada and elsewhere throughout the entire OSCE space across the face of Europe and North America, synagogues — houses of worship — must now be guarded, some 24 hours a day, to allow for freedom of worship. In Canada today, there is now a new tax on freedom of worship in synagogues, the cost of fulltime guards just to exercise the right to worship in Canada in peace and security. I should note that in Germany this guard tax is now borne freely and openly by the German government.

Regrettably, no corner of OSCE space is free of taunts and fears of anti-Semitism. The news media has accelerated and even inflated this endemic problem. State-sponsored media are relentless, even stooping to produce and broadcast that oldest of old canards, the Protocols of Zion.

Last summer, I spoke in the Reichstag, the German Parliament in Berlin — where Jews had settled on the banks of the Spree well before the founding of Berlin over 750 years ago — urging the OSCE to lead in raising our voices against runaway anti-Semitism. I was absolutely delighted that the OSCE resolution, encapsulated in this resolution, was so quickly and unanimously adopted in Berlin's Reichstag on July 8, 2002, in the very same place that Hitler stood in 1933 to introduce his heinous laws. The OSCE was not silent.

Yet, in Canada, I have waited, and all I have heard is silence. What we cannot do, what is unacceptable, is to remain silent. Imagine, four synagogues burned or scorched — four synagogues in four provinces of Canada — and still eerie silence from all our leaders and all our institutions. Honourable senators, silence is acquiescence. Acquiescence breeds licence. Licence breeds legitimacy. Legitimacy leads to fear, scorn, loathing and then violence — all unacceptable to the founding principles of the OSCE, the 1975 Helsinki Accords, the 1990 Charter of Paris and the 1990 Copenhagen Declaration and, above all, unacceptable to the Canadian Charter of Rights and Freedoms.

What can we do? We can support this resolution in this Senate, as the OSCE Parliamentary Assembly did unanimously and quickly last summer. It is to be hoped that a similar resolution will be passed in every house of parliament of the 55 member states of the OSCE, and Canada should lead the way. This resolution might light the way out of this current gloom. This resolution might ignite other lights that can push away the darkness descending upon us.

In the last millennium, the last 1,000 years, two out of every five Jews were murdered. In the last century, the murder of Jews continued. During the last century, the 20th century, one out of three Jews was murdered.

While discrimination always seems to start with Jews, it never ends with Jews. Discrimination always starts with a word, then a phrase, perhaps a joke, then gossip, then conversation, then a speech or a sermon, then a lecture, usually a book, then a policy, then a state program followed by the expectation that the state program will be executed, and it was! We never believed it could happen, but it did. What happened in the last century in civilized state after civilized state remains beyond imagination, yet it did happen.

Honourable senators, words of incitement against Jews are always followed by discrimination against the "other." This is the pathology of hate. This is the oxygen of violence.

Must we repeat the anguish call of the 20th century — "Never again"? I fear we must.

I urge colleagues to unanimously support this resolution, as our parliamentary colleagues did so readily in Europe, and the modest actions proposed.

[ Senator Grafstein ]

Honourable senators, we must make a start. This is the place. Now is the time.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Would the honourable senator entertain a question?

**Senator Grafstein:** Yes.

**Senator Kinsella:** In recent times, we have observed in Montreal, at Concordia University, the imposition of silence. My understanding is that the imposition of silence continues to this day and is, if I am not mistaken, even upheld by a court injunction. Would the honourable senator reflect on this domestic Canadian incident, relating it to this resolution, which I wish to advise him I support?

**Senator Grafstein:** I thank the honourable senator for his question.

I have not had a chance to examine all the facts surrounding that incident, other than what I have read in the newspapers and other reports. I believe that the right of free speech that is guaranteed in the Charter is almost sacrosanct, if not totally sacrosanct.

• (1550)

However, such an activity must take place in a forum where freedom of speech is allowed. It is my understanding, based on a comment that I heard from another member of Parliament, whose daughter was at the event and was punched out, that there was not freedom of speech at this event, nor an atmosphere of peace and security.

This is a very difficult question to answer. I do not want to make a glib response to it. However, this is exactly the type of thing that a committee might examine objectively to see whether there are ways in which honourable senators can deal with what I consider to be a sacrosanct right of every Canadian, and that is freedom of speech.

Let me say this, honourable senators: What troubles me personally, and the reason why I have sat here for a year now and waited for a response, is that when I go to my synagogue now, and it is one of the largest in Toronto, I cannot go in through the front door, nor can I go in through the side door. I have to go in through the parking lot, as does every other member of that synagogue. Thereafter, we go through a chamber where our bags are checked. This process goes on 24 hours a day. That is a tax. Recently, I received my membership account, and we are now charged \$150 or \$200 per family for those guards.

**Senator Di Nino:** Security.

**Senator Grafstein:** I am now, in Canada under the Charter, personally taxed to enter into my own place of worship. Down the street there is a Roman Catholic edifice, and down the other street there is a Protestant edifice. Several miles away, there is a mosque. I do not detect guards there.



I say that if anything else comes out of this inquiry, at least there should be something said in Canada about the fact that one religion is required to be taxed just to exercise its freedom under the Charter, which is the freedom of worship. I find that abhorrent and unacceptable.

**Senator Kinsella:** My reading of the literature on the administration of universities in the United States and Canada has raised concerns for me that there is a new kind of systemic discrimination, of which the events that occurred at Concordia are but a symptom or the tip of the iceberg, to use a different metaphor.

Do you think that the committee to which this resolution might be referred would serve a very rich end if it were to examine the nature of the response that is appropriate in a free and democratic society such as Canada in the year 2002? Such a rich end indeed that those who follow us, in generations to come, and with the hindsight of the future, will say that, while we were not necessarily asleep at the switch, we did not critically examine the changed dynamic; that we did not probe the systemic nature of the anti-Semitism that prevailed; that we were confused by the complexity of geopolitical considerations?

Those of us who read history try to understand, for example, the actions of the churches — and I can speak of my own church, the Roman Catholic Church. There are today a great many questions as to the appropriateness of the actions of the Vatican during the era of the Second World War and the Holocaust. Much of the historical research that is being done in that regard is not crystal clear, either on the one hand or on the other. Great historians such as the one from your city of Toronto, Michael Morris, who served on an important commission of historians, have been examining Vatican archives, at least those that were made available to the researchers.

My analysis of it, if we can learn from that history, is that those living during that era were not reflecting upon the changed dynamics. If we are to learn something from that terrible period of history, it is how men and women of goodwill and institutions of goodwill, such as the Vatican and other institutions, may not have been as proactive as they could have been. I do not want us to be condemned by the generations that follow us in the future.

To return to the specificity of my second question, does the honourable senator believe that the committee to which this resolution would be referred ought to examine the nature and complexity of the world that we live in, the political dimensions as well as the ethnocentric conflicts so critically important for a country such as ours that is so metropolitan and multicultural a society?

**Senator Grafstein:** I wish to thank the honourable senator for that informed question. Let me deal with two aspects of it.

I do not believe the committee to which this resolution will be referred has to invent the wheel. Substantive and serious, critical, scholarly work has been done with respect to the Roman Catholic Church.

As a result of my origins at the University of Western Ontario, and being a member of the Newman Club as a youngster, I have always had, both from the inside and the outside, a very close and careful view of the Roman Catholic Church.

From my own perspective, while one can be critical of the church, as Roman Catholic members are today, remarkable progress has been made with respect to dealing with some of the systemic problems within the liturgy of the Roman Catholic Church. I was pleased to see that within the last year or so the Lutheran Church of Canada has done likewise. Remarkable progress has been made. It has taken a lot of time and energy.

However, the self-reform within religious organizations, institutions and communities is more important than reform from without. I see that evolving, and particularly under the current Pope. It has been two steps forward, one step backward, but there is still some forward motion.

I would not expect the committee to do other than, perhaps, examine this question. It does not have to reinstitute serious and substantive work that has been done on that front.

For me as an observer, and for the honourable senator as a student of history, what I found to be absolutely remarkable is the time and the energy I have spent going to Germany over the last 20 years since becoming a senator. I am a member of a Canadian-German group, the Atlantik-Brücke. In the back of my mind, I have always had the thought: How could a civilized society such as Germany, the leader of Europe in terms of science, literature and philosophy, succumb to what I consider to be the horrors of anti-Semitism? The people who were the most surprised about that were Germans themselves, many of whom served in the First World War with great distinction.

Once I came across a text that said there was a higher proportion of Germans of Jewish origin who served with distinction in the First World War for Germany than, perhaps, any other community. How could that happen? I have studied the subject for the last 20 or 30 years. I edited a book on the same issue, and I am still puzzled. There are no short answers.

I have decided that the only good answer is not to remain silent and to say over and over again that this conduct, private or public, is unacceptable. For me, I must say that I was amazed that there was no church or political leader, nor any major institution in Canada, set up to deal with this precisely, like fraternal relationships between Christians and Jews who were upset about the scorching and burning of synagogues.

• (1600)

I know that had a church in the United States been burned, the President of the United States would have been there the following day, as happened on several occasions — but in Canada, silence. Perhaps we are too nice and complacent.

To my view, this very modest resolution might ignite some small lights that might change people's attitudes toward these things and make Canadians such as myself feel fully that we are equal citizens with you as you go to your church and we go to our synagogue.

**The Hon. the Acting Speaker:** Honourable Senator Grafstein, I am sorry to interrupt, but I must advise that your time for speaking has expired. Is the honourable senator asking for leave to continue?

**Senator Grafstein:** Yes, please.

**The Hon. the Acting Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**Hon. Joan Fraser:** Honourable senators, I welcome Senator Grafstein's motion. For those senators who are interested, I would recommend, among many other publications, the remarkable book by Erna Paris called: *Long Shadows: Truth, Lies and History*, which is an examination of societies where systemic racism has taken hold, not only anti-Semitism but many forms of racism. It is a remarkable and most enlightening document.

I would ask Senator Grafstein whether he is aware that the Board of Governors at Concordia University has voted to lift the moratorium on discussions concerning the Middle East, but the exact timing of the lifting is to be left to the principal of the university. The decision has been made.

I would also ask the honourable senator whether he is aware that the original moratorium was brought in and then confirmed by a court injunction, not so much as a question of censorship but in order, literally, to preserve the physical peace in the university. What happened was that when Benjamin Netanyahu, a politician with whom I disagree on almost every imaginable point, came to speak at Concordia, his arrival was greeted with remarkable physical violence by a number of protestors who did a great deal of physical damage. Senator Grafstein referred to someone who was punched out, and I believe there was more than one person who suffered personal violence. There was damage to the university property — huge windows broken and furniture hurled down from a height greater than our galleries. It was a dangerous situation. The university was acting to restore the climate of calm in which proper debate of profound ideas can occur.

**Senator Grafstein:** I thank my colleague for referring to Erna Paris. She is an old friend of mine. She was included in my book as well, and she is one of Canada's outstanding writers. Her books have been well received not only in Canada but also in Europe. I commend everyone to read her book. She has also written one on the Spanish experience, which is edifying and well written.

I would like to respond to the Concordia episode, but I must say that, particularly in the Senate, I do not like to respond unless I am on top of the facts — and I am not on top of those facts.

I can give honourable senators another incident that startled me, involving a mutual friend of mine and of Senator Keon. He is an outstanding heart surgeon in Canada. He was on Bloor Street in Toronto some months ago, walking out of a bookstore. A protest was marching by, and he stood up and said, "What about suicide bombers?" He was immediately trampled. He was kicked and had his arm dislocated, which meant he could not perform heart surgery. No one on Bloor Street, on a Saturday, stopped and said, "Get off this guy."

I was in Europe at the time and came back to Canada because he is a good friend. I called him and asked what had happened, and he confirmed that story.

I found that story to be absolutely beyond my imagination: downtown Toronto, Bloor Street, police officers within yards, someone being beaten up on the street, and no one saying, "Back off." This is Canada in the 21st century.

**Hon. Eymard G. Corbin:** Could the honourable senator tell us why he is suggesting that this motion be referred to the Foreign Affairs Committee? At first sight, I would think that the Human Rights Committee could best deal with it.

**Senator Grafstein:** Honourable senators, since this is an OSCE resolution that reflects events not only in Canada but also in practically every member state of the OSCE, it is not purely a domestic human rights issue. It is a domestic human rights issue that has been replicated in every civilized country of the Western world.

The history of Denmark is well known to Jews because when the hideous yellow star was imposed upon them during the Second World War, the king walked out and wore the yellow star. In that country, 99 per cent of the Jews were not eradicated because the population all said they were Jews.

When I was in Denmark some months ago, a Jewish team was playing soccer there. They were beaten up on the field. I happened to be there that weekend. I read the newspapers and I watched TV, and then I talked to members of Parliament. I asked, "Where is the outcry? Where is the church? Where is the government? Where is the king?" Frankly, I do not want to quote our parliamentary colleagues out of context, but I found the answers unacceptable.

I did not concoct the resolution that was placed before the OSCE. I seconded it, but I did not propose it. It came from the United States. I felt that this resolution would be an answer. I spoke to parliamentarians in Denmark and asked, "Will you take a look at this?" They said "Yes, we may." I found that to be such a change from what happened in Denmark just over half a century ago.

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

[Translation]

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY PROPOSAL OF VALIANTS GROUP

**Hon. Michael A. Meighen,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the proposal of the Valiants Group for the erection of statues in downtown Ottawa to salute the heroic wartime

sacrifice of certain valiant men and women who fought victoriously for the independence of Canada during the 17th, 18th, 19th and 20th centuries, and helped mightily to establish Canada's nationhood; and

That the Committee report no later than January 31, 2003.

• (1610)

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I understand that adopting this motion will not lead to costs for the subcommittee. It simply seeks to study proposals made by the Valiants Group for the erection of statues in downtown Ottawa.

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

Motion agreed to.

[English]

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Lowell Murray,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO STUDY TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO

**Hon. Peter A. Stollery,** pursuant to notice of November 20, 2002, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the Canada — United States of America trade relationship and on the Canada — Mexico trade relationship, with special attention to: a) the Free Trade Agreement of 1988; b) the North American Free Trade Agreement of 1992; c) secure access for Canadian goods and services to the United States and to Mexico, and d) the development of effective dispute settlement mechanisms, all in the context of Canada's economic links with the countries of the Americas and the Doha Round of World Trade Organisation trade negotiations;

That the Committee have power to engage such counsel and technical, clerical and other personnel as may be necessary for the performance of this order of reference;

That the Committee have power to adjourn from place to place inside and outside Canada for the purpose of this reference; and

That the Committee shall present its final report no later than December 19, 2003, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until January 31, 2004.

He said: Honourable senators, pursuant to rule 30, and with leave of the Senate, I would ask that my motion be modified by deleting the following two sentences:

That the committee have power to engage such counsel and technical, clerical and other personnel as may be necessary for the performance of this order of reference;

That the committee have power to adjourn from place to place inside and outside Canada for the purpose of this reference.

Honourable senators, the substance of the motion stands. I have discussed this with both sides, honourable senators; as such, it is my hope that the motion, as amended, will be acceptable.

**The Hon. the Acting Speaker:** Honourable senators, is leave granted to delete these two paragraphs?

**Hon. Senators:** Agreed.

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

Motion agreed to, as amended.

## HUMAN RIGHTS

### COMMITTEE AUTHORIZED TO STUDY POSSIBLE ADHERENCE TO AMERICAN CONVENTION ON HUMAN RIGHTS

**Hon. Joan Fraser,** for Senator Maheu, pursuant to notice of November 20, 2002, moved:

That the Senate Standing Committee on Human Rights be authorized to examine and report upon Canada's possible adherence to the American Convention on Human Rights;

That the documents and evidence received by the Committee during its consideration of these same matters in the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee table its final report no later than June 27, 2003.

Motion agreed to.

[*Translation*]

### ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 26, 2002, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 26, 2002, at 2 p.m.

## APPENDIX

**Addresses  
on the occasion  
of the unveiling of a portrait  
of the  
Right Hon. Martin Brian Mulroney**

November 19, 2002

[English]

**Hon. Peter Milliken (Speaker of the House of Commons):** Good afternoon, ladies and gentlemen, Mesdames et Messieurs. I would like to welcome you to this special occasion, as we prepare to unveil the official portrait of the Right Hon. Martin Brian Mulroney, 18th Prime Minister of Canada.

We will all remain standing for the national anthem.

[Editor's Note: Whereupon O Canada was sung]

**Hon. Peter Milliken:** Once again, good afternoon.

The portrait we unveil today is the concrete, tangible tribute we pay to a former prime minister, and we are privileged to be present at this latest commemoration of our political history as it is added to the collection contained within these walls. But this day also affords us the opportunity to acknowledge our respect and admiration for Mr. Brian Mulroney, an admiration shared nearly two decades ago by the *Edmonton Journal* when they described him in the following glowing terms:

“His eyes are Paul Newman blue. His hair has the swoop of the Robert Redford style and the voice and resonance of a Lorne Greene school of broadcasting. The jaw is by Gibraltar.” Given that flattering assessment, if politics had not beckoned, Mr. Mulroney might well have aspired to a career in film or television. In fact, not too long ago, at the conclusion of an interview with CBC-TV, he was asked whether he might consider returning to politics.

The journalist asked, “Not even a hint of a desire to one day get back in the arena?”

Mr. Mulroney replied, “No, not a hint. My desire is to come back as anchorman for CBC.” I trust the media in attendance are taking note.

[Translation]

But his attraction to the world of media notwithstanding, there is no denying that Mr. Mulroney's interest in politics is a long-standing one, when he joined the Conservative Party during his university days.

In 1976, he ran for election as Conservative leader at the party's national convention, but it was not until 1983 that he won the leadership and gained his first seat in the House of Commons. In the election the following year, Mr. Mulroney's Conservatives won 211 seats in the House of Commons, the largest number in Canadian history. Four years later, the Conservatives won another majority.

[English]

In his nine years in office, Mr. Mulroney brought in two free trade agreements and introduced the goods and services tax. The language rights in New Brunswick were entrenched in Canada's Constitution. The Nunavut Agreement with the Inuit of the Eastern Arctic set in motion the creation of a third territory in Canada, representing a major achievement in aboriginal land settlement.

Internationally his stand on South African apartheid won him respect around the world. He also negotiated an acid rain treaty with the United States and was an architect of the Sommet de la Francophonie.

[Translation]

He also endeavoured to achieve constitutional reform. The Meech Lake accord attempted to define conditions under which Quebec could sign the 1982 constitution, but failed to become law when it was not passed by the Manitoba and Newfoundland legislatures.

Another endeavour to secure constitutional unanimity was undertaken with the Charlottetown accord in 1992. A national referendum was called on this agreement, but it was ultimately defeated, and Mr. Mulroney resigned from politics in 1993.

[English]

It has been said that he himself was surprised, given his love of politics, that he was so easily able to turn the page, to leave politics behind and move on to different professional challenges. But today is a day for reminiscences after all, so I ask his indulgence while I take a moment to express my admiration and appreciation for a man whose dedication to his party, his constituency and his country are above question.

As Speaker of course I have no political leanings, but when Mr. Mulroney and I were last in the Chamber together, our political differences were somewhat more marked. Nevertheless there was never any doubt that like everyone who sits in the House he only wanted one thing, and that was to try to improve the lives of his fellow citizens. We may not have agreed on how this could best be achieved but his priority was always to place his skills at the service of his party, his constituency and his country, and for that we all applaud him.

Leadership is not an easy burden, but he carried it with grace and dignity, wit and compassion. I am delighted to note that the passage of years has obviously not affected those qualities. I am sure the *Edmonton Journal* would be equally pleased to see that time has been kind to those features so eloquently described in that article written a number of years ago.

[Translation]

I invite the Hon. Lucie Pépin, Speaker *pro tempore* of the Senate, to address us.

**Hon. Lucie Pépin (Speaker *pro tempore* of the Senate):** Mr. Prime Minister, Mr. Speaker, honourable colleagues, ladies and gentlemen, just before leaving his position as Prime Minister, in June 1993, the Right Hon. Brian Mulroney said words whose truth is unquestionable, words that go straight to the heart of this ceremony. On the role and responsibilities of the Canadian Prime Minister, he said, and I quote:

The leadership of a modern democracy... is a great challenge. The most important responsibility of a Canadian Prime Minister, as prime ministers of any political party have learned, is the preservation and enhancement of Canadian unity.

Those who have met the challenge of assuming the leadership of our country have all, without exception, made huge efforts and countless sacrifices in the interest of their fellow citizens and in the service of the unity of Canada. Each one of them deserves our recognition and our respect. This is why we pay tribute to our former prime ministers by dedicating portraits to them.

The Right Hon. Brian Mulroney left a deep imprint in Canada's history and in the minds of his fellow citizens. He served his party, his riding and his country with great distinction. And while today we are recognizing the former Prime Minister, we are also saluting and honouring this particularly warm person, a person who is exceptional in every respect.

His successes are many and they are remarkable. As a former Quebec member of Parliament who was elected for the first time, like Mr. Mulroney, at the 33rd general election, held on September 4, 1984, I was among those who were able to see his achievements first hand.

[English]

Naturally, among the most important of these exploits are the Free Trade Agreements, which he successfully negotiated despite intense resistance from opposition parties and every corner of Canadian society. Moreover, he reached out across the cultural divide to build bridges between English and French Canadians, and for that he deserves our thanks and praise. As my colleague Senator Lowell Murray put it so well on February 24, 1993, Brian Mulroney will be remembered:

[ Hon. Peter Milliken ]

"As the national leader who, one-hundred years after the death of Sir John A. Macdonald, redeemed the heritage of our first prime minister and renewed [the Conservative Party] as a partnership of English- and French-speaking Canadians dedicated to national unity and national development."

[Translation]

Building on this political union, this historical collaboration, he managed an impressive feat, not once but twice getting elected a majority government dedicated to the pursuit of very ambitious objectives, which prompted Canadians to contemplate their past carefully and reflect in depth on their future. All Canadians, and all parliamentarians, I am sure, are profoundly grateful to him for engaging us in historical debates whose ultimate goal was to strengthen the foundations of our federation.

His talents, however, were not limited to politics. On the human side, Prime Minister Mulroney also had excellent qualities. I know that he often took the time to phone members, regardless of their political stripes, to extend words of comfort in times of distress or illness, words for which I remain grateful to you.

[English]

And in the area of concrete government measures, this compassion translated into several important initiatives. Among them were programs designed to protect children and target assistance to those most in need. As well, his government made great efforts toward developing national strategies in the areas of AIDS, drugs, family violence, breast cancer and tobacco. As a nurse and former president of the Advisory Council on the Status of Women, I am personally compelled to thank him and commend his efforts in those areas.

[Translation]

Today, we contemplate the past with emotion and pay tribute to the Right Hon. Brian Mulroney by unveiling his portrait. And if a picture is worth a thousand words, this one will certainly bring to mind countless memories of very exciting times and of a man who showed talent, persistence and courage as the 18th Prime Minister of Canada.

So, Right Hon. Brian Mulroney, welcome home and thank you.

**Hon. Peter Milliken:** The Right Hon. Jean Chrétien will now speak.

[English]

**Right Hon. Jean Chrétien (Prime Minister):** Mr. Speaker, Madam Speaker, Mr. Mulroney, Mrs. Mulroney, Mulroney family, dear friends, chers amis, ladies and gentlemen, we are gathered today to hang Brian Mulroney on Parliament Hill and I suspect he takes some great pleasure from the knowledge that I will be the next to hang.

Speaking of hanging, in recent days I have read with great interest stories in the media that you should come back. I want to make it clear today that if you come back, I am staying. The trouble is I think we both know that if we did it, we would be living in Ottawa as bachelors.

In all seriousness, I am very, very pleased to be here today with you for the unveiling of the portrait of the 18th Prime Minister of Canada, the Right Hon. Brian Mulroney.

You and I are among the very lucky few who have known firsthand the special thrill and unique sense of gratitude that is felt when Canadians freely choose you to fill the highest office in the land. There is no higher honour in our democracy than being chosen Prime Minister.

[Translation]

We are members of a very special group. Regardless of partisan differences, regardless of the convictions or ideologies that separate them, all Prime Ministers share one and the same goal: to make Canada an even better country.

When you assumed the leadership of the Progressive Conservative Party in 1983, it had been a quarter century since that party had formed a majority government. And no Conservative Prime Minister had enjoyed two consecutive majorities since Sir John A. Macdonald. A year later, you recorded the strongest parliamentary majority in the history of Canadian politics. Then in 1988 you had another healthy majority. You led the country in turbulent times. The Canada-U.S. Free Trade Agreement is one achievement for which you will go down in history.

On the international scene, you were a fervent and eloquent opponent of apartheid in South Africa. Your government's active participation in the Rio Earth Summit moved Canada into the lead role it now plays in the world as far as the environment is concerned, thus preparing Canada for the eventual ratification of the Kyoto protocol.

[English]

Mr. Mulroney, our paths have crossed many times in politics. Your election in 1984 inspired me to quit politics for a few years. You were a formidable adversary in the House of Commons. That is what democracy is all about, but there has never been any doubt of the overriding objective that we have always shared: making Canada a stronger, more just and more prosperous nation.

We welcome you back to Parliament Hill to unveil the fine work of Igor Babailov and as you take your rightful and permanent place among this truly distinguished gallery of Canadians.

[Translation]

Welcome to Parliament, Mr. Mulroney. Once again, it is an honour to be here with you, and to have the privilege, here on Parliament Hill at this time, to address such a large number of Conservatives. Thank you very much.

**Hon. Peter Milliken:** I thank Madam Speaker and the Prime Minister.

[English]

Now I would like to ask Mr. Mulroney to join me at the portrait

I would like to say a few words about the artist chosen by Mr. Mulroney for this portrait.

Born in Russia, Igor Babailov painted his first portrait at the age of four. In 1979 he was selected in a nationwide competition to attend Moscow's School of Fine Arts. His art education continued at the acclaimed Surikov Academy where he received the degree of Master of Fine Arts. There, he was officially commissioned to paint Nikita Khrushchev's granddaughter, Natasha.

[Translation]

He emigrated to Canada in 1990 and established his reputation as a portrait painter in the tradition of the old masters, both in Canada and abroad.

Mr. Babailov has painted numerous portraits in the last twenty years, including portraits of U.S. President George W. Bush, Russian President Vladimir Putin, Rudolph Giuliani and Nelson Mandela. His work also includes landscapes, scenes and large murals.

[English]

I would now like to invite the Right Hon. Mulroney, eighteenth Prime Minister of Canada, to address us.

**Right Hon. Brian Mulroney:** Mr. Speaker and Prime Minister, madame la Présidente du Sénat, chers amis, I wish they hadn't hustled that guy out so quickly. This was one of my supporters. I remember the old days when we would bus people like that in.

Some people pay attention, especially during leadership campaigns.

[Translation]

I would first like to thank you for your kind and generous words about me. This is a very special occasion for me and my family. I am deeply honoured by your presence and your comments.

[English]

I begin by thanking you all for your elegant and generous words. I think those are probably the finest speeches you have ever made in this building. This is indeed a very special moment for me and my family and I am genuinely honoured by your comments and grateful for your presence.

I am especially indebted to Igor Babailov, a truly gifted artist, who has done a remarkable job on my portrait, considering what he had to work with. In most Canadian families, when a baby is born, the happy parents count the baby's fingers and toes. When I was born, my parents measured the chin. This was a sobering moment for young parents. But they were optimists and as my father later said to my mom: "Just be thankful, it was before metric."

Through a combination of great skill and sure talent, Igor has neutralized any unduly prominent features, for which I and future visitors to the Prime Minister's Gallery will be eternally grateful.

I am genuinely delighted to see you all in such numbers. But then, I was forewarned of such a large turnout, following a conversation I had in New York with Mort Zuckerman who, because of his Canadian origins, was aware of today's ceremony.

Mort told me of attending with a friend the funeral of a widely unloved Hollywood movie mogul.

Mort gazed around the synagogue just before the funeral service began and was absolutely astonished by the huge turnout. When he commented on the size of the crowd, his friend replied: "Well Mort, give people what they want and they'll turn out in droves!"

You know, it's difficult to feel sad on such an occasion but I have mustered a great deal of sympathy for John Turner, a victim of cruel and unusual punishment. He and I now hang side by side in the Prime Minister's gallery and John is condemned to stare at me for eternity.

[Translation]

In the 135 years of this magnificent country's history, only 20 people have born the title Prime Minister. I therefore consider it a remarkable privilege to have been elected, then re-elected to the position.

And as most of you are no doubt aware, none of this would have been possible without the love, encouragement and support of Mila and our children, who have given me great pleasure by being here with me today. I would like to introduce Mila and my children.

[English]

I was very pleased to see the Prime Minister here today. He is on his way to Prague. I am very grateful that he would take the time to be here. I am also quite surprised. I thought he had retired.

My memory is failing somewhat now, so I went back to Hansard and guess what I found? On February 27, 1986, Prime Minister Mulroney speaking in the House on the occasion of Jean Chrétien's retirement from politics, and I quote from Hansard: "Jean Chrétien was a brave and dedicated member who served Canadians and his constituents with energy and dignity. This extremely likeable man has made an unforgettable impression on all Canadians." Did I say that?

I was flipping through my morning copy of *The Globe and Mail*, of February 28, 1890 and, wouldn't you know, came across a report on the unveiling of Sir John A. Macdonald's prime ministerial portrait. The *Globe* reports "that the address to [Prime

Minister Macdonald] was as laudatory as the English language would permit." I find nothing wrong with that custom.

The *Globe* then observed that Sir John A. "told his admiring followers that he was the father of responsible government in Canada, the joint father of Confederation and that the peace, progress and prosperity of the country for the past quarter of a century was wholly due to the Conservative Party." And some of you thought I was guilty of hyperbole!

But then the *Globe*, in a tradition that has fortunately survived to this day, introduced some measure of balance into its report of the occasion. The *Globe* continues and concluded, "Someone has said that the chief business of old men is to tell stories which nobody believes and this is pretty much the case with [Sir John A.]." The journalist concluded, "Anyone familiar with the history of Canada knows that Sir John was the opponent of every measure of reform...and that he has held power by a set of the most rascally acts that ever disgraced the statutes of a free country." Gee, as the Prime Minister and I can testify, some things never change, eh!

[Translation]

I am also pleased to see that members and senators from all political parties are here today. I have lasting friendships with members of the opposition who touched me with their compliments and the nature of their comments.

[English]

Canada's vibrant democracy is advanced by the collision of great ideas and the articulation of competing visions for our country. It may surprise some but this actually can be done effectively without the politics of personal destruction. There is room and often a need for powerful debate, dissent and disagreement anytime a government acts in an important area of public policy.

As they did in my time and as they will forever, opposition parties must be vigilant and vigorous and, if need be, unrelenting in their pursuit of a noble objection. And through it all, good days and bad, opposition parties must always retain a sense of confidence and optimism as they recall the words of Lester B. Pearson who said, "Don't be downhearted in the thick of battle. It is where all good men would wish to be."

Which is why, although history remembers Prime Ministers in a special way, Canadians should never forget that it is the individual member of Parliament whose contribution is the foundation of our parliamentary system and the hallmark of our democracy.

Over 9 years after leaving these halls, I can tell you that the part of political life I miss most of all is my caucus. I loved them all and deeply respected their sacrifice and admired their commitment. The focus of my week began not on Monday but on Wednesday with caucus and ended early the next Wednesday morning with a group of MPs for an early breakfast at 24 Sussex just prior to the beginning of caucus again. In between, their



preoccupations became my priorities. So every Wednesday I witnessed a microcosm of Canada, replete with challenges, achievements, tensions and dreams, as I watched men and women from vastly different regions and backgrounds and languages, struggling to understand each other's views while seeking to harmonize their differences into coherent national policy. Those moments exemplified for me the very essence of parliamentary democracy and the splendor of a commitment to Canada, and while they occurred in my caucus, I know they occurred in every other caucus as well.

[*Translation*]

It was among my colleagues from caucus that I most clearly heard the voice of Canada. Every week, men and women from across the country shared their pride and their hopes, their plans and their concerns. They did not all speak the same language, nor did they all see the future in the same way, far from it. However, in their own words and in their own way, each one of them said, "I love Canada and I want to make it a better place for those who come after me."

On many occasions, in these circumstances, I was reminded of the words of our great literary figure from the Charlevoix, Félix-Antoine Savard: "Blessed are those who live in harmony."

[*English*]

It was both in this room and a few steps from here where we gathered to consider the great issues on our agenda, from free trade to the GST, from Meech Lake to the Gulf war, and many others. After remarkably candid and direct debate, often in an atmosphere of withering criticism outside, we came together in mutual friendship and loyalty and presented a singular policy and common approach to Parliament and the country.

Sometimes we succeeded and sometimes we failed. I remember recalling for caucus the words of Reinhold Niebuhr: "Nothing worth doing is completed in our lifetime; therefore we must be

saved by hope. Nothing fine or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith..."

So it is in the life of Canada. I will be forever grateful to all members of Parliament for their contributions. But in a special way I will be forever grateful to that group of men and women, members of Parliament, who stood with me in proud and sometimes lonely solidarity, as we defended policies we knew to be unpopular at the time but which we believed to be in the long term best interests of Canada and all her citizens. In the fullness of time, history and a more reflective nation will tell us whether our hopes for the ultimate success of these policies were realized.

As I return today to Parliament Hill for the first time since my resignation as Prime Minister, I want to say simply that I feel both humble and proud to know that my likeness, such as it is, will now be a part of this magnificent building and that I will have the honour of being with so many great Canadians, all of whom loved our country dearly and served her well.

To all of you, irrespective to be sure of political party, because so many durable friendships are made on the floor of the House of Commons and with people in the broader Ottawa community, to all of you who were kind enough to associate with me and my family in a supportive way over our lifetimes and particularly our time here, I want to say a special thank you. I want to thank you all for being here on what for us is a very, very special day. Thank you all.

**Hon. Peter Milliken:** Thank you very much, Mr. Mulroney. That concludes the proceedings. I have the pleasure of inviting all of you to join our guest of honour in the Hall of Honour for a reception.

[*Translation*]

I thank you for having attended these proceedings.

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**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, November 21, 2002**

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology					
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0			
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19							

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							

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

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