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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, November 27, 2002

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

Prayers.

SENATORS' STATEMENTS

INTER-PARLIAMENTARY UNION

MEETING WITH UNITED NATIONS OFFICIALS

Hon. B. Alasdair Graham: Honourable senators, I do not believe I have to remind you that the 18-acre site in East Side Manhattan, which is the home of the United Nations Headquarters, possesses a profound significance for all reflective visitors. In this Fifty-seventh Session of the United Nations General Assembly, the international zone, which belongs to all 191 member states of the United Nations system, has never appeared more important and more consequential for the future of humanity. A brief ride to Ground Zero confirms this gut-wrenching reality and certainly strengthens the conviction of all observers that the hard work so many devoted individuals undertake in so many committees and agencies of the world body is not only important, but also immeasurable and essential to the continuing existence of mankind.

It was a privilege for me to visit the UN last week as part of a delegation of more than 120 people from 34 countries participating in the UN IPU meeting of parliamentarians. Our action-packed agenda was filled with constructive and educational dialogue with senior officials on major issues facing the world body, among them, Canadian Ambassador Paul Heinbecker, Deputy Secretary-General Louise Fréchette from Canada and their very capable staff members. I know that Senator LaPierre, who was also in attendance, will want to join with me in expressing our gratitude to all concerned.

Honourable senators may be interested to know that the IPU is in fact much older than the UN, having been founded in 1889 on the initiative of fine parliamentarians and men of peace, three of whom were the first winners of the Nobel Peace Prize. I might add that the IPU is the world's oldest multilateral organization and did the spadework for the kind of intergovernmental cooperation that eventually came into being as the United Nations. The IPU, like the UN, was founded on the very simple principle that problems confronting states should be solved through dialogue and communications, not through arms or the threat of war.

Over the decades, the IPU has seized the opportunity to support the efforts of the international community, in part by familiarizing parliamentarians across the planet with the work of the United Nations, as well as bringing the considerable energies of its 144 affiliated national parliaments to open up

channels of communication and to build bridges of official understanding when official diplomacy has been unable or unwilling to do so.

The IPU is truly the voice of the people. I am pleased to inform honourable senators that that voice now speaks with even greater authority at the United Nations because the UN General Assembly, in its wisdom, granted the IPU observer status during the course of our visit last week. This is a recognition that we parliamentarians are very important, indeed, in helping to assemble the national consensus so crucial to taking bold new steps on the long journey to international peace and justice.

From the viewing gallery at Ground Zero, in the clear light of day, that vote seemed particularly appropriate, its poignancy self-evident, as I thought about the fight ahead for the kinds of democratic freedoms that, in themselves, are the seeds of renewal and reconstruction in a world that sometimes appears to have been turned upside down.

[*Translation*]

PARTNERSHIP DAY

Hon. Jean-Robert Gauthier: Honourable senators, today is a very special day for the Senate. It is Partnership Day, a day which breaks down barriers and provides an opportunity for direct contact between disabled people, senators and Senate staff. Being hearing-impaired and receiving daily assistance here in the Senate and in committee from real-time stenotypists, you will understand how pleased I am to see such a large number of disabled persons, their interpreters and Senate staff taking part in this special event.

On this day, individuals with mental, auditory, visual or mobility disabilities have access to all the buildings of the Senate and take part in all of our organization's sectors of activity. This initiative is aimed at dispelling the myths surrounding disabilities and gaining a better idea of the reality of the disabled in the workplace, as well as providing some of them with an opportunity to find out more about what goes on in the Senate.

• (1340)

I would like to see this initiative take place on a regular basis so as to raise Canadians' awareness of the need for better integration of the disabled in the workplace, and thus do away with stereotypes and prejudice.

[*English*]

I would like to welcome all new participants, including community partners, senators and Senate employees who are here today in this place. I welcome them back, all the faces I recognize, and I will let you, Your Honour, acknowledge their presence.

FINANCE

TAX CONCESSIONS FOR TAXPAYERS INVOLVED IN THE ELEMENTARY AND SECONDARY SCHOOL SYSTEMS

Hon. Laurier L. LaPierre: Honourable senators, an article by Jan Wong in the weekend *Globe and Mail* estimates that teachers in Canada of primary, elementary and secondary schools are shelling out \$180 million every year so that their students do not go without. While teachers have always spent some of their own money for prizes to motivate and reward their students, they are now spending money on everything from basic stationery to food. She gives an example that one teacher in Cape Breton secretly checks her students' lunch boxes in order to slip in an extra sandwich for those who have little or nothing.

Spending by parents has also gone up substantially. The median estimate in Ontario for fundraising events per school has jumped from \$5,000 to \$8,000 annually in the past five years. Province-wide in Ontario, parents raised \$37 million for elementary schools. The problem with this always comes down to the same harsh reality: Affluent communities are simply able to raise more money within their communities than those that are less affluent, and there are fundamental differences in what is offered to our children.

Honourable senators, the United States has acknowledged teacher spending by allowing them to claim up to \$250 in expenses on their taxes. This is helpful for teachers in the short run. The long term is what we at the federal level need to consider. While the Constitution places education within provincial jurisdiction, the Prime Minister, for example, has done an excellent job in offering support to research and universities — \$6 billion worth, in fact. In addition, there are the millennium scholarships and the Canadian Education Savings Grant. The question now is what can be done at the elementary and secondary levels. We need to open up the discussion.

There is a correlation, as you know, honourable senators, between poverty and ill health. There is also a correlation between poverty and the level of education. If we begin to rely on the resources of our citizens to pay directly for fundamental services, in other words for the basics, everything from food to notebooks, we all know who will suffer the most initially. Be assured, honourable senators, that Canada, as a society, will suffer from the neglect in the long run.

EFFECT OF CRUELTY TO ANIMALS AND FIREARMS LEGISLATION ON NORTHERN COMMUNITIES

Hon. Gerry St. Germain: Honourable senators, my statement today will be very brief. It relates to the issue of gun registration and the Cruelty to Animals Act that so negatively impacts the Inuit community of Canada.

We are now in the process, I understand, in committee, of studying certain aspects of these two initiatives. Based on what our Inuit representatives have said by way of the media and in this place, these initiatives will have a severely negative impact on their communities, on their people, and on their way of life.

This is not a question of grandstanding or of being partisan. This is a non-partisan issue, if ever there was one. This is an issue that goes to the heart and soul of these people who live on the tundra. Any one of us who has travelled up there knows how tough it is just to eke out an existence in that severe part of the world.

I would hope that somewhere in the hearts, souls and logic of this place and the other place we can come up with a solution, whatever it is, that resolves and improves the situation for our Inuit people.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding with routine business, I would like to indicate that we have special guests with us today. I would begin by drawing your attention to the presence in our gallery of Ambassador Yuli Mikhailovich Vorontsov who is heading up the Moscow Expo 2010 bid delegation. He is accompanied by Mr. Boris Preobrazhensky, who is also a member of the delegation as well as of the Federation Council of the Russian Federation. Of course, they are accompanied by our friend Vitaly Cherkin, Ambassador of the Russian Federation to Canada. Welcome to the Senate of Canada.

[Translation]

I would also like to call attention to the presence in our gallery of Penny Leclair, who is deaf-blind. She is here with us on the occasion of the International Day of Disabled Persons, and is accompanied by a professional interpreter, who uses a very unique system to communicate with her. On behalf of all of the senators, welcome to the Senate.

[English]

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that on Thursday next, November 28, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday next, December 2, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Gérald-A. Beaudoin: Honourable Senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:30 p.m. on Wednesday, November 27, 2002, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

[English]

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted. This will be taken as notice.

QUESTION PERIOD

FOREIGN AFFAIRS

RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government in the Senate. During U.S. Senate hearings, Robert J. Conrad, the U.S. attorney who brought charges against a Canadian cell of Hezbollah, said that a Mohammed Dbouk was one of Hezbollah's major players, and operated a Vancouver cell that raised money and purchased arms for terrorist activities. The key here is "raised money and purchased arms."

He went on to say that though Dbouk applied five times to be blown up in a terrorist attack, he was rejected because of his value to the organization. It seems that being blown up in a terrorist attack is considered such an honour that you actually send in an application form, applying to get blown up. The testimony also suggested Canada was very cooperative in assisting authorities in the United States. Will the Leader of the Government undertake to ask cabinet to review their present policy and ban all Hezbollah organizations and place them on the terrorist list?

Hon. Sharon Carstairs (Leader of the Government): As I have indicated in this chamber on a number of occasions, the Hezbollah External Security Organization, which is the organization that has been listed under United Nations regulations, has also been listed under Canadian regulations. As the honourable senator knows, there is also a second list that can now be prepared pursuant to the Anti-terrorism Act, Bill C-36, and targets terrorist organizations. There have been, since July of 2002, seven listed entities. The Hezbollah is not one of those entities, but I can assure the honourable senator that as these terrorist organizations are investigated and all the procedures outlined to protect individuals that we placed in Bill C-36 are followed, then more and more terrorist organizations will be listed.

[Senator Beaudoin]

Senator Tkachuk: Honourable senators, the leader and I have had this exchange before. For any action there is need for some sort of rationale. I ask the leader to explain the rationale of not sanctioning the terrorist arm of Hezbollah, which is a terrorist organization and recognized as such, but sanctioning all of the rest of the fundraising arms.

• (1350)

If al-Qaeda, for example, a terrorist organization, had an arm in Canada that claimed it was fundraising for charitable purposes and doing good works, would that fundraising arm of al-Qaeda then be allowed to operate in Canada?

Senator Carstairs: Al-Qaeda has been one of those organizations listed under our Criminal Code via the processes of Bill C-36, as it is a terrorist organization. Hezbollah operates, as the honourable senator well knows, in a number of different ways. The external security organization, which is the military wing and the terrorist wing, has been listed under the United Nations. They will, if they go through all of the procedures presently recommended to cabinet by CSIS and other groups, potentially be listed under the Anti-terrorism Act but they are not at the present time.

In terms of Hezbollah's other activities, it is very clear that there is a political party in Lebanon, with duly elected members of Parliament, that calls itself Hezbollah. I do not think it would be appropriate to label these individuals, members of Parliament, many who are teachers and doctors, as terrorists.

Senator Tkachuk: Honourable senators, al-Qaeda has probably got doctors and lawyers. If you are a terrorist, you are a terrorist; it has nothing to do with your occupation. It seems to me that people who graduate from university, shoot people and bomb themselves and others should be on the same level playing field as people who do not. It takes a particularly sick person to apply to an organization to allow himself to be killed while he is killing others.

My position is that Hezbollah is a terrorist organization. It is listed as a terrorist organization, and yet the leader can say that that same organization can go out and raise funds. There is a lot of evidence in the testimony before Congress that the fundraising wing actually raised money to buy guns and arms to kill people. I am asking the leader, then, if that is true and to be consistent; were al-Qaeda to establish a fundraising operation here, perhaps with some doctors and lawyers running it, would that be a legitimate operation in Canada?

Senator Carstairs: To the contrary, honourable senators; when we place an individual under the toughest possible restraint, which we can under the Criminal Code as a result of Bill C-36, we must do it in the appropriate way. We must conduct the investigations. I heard during discussions on Bill C-36 the cautions, and correctly so, from that side of the chamber, that we not place people, individuals or groups, without appropriate investigations, without appropriate evidence.

The honourable senator is now suggesting we should do it without that kind of appropriate investigation and evidence, and I simply do not accept that.

Senator Lynch-Staunton: We never said that.

THE SENATE

PROPOSED STUDY OF MIDDLE EAST BY FOREIGN AFFAIRS COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, I violently disagree with my esteemed colleague, the Deputy Chairman of the Standing Senate Committee on Banking, Trade and Commerce. The time has come to have a debate on the Middle East to find out exactly what Hamas is, who created it, and to know what Hezbollah was made for, which was the liberation of South Lebanon. There is so much demagoguery, especially at this time, which is a most explosive time in the Middle East.

Honourable senators, the time has come for the Chairman of Standing Senate Committee on Foreign Affairs to revisit the famous, and unfortunately sabotaged, study done by the committee in 1982, 1983 and 1984. In the name of sanity, perhaps the government or some honourable senators should take the initiative to revisit the question of the Middle East and invite some senators to go and see what is going on in Gaza, in the West Bank, in South Lebanon. Perhaps we can add a little bit of Canadian sanity instead of throwing away what is democratic. I ask honourable senators, who in the Senate is in favour of terrorism?

Would the leader kindly find out if there is any possibility of convincing some senators to have, first, a briefing on the real situation in the Middle East? We could thereby bring some Canadian sanity to the debate.

Hon. Sharon Carstairs (Leader of the Government): The intervention by the honourable senator proposes that the Senate Foreign Affairs Committee deal with the issue of the Middle East. There are 12 honourable senators on that committee. I trust their judgment in this matter, and if they should choose to do a study of the Middle East, then I am sure the Senate of Canada would support that decision.

Senator Prud'homme: Honourable senators, I have been trying to become a member of the Standing Senate Committee on Foreign Affairs for nine years. However, I am thankful to the government for putting me on the Banking Committee. Can you imagine? Senator Prud'homme now a banker. This and meeting five presidents of the five major banks in one day is enough to cause me to have another heart attack. The committee is under the able chairmanship of Senator Kolber and deputy chairmanship of Senator Tkachuk. However, there is nothing else I can do. I am deprived of going to my favourite committee. I will do my utmost to serve the Banking Committee well, but I hope the members of the Standing Senate Committee on Foreign Affairs will bring sanity to the debate.

I thank the leader for giving me an idea. I will speak with Senator Bolduc right away, and several other senators, because I am fed up with listening to all the demagoguery in regard to the Middle East.

I shall tell the Leader of the Government one other thing. We have not yet seen anything like what may happen in January and February next. People beg Canadians to do something because we are well perceived by both sides in the issue.

Hon. David Tkachuk: Honourable senators, I would like to add a supplementary question. I am wondering if the leader could accede to the honourable senator's request.

Senator Carstairs: Honourable senators, first, I do not accede to requests of studies for committees. Committees make that determination, in and for themselves. In my eight and a half years in this chamber, that practice has worked extremely well. I will continue to encourage committees to study those issues that are of concern and interest not only to the Canadian public, but to the senators themselves.

In terms of Senator Prud'homme's new status as a member of the Standing Senate Committee on Banking, Trade and Commerce, I am delighted that he is there and I would expect him to do his usual fine job of participating and attending all meetings.

Senator Prud'homme: And I do.

FOREIGN AFFAIRS

RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

Hon. Jeremiah S. Grafstein: Honourable senators, Senator Tkachuk brought to our attention the evidence before the U.S. Senate on November 20. This evidence apparently confirms that the Hezbollah's paramount political objective remains the violent eradication of Israel, which everyone in this room would object to, and the death and destruction of America. If that is the case, could the Leader of the Government bring that information to the attention of the cabinet as it reconsiders its position with respect to the Hezbollah?

• (1400)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows that there is a clear process under the Anti-terrorism Act, Bill C-36, which outlines under the provisions how an organization is listed. The evidence is gathered by CSIS from all sources, including the United States, and any other country or legitimate organization that might have information of value upon which a decision can be made.

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ—DIRECTIVE TO JOINT PLANNING STAFF RESTRICTING OPERATIONAL PLANNING

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. It is one with which I am having great difficulty. My source for such inquires is usually very reliable, thus I treat this matter with some seriousness.

Honourable senators, I have been informed that the government has instructed the joint planning staff at the Department of National Defence to not commit any resources to planning for a Canadian contribution to a war in Iraq. Can the Leader of the Government confirm or deny this?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the commitment of the government at the present time is to United Nations Resolution 1441. Staff planning goes on on a regular basis. Obviously, we expect staff to look forward, as well as to study the past. I would be extraordinarily surprised if any such formal directive had been given to the planning staff of the Department of National Defence.

Senator Forrestall: Honourable senators will be aware that restricting operational planning at a time of crisis, when we may have to commit troops to that theatre, would be very dangerous and is, for whatever reason, reprehensible. I share the minister's view that, clearly, under the right circumstances, under the auspices of the United Nations and in the clear view of need, we should follow the proper course. If the government is to dispatch troops in the next two months, will the minister assure us that the government's imposed restraining order is lifted, should it be in place, and that the joint planning staff immediately proceed with the planning that was ongoing last week?

Senator Carstairs: Honourable senators, it is my understanding that the planning committee's activities are ongoing at all times, and that it is important for that planning committee to be forward thinking. I can assure the honourable senator that, to the best of my knowledge, no change in that kind of focus has been lost within that department.

Senator Forrestall: Honourable senators, I must ask a final question. I must say that I am pleased with the minister's response. However, on the other hand, there is a very strong suggestion that current rifts within cabinet, not to mention within the minister's ranks politically on an open basis, have caused some extreme difficulty with respect to this question.

Can the leader reassure us that this is simply not the case and that it could not possibly ever be the case?

Senator Carstairs: Honourable senators, what I can assure the honourable senator is that there is absolutely no rift in cabinet with respect to Security Council Resolution 1441 and our obligation under that decision.

UNITED NATIONS

IRAQ—TRAINING OF WEAPONS INSPECTORS

Hon. Douglas Roche: Honourable senators, on the question of Iraq and possible Canadian participation, yesterday, in response to my question to the Leader of the Government in the Senate, she said, with respect to Canada's role in helping to ensure that Resolution 1441 is carried out properly as it pertains to proper inspections, that Canada is currently evaluating a request to provide additional expertise for the Iraq action team.

[Senator Forrestall]

Could the minister elaborate on that statement and give us a bit more detail, if she possibly can, on what precisely Canada is doing to ensure the legitimate follow-through on Resolution 1441?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must confess to the honourable senator that I gave him all the information that I could share with him yesterday, that is, that the Canadian government is considering a request to be more actively engaged.

HUMAN RESOURCES DEVELOPMENT

COMPUTER SYSTEM UPGRADE— USE OF OLD EQUIPMENT

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. Human Resources Development Canada is getting rid of \$16 million worth of computers. The department has said these computers are outdated, although they are less than two years old. According to one of the department's reports, they had been underutilized. The plan to replace them will cost a further \$40 million. Unfortunately, fiscal mismanagement is nothing new for HRDC.

The dumping of so many computers raises another point. Classrooms and libraries across this country are always in need of new computers and may greatly benefit from this department's so-called rejects. My question is a simple one: What happened to the computers for which HRDC no longer has any use?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to begin with, HRDC is not scrapping \$16 million worth of computers. In fact, there is a commitment on the part of HRDC that, over the next five years, they will upgrade the computers. They have received \$40 million of funding to do that upgrade.

It is important to know, for example, some of the things that the department does. The department performs over 350 million transactions per year — 350 million. Clearly, that requires them to be operating at peak efficiency, which requires the upgrading of computers and equipment to continue, on an ongoing basis, to provide those services to Canadians in a time-sensitive manner.

Senator Atkins: Honourable senators, with regard to the five-year process which the minister describes concerning the replacement of existing computers, will she suggest to the department that it arrange to have these computers distributed to schools and/or libraries?

Senator Carstairs: Honourable senators, it is my understanding that there is a program under the aegis of Public Works for the distribution of what are considered to be non-effective computer type equipment. Unfortunately, my own experience has been that schools often have better equipment than those of us who wish to offer up old equipment, and they are not interested in having that equipment. However, I am sure if the equipment is effective and can be used by students, then the program that is in place under Public Works can be exercised.

[Translation]

TRANSPORT

AIRLINE INDUSTRY—EFFECT OF SECURITY SURTAX

Hon. Roch Bolduc: Honourable senators, we know that the airline industry in North America and Canada is not doing very well. Last year, in order to improve the situation, the government started charging air travellers a \$24 tax. At the time, when the budget was being implemented, people said that, on short-haul flights in particular, the charge would discourage people from flying. The airline industry is doing even worse, particularly smaller carriers serving small cities such as Winnipeg, Vancouver, and so forth.

• (1410)

What is the government planning to do in response to the very legitimate appeal being made by airlines? Does the government plan on helping them in the near future? Will it wait until the next budget to eliminate the tax it created last year?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the government indicated that they would review that tax annually. The review is in progress and the results should be reported soon. In respect of the airline industry in Canada, it should be noted that Air Canada seems to be doing better than any airline in North America. It is the only airline to report a profit in the last quarter.

[Translation]

Senator Bolduc: I do not want to get into a debate with the Leader of the Government in the Senate, but it now costs \$900 or \$1,000 to travel between Quebec City and Ottawa. We used to pay \$400 three years back. What happened?

Hon. Gerald J. Comeau: Honourable senators, after the \$24 tax came into effect, Air Nova announced that it would be terminating flights to Yarmouth, Nova Scotia. This is now one of the airports that will be shutting down, and according to an announcement by Air Nova, there is a direct link with the \$24 charge. Should we not examine this issue, not once a year, but right now? Should we not eliminate this tax, so that the small airports like Yarmouth can continue to operate? Eliminating this tax would make it possible to continue to offer services to Canada's rural regions.

[English]

Senator Carstairs: Honourable senators, with the greatest respect, I do not think there is any direct relationship between the airport tax and the closing of an airport simply because an airline chooses to no longer use the facility. On occasion, private sector enterprises choose to use governments as excuses but, if the business were there, they would continue with those flights at that facility.

Senator Comeau: Honourable senators, if I imparted the impression that the tax was causing the closing of the airport, I may have misspoken. It was Air Nova that announced it would

no longer serve Yarmouth because of the \$24 airport security tax. Air Nova linked its decision directly to that \$24 charge. I do not suggest that it is closing the airport but that there is no service to the airport, which effectively stops all connections out of Yarmouth.

Senator Carstairs: With the greatest respect, I do not believe the economics that an airline would stop flying to a particular destination because of a \$24 tax. The airline may choose to attribute its decision to that. For its own inability to function in a competitive way, private enterprise often blames government.

Senator Comeau: With the greatest respect, honourable senators, it is the honourable leader's belief that the \$24 tax did not prompt that decision by Air Nova. I, however, will continue to believe what Air Nova has said because I believe Air Nova has told us the honest truth — they stopped that service because of the \$24 tax. We on this side of the house gave such a warning last year, with the greatest of respect.

Senator Carstairs: Honourable senators, we can choose to disagree about this particular item. However, I have been around a long time and I have listened to private sector industry spokesmen blame government for activities that they had planned all along and simply awaited a good excuse to put their plan into action.

COMPETITION IN AIRLINE INDUSTRY

Hon. Terry Stratton: Honourable senators, my question for the Leader of the Government in the Senate is in respect of the profits of Air Canada. Part of the problem we are having across the country is caused by the virtual monopoly of Air Canada, resulting in fewer choices. The honourable leader travels across the country, particularly to Winnipeg, and as time goes by she has fewer choices in airlines. For people from areas west of the Manitoba-Saskatchewan border or from down east, the selection is atrocious. Could the honourable leader tell us when the government will allow appropriate competition in the airline industry? We are sadly lacking competition and that is driving up the prices of airline tickets from Air Canada. Why do they receive such a profit?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator raises the difficulties of flying across this country, and I well understand those problems. I find it rather preposterous that the best way to travel from Ottawa to Regina or Saskatoon is to fly to Calgary and then backtrack. That is not exactly what I was taught with regard to the shortest distance between two points. The reality is that there have been serious problems within the airline industry, not just in Canada but in the United States as well. It would appear that Air Canada has come out of this downturn better than some of the long-established airlines in the United States, such as United Airlines.

AIRLINE INDUSTRY—POLICY ON PUBLIC HEALTH
MEASURES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on the same general topic I would like to ask the Leader of the Government in the Senate a question about public health in Canada as relates to air travel. Could the honourable leader inquire of the Minister of Health or the Minister of Transport whether there is a federal government policy in place that deals with public health on national airlines? I cite the example of an incident in Dorval Airport recently. Just before boarding, passengers of a Dash 8 headed for Bathurst, New Brunswick, were advised that the toilet was not working on that flight. The plane took off anyway — a flight of more than one hour.

First, are there public health policies in place in respect of such an occurrence? Second, in terms of public health, is it the responsibility of Health Canada or Transport Canada to ensure that the air vents in aircrafts are clean and sanitized, as well as the washrooms?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for that question. We certainly are getting down to the important facts of life that affect all of us. Obviously, I do not have answers to those questions. As a point of interest, I should tell honourable senators that, because I never made it to the premiership of the Province of Manitoba, I rarely had an opportunity to fly in government jets, which were under the purview of the premier and cabinet ministers, as well as being used on occasion for air ambulance service. It happened only once because they wanted me back to close a Legislative Assembly session as I was the Leader of the Opposition. I soon discovered that while there were washroom facilities for men, there were no washroom facilities for women.

ORDERS OF THE DAY

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—POINT OF ORDER— SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I would like to rule on the point of order made by Senator Kinsella yesterday concerning the motion of Senator Robichaud that the Senate call on the government to ratify the Kyoto Protocol on climate change.

Senator Kinsella questioned whether it is appropriate to place it under government business on our Order Paper.

[*Translation*]

In my opinion, the government has full discretion to determine what constitutes government business.

In the other place, government business is defined as any bill or motion introduced in the House by a minister or parliamentary secretary. This definition is taken from the glossary of parliamentary procedure prepared under the direction of the other place.

[*English*]

Furthermore, according to Beauchesne's Sixth Edition, paragraph 372, and I quote:

A Government Order is, as the name implies, an Order of the House for the consideration of business proposed by the government for debate and possible decision. The normal vehicle is a Government Bill or Motion....After notice a government notice of motion is placed on the *Order Paper* as an Order of the Day under Government Orders...

In the Senate, our practices are very much the same. Once the Leader or the Deputy Leader of the Government gives oral notice under government notices of motions, the item is then placed under the appropriate heading of government business and can be called for debate at the discretion of the government in accordance with rule 27(1) once the required notice has lapsed.

• (1420)

In the Senate, the representatives of the government are the Leader and the Deputy Leader of the Government.

[*Translation*]

Last Thursday, November 21, the Deputy Leader gave notice of this motion under the heading "Notice of Government Motions" which, in my view, constitutes sufficient grounds for concluding that the government is sponsoring this motion.

[*English*]

As to the form of the motion, here again I believe that the government has some discretion. That is to say, it need not be in the form of an address, as was suggested yesterday. In fact, this is not without precedent. In 1966, a similar kind of motion was debated in both Houses of Parliament with respect to the Auto Pact.

It is my ruling, therefore, that there is no point of order.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business, I would now like to deal with Item No. 2 under Motions, and then revert to the order proposed in the Order Paper.

[*English*]

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government), pursuant to notice of November 21, 2002, moved:

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

She said: Honourable senators, I am pleased to rise today to begin debate on the motion before us. This motion asks the Senate to call upon the government to ratify the Kyoto accord on climate change. To help frame this debate, I want to make a number of introductory points.

First, I want to discuss the science that has indicated our need to act. I want to discuss the multilateral nature of the work on climate change and the international environment for this work. Finally, I want to ensure that my colleagues are aware of the extensive consultation process that has led to the climate change plan for Canada that the government released, in an updated form, just last week.

To begin, let me state that the science makes sense, and the decision on Kyoto is based on science. More specifically, it is based on the consensus view of the more than 1,000 scientists who work with the Intergovernmental Panel on Climate Change. For more than a decade now, they have reviewed an ever-growing body of scientific research on trends in the world's climate. They have assessed the data and the many possible factors.

The result is that, first, they agree that our climate is changing and, second, it is changing because of human-caused factors that mean more and more and more greenhouse gases are making their way into our atmosphere. Beyond that, the view is that the increasing number of severe, costly and destructive weather events in Canada and around the world indicates future trends due to climate change.

The unusual weather patterns that we have all seen over the past two decades are entirely consistent with the prediction of meteorological models that have been developed by the world's best climate research centres. They have certainly given the international reinsurance industry pause because they have seen the costs of responding to severe weather rise rapidly.

Honourable senators, our government is well aware that not every scientist agrees with the scientific consensus, but the simple reality is that scientists at the Intergovernmental Panel on Climate Change — and remember that these are the people who are experts in the scientific disciplines that are most relevant to this issue — have not seen anything in the many alternative claims that has shaken their consensus view.

[*Translation*]

Honourable senators, this scientific basis that is pushing us to action brings me to my next point: the government's decision to align itself with international efforts to attack this problem.

When the data on climate change began to build up, it became clear that an international approach was necessary. The greenhouse gases that we produce do not stop at our borders. The problem affects Canada and the world. It calls for a solution for Canada and the world.

Canada has been committed to a multilateral approach for a long time. When the world community agrees to act, it knows it can depend on Canada. Canada will be there. Such are Canadian values. Canada's interests are also at stake.

[*English*]

We need to encourage a global solution so we can protect the North from losing the sea ice that Inuit hunters need. We need to work with other countries to slow the trend to a hotter climate that is putting farmers in the Prairie provinces at risk, as the glaciers that feed the region's rivers melt away.

We cannot afford to stand aside, so we have been active partners in this international process from the beginning. We agreed with the first stage in attempting to build an international solution, which was to try voluntary measures. However, those did not work on the scale that was needed. The next step was a commitment to targeted reductions by industrialized countries through the Kyoto Protocol.

Canada has worked hard to ensure that our interests are reflected and respected in the protocol. We have done well in that regard, with credits for the role that our well-managed forests and agricultural lands play in keeping carbon out of the atmosphere. We will get credits for our technological know-how at work in developing countries to help them address greenhouse gases.

The government is also very mindful that the United States has not chosen to ratify the Kyoto Protocol. We have chosen to factor in that situation as we build a plan that meets our international commitment in ways that maximize the benefits for Canadians and Canada while minimizing the potentially negative effects.

[*Translation*]

Honourable senators, I do not intend to comment on the details of Canada's Climate Change Plan, released last week by the government. However, I would like to talk about the very powerful process that shaped it. Canada's Climate Change Plan is based on the best ideas from 10 years of consultations with the provinces and territories, industry, environmental protection groups and Canadians, and collaboration with these stakeholders since 1992, when we became a party to the United Nations Framework Convention on Climate Change.

In fact, Canada's Climate Change Plan is comprehensive and detailed. No other country has held as many consultations with government and industry stakeholders as Canada.

[*English*]

The Prime Minister met with the other first ministers five years ago to identify key principles that, in turn, have guided the process of defining a plan for Canada ever since. One of those principles was that no region of Canada would face an undue burden when it comes to addressing climate change. The plan delivers on that principle because it foresees a threefold increase in oil sands production, a fourfold increase in East Coast oil, and a 50 per cent increase in gas production, as well as increased electricity production.

This plan benefited from substantial dialogue over many years between the federal government and the governments of the provinces and territories. This dialogue consisted not just of regular meetings of the ministers and the senior officials who deal with these issues; it was also collaboration between the economists who worked together to project the effects of different ways of meeting our goal on the economy of our country and its provinces. It included many discussions about the options and impacts. It is worth pointing out that these discussions extended to other experts, particularly in the private sector, who were able to offer their own input on ideas for this plan.

• (1430)

This was an inclusive process that led to the release of the draft plan on climate change on October 24. That draft plan pointed out how Canada could move towards our climate change target. The federal ministers and their officials have continued to work with their counterparts in the provincial and territorial governments, industry and stakeholders. Those discussions led to refinements in the plan. They led to adjustments to minimize the economic impacts on particular regions and in sectors of the economy. That process of refinement and evolution continues.

In fact, honourable senators, I know much has been made about the provincial and territorial announcement that further discussion would require federal agreement to 12 principles. It is worth pointing out that our government is in substantial agreement on 9 of the 12 provincial and territorial principles, and those are reflected in the plan.

[*Translation*]

As we move toward implementation, the government is further cooperating with the provinces and territories to reinforce a common understanding of all the principles.

Similarly, the government listened carefully to the views and concerns expressed by the industry about how to deal with large industrial emitters of greenhouse gases. This was clear from the plan released last week.

This plan commits the government to work together with the industry to establish emission reduction targets through framework pacts, other regulatory measures or financial incentives.

[*English*]

There will be flexibility to achieve the targets through emissions trading and access to domestic offsets and international permits. Industry's concerns respecting certainty have been addressed. For one thing, it is now clear that industry will be asked for no more than 55 megatons of greenhouse gas reductions. Anything beyond that will be achieved through incentives. The government will work with industry to provide protection against sustained high prices for carbon as the international market for greenhouse gas credits develops. Finally, the government will continue to work

[Senator Carstairs]

with industry to design a system that will not disadvantage those firms that have taken early action, and there are many of them, I am happy to point out.

Some people claim that, because Canada is only responsible for about 2 per cent of global greenhouse gas emissions, there is little we can do and there is little we should do. That is not the Canadian answer to shared international problems. What happens around the world on this issue affects us. We can, should and fully intend to show leadership on climate change.

Our greenhouse gas reduction target presents a challenge, but it also presents us with a wonderful opportunity. The transition to a less carbon-intensive economy is the way of the future.

By acting now, honourable senators, Canada and Canadian business has the opportunity to set the pace and lead the way. Taking action on climate change will provide broader benefits. The actions we will take are expected to help create new jobs, foster innovation, gain cleaner air, reduce health costs and generate other environmental and social benefits. Quite simply, action on climate change represents a call to action that will lead to a better world for generations to come.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to ask the Leader of the Government in the Senate whether the minister who has made reference to the federal government's implementation plan would lay on the table of the house a copy of that plan.

As well, the minister made reference to the premiers' 12 principles sent to the federal government. Could we get a copy of that as well?

There are other documents I believe would be helpful in our debate. First, could we get a copy of the Kyoto Protocol? Second, could she provide us with a copy of the United Nations Framework Convention on Climate Change, which this is all about?

Senator Carstairs: The request for the climate change plan for Canada was tabled last week, honourable senators. However, we will table it again if the honourable senator wishes. My recollection is that it was tabled on Thursday.

In terms of the 12 principles, I will obtain those for the honourable senator, as well as copies of the Kyoto Protocol and the United Nations Framework Convention on Climate Change. I assume that the honourable senator wishes those documents to be distributed to all senators, which we will endeavour to do as quickly as we can.

Senator Kinsella: I thank the minister for that undertaking.

Can the minister advise the house as to whether the Kyoto Protocol or the United Nations Framework Convention on Climate Change contain a federal statute clause?

Senator Carstairs: As to the specifics of a federal statute clause, I cannot answer that question. Obviously, that is the reason it is important to get this documentation out to all honourable senators.

Senator Kinsella: As most of these international treaties provide for reservations to be made, can the minister advise the house as to whether the Kyoto Protocol allows for reservations at the time of ratification, should this be necessary for Canada?

Senator Carstairs: My understanding is that the ratification of the Kyoto Protocol would be done in terms of the documentation presently available. However, Canada's position has been very clear on issues like carbon sinks and credits for our natural gas, particularly natural gas that goes to the United States. I know that the federal government's position remains unchanged in that manner.

Senator Kinsella: The other question for the Leader of the Government in the Senate relates to the machinery for the enforcement of the convention for those state parties that ratify the Kyoto Protocol, the Kyoto Protocol being an implementation or enforcement protocol to the United Nations Framework Convention on Climate Change. Could the leader share with us, in general terms, what we are ratifying in terms of enforcement machinery?

Senator Carstairs: Honourable senators, my understanding is that there is not a strict enforcement machinery protocol in this regard. Basically, it depends on the goodwill of those who sign the accord.

Senator Kinsella: Does that mean that should Canada ratify this protocol to the convention and then be unable to meet the obligations it assumes under international law, there will be no sanctions?

Senator Carstairs: Honourable senators, that is a question we must delve into in more detail. I will try to bring the specifics of the enforcement machinery to honourable senators. However, I do not believe we should enter into an agreement that we have already made the decision we will not enforce. I believe that would not be the Canadian way. The Canadian way would be to do everything we could to meet the targets and objectives as laid out in the protocol.

Senator Kinsella: I agree wholeheartedly with the minister on that point. I share her opinion completely that that ought to be our policy, approach and practice in entering into international agreements under international treaty law.

Perhaps the minister could provide insight into the key question of this debate: How does the federal government intend to implement the obligations it assumes for Canada if it ratifies the protocol without provincial consensus?

Senator Carstairs: As the honourable senator knows, there are operations and machinery that the federal government can use that are within their sole jurisdiction. There may be some implementation legislation required. At this point, that is not

totally clear. It may be that we can use the instruments that presently exist, but if we cannot, then obviously we will have to come forward with the appropriate implementation legislation.

• (1440)

Senator Kinsella: Are we to understand that the federal government, not having the consensus of the provinces to assume these obligations, would use tools such as the spending power or not transferring money to the provinces or the peace, order and good government principle?

How far is this federal government prepared to go to force the provinces to comply with these serious obligations it is undertaking when the provinces are telling us that they do not agree? How far is this federal government prepared to go in using its authority, the spending power and other techniques, to meet the obligations that it will be assuming under international treaty law?

Senator Carstairs: Let me be very clear, honourable senators. I certainly was not talking about instruments like peace, order and good government. I was talking about present environmental statutes in this country, which we may well be able to use to meet certain targets that we have established for Canada.

In terms of provincial consensus, it is quite true that some provinces have not yet indicated their full support of Kyoto. Other provinces have indicated their very strong support of the Kyoto initiative.

We must also recognize that in terms of one province in particular, the Province of Alberta, it is highly unlikely that we will get their consensus on this particular issue. However, my own province has been very outspoken on this issue, as has the Province of Quebec. If one is to judge by the polling that has been done on a rather steady basis by a number of different groups, most important of all, the Canadian people are firmly behind the Kyoto agreement.

Senator Kinsella: Has the federal government thought to try to build its plan upon Resolution 27-7 of the Conference of New England Governors and Eastern Canadian Premiers, representing the Premiers of Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador? This resolution concerning climate change, reached on August 25 to 27, has half the Canadian provinces concurring with the governors of all the eastern states of the United States, where we share common land mass.

Senator Carstairs: The honourable senator has introduced the issue that while the Government of the United States has not indicated that it wishes to pursue the Kyoto accord, many of the individual states have passed emissions standards equalling or surpassing the Kyoto standards.

When they raise the spectre that Canadian business will suffer vis-à-vis the United States, it is important to point out that the emissions standards that have been put in place in the State of California, which has a population about the same as that of Canada, are meeting the Kyoto target.

Senator Kinsella: If the governors of the northeastern states of the United States and the premiers of five provinces east of the Ontario-Quebec border have agreed on a common basis for dealing with climate change, why would that not constitute the groundwork or the foundation stone for building a national accord that would not place federal-provincial relations in the terrible state that this approach will?

Senator Carstairs: I am somewhat at a disadvantage to the honourable senator since I have not read the accord of August 25 to 27. Just as the Government of Canada indicated that it welcomed legislation from Alberta in which it was setting forth new goals, we do not think fast enough or quickly enough to achieve what we should be doing as a nation, but we would support any proposal that would move this issue forward.

Hon. Jerahmiel S. Grafstein: Honourable senators, I apologize to the Leader of the Government in the Senate. I did not have an opportunity to put her on notice about this question. She does not have to respond today and may wish to provide an answer at another time. My question relates to the Kyoto accord.

I want to commend the government and the leader for bringing this debate to the Senate. We all know the executive has the opportunity and the power to ratify without debate, so bringing this matter forward for debate is useful for the Senate. I commend her and the government for doing that.

Has the government given consideration to what I consider to be the major problem with respect to implementation, which is a lack of careful understanding of how we engage our American neighbours? In my estimation, approximately 70 per cent, maybe more, of greenhouse gas emissions occur within 100 miles of both sides of the border. In effect, ratification and implementation does not solve the problem, particularly along that corridor.

Would the Leader of the Government give some consideration to examining the option of using the existing International Joint Commission, which was established many decades ago to deal with precisely these issues — problems along the border that affect both sides of the border? It has a huge pool of scientific experts who could be engaged on a bilateral basis with colleagues in the United States so that we could at least meet the objectives of the Kyoto Protocol and the agreement with our American colleagues at the same time as we are proceeding along our own track.

Senator Carstairs: I think that is an excellent suggestion. Excellent work has been done by the International Joint Commission, and I suspect even more excellent work will be done under the fine leadership of the Honourable Herb Gray.

Hon. Lowell Murray: Honourable senators, I find it striking that a matter of a few months ago, perhaps even a few weeks ago, it seemed that one province was opposed to Kyoto and most of the others were somewhere between neutrality and leaning toward favouring it. As of today, all 10 provinces seem to be arrayed against the federal government and what it is trying to do. Perhaps historians at some future date will be able to divine the reasons for all that.

As I understand the status today, we, through the Prime Minister, have signed the protocol. The next step would be for the cabinet to ratify. The fact that those are two separate steps

indicates that we are still free to ratify or not to ratify, and we are also still free to choose the timing of ratification.

The resolution reads “That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,” but no time frame is specified. Are we to read anything into this, given the widespread impression that the Prime Minister has indicated that he intends to ratify by the end of this calendar year?

Senator Carstairs: The Prime Minister has made it very clear that his desire is that the cabinet ratify the accord. As was pointed out by Senator Grafstein, it is not required that this debate be undertaken in the House of Commons or in the Senate. Cabinet has the right to ratify this treaty without such a debate taking place. The government indicated that it wished to have such a debate, however, because it wanted to hear from parliamentarians on this issue.

• (1450)

The government has heard from some of the provinces; it has heard from members of industry; it has heard from academics, but it has not yet heard from the people’s representatives, those individuals who sit in the House of Commons and the Senate. Thus, this process was begun last week in both Houses with the tabling of a resolution appropriate to each House in order that that debate may take place.

Senator Murray: Honourable senators, I take it there is no particular significance to the December 31, 2002 date, other than that it is the wish of the Prime Minister to tidy the matter up by the end of the calendar year. However, timing of ratification is an issue with many people; the steps that ought to be taken before ratification proceeds is a major issue with many people. Therefore, I wonder whether, in this more general resolution, we are being offered some latitude that, until now, the Prime Minister has not acknowledged?

Senator Carstairs: Honourable senators, the Prime Minister has not changed his position since either late August or early September, when he indicated in Johannesburg that the debate would take place in the Parliament of Canada leading towards ratification by cabinet on December 31, 2002. That is the timeline that the Prime Minister has outlined. It is a timeline based on the fact that the discussions have not been under way since only August or September. In fact, the discussions have been under way for five years, but they appeared to have become mired down. Therefore, the Prime Minister decided to step up those discussions and literally force people to come to the table by indicating a target date of December 31.

Discussions have stepped up. There have certainly been many more meetings this fall than earlier. There were certainly meetings of ministers and of officials during the past five years. The Prime Minister believes that the target date of December 31 is a valid one to achieve.

Senator Murray: Honourable senators, as a practical matter, is there a particular measure of provincial agreement to implement that the Prime Minister and government believe would be necessary before the federal government ratifies?

Senator Carstairs: As honourable senators know, the provinces have laid out 12 points that they think must be addressed. The federal government and the provinces have indicated that they have reached a satisfactory agreement on nine of those 12 points. The remaining three points are being discussed and negotiated. Meetings have taken place this week amongst the Prime Minister, the Premier of British Columbia and the Premier of Ontario. The premiers chose to cancel their meeting, which was to be held on November 29, 2002. It is to be hoped that we will come to an even broader consensus, as the weeks continue, that would include the three outstanding principles.

Senator Murray: Honourable senators, I do not wish to belabour the point. We will have an opportunity to debate much of this matter.

The situation that existed with regard to the Canada-U.S. Free Trade Agreement 14 years ago comes to mind. At that time, the action, legislative and other, required to be taken by both the federal Parliament and provincial legislatures as a practical matter to implement the agreement was well understood. In the event, as the honourable senator may recall, two provinces opposed the treaty — the government of the largest province, Ontario, and that of the smallest province, Prince Edward Island. Nevertheless, the federal government felt sufficiently confident, especially after holding an election on the matter, that it could proceed with implementing the treaty without any problems or hitches of a jurisdictional nature.

Honourable senators, I am asking the Leader of the Government how many provincial governments need to agree to proceed to implementation before the federal government proceeds to ratification?

Senator Carstairs: Honourable senators, I think that the Prime Minister is prepared to move to ratification with the present agreement among the provinces. If I go back in the history to which Senator Murray refers, it seems to me that there was a third province that was also opposed. My province, Manitoba, also opposed the treaty until there was a change of government in that province. Interestingly enough, the election was not fought on that ground, but there was a change of government in any event.

The Prime Minister believes that we must act, and that this is in the best interests of the Canadian people. He also believes that the Canadian people think it is in their best interests. He has a mandate to act on behalf of the Canadian people, and that is what he will do.

Senator Murray: What is the provincial agreement to which the minister refers? She said that the government is prepared to proceed to ratification on the basis of the agreement that now exists. What agreement is that?

Senator Carstairs: Honourable senators, I was referring to principles that were laid out by the provinces. There has been agreement on nine of the twelve concerns raised by the provinces. The principal issue currently, certainly as expressed yesterday by Premier Eves, seems to be one only of money. Premier Eves wants the federal government to pay for everything.

As you know, the environment is a shared responsibility. The federal government is not prepared to pay for everything.

Hon. John Lynch-Staunton (Leader of the Opposition): I want to deplore the fact that the government has not bothered to table the Kyoto Protocol and is asking us to debate a document that we do not have before us. I find that presumptuous, if not brazen.

Hon. Roch Bolduc: We are merely an advisory body.

Senator Lynch-Staunton: Honourable senators, I certainly cannot engage in a debate until I have some idea of what the debate is regarding. The document is there. That being said, I would like to know from the Leader of the Government exactly what commitment this Senate will be making if it does approve the motion. My interpretation is that if this chamber votes in favour of the motion, that is, that the Senate call on the government to ratify the Kyoto Protocol, it will end the debate.

When the enabling legislation comes, and all the ramifications that will arise from the protocol are known, it will be too late. The government's argument will be that the Senate approved the Kyoto Protocol. The vote is part of the official record. Both Houses approved the Kyoto Protocol. Therefore, there would be no choice other than to follow through on their decision and pass the enabling legislation.

Therefore, I will vote against this motion because we are doing things the wrong way round. We should know what the enabling legislation would look like and what the ramifications could be.

Honourable senators, my position has nothing to do with the environment. It has to do with the responsibility of a legislator to come to the right decision and not to be told to approve something called the Kyoto Protocol without knowing its details.

We should not be told to find a document on a Web site or read about it in the newspapers. That is not the way this place works. The documentation should be before us. To date, we have nothing.

• (1500)

Also, I will not support this motion because I do not know what it means. I do not know what it means to my province. I do not know what it means to Canadian industry. I do not know what it means in cost. I do not know anything. I am not being asked to approve Kyoto one way or the other; I am being asked to give support to the Prime Minister of Canada so that he can say to the rest of the country, and in particular to recalcitrant provinces, one in particular, "I have now the support of the Parliament of Canada, so you have to fold also." I will not play that game.

My main question to the Leader of the Government is: Does she agree that if the Senate approves this motion, it is in effect bound by the enabling legislation that is bound to ensue following ratification?

Senator Carstairs: Honourable senators, that is a very interesting question, because I perceive the debate quite differently from the honourable Leader of the Opposition, but perhaps that does not surprise anyone since he sits on one side and I sit on the other.

I almost see the process we are going through with respect to the ratification of the protocol a bit like second reading and third reading. Second reading is approval in principle, and that is where we are now in the debate on approval in principle. When we get to third reading or the enabling legislation, then there will be other debates on specific points of distinction, if indeed we have enabling legislation, if such enabling legislation is required.

Senator Bolduc: Honourable senators, there is a big difference. For example, take the bill to promote physical activity and sport. That bill is before us. We have the real thing. We do not have enabling legislation. We do not have anything like that, and that is why I think Senator Lynch-Staunton is perfectly right in that situation.

Senator Kinsella: On a supplementary, should we arrive at the stage of examining proposed legislation and we cannot pass the legislation or will not adopt it, and therefore Canada cannot meet its obligation, could the minister explain the mechanism for renunciation of that protocol?

Senator Carstairs: Honourable senators, the honourable senator asked earlier if the enforcement machinery for the renunciation of the ratification would be included in the enabling legislation. I cannot give him the details on that. I have indicated to honourable senators that if they would like to have the Honourable Minister of the Environment, I would be pleased to invite the minister to appear before us in Committee of the Whole in order for senators to put these very detailed questions to him. I am not the Minister of the Environment and I have not been at any of the meetings that have taken place between the Minister of the Environment and provincial ministers of the environment throughout the country. If I get an indication from the other side that that is how they would like to proceed, I will put that in motion immediately.

Hon. Mira Spivak: Honourable senators, my understanding of the Kyoto Protocol is that it commits Canada to reduce its greenhouse gas emissions by 6 per cent below 1990 levels but that it does not specify the manner in which it is to be done. There has been a great deal of talk about a made-in-Canada solution, and of course the Kyoto Protocol allows for a made-in-Canada solution because Canada has to adjust what it does to its own situation.

The conversation that goes on between the premiers is also based on a national solution. I would like to know what the government's view is of a federal, national, made-in-Canada solution. In other words, are the nine principles that are agreed to the basis of what the government is intending to do? Without going into the details of the package, which of course the leader is not able to give us today, can the Leader of the Government give us a broad understanding of what a made-in-Canada, federal, national solution is? I have not heard anyone debate this issue. They just take it for granted that the Kyoto accord is not made-in-Canada and that what the provinces are proposing is a made-in-Canada solution.

Senator Carstairs: Honourable senators, I thank the honourable senator for that question because, of course, she is absolutely correct. We have been asked to reduce our greenhouse gas emissions 6 per cent below what was set in 1990. To be fair, we have actually increased them since 1990, so there is actually a broader gap that we have to fulfil. It is at 17 per cent. We have a significant target to adhere to. I think the commitment clearly is that we not allow that to progress further, because if in the last 12 years we have gone from 6 to 17 per cent, it does not bode well.

The honourable senator is also quite correct in saying that there is an interesting debate in this country about a made-in-Canada solution. Clearly, the Kyoto Protocol was drafted in such a way that all governments could make a U.K. plan or a France plan or a German plan. They could, if the United States was willing, make a United States plan. That is the beauty of this particular agreement.

As a nation, we are to decide and devise the manner in which we can meet the targets that we have agreed to in our ratification of the Kyoto protocol, and we have 10 years to do it. It is not as if we are going to ratify this now and then have to implement it January 1, 2003. We have been given 10 years in order to bring this accord into its complete ratification and implementation.

Senator Spivak: Honourable senators, I point out that the year 2012 is just the beginning. Scientists estimate that there will be a doubling of greenhouse gas emissions. We are almost too late unless we take heroic measures to stop that doubling.

This is probably the most serious challenge ever faced by the world. It seems to me that people are looking too much at the costs of action while not looking at the costs of no action. I wonder whether, included in all the documents that will be tabled here, there will be any studies on the cost benefit aspect, because the costs of no action will probably shock everyone in this chamber.

Senator Carstairs: Honourable senators, the honourable senator from Manitoba has clearly identified what is critical here. If we do not act now, the problem will only get worse. By acting now, it is hoped that we can at least put on some of the brakes and lead, if nothing else, by good example, other nations to start putting the brakes on their circumstances as well.

I have had discussions with some members of cabinet, not at the cabinet table, but outside, so I can talk about them, with respect to respiratory illness. We were talking about the incidence of asthma. In my own family my father was one of 10, my mother was one of 18, and there was one asthmatic. In this generation, there are nine asthmatics, and we are only half the number. That is indicative of what is happening with children throughout the nation if we do not begin to look at this in a very serious way.

The honourable senator might be interested in the annex to the Climate Change Plan for Canada, which does an analysis and modelling of cost impacts. That might address some of the issues she raised this afternoon.

Senator Lynch-Staunton: I welcome the minister's suggestion that we go into Committee of the Whole to hear the Minister of the Environment and his officials, but also we must remember that this chamber is historically the one that represents the regions. This is a chamber of regions, of provinces, and we have an obligation when a matter touches the provinces directly and touches on their jurisdiction that they be given the opportunity to come before this chamber to make representations. I would urge the Leader of the Government to consider extending an invitation to the premiers to come before us to explain their understanding of the issue. In that way, we would then be better able to take a decision on the motion. To have the Minister of the Environment only without the provincial representatives would not be carrying out our historical responsibilities.

• (1510)

Honourable senators, Appendix I of the *Rules of the Senate* states:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

What issue applies to this paragraph with greater import than the Kyoto Protocol, these days? I urge the Leader of the Government to consider that, and I will certainly be happy to continue the debate as soon as the documents that we asked for, particularly a copy of the Kyoto Protocol, are made available. I therefore move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

PHYSICAL ACTIVITY AND SPORT BILL

THIRD READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the bill be not now read a third time, but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

“(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan.”; and

(b) in clause 33, on page 14, by adding after line 11 the following:

“(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would simply like to add some additional information. To those who have amendments to propose to this bill, we are prepared to consider them and to stack them. Senators could speak to one or more amendments. Each amendment would be voted on separately. This is exactly what you wanted to do yesterday. I did not understand when you asked for leave.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Deputy Leader of the Government and I discussed this matter. I consulted a number of senators. Our critic, Senator Murray, prefers to deal with each amendment as it is introduced, as stipulated in the *Rules of the Senate*. Stacking is not acceptable.

Order stands.

[English]

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—MOTION IN AMENDMENT—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,

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

“That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate.”

Hon. Laurier L. LaPierre: Honourable senators, I have listened carefully and with great respect to the views expressed on the package of ethics for both Houses of Parliament. I have paid close attention to the brilliant addresses by learned senators. I have also learned about our rights and privileges, in the course of those debates, and how they were enshrined in the Constitution through the will of the Fathers of Confederation. I have been impressed by the fact that a code of ethics already exists, which, if I have understood correctly, is legislated in the Parliament of Canada Act, in the Criminal Code and in the *Rules of the Senate*.

However, we are not there, and this is not about that. This is about what we are expected to do, and not necessarily in reference to past expectations, and not necessarily by taking refuge under the rights and privileges that may or may not have existed.

Honourable senators, things have changed considerably since 1867. We began with two provinces that were willing and two that were not willing, and had to be forced. One was created from a postage stamp, one was forced by the British authorities and another was forced by the British authorities, and two were created by the central government, et cetera. We have extended our country considerably to the north. In the process, since 1867, we have considerably extended the boundaries of the provinces and reorganized the federalism under which we live.

Consequently, there have been enormous changes in the process and in the Senate. We used to be named for life, but that is no longer the case; and we used to light this house with candles, but that is no longer the case. There are many things that we do differently today. Honourable senators, it seems to me that circumstances have changed the nature of this house. We began our country with a small population that has grown to more than 30 million — 43 per cent of whom are not of the original stock that created this nation. At that time, there was Native, French and British stock. Honourable senators, we have adapted to all of these changes and, whether or not we like it, we have changed the rules and our way of thinking in order to achieve this.

There is a crisis of confidence in parliamentary institutions among Canadians. We say that we are not involved in scandals. If scandals occurred, we dealt with them through the rules, or the scandals belonged to the other place. We like to think that we have developed a self-protective mantle to escape scandals. For reasons that are not too difficult to understand, there is a perception that the Parliament of Canada is not living up to the expectations of Canadians, and not just in respect of this chamber.

Honourable senators, over the past quarter of a century, many have wanted to either abolish or reform or elect the Senate. I have absolutely no doubt that, within the next 10 years, the rules that govern an appointment to the Senate will change considerably, and the term of senators will also change considerably.

For all of these reasons, I like to think that we are moving in a positive direction. The crisis of confidence that exists and envelopes the soul demands from us an understanding of what

the Canadian populace may want in the process to rekindle its willingness, its spirit and its confidence in the Parliament of Canada and, at the same time, be able to participate more actively in parliamentary and public affairs of our country. Canadians want transparency, objectivity, responsibility, accountability and monitoring.

• (1520)

They want us to act not as two distinct bodies, but as a Parliament where the Senate acts in concert with the House of Commons in order to create a code of ethics that is manageable, transparent and can be understood so that everyone can say that these are the rights, privileges and responsibilities of the members of the Parliament of Canada.

Therefore, the Canadian public does not want two codes of ethics; they want one code of ethics for the Parliament of Canada. We are responsible to them. It is not true that we live in this place completely devoid of politics. We belong to political parties. We belong to caucuses. It is not an exaggeration to say that we are ruled by party politics.

[Translation]

The give and take of politics, while no doubt fraternal, necessarily requires that we oppose the ideas of others and that we exchange views. In large part, this stems from some kind of ethics or party line.

[English]

For all of these reasons, it occurs to me that we are not all that different from the House of Commons. The people of Canada elect the members in the other place. Those members are honest people, and each day they are condemned more than the honourable senators in this place.

The public does not know who we are and has hardly any idea as to what it is that honourable senators do. The Canadian public is aware of what MPs do in the other place because that is where the journalists are. The journalists and the television cameras are not in this place.

[Translation]

We are hardly noticed at all.

[English]

What the Canadian public wants is for the House of Commons and the Senate to work together to arrive at a code of ethics. They want the Parliament of Canada to have a single commissioner who will be responsible for the monitoring and administration of that code of ethics, an ethics commissioner who will look at the House of Commons and the Senate and act accordingly.

The House of Lords was mentioned yesterday. Very simple statements and words were used so brilliantly by Senator Joyal.

At the end of the day, as public personages, we have to assume the responsibility to meet the will of the Canadian people and to remember that we are their servants. It is, therefore, our responsibility to try and erase this dangerous lack of confidence that exists in the parliamentary institutions of our country, Canada.

For all of the reasons that I have cited, perhaps it is best that we accept the motion as it has been presented and send it to the committee chaired by the very brilliant Senator Milne. However, I would prefer to deal with it in Committee of the Whole. We would not need to hear from witnesses. Honourable senators are knowledgeable. We have a great many experts in this chamber who would be able to ruminate upon the history of the Senate from time immemorial and for all of eternity. We could sit here in the Committee of the Whole to discuss this motion and within 10 hours arrive at a consensus that would satisfy the Canadian public. Then, the next time we go for an election or attempt to elicit public involvement, we would not have the sad results that we have had in the past.

Honourable senators, this is an important moment in the history of this chamber. I do not wish to get carried away, as I know I have done in other places over this issue.

I wish to thank the Honourable Senator Corbin for his great diligence in bringing me back to the spectrum of rationality. However, for 73 years, I have been unable to prevent my emotions from getting in the way of my rationality.

[Translation]

The heart has its own reason which reason does not know, as Pascal said, and vice versa.

[English]

For all of these reasons, I beg honourable senators to adopt this motion quickly. Send the motion to my noble friend, the Honourable Senator Milne, or create a Committee of the Whole to get this matter over with so that, sooner or later — much sooner than later — we will have, as a Parliament, a magnificent statement with which the Canadian people can identify and which will serve as being representative of everything honourable senators believe in regarding the public service of our country.

[Translation]

Hon. Roch Bolduc: Would Senator LaPierre entertain a question?

Senator LaPierre: I never do, for the simple reason that my mind only allows me to speak for the few minutes afforded me. If

I were as brilliant, intelligent and knowledgeable as you, I would. But that is not the case.

[English]

I have a magnificent Web site. You may therefore entertain me with it there, and I will respond to you with great pleasure.

Hon. Jeremiah S. Grafstein: Honourable senators, would the honourable senator allow a question?

Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker): The honourable senator has stated that he will not accept questions.

Senator Grafstein: Will the honourable senator permit a short question that relates to information within his knowledge?

The Hon. the Acting Speaker: Will the honourable senator accept a question?

Senator LaPierre: I am too shy and retiring, thank you, to do this. I am a simple peasant from la Beauce. It would be so completely inordinate for me to enter into a discussion with such a mighty, learned person as the Honourable Senator Grafstein.

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

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is almost 3:30 p.m. We normally try to adjourn our sitting at this time to allow committees to sit. With leave, we could stand all items that have not been reached until the next sitting of the Senate. They will stand on the Order Paper in the order in which they are today.

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

Hon. Senators: Agreed.

The Senate adjourned until Thursday, November 28, 2002, at 1:30 p.m.

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