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OFFICIAL REPORT
(HANSARD)

Wednesday, December 4, 2002

THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Wednesday, December 4, 2002

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

Prayers.

SENATOR'S STATEMENT

NATIONAL DEFENCE

STRATEGIC LOCATION OF MILITARY UNITS TO DEAL WITH TERRORIST ATTACKS

Hon. Gerard A. Phalen: Honourable senators, recently the Vancouver newspaper *The Province* published a list of Canadian sites vulnerable to terrorist attacks. Three of the top 22 sites are located in Atlantic Canada: CFB Greenwood in Nova Scotia, the Confederation Bridge linking P.E.I. to New Brunswick, and Point Lepreau nuclear facility in New Brunswick. Because of this, and together with the events of September 11, 2001, which saw most airborne aircraft diverted to airports in Atlantic Canada, I should like to draw some important and relevant concerns to the attention of all honourable senators.

In an article in the St. John's, Newfoundland, newspaper *The Telegram,* on September 17, 2002, Brian Canning wrote that the Minister of Transport, David Collenette, "...speculated on national television that Eastern Canada's sparse urban population made it the best place for terrorists to crash-land, risking fewer lives than in Toronto or Montreal."

According to the Minister of National Defence, in his testimony on October 4, 2001, before the House of Commons Standing Committee on National Defence and Veterans Affairs, "...the Canadian Forces have a highly trained tactical unit called JTF2, or Joint Task Force 2, which is a counterterrorism unit in the Canadian Forces. JTF2 is ready to respond to terrorist instances in various situations where Canadians and Canadian interests are threatened." Most information regarding JTF2 is confidential, but I understand that they are located in the Ottawa area. If aircraft are to be diverted to Eastern Canada airports in the event of further emergencies, would it not be practical, and indeed make sense, to have JTF2 units located at military bases in these areas?

The same question should be raised concerning other units in the military. For example, the minister spoke at the above-mentioned hearings about the Nuclear, Biological and Chemical Response Team. According to John Thompson of the Mackenzie Institute, in a Canadian Press article on September 20, 2001, "...the only personnel now assigned to deal with biological and chemical attacks are located at Camp Borden in Southern Ontario." Kevin O'Brien, a senior policy analyst with RAND Europe, an international think-tank dealing with defence and security, said, in the same article, that a lack of training and supplies for emergency personnel, an unprepared military and a false sense of international security could make Canada particularly vulnerable to chemical and biological weapons.

The Minister of National Defence, again in the above-mentioned testimony, spoke about the Canadian Forces Disaster Assistance Response Team, or DART, which, on September 11, was assembled in Trenton. The minister pointed out that within hours the DART team was ferrying supplies to Atlantic Canada. It would seem more logical, if Atlantic Canada is to be the landing site for such aircraft, that a unit of DART be stationed there also. Flying time alone from Trenton is 3.5 hours.

If Atlantic Canada is to provide landing sites, we should also be casting —

Hon. Elizabeth Hubley (The Hon. the Acting Speaker): Honourable senators, I wish to advise the honourable senator that the time for his statement has expired. Does he wish to ask leave to continue?

Some Hon. Senators: No leave.

• (1340)

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE PRESENTED

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

Wednesday, December 4, 2002

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

SIXTH REPORT

Pursuant to its order of reference from the Senate dated November 5, 2002, your Committee is pleased to report as follows:

Your Committee recommends that rule 86(1)(*o*) of the Senate be amended to read:

> "The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries and oceans generally."

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.

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on National Finance has the honour to present its

SECOND REPORT

Your Committee, to which were referred the Supplementary Estimates "A", 2002-2003, has, in obedience to the Order of Reference of November 5, 2002, examined the said estimates and herewith presents its report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(*For text of report, see today's* Journals of the Senate, *p. 291*)

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

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

EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, for Senator Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on Energy, Environment and Natural Resources has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill 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 (Export and Import of Rough Diamonds Act) has, in obedience to the Order of Reference of Tuesday, November 26, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

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

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

SPECIES AT RISK BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-5, *An Act respecting the protection of wildlife species at risk in Canada,* has, in obedience to the Order of Reference of Tuesday, October 22, 2002, examined the said Bill and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

MIRA SPIVAK
Deputy Chair

(*For text of observations, see today's* Journals of the Senate, *p. 298*)

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

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

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY OPERATION OF OFFICIAL LANGUAGES ACT, AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Rose-Marie Losier-Cool: Honourable senators, I give notice that, tomorrow, I will move:

> That the Standing Senate Committee on Official Languages be authorized to study and report from time to time upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, within those institutions subject to the *Act*, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage.

[*English*]

QUESTION PERIOD

JUSTICE

AUDITOR GENERAL'S REPORT—APPROPRIATION OF FUNDS FOR THE FIREARMS REGISTRY PROGRAM

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate and deals with the firearms registry. According to the Auditor General's report, paragraph 10.40, there are some major discrepancies in the methods of obtaining funding for the program by the Department of Justice. According to the report, a mere 30 per cent of the total funds, $750 million in 2001-02, used for the program was acquired through the main appropriation method, meaning that 70 per cent of the funding for the implementation of the program was acquired through the Supplementary Estimates system.

Honourable senators, could the government explain this complete lack of accountability by the Department of Justice with regard to the appropriation of funding through Supplementary Estimates? Did the Department of Justice choose this method of appropriation of funds to hide the cost of the implementation of this program? How can the government condone the severe misuse of the Supplementary Estimates in order to fund 70 per cent of the total cost of this program?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is true that the Main Estimates are the principal means by which a government department obtains funds. Certainly, the bulk of the funds for the Department of Justice were received in that way. Supplementary Estimates were used for this particular program. The Minister of Justice has indicated that he accepts all the recommendations of the Auditor General and will seek to correct such action in the future.

Senator Oliver: Honourable senators, that means that they will not go by way of Supplementary Estimates the next time.

There is a more serious question that arises as a result of the way the department did its work. According to the Auditor General's report, paragraph 10.29, the Department of Justice did not provide Parliament with an estimate of all the major additional costs that would be incurred, even though there was a regulatory requirement for the department to do so. In other words, the Justice Department, which has certain regulations, did not follow them.

Honourable senators, why did the Department of Justice contravene its own regulations with regard to providing information on all major additional costs that would be incurred for the implementation of the registry?

Senator Carstairs: Honourable senators, the honourable senator has indicated that there is such a regulatory authority. Frankly, the government recognizes this comment by the Auditor General and has indicated that it will move to do things in the appropriate fashion.

What is necessary for all of us to understand is that Supplementary Estimates, as well as Main Estimates, are subject to parliamentary inquiry and investigation. What has been of interest to me, particularly in the other place, has been the failure to make a concerted effort to raise these matters over and over again in the study of the Estimates.

• (1350)

I have been quite shocked since I came to this place to realize how little time and attention is given to the Estimates process. In a provincial legislature, a good 70 per cent of the hours in any given session are specifically devoted to Estimates. They go into Committee of the Whole — Senator Buchanan knows this well — and conduct line-by-line investigations. I am hopeful that the new committee on operations management will bring the Estimates process to a higher profile than it has been in the other place for some time.

Senator Oliver: Honourable senators, I was looking forward to a response to the part of the question relating to the message sent to the people of Canada when the Department of Justice, the formal legal arm of the government, contravenes its own regulations. What does that say to other departments? That is my concern.

Senator Carstairs: Honourable senators, what it says to the other departments is quite clear: If you do not follow your regulatory regime, you will be caught by the Auditor General, and then you will have to agree to follow them in the future. That is not the way it should be. However, that is, unfortunately, the way it sometimes happens; governments have to be brought to task for any failure to fulfil the obligations placed upon them. That is the strength of the Auditor General. I, for one, am fully supportive of the Auditor General's role in that regard.

HOUSE OF COMMONS

STUDY OF ESTIMATES

Hon. Lowell Murray: By way of supplementary, may I suggest to the Leader of the Government in the Senate that the principal problem in the other place with the consideration of Estimates is that they are sent off to committees and deemed to have been approved by those committees by a certain date, whether or not the committees have ever opened the book on them. The result, as we have seen in previous sessions, is that one sometimes sees $160 billion worth of projected government spending going through the House of Commons on some procedural shortcut of a single vote.

I am asking whether the Leader will lend her voice to those who are suggesting that at least a certain number of departmental Estimates, the departments to be selected by the opposition, be brought before the Committee of the Whole House where the ministers can be examined, as my friend suggests, line by line on their Estimates. That was the case until 30 years ago. While we all agree that there were some abuses in that the opposition would concentrate on a few departments and all the others would go through on the nod, still it was a vast improvement over the situation in which Estimates are simply deemed to have been approved whether or not they have ever been reviewed or had a witness called on them.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right. There has been a minor rule change, which will affect that to some degree, in which ministers can now be called before the chamber. I believe the last minister to be called was the Minister of Public Works. However, I agree that sometimes that process can be subject to a specific issue at a specific time, and the minister is called before the House for questioning.

It is our job as parliamentarians to do the kind of evaluation of Estimates that, regrettably, has not been done. I agree that there have been such instances. I know that, in the Manitoba legislature, education, highways and agriculture were always important topics. Others would get passed because the time had run out. It is important that we, as parliamentarians, take our jobs seriously, and the examination of the Estimates is an important part of our work. That is why our National Finance Committee works more effectively than, I would suggest, the other place.

JUSTICE

AUDITOR GENERAL'S REPORT—APPROPRIATION OF FUNDS FOR THE FIREARMS REGISTRY PROGRAM—MINISTER'S RESPONSIBILITY

Hon. A. Raynell Andreychuk: Honourable senators, on a supplementary to Senator Oliver's question, the Minister of Justice is not just another minister. That minister has a unique responsibility to uphold the laws of the land. In this case, what is the minister's responsibility as head of that department? How will things change at the ministerial level if ministerial accountability can be accounted for by what appears to be a condemnation of the bureaucracy? Surely, the minister is responsible.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, ministers are responsible. The Honourable Minister of Justice issued a press release yesterday in which he accepted all of the Auditor General's recommendations and indicated that he would move forward on each and every one of them.

RESPONSIBILITY FOR CHANGES TO FIREARMS REGULATIONS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate as well. In the committee hearings on Bill C-10A, we questioned the officials on the situation facing the Inuit people and their financial situation. It was as if they felt they did not have to answer for any of these questions. When we asked about the situation of the Inuit people and how they would be negatively impacted, they gave virtually no answer at all. When the question of financing came up, it was as if that is the way the world evolves and we must accept it.

Who is responsible, from the minister's perspective? Is it the people who administer the legislation and the department, or is it the minister?

It was brought to Minister Rock's attention at the time, that the cost would not be $5 million, $2 million or whatever, but hundreds of millions. Can the Leader of the Government tell Canadians who is responsible?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not accept the preamble to the honourable senator's question, because I believe the individuals appearing before committees as representatives of their departments must be as fulsome in their explanations as their knowledge and expertise would allow them to provide. I do not like to see criticism of bureaucrats who go before committees in the way that the honourable senator has indicated this afternoon. However, we all know the doctrine of ministerial responsibility: The minister is responsible for the operation of his or her department.

EFFECT OF FIREARMS ACT

Hon. Terry Stratton: Honourable senators have been dealing with the costs of the gun registry ever since its inception. The Standing Senate Committee on National Finance has expressed serious concern, over and over, year after year, since the inception of the bill, about the cost overruns for this so-called registry.

When you see projected cost overruns of $1 billion and, on top of that, an ongoing annual operating cost that was not supposed to be there — it was supposed to be self-sufficient — you start to wonder about the ability of government to actually formulate legislation in this area without the wheels falling off. It is obvious to the entire world, even to proponents for gun control, that the wheels have come off this program. It is out of control and the government is trying to regain control. I have to say, "If it ain't working, you have to fix it." It must be fixed by being scrapped. I believe firmly that Bill C-68 should be scrapped and Bill C-17, which was brought in by our government, should be brought back.

The number of deaths from firearms in 1991, when Bill C-17 was brought in, was 1 per 100,000. It dropped under Bill C-17 to 0.6 per 100,000. When Bill C-68 came in, it dropped in 1995 from 0.6 to 0.5 per 100,000. That is 0.1. Can the honourable leader please tell me how one measures the effectiveness of Bill C-68 when measuring those statistics?

• (1400)

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is sharing statistics, so I shall share some as well. Here are the concrete results of this program. Fifty times more licences have been revoked from potentially dangerous individuals than in the last five years of the previous program. The number of people prohibited from owning firearms has increased by 50 per cent. Police agencies are accessing the on-line firearms registry 1,500 times a day. The number of lost or missing firearms has declined by 68 per cent between 1997 and 2001. The rate of firearm robberies has declined by 12 per cent in 2001. The firearms program continues to be supported by the vast majority of Canadians, with public support for firearms registration at 76 per cent, according to an independent Gallup survey. This program is working.

AUDITOR GENERAL'S REPORT—APPROPRIATION OF FUNDS FOR FIREARMS REGISTRY PROGRAM—SUPPLY OF INFORMATION BY DEPARTMENT

Hon. Terry Stratton: That is a wonderful attempt at disguising the reality of $1 billion spent since 1995 and disguising the reality of the ineffectiveness of the bill when compared to Bill C-17 brought in by our government; the honourable leader knows it. Those comments are coupled with the fact that Richard Neville of the Treasury Board — and I want to thank him for appearing before the National Finance Committee for the past several years — has been giving us accurate information on the cost overruns. When we would present that information, nothing would happen. It would be dismissed with comments like, "We have the thing under control, look at the statistics." Are honourable senators aware that the number of murders by handguns is now two thirds of all Canadian murders?

How long have we had this handgun registry? All that has happened as a result of this so-called registry is that we are now a mass import market for illegal handguns from down south. That is what is happening.

I want to quote Mr. Neville. He told the Standing Senate Committee on National Finance:

> ...there is an evaluation that is currently underway within the Department of Justice of this particular program. I will say that we are looking forward immensely to seeing the results of the evaluation.

Could the government leader advise the Senate as to the nature of this evaluation?

Hon. Sharon Carstairs (Leader of the Government): Let me go back to some of the honourable senator's preamble. More guns have been confiscated coming across the border than in the history of this country. They are being confiscated on a regular basis. That is good and is the kind of thing we must continue to do. We do not want guns coming from the United States into Canada.

In terms of the honourable senator's comments on expenditures, yes, everyone will admit that this program —

The Hon. the Acting Speaker: Might I remind honourable senators that the answer to the question is very important. We should listen.

Senator Carstairs: Everyone on this side of the chamber and in the cabinet would admit that this program has escalated well beyond what was originally intended, but let us take a look at some of the reasons for that cost escalation. There was the delayed passage of the Firearms Act, which cost us some money. There was the opting-out of some provinces and territories, which was unfortunate but which resulted in significant one-time costs for the government. There was the loss of anticipated revenues. To be as user-friendly as possible, fees were waived as a result of the restructuring of the program. Monies that were to be received were not received. The creation of the centralized processing site in Miramichi did cost more than the government anticipated.

Yes, there were additional costs associated with this particular program. The Honourable Leader of the Opposition has shouted out the figure of $1 billion. Additional costs have not reached that yet, but the forecast is certainly that it may by 2004-05. We will have to accept responsibility for that increase.

The honourable senator opposite says that we should scrap this bill. We will not do that and the Canadian people do not want us to do that.

Senator Stratton: If what the honourable senator says is true, then according to the Auditor General's report, paragraph 10.49, the Auditor General was unable to complete a report because of a multitude of discrepancies and shortcomings in the information provided by the Department of Justice. How can the government condone withholding information with regard to the cost of implementing the program and allow the Department of Justice to keep Parliament in the dark on the use and spending of millions of dollars? When the Department of Justice is supposed to be an example of how the law is carried out, how is it doing this and getting away with it?

Some Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, I have already answered that question but let me do so again. Let us make no mistake here. The reality is that the Auditor General said nothing about the policy behind Bill C-68. She indicated very clearly that that was not her responsibility. Let us not tie the program with the concept of overexpenditure because one does not equal the other.

An Hon. Senator: Order!

The Hon. the Acting Speaker: I would remind honourable senators again that the answers to the questions are very important. Senators wishing to respond can wait their turn to ask a question. I think we will try to afford everyone some time.

Senator Carstairs: Honourable senators, I am prepared to continue but, as I did with my classroom, I never tried to speak over the students.

The Hon. the Acting Speaker: Order, please.

Senator Carstairs: As I was indicating to the honourable senator opposite, the Auditor General has made no decision on policy. She has indicated that Parliament was not kept as well informed as Parliament should have been. The department accepts that criticism.

Having said that, however, I also said earlier in the day that parliamentarians also have a responsibility. I think the Honourable Senator Stratton indicated that in this chamber they did a pretty good job of accepting the responsibility, but I cannot say that that happened in the other place.

EFFECT OF FIREARMS ACT

Hon. Leonard J. Gustafson: Honourable senators, my question is to the Leader of the Government in the Senate. The dollars lost here is one thing. This is a very serious matter. One billion dollars is a lot of money. More serious than that is the disregard that both the legislating House and the Senate have had for average people. For our native people, for our farmers and for our sportsmen, there has been no regard at all. This bill has fallen far short of meeting the needs of those people. For instance, a native makes his living with a tool. A farmer sees a gun as a tool. It is a tool. We do not see it as an object of destruction. We have not thought that through.

There is a great deal of unrest in society on this issue. Coming from the West, I can tell honourable senators that many people will be criminalized and the situation will become much more serious than it is today.

• (1410)

Would the leader carry that point to the cabinet? Might she also suggest that the government rethink this whole thing and give some consideration to the people hurting as a result of this legislation? We have not done that.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question but I must indicate to him that I do not agree. As well, I do not agree with his statement that the act will criminalize people. It will not criminalize anyone who obeys the law. If they have a licence, they are not criminals. If they have registered their guns, they will not be criminalized.

As to the Honourable Senator Gustafson's belief that a tool and a weapon are equal I would, with the greatest respect, disagree. A gun has only one purpose. It is used for killing, or for learning skills that are also associated with killing.

Senator St. Germain: Oh, oh!

Senator Carstairs: Senator St. Germain, you and I had this same discussion some years ago. Clearly we are in profound disagreement on this point, but a tool is a tool and a weapon is a weapon.

Senator Gustafson: Honourable senators, the same thing was said when Bill C-68 was being debated. We all remember that, and we can now see what a serious mistake this bill has been. There is an example right here. I am contending, and I suggest to the leader that she might take a look at just who will be criminalized under this statute. It will affect natives and, as we who have been members of Parliament know, people with records who could not get pardoned for 10 years. This is a serious issue.

Many of those people will not register their guns. The provincial governments are against the bill. Many members of the provincial governments are saying, "Do not listen to the federal government." I can attest that there is great confusion out there. Does the Leader of the Government in the Senate not understand that, in all fairness, we are doing society a great disservice by criminalizing people in this situation before the law?

Senator Carstairs: Honourable senators, the honourable senator and I have a fundamental disagreement. When someone chooses to be a criminal because they refuse to obey the law of Canada, you cannot put that responsibility on the Government of Canada. You have to put that responsibility on the individual whose has made the choice to be a criminal by virtue of not obeying the law.

FINANCE

AUDITOR GENERAL'S REPORT—TAX RULES FOR FOREIGN AFFILIATES

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. I have not read all the report because it is so large, but the Auditor General, after considering all the "Le musée des horreurs" of the administration said:

Canadians are not getting full value for their taxes.

That is the main conclusion. That means, therefore, that the federal government is a bad administrator. To give honourable senators one example, and it is a fantastic one, the Auditor General stated, in her December report, that a decade after a predecessor first raised the issue, tax arrangements for foreign affiliates have cost Canada hundreds of millions of dollars in lost revenue. We not are talking about Canadian companies; we are talking about foreign affiliates.

The problem occurs when a subsidiary of a foreign company borrows money in Canada, which means that the interest is deductible in Canada, and then uses the borrowed money to invest somewhere else. Another country gets the benefit of the investment while the Canadian taxpayers lose tax revenue on the interest deduction.

That is the process. It is well-known by a lot of companies, of course, because it is much used. One of the Auditor General's concerns is lack of information about the extent of the problem. The most recent data is eight years old, from 1994. The Auditor General makes a specific recommendation that the department obtain and analyze current information on the impact of letting foreign-owned Canadian corporations deduct interest on borrowed funds related to investment in foreign affiliates.

The government response to the Auditor General basically boils down to reciting various measures taken to close this loophole, since it was first brought to Parliament's attention without any recommitment to take further action and without acknowledging that more needs to be done. However, the department did state, in its response, that it would look at the revenue impact.

Can the government leader make a specific commitment that this information will be incorporated in the next annual report, put out by the Department of Finance, on the cost of various tax rules?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question; he is quite right. The Auditor General's report is a thick tome. I have never known an Auditor General's report that has not been a thick tome, nor have I ever known either a provincial or a federal auditor general's report that did not say Canadians were not getting full value for their tax dollars. That is the role and function of the Auditor General. That is why we have that office — to keep governments accountable for every single expenditure of the government.

To the honourable senator's specific question, however, in 1995 the anti-avoidance rules dealing with passive income to foreign jurisdictions were substantially modified. In 1996, foreign reporting requirements were implemented to provide better enforcement rules. In 1997, the transfer of pricing rules were improved to counter the potential for cross-border shifting of income. In 2002, rules were revised relating to foreign investment entities and non-resident trusts proposed to help protect the Canadian's tax base.

As each problem has been identified by the Auditor General, rules have been put in place to counter breaches such as those the honourable senator has raised this afternoon. I have every confidence that the Department of Finance will continue to amend rules, change rules, and make new rules that will guard taxpayers' dollars collected in the most effective fashion.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, Senator Kenny has requested the floor to ask for leave.

Hon. Colin Kenny: Honourable senators, I request leave to revert to Notices of Motions.

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

Some Hon. Senators: Yes.

Hon. Gerry St. Germain: No.

The Hon. the Speaker: Leave is not granted.

• (1420)

ORDERS OF THE DAY

PHYSICAL ACTIVITY AND SPORT BILL

THIRD READING—MOTIONS IN AMENDMENT—DEBATE CONTINUED

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.".

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended,

(*a*) on page 13, by adding after line 10, the following:

"**32.** The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts.";

(*b*) on page 15,

(i) by adding before the heading "*Department of Canadian Heritage*" before line 17, the following:

"Access to Information Act

37. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada",

(ii) by adding after line 21, the following:

"Privacy Act

39. Schedule I to the *Privacy Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada" ; and

(*c*) by renumbering clauses 32 to 40 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Roche, seconded by the Honourable Senator Murray, P.C., that the Bill be not now read a third time but that it be amended in clause 35,

(*a*) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(*b*) on page 15, by deleting lines 1 to 7; and

(*c*) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator LaPierre, that the Bill be not now read a third time but that it be amended in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

"social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;".

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Nolin, that the Bill be not now read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following:

"Auditor General of Canada

28. (1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

(2) The Auditor General of Canada shall annually

(*a*) audit and provide an opinion on the financial statements of the Centre; and

(*b*) provide a report to the Chairperson and to the Minister on the audit and opinion.

(3) The Minister shall cause a copy of the Auditor General's 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.".

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Hubley, that the Bill be not now read a third time but that it be amended in clause 7, on page 4, by adding after line 19, the following:

"(3) In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.".

The Hon. the Speaker: Senator Gauthier is rising, as was indicated in his earlier comments, to propose another amendment. I had thought that he would have had an opportunity, between amendments, to speak without asking for leave to do so. However, his time has expired.

Is leave granted so that he may present another amendment?

Hon. Senators: Agreed.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would give leave for Senator Gauthier to move his third amendment, but it has to be done pretty quickly.

Hon. Jean-Robert Gauthier: Honourable senators, I thank the Deputy Leader of the Government. Things are going on here that I do not quite get! We need to trust the system, I guess.

The third amendment I wish to move is important, essential even. The bill does not come under the Official Languages Act for the reasons I have already given. I am told that it was impossible for us, in the federal government, to impose the Official Languages Act criteria on the Sport Dispute Resolution Centre that is proposed in Bill C-12.

I would have preferred having the Official Languages Act apply in its totality. This is, after all, a body created here in the Parliament of Canada, under a federal bill, thus a decision by the House of Commons and the Senate. I have trouble understanding this new trend of creating bodies at arm's length from Parliament, which are free to adopt a language policy, a policy for which the centre is answerable to the Canadian public. The centre's books will not be checked by the Auditor General, but by someone else. There will likely be annual reports from the minister, who is answerable to Parliament also. The centre could also be abolished by a decision by that same minister, without parliamentary consent being sought. I cannot understand the thinking that would allow a minister of the Crown to do away with the centre if it was not complying with the law, in his opinion.

That is not what my third amendment is about, however. I am told that the bulk of the activities of the Sport Dispute Resolution Centre will regularly involve both official language communities. I am told that the centre would adopt an official languages policy. I would have liked to have had a say on the policy, as is generally done, this being a matter relating to one of this country's basic pieces of legislation.

I am therefore using the parliamentary means available to me, and I am taking advantage of this debate to put on the record comments which, in my opinion, are important.

The centre will serve all Canadians. It must comply with the spirit of the Official Languages Act — and I do mean "the spirit of the act," as provided under Part IV of the Act — which deals with the language of service and the institution's duty to serve Canadians in the language of their choice. This is essential in a country with two official languages. I am told to trust them. This is an act passed by the Canadian Parliament. A federal department will be responsible for this centre. Funding will come from the federal government; I agree that $1 million is not big money; but still, it is taxpayers' money. As a parliamentarian, I insist on accountability to Parliament. It is essential that a good organization be accountable for the money it spends. The Auditor General should audit the books on a regular basis.

This bill should take into consideration Part VII of the Official Languages Act, which states the government's policy regarding the advancement of the two official languages, and the development, fostering and enhancement of the vitality of the two major communities, so that Canadians will know that it is consistent with the spirit of the Official Languages Act.

MOTION IN AMENDMENT ADOPTED

Hon. Jean-Robert Gauthier: Therefore, honourable senators, I move, seconded by the Honourable Senator Gill:

> That Bill C-12 be not now read a third time but that it be amended, in clause 6, on page 4, by replacing line 7 with the following:
>
> "of grants and contributions to any person, in accordance with Parts IV and VII of the *Official Languages Act*.".

This motion in amendment is not complicated, but it is of paramount importance.

The Hon. the Speaker *pro tempore***:** The Honourable Senator Jean-Robert Gauthier, seconded by the Honourable Senator Gill, moved:

> That Bill C-12 be not now read a third time but that it be amended, in clause 6, on page 4, by replacing line 7 with the following:
>
> "of grants and contributions to any person, in accordance with Parts IV and VII of the *Official Languages Act*.".

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

Some Hon. Senators: Agreed.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that the debate be adjourned to the next sitting of the Senate.

[*English*]

Hon. John Lynch-Staunton: The blues will show the amendment was agreed to. There was no "nay" vote. The deputy leader then proposed the adjournment of the debate. Let the blues confirm that.

[*Translation*]

Senator Robichaud: Honourable senators, if a question had been put on the amendment — and I do not want to contradict what was said, but I am simply saying this — normally, when someone did not hear, that person should be given the opportunity to hear what we are voting on.

• (1430)

If I rose to move the adjournment, it is clear that I had not heard the question. There was an agreement to hear the amendments, and then to dispose of all of them at the same time, at another sitting. I think we should stick to what we had agreed to do at another sitting.

Senator Gauthier: Honourable senators, I can no longer figure out what is going on. The Deputy Leader of the Government has adjourned the debate, and this is the second time that he does that to me. How long is this going to go on? Could someone please tell me when this is going to end, when the government is going to stop making life hard for me when I move an amendment?

Hon. Pierre Claude Nolin: Honourable senators, before dealing with this very important issue, which was raised by Senator Gauthier, there is another very important issue that should be settled. The chamber decided, after the Speaker *pro tempore* had put it, to adopt the amendment. The answer was yes. I heard it from both sides, in fact. This amendment, in my opinion, has been adopted. If Senator Robichaud did not understand this, that is unfortunate, but the decision has been made.

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, we have made a decision in this chamber that we will stack all of the amendments on this bill, and that at the end of presentation of all of the amendments, we will take the votes. That is the agreement.

Frankly, while Senator Gauthier moved his amendment and Her Honour read it, I distinctly heard the Honourable Deputy Leader of the Opposition saying, "Tomorrow, tomorrow." The decision was to move this item, as adjourned by Senator Robichaud, tomorrow, so that anyone who wished to speak to all of the amendments, including the three moved by Senator Gauthier, could speak to the encapsulated group of amendments. We agreed to stack them.

[*Translation*]

Senator Nolin: Honourable senators, as far as I know, there is only one Speaker in this chamber at a time. The Speaker is the one who is leading the debate. It is all well and good for the Leader of the Government, the Deputy Leader of the Government, and the Deputy Leader of the Opposition to have their little conversations. The Speaker *pro tempore* put the question and we said yes. Therefore the amendment has been adopted.

Hon. Eymard G. Corbin: Honourable senators, I do not want to squabble with the Leader of the Government and the Deputy Leader of the Government; however, I can tell you exactly what happened in reality.

Senator Gauthier made his comments and moved his amendment. He read it in its entirety. A page brought the amendment to the Chair. The Chair put the question.

Senator Robichaud: She did not read the amendment!

Senator Corbin: She read the amendment.

Senator Nolin: She read the amendment.

Senator Corbin: She read the amendment. When she said "Plaît-il à la Chambre d'adopter la motion?" — and I am not looking for any squabbles with the leaders, I am just relating what occurred — I replied, in my best French, "adopté." The Speaker said, "Adopté." That is what occurred.

Now, for the other problems. There may or may not have been an agreement — I do not always recall, from one day to the next what conclusion was reached — but the fact is that, strictly speaking, respecting the process, this amendment was adopted, in my opinion.

Senator Nolin: Absolutely, barring a unanimous vote.

Senator Robichaud: Honourable senators, I do not wish to dispute what was said by honourable senators. I was simply assuming that we had agreed to receive all amendments — my hearing is going a bit, perhaps, but I did not hear the question being put — and that is what was usually done, because the question was put and then we moved on to other senators who wanted to move amendments, to be dealt with at another sitting or maybe later today. That is why I was calling for adjournment.

Senator Gauthier is asking how long this game is going to go on, but I did not think anyone was going to put something over on me. If permission was given to receive the amendments, the purpose was to give each and every senator the opportunity to move one, and then to give the government and the bill's sponsor the opportunity to respond.

Maybe I was snoozing, but I was just relying on the fact that we had reached agreement to proceed in this way. I am a bit disappointed if, because of a moment's distraction, I am going to have this put over on me. However, I think it was clearly understood that we were going to hear all amendments. Now, if this happens again, I no longer want to get involved in such an arrangement, if I am going to end up having tricks played on me.

Senator Nolin: Honourable senators, can we agree on what Senator Corbin has related to us as the sequence of events? That is the exact way it happened. I understand Senator Robichaud's frustration, as I would feel that way myself. The sequence of events was given, quite correctly, by Senator Corbin. The Senate decided to approve the amendment; are we agreed on this?

Senator Robichaud: In any case, I will move the adjournment of the debate.

The Hon. the Speaker *pro tempore***:** Honourable senators, the question has been put and Senator Corbin repeated what occurred. The chamber replied and agreed, therefore I proceeded. The question was put. I even read the whole motion in amendment and you agreed to it; therefore, the motion in amendment has been adopted. Senator Robichaud, are you moving the adjournment of the debate?

Senator Robichaud: Honourable senators, I said earlier that I had not heard when you put the question, and I moved the adjournment. Now, you are asking me if I did? If you did not hear me the first time, then I am right to think that I did not hear you earlier, am I not?

On motion of Senator Robichaud, debate adjourned.

• (1440)

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:
>
> That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,
>
> And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:
>
> > ", but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Hon. Gérald-A. Beaudoin: Honourable senators, at the Rio summit, in 1992, Canada agreed to the United Nations Framework Convention on Climate Change. In 1997, 155 countries consented to the Kyoto Protocol. The protocol sets precise targets to reduce greenhouse gas emissions in order to fight climate change.

It is up to the Government of Canada, the executive branch, to ratify the Kyoto Protocol. Senator Carstair's motion reads as follows:

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

Of course, it is commendable that Parliament, the legislative branch, be asked for its view on the protocol, but ratification does not solve everything. It is in implementation that the Kyoto Protocol will lead to legal consequences, and we must follow the division of powers set out in the Constitution Act, 1867. Therefore, the federal Parliament and the provincial legislatures must legislate within their areas of jurisdiction in order to implement the Kyoto Protocol.

The Government of Canada recently tabled a document, entitled, "Climate Change Plan for Canada." This plan outlines how the federal government intends to carry out its obligations under the Kyoto Protocol.

I would like to draw attention to the fact that implementation of the protocol will affect several provincial areas of jurisdiction, including natural resources, the environment, transportation, municipalities, housing, agriculture, health, land management, manpower training, and more generally, property and civil rights.

Clearly, the cooperation of the provinces is not only essential to the implementation of the Kyoto Protocol, but also unavoidable if we want to abide by both the spirit and the letter of the protocol.

On October 28, 2002, at the close of their meeting, the provinces released a statement in which they laid out several principles, including respect for provincial jurisdiction.

[*English*]

Canada, as honourable senators know, is not a unitary state. It has been a federation, a federal state, since 1867. The Supreme Court of Canada stated clearly, in the patriation case of 1981, that such a feature is the most important feature in our Constitution.

In Europe and in many other countries, the simple signature of an international treaty changes the law of the land. It is the "monist system." In the United States, to change the law of the land, they have to go one step further: The Senate must ratify the treaty. In the negative, the law of the land is not changed. In the United Kingdom and in Canada, we have the "dualist system": Once a treaty is signed, we have to implement it to change the law of the land. I say, in passing, that the U.K. is modernizing its system.

In 1937, in the *Labour Convention* case, the Judicial Committee of the Privy Council confirmed that the signature of the treaty comes under the federal executive, but added that to change the law of the land, the legislature shall legislate. If we legislate, we must respect the division of powers in the Constitution of 1867. This decision of 1937 is part of our Constitution and has not been set aside. It is still binding. The ratification does not replace that obligation because the implementation of treaties must respect the division of powers in our country, as was stated clearly by the Privy Council in 1937.

Our system shall continue to be based on the *Labour Convention* case of 1937. It has been the case in Canada since 1937. We have the *Baker* case of 1999. The law is evolving. We live in a period of "law in the making"; the living tree theory of constitutional law "is in action." The Supreme Court of Canada, since the *Baker* case, may be more sensitive to the principles of international law and take them into account in its interpretation of treaties. The *Baker* case and the cases that follow it do not set aside the law as it has been since the *Labour Convention* case of 1937.

Constitutionalists like Frank Scott, former Chief Justice Bora Laskin and, closer to us, Mr. Justice Gerard La Forest have expressed their concern on the implementation of treaties in our country and the system that we should establish here. They are in favour of a more centralized system in that area.

A few months ago, jurists like Dean Peter Leupretch of McGill, William A. Schabas, Erroll Mendes, Anne Bayefsky, Ken Norman, Stephen Toope and others appeared before our Standing Senate Committee on Human Rights, at the invitation of Senator Raynell Andreychuk, to express their views on that question. I was pleased and impressed by the performance of those experts. We have to do something on the implementation of treaties in Canada. We have to modernize our system. It may be that our case is unique because we have two systems of law in Canada: the Civil Code of Quebec and the common law in the other provinces of Canada. This is certainly another reason to respect the division of powers when we implement our treaties. I do not and cannot imagine for one moment that a province like Quebec that has a civil code would be satisfied with federal ratification only and leave out its obligation to adopt enabling legislation in provincial domains. A province like Quebec will not abandon, in a new system, its possibility to legislate in the legislative spheres described by the Constitution.

This question is the object of a report of the Human Rights Committee that is not yet terminated; it will be, before the end of June 2003. The study of the implementation of treaties in our country should continue. It is a domain that relates both to international law and to constitutional law. We have to find our own system.

• (1450)

For me — and I insist on this point — the decision of the Privy Council in 1937 stands. Ratification of the treaty will not solve the whole problem. If the treaty touches on areas under the jurisdiction of the provinces, as is the case, the provincial legislatures will have to implement the treaty by legislation.

In my view, a resolution of Parliament cannot set aside a constitutional obligation imposed by the courts in 1937. We must either find our own system of implementation or we must leave it to the courts. Honourable senators will not be surprised to hear that I would suggest the first option. The question should be resolved in the political arena.

In practice, the federal authority now consults the provinces before signing a treaty because, even if the document is signed by a federal representative, the provinces, thereafter, will be involved in the implementation of a treaty. That, of course, depends on the matters included in the treaty.

Therefore, I would agree with the Leader of the Opposition that the provinces and the territories should be asked to testify in the Committee of the Whole of our Senate.

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable senators, I rise to speak today about one of the greatest challenges facing our planet today — climate change. Canada needs to decide whether to join forces with other countries in meeting this challenge, or adopt an isolationist policy and make only symbolic gestures, for which future generations will, without a doubt, judge it harshly. Canada has no choice. In this endless debate, it must choose which side it is on, ratify the Kyoto Protocol, focus its energies in all good faith on meeting the related objectives, and take part in future international efforts.

I will, if I may, briefly set out the reasons why climate change is an urgent problem. Climatology findings may be confusing, but there are some home truths we cannot ignore, which clearly are a call to action. The natural greenhouse effect keeps the globe 33 degrees warmer than it would otherwise be. Despite disinformation campaigns by those who reject this theory, carbon monoxide is responsible for about one quarter of this effect, which is what makes our plant habitable. In a little over one century, human activity has raised the concentrations of CO_2 in the atmosphere by close to one third over its pre-industrial era levels, and for 10,000 years before. The earth has not seen such concentrations of CO_2 for hundreds of thousands of years. The effects of this major change on the earth's thermostat present a lot of unknown outcomes, but there is no doubt whatsoever that this change has taken place and that future generations will most definitely suffer the effects of it. Knowing this, we have no choice. We cannot just cross our arms, nor can we act unilaterally and unwillingly. Reducing our impact on the atmosphere demands a concerted effort at the international level. The Kyoto Protocol is exactly that sort of effort; it is the seed from which effective measures for emission reductions worldwide will grow.

What does ratification mean for Canada, and what can we do to deal with the issue of climate change? The Kyoto Protocol asks us to reduce our emissions to a level that is 6 per cent lower than the 1990 level, during the period 2008 to 2012. This represents a 30 per cent reduction in comparison to the status quo. That is a real challenge. What the protocol does not do is to tell Canada how to achieve this goal. Rather, it provides us with means to reduce our emissions that would not otherwise be available to us. These include access to an international emission trading system. The size and diversity of the participants in this system have the effect of reducing the price of credits; therefore, an international system is much better than a strictly provincial or national one. This also gives companies an operational framework. The protocol allows us to take into account the carbon sinks that forests and agricultural land represent when calculating the target to be reached.

All this to say that the protocol provides flexibility to make reducing emissions less costly. The market mechanisms provided for in the Kyoto Protocol, and also in the government's implementation plan, will help reduce costs. All over the world, and in Canada, there are many easy and inexpensive ways to reduce emissions without levying heavy taxes on fossil fuels. The scenarios that anticipate, for example, massive increases in the price of gasoline are simply unfounded, because the protocol offers many options that are much less costly and much more effective to reduce emissions.

Ratification of the Kyoto Protocol is also a long-awaited incentive to invest in renewable energies. Canada could become a world leader in these technologies by turning to innovation in a really big way. Necessity is the mother of invention — making it harder to use fossil fuels will promote the use of alternative energy sources and technologies.

[*English*]

Since the mid-1980s, there has been little incentive for firms in Canada to improve their energy efficiency, as the real price of oil and gas has not increased very much since that time. In fact, the inflation-adjusted price of gasoline is almost the same as it was 40 years ago. As a result, Canadians have not placed a high priority on increasing efficiency. This means that there are many areas where there is much room to improve energy efficiency with relative ease and without having to resort to drastic behavioural modifications.

It has been said that Canada is just a small emitter in the global scheme of things and that efforts here would, therefore, be useless, particularly if large emitters like China and India are exempt. The Kyoto Protocol is a child of the United Nations Framework Convention on Climate Change. The convention, which Canada, along with 186 other nations — including the United States of America — has ratified, clearly notes in its preamble that:

> ...the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capital emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs.

It further states:

> Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

[*Translation*]

It could not be any clearer. It is up to Canada, as a prosperous and developed party to this convention, to take the initiative of fighting climate change, one element of which, is ratification of the Kyoto Protocol. Withdrawing from the protocol to implement a national plan or a series of distinct provincial plans would be no better than the status quo and would amount to an abdication of our international responsibility, a responsibility that we recognized in the convention.

It should be noted, in fact, that countries like China have reduced their greenhouse gas emissions. This is largely due to the fact that their dependence on coal was choking people. Thus they switched to less polluting and more efficient fuels, such as natural gas. Canadians are also choking. Thousands of Canadians die every year from the effects of smog, which is mostly produced by burning fossil fuels. What is the best way to fight this problem? It is simple. Burn less fuel, and more efficiently. The link is clear. Kyoto aims to fight climate change but, by doing so, we also fight diseases related to smog.

The reason we, and Canadians, are talking about climate change is the Kyoto Protocol. If the protocol dies in Canada, the interest in climate change will, no doubt, die with it. The will to develop renewable energy and technology will also disappear, as was the case after the oil crisis of the 1970s. If that happens, our planet and our lives will be less healthy as a result.

• (1500)

Undeniably, climate change is a complex problem. The scientific data on which our knowledge is based is complicated. It is impossible to forecast the effects of climate change with any certainty. It is a long-term problem, the kind of problem that the human psyche and politics have a hard time dealing with. However, we know that, since the beginning of the industrial age, humans have fiddled shamelessly with the planet's thermostat by altering the gases that envelop the earth and make it liveable. Now that we know that the cause of this problem is our dependence on the use of fossil fuels, the question is: what should we do now, knowing what we do? Will we just go on doing what we have been doing and let our descendants deal with the consequences? Or will we make the best effort we can, together with the rest of the planet, to put an end to what is clearly an abuse of the planet on which our lives depend? The Kyoto Protocol is the beginning of this effort. Anything less is not enough.

[*English*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Could the honourable senator advise the house as to whether or not she accepts, as a principle, that Canada as a Confederation has the sovereign right to exploit its own resources pursuant to our own environmental and developmental policies and that Canadians are responsible, federally and provincially, in ensuring that activities within our various jurisdictions do not cause damage to the environment?

[*Translation*]

Senator Losier-Cool: I think that, yes, I agree with the principle that all Canadians want to do more. When recycling became an issue, the international community and our small communities went through a behavioural change. I was there, and I witnessed the beginning of this change. Canadians embarked on this venture. Regardless of where they live in the country, they want to do more, and they want us to make decisions for them.

Senator Kinsella: I am fully satisfied with Senator Losier-Cool's answer. Paragraph 8 of the preamble of the convention says the same thing. The convention establishes the principles. The protocol implements the convention.

If Canada ratifies this protocol, is the honourable senator concerned that it might not be able to fulfil its duties and obligations, if the provinces are not active players?

Senator Losier-Cool: My answer is simple. I am not at all concerned, because I am convinced that the provinces will join us when we are ready to take action.

On motion of Senator Kinsella, debate adjourned.

[*English*]

CRIMINAL CODE
FIREARMS ACT

BILL TO AMEND—POINT OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday a point of order came up with respect to Bill C-10A, and I am now prepared to give a ruling on the question.

Yesterday, the Senate agreed to the third reading and passage of Bill C-10A, to amend the Criminal Code (firearms) and the Firearms Act without amendment. This bill is the end result of a decision of the Senate to divide Bill C-10. Bill C-10B remains before the Standing Senate Committee on Legal and Constitutional Affairs. The Senate agreed to this when the second report the committee was adopted Thursday, November 28.

[*Translation*]

As is required, I read out the message to be sent to the House of Commons following the adoption and passage of Bill C-10A. Following my reading of the message, Senator Kinsella rose on a point of order to seek clarification about Senate practices with respect to these messages and whether the Senate would follow the precedent of 1988 when another message, also related to a bill that was divided by the Senate, was the object of some discussion and amendment.

[*English*]

There followed a series of interventions by senators. Senator Lynch-Staunton asked questions about the origin of the message, its content and its author. He also asked why the message had not been distributed to the senators before being read. Like Senator Kinsella, he suggested that this message is a debatable motion subject to amendment. In a subsequent intervention, Senator Kinsella cited rule 123 of the *Rules of the Senate* respecting messages that are transmitted between the Senate and the House of Commons through the clerk. He also made reference to the *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords* and its use of messages to support his contention that the message is equivalent to a debatable motion, confirming the validity of the Senate precedent of 1988 relating to Bill C-103.

Senator Carstairs and Senator Robichaud contended that the message is not debatable. Senator Carstairs disagreed with the position of Senator Lynch-Staunton that the message contained editorial commentary. In her view, the message is simply stating the actions that have been taken by the Senate. As Senator Robichaud put it, the message is providing information to the House of Commons with respect to the decision of the Senate.

[*Translation*]

In her comments, Senator Cools noted that messages have been debated before in the Senate and have even been referred to committee for study. Further, the Senator noted that there is nothing routine about this bill and there is nothing routine about what has happened. Finally, as senator Cools put it, this is the Senate's message, and Senators have an interest in making their voices known and expressing their opinions on the actual wording of the message.

[*English*]

I would thank all honourable Senators for their contribution to this discussion on the point of order.

• (1510)

The purpose of a message is to provide a vehicle for a formal communication between the two Houses. The House of Lords Companion, to which Senator Kinsella referred, states that messages are used "for sending bills from one House to the other, for informing one House of the agreement of the other to bills or amendments, for requesting the attendance of officers of either Houses as witnesses, for the exchange of documents, for the setting up of joint committees...and for other matters on which the two Houses communicate." The use of messages is generally much the same in our Parliament.

When the Senate receives a message from the House of Commons, the content of the message is often debatable, but not always. For example, yesterday, I read a message from the House of Commons to inform the Senate that it had passed Bill S-2, dealing with a series of tax treaties, without amendment. In this particular case, there is nothing to debate; the purpose of the message is simply to convey information. In other cases, however, a message may require some action on the part of the Senate. When, for example, the House of Commons either disagrees to a Senate amendment to a Commons bill, or the Commons amends a Senate bill, the message is taken as notice, and its contents are ordered for debate and determination at a subsequent sitting.

In order for a bill to become an act of Parliament, it must be adopted by both Houses. It is part of established practice that, when a bill is adopted at third reading and passed by one House, a message must be sent to the other House informing it of the actions taken and the decisions made. This message is an automatic consequence flowing from the decision to pass a specific bill. The message itself is not debatable. The debate took place on the bill; the message is simply a method of informing the other House of the decision taken with respect to the bill.

Furthermore, the message on a bill must relay all relevant information that would allow the receiving House to understand what has happened. When it is a House of Commons bill, the message must provide all the information necessary for the House of Commons to understand what the Senate did while reviewing the legislation.

[*Translation*]

Messages of this kind conveyed from the Senate to the House of Commons are routine. Whenever the Senate has amended a Commons bill, the message sent by the Senate to the House of Commons identifies the amendments and seeks its concurrence. So far as I have been able to determine, these messages are not the object of a debate. I can only assume that this is because, as I have already explained, the message itself is not a motion. Certainly it is not listed as a debatable motion under rule 62 of the *Rules of the Senate*.

[*English*]

The one exception appears to be the case mentioned by Senator Kinsella, yesterday. In 1988 after the Senate had already agreed to divide Bill C-103 into two bills and then adopted and passed Bill C-103 (Part I), there was some discussion on the content of the message. As recorded in the *Debates* of July 7, at page 3888, a portion of the message was deleted. I am being asked if this case constitutes a precedent that is binding with respect to the matter now before the Senate, namely, Bill C-10A.

Having reviewed the *Debates* carefully, I am uncertain as to exactly how this incident occurred. It would appear that Senator Flynn contested an assertion made by Senator MacEachen that the decision of the Senate with respect to the adoption of the first part of the divided bill was unanimous. Senator MacEachen made this claim immediately following the Speaker's pronouncement of the message. In the ensuing exchanges, Senator Flynn proposed that the first phrase of the second portion of the message, soliciting the concurrence of the House of Commons with respect to the division of the bill, be deleted. The remainder of the message informed the House that the Senate passed Bill 103 (Part I) without amendment and that it is further considering Bill C-103 (Part II). The proposal to delete the concurrence request was accepted and the message was subsequently sent to the House of Commons.

Based on my reading, it does not appear that his action was in the form of an amendment to a motion. There is no identified mover and seconder. It just seemed to happen. That this decision was not an amendment to a motion is confirmed by reference to the *Journals* for that date, on pages 2908-2909. The message was not moved by any senator and the change suggested by Senator Flynn was not moved as an amendment. Consequently, I am not sure how I can take this event as a precedent. If it is being suggested that this action was done implicitly by leave, that may be true, but anything done by leave can never be taken as a precedent. If anything, it may prove the exception to the rule that messages like this are not normally the subject of any discussion. To my mind, it was an exceptional occurrence and was done without a dissenting voice.

As I have mentioned already on a previous occasion, the Speaker of the House of Commons objected to the message from the Senate because, in part, it departed from customary usage in not seeking the concurrence of the House of Commons. In the end, the Commons did not accept the Senate's action in dividing the bill because it claimed that it infringed its rights and privileges.

As we have acknowledged, instructions to committees to divide or combine bills are very rare in Canadian parliamentary practice; nor are they that frequent in the United Kingdom Parliament, yet it is British practice that constitutes our model. This difficulty is compounded because Westminster has no precedent for the Lords dividing a Commons bill. As *Erskine May* states in a footnote on page 470 of the twenty-second edition: "...the propriety of dividing a Commons bill has not been decided." As a result, there is no established formula for the message.

In 1941, when the Senate combined two Commons bills dealing with war revenue, a message was sent immediately upon the third reading and passage of the bill. The message read as follows:

> Ordered, That the Clerk do carry this Bill back to the House of Commons and acquaint them that the Senate has passed the same with an amendment, and with the incorporation therein of Bill (101) of the House of Commons intituled: "An Act to amend the Special War Revenue Act," to which they desire their concurrence.

Despite the lack of a clearly established formula, one thing is clear. A proper message must seek the concurrence of the House of Commons to any changes made by the Senate to a Commons bill. This is the only element of the message, in 1988, that was deleted. The original message informed the House of Commons that it divided the bill into two bills, both of which were attached as appendices. Further, the message informed the House of Commons that the Senate had passed one part of the bill and was continuing its examination of the second part.

Is the current message much different from the original version of the 1988 example? Any comparison would suggest that they are almost identical. Certainly, there is no substantive difference. The 1988 message on Bill C-103, with the deletion, was sent by the Senate.

Taking into account what happened in 1988, I think it can be said that the original version of the 1988 message is a fair model. That being said, it is possible for senators to raise points of order on the content of the message if there is any suspicion as to a factual or procedural error in it. However, with respect to the claim that the message is a debatable motion, it is my ruling that the point of order raised by Senator Kinsella is not substantiated. Accordingly, the message that I read yesterday is in order and will be sent to the House of Commons forthwith.

Senator Lynch-Staunton: His Honour's ruling does allow a point of order.

The Hon. the Speaker: Point of order, Senator Lynch-Staunton?

POINTS OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): I have a point of order, and it will not be based on suspicion. What exactly are the documents being sent to the House of Commons with a message?

The Hon. the Speaker: I will reread the message, for purposes of clarity, to assist you with the point of order. You may have it, but I do not. I should like to read it.

Senator Lynch-Staunton: I would like to know what is being sent.

• (1520)

The Hon. the Speaker: For purposes of all honourable senators, I will reread the message:

> Ordered,
>
> That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), both of which are attached to this Message as Appendices "A" and "B" respectively; and
>
> That the Clerk further acquaint that House that: (a) the Senate desires the concurrence of the House of Commons in the division of Bill C-10; (b) the Senate has passed Bill C-10A without amendment; and (c) the Senate is further considering Bill C-10B.

I think Senator Lynch-Staunton is wondering what the attachments say. I have asked for the attachments and should have them shortly.

Senator Lynch-Staunton: I know what the attachments say. Other than those two attachments, is anything else going back to the House? The question is, where is Bill C-10? Is Bill C-10 going back to the House as well?

The Hon. the Speaker: According to the message we are sending and in respect of what the committee did, the two parts of Bill C-10 are going back to the House of Commons.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank His Honour for his ruling, which we accept. I thank him for the research he did in preparing that helpful decision. He has indicated issues of fact, and that is all we are talking about now. The message reads, "Ordered, That the Clerk do carry this Bill...." Do the words "this Bill" refer to Bill C-10?

The Hon. the Speaker: I think we have to take the words at face value. This bill, Bill C-10, is being returned in the form described in the message.

Senator Kinsella: On this new point of order, I am arguing that this message is out of order if this bill does not refer to Bill C-10. Bill C-10 must be included in the message that is sent to the House of Commons, and I would like a ruling on that point.

The Hon. the Speaker: I now have before me what is being returned to the House of Commons, and I think it satisfies Senator Kinsella's concern. I could read the attachments, but I am not sure that is what the honourable senator wants. What is being returned in bound form is Bill C-10, which we received, and an appendix, which is referred to in the message, namely, Bill C-10A and Bill C-10B, as well as a signed copy of the message that I read earlier.

We are still discussing a point of order as to whether there is any error in the message, which I indicated, in my ruling, would be proper if we see there is an error.

Senator Lynch-Staunton: The message refers to "this Bill." This bill is Bill C-10A. If we read the *Journals of the Senate* at page 272, a vote was taken on Bill C-10A. That page records the yeas, nays and abstentions. Accordingly, the bill, Bill C-10A, was read the third time and passed. His Honour then read the message that the clerk do carry the bill, meaning Bill C-10A, back to the House of Commons and acquaint that House that this house has divided the bill.

The question is what bill? Bill C-10? We did not pass C-10. We passed Bill C-10A. The message reads that the clerk do carry "this Bill." "This Bill" means the bill that was passed at third reading stage, which is C-10A. The message that the clerk do carry this bill, C-10A, back to the House of Commons and acquaint that House that the Senate has divided the bill into two bills, 10A and 10B, is factually incorrect.

The Hon. the Speaker: I think the committee, as it reported back to this chamber, did divide the bill. Short of saying that it is impossible to divide a bill, I think we have to accept that the committee did divide the bill and did exactly what the report said it did. As I observed earlier, the committee followed the precedent of the bill that was dealt with in 1988, which interestingly enough was the subject matter of rulings of both Houses, neither of which raised the issue the honourable senator raises now. In other words, the division of the bill was accepted. There were other concerns in both Houses as to whether the rules and privileges of Parliament had been respected, but as to the ability to divide the bill, there was no question.

Hon. Anne C. Cools: I should like to clarify what His Honour said a few moments ago so that I can wrap my mind around a response to Senator Lynch-Staunton's point of order. Senator Lynch-Staunton had asked what the bill was. The message says:

> Ordered,
>
> That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills...

The senator's question was particularly about which bill the message is referring to when it states "carry this Bill." His Honour said something to the effect that Bill C-10 is being returned to the House in the form of two bills. I am wondering if His Honour had said say that, because that is pivotal to us wrapping our minds around the point of order. What are the bills being returned?

The Hon. the Speaker: I go back to the message. It is probably easier to read the whole thing.

Senator Cools: I am trying to clarify what it was that His Honour said in response to Senator Lynch-Staunton.

The Hon. the Speaker: When Senator Lynch-Staunton asked what accompanies the message, I indicated that I have in my hand, available for examination by senators, what will accompany the message — that is, Bill C-10, the bill received from the House of Commons, together with an appendix containing the divided bill, Bill C-10A and Bill C-10B. That is what we are sending back to the House of Commons.

Senator Cools: I was trying to clarify His Honour's statement because I heard him say that a bill came in one form and a bill is being sent back to the House of Commons in a different form.

The Hon. the Speaker: The bill is going back because it is up to the House, as the honourable senator knows, as to whether they will agree to divide the bill.

Senator Cools: I know that. I was just trying to clarify, Your Honour, what you said, because I wanted to respond to Senator Lynch-Staunton's statement. I thought I heard you say that Bill C-10 was being returned in the form of Bill C-10A, or something like that.

The Hon. the Speaker: To clarify the matter, I would refer the honourable senator to the message, which I think is very straightforward. It returns the bill to the House and, as appendices, the divided bill, to which it requests the concurrence of the House of Commons.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe we are trying to do indirectly what we cannot do directly, namely have a debate on the Speaker's ruling, which is clear and straightforward. We must accept it, unless somebody appeals it. I do not believe we should be trying to do indirectly what cannot be done directly.

• (1530)

Senator Lynch-Staunton: Honourable senators, I completely agree with Senator Robichaud. In fact, I want to raise a point of order based on the last paragraph of the ruling that he just gave us. It is just as clear in French as in English.

[*English*]

We, the Senate, voted by majority vote, yesterday, at third reading on Bill C-10A. The *Journals* say the bill was read the third time and passed. His Honour then rose and read the message that the clerk do carry this bill to the House of Commons.

This bill is 10A. Bill C-10 was not before us yesterday. Bill C-10 is in committee, if anywhere. It is certainly was not before this chamber.

Bill C-10A was passed at third reading, so the clerk can only carry Bill C-10A to the House of Commons. Fine. The Clerk is asked to acquaint that House that the Senate has divided the bill into two bills — 10A and 10B. If he is only carrying back 10A, how can he then also say that 10A was divided into 10A and 10B.

We only need rewrite the message to say that the committee considered Bill C-10, and on their recommendation, et cetera. As it is now, it is factually incorrect, and that is my point of order.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, the honourable Leader of the Opposition challenged the message yesterday.

Some Hon. Senators: No.

Senator Carstairs: His honour has ruled. If the leaders opposite wish to challenge that ruling, they had within the powers of the Senate the ability to stand and request a vote. They did not. The message is finished. It should be sent to the House of Commons forthwith.

Senator Kinsella: Honourable senators, when I rose, I made it perfectly clear that we not only accepted, but also congratulated, His Honour for the research and work he put into the decision.

In my experience of 12 years in this chamber, I have never been party to challenging the Speaker's ruling, and I do not intend to challenge it in the future, notwithstanding the unacceptable example shared in this place in the not so distant past.

Honourable senators, I draw your attention to the words of His Honour in the last paragraph of his decision. After having said that there was no point of order on the point I raised yesterday, His Honour said,

> That being said, it is possible for Senators to raise points of order on the content of the message if there is any suspicion as to a factual or procedural error in it.

That is exactly what we are doing, totally in gracious acceptance of the guidance and decision that we received from the Speaker. We believe that there is a factual error in the drafting of the message.

I was concerned with where Bill C-10 was. His Honour has informed me, and I am satisfied, that that bill that came over by message from the other place will be part of the package that is appended to the message to the House of Commons.

That was my concern. It has been satisfied.

The honourable Leader of the Opposition has raised a very substantive issue. That is the point of fact and procedure for which we require a decision of the chair.

Senator Carstairs: Honourable senators, with the greatest respect, points of order are to be raised at the earliest possible opportunity. The earliest possible opportunity was yesterday.

A point of order was raised. His Honour has ruled, and in his ruling he says,

> ...the point of order raised by Senator Kinsella is not substantiated. Accordingly, the message that I read yesterday is in order and will be sent to the House of Commons forthwith.

Senator LeBreton: Selective reading.

The Hon. the Speaker: I will end this discussion with Senator Cools.

Senator Cools: Honourable senators, this entire debate seems to become more muddled as we go along. The entire situation continues to unfold with what I can only describe as bewildering oddities and peculiarities.

The fact is that Senator Carstairs is absolutely wrong. There is nothing whatsoever that says that a point of order must be raised at the earliest opportunity.

She is confusing a point of order with a question of privilege under rule 43. Rule 44 asks the Speaker for prima facie consideration.

First, a point of order is to be raised whenever a point of order may be raised.

Second, we have here a new point of order. Senator Carstairs is trying to make it appear as though the opposition is attempting to impugn His Honour or somehow to diminish him, when, in point of fact, the opposition is attempting to assist His Honour in a most noble and outstanding way.

The Leader of the Opposition is attempting to say that there may be typographical errors, drafting errors or genuine mistakes in the scripting of this message. I think that that is a very noble aspiration and a point to bring forward.

When an order, motion or a question is put before His Honour, and he discovers defects, he has an obligation not to put those questions. In other words, the first duty of the Speaker is to uphold the rules and the system. If Senator Lynch-Staunton has pointed out flaws in the scripting of the message, it seems to me that His Honour has an obligation to correct it forthwith.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, the Honourable the Speaker himself said in the last paragraph of his ruling that we could raise a point of order to ask him questions. That is what I intend on doing. May I proceed?

[*English*]

The Hon. the Speaker: The ruling is final. It was not challenged, and it stands.

The ruling did make the suggestion that if there is thought to be an error in the message, the proper way to raise it would be through a point of order. Senator Lynch-Staunton did that. On the point of order, if the honourable senator has a comment, I will hear it.

[*Translation*]

Senator Nolin: Honourable senators, I do suspect that there is a factual error. In your message, you use the words, "this bill." To which bill does the pronoun "this" refer?

[*English*]

The Hon. the Speaker: The message goes on to explain that Bill C-10 is being returned with the appendices of Bill C-10A and 10B.

I will close the interventions on the point of order. I thank honourable senators for their comments. As you can imagine, I have spent quite a bit of time on this issue, and I believe that I can rule now.

The question raised by Senator Lynch-Staunton is whether the message is incorrect in that it sends back Bill C-10 when the committee only dealt with Bill C-10A, having divided it. I believe the message is correct. To not return the bill to the House would be incorrect because the House may, for instance, decide not to accept the Senate's message that it has divided the bill, similar to their process when dealing with amendments. They could treat it like an amendment and accept or not accept it. To receive only the appendices created by the committee would leave the House of Commons without the bill to send back. To receive the bill, we must send the bill back. In the message to the House we have asked that the bill be divided because the committee of our chamber reported it to Senate in that form.

• (1540)

Honourable senators, I must say that I am relying also on the rulings given on this point by the then Speaker of the Senate and the then Speaker of House of Commons in 1988 when Bill C-103 was the subject of a similar conversation, debate or discussion in this place and in the other place. Those rulings, one of which was voted against by a majority of voices in the Senate, did not raise the message as a concern. In other words, I am relying on the fact the Senate accepted that process then. It was also accepted as the correct procedure in the House of Commons in then Speaker Fraser's ruling. Accordingly, I rule that there is no error in the message.

Senator Cools: Honourable senators, I have a new point of order.

The Hon. the Speaker: Is the honourable senator rising to challenge the ruling?

Senator Cools: Your Honour, I am not challenging the ruling.

The Hon. the Speaker: Is the honourable senator rising on a point of order?

Senator Cools: The Honourable Speaker is now saying that we are returning Bill C-10 to the House of Commons. Where does the authority come from for the Speaker of the Senate or for the staff of the Senate to take such an act when Bill C-10 has not been before the house?

Senator Carstairs: Senator Cools, the house directed them.

Senator Cools: Honourable senators have not directed the Speaker. I was not aware that the Speaker took orders from the government.

The Hon. the Speaker: Senator Cools, the bill was received in the house and it was dealt with in accordance with the report of the Standing Senate Committee on Legal and Constitutional Affairs. The report was adopted and the message reflects that.

Senator Cools: That is not my point of order. My point of order is with respect to Bill C-10. Senator Sparrow asked the house, at the last sitting of the Senate, where Bill C-10 is. The honourable senator's question was treated as something of a joke. Bill C-10 cannot suddenly reappear when Bill C-10 ceased to exist some weeks ago.

The Hon. the Speaker: Senator Cools, if I understand correctly, you are continuing to argue or present points on one of the points of order that has been ruled on. The proper practice is to challenge the ruling if you disagree with it; otherwise, it is not debateable.

Senator Cools: Your Honour, I said I am —

Some Hon. Senators: Order, order!

Senator Cools: It is my right to raise a point of order. If His Honour wants to debate, then there is a way in which His Honour can debate. His Honour should not be debating from the chair. Rules do apply for good reason. I am trying to say that this message is very clearly out of order for a different and another set of reasons that have to do with the fact that Bill C-10B is still before the Senate Legal and Constitutional Affairs Committee — it is still committed in the committee. Therefore, a message cannot be sent to the Commons about it.

Some Hon. Senators: Order, order!

The Hon. the Speaker: Senator Cools, I respect your interest in the rules, your adherence to the rules, your love of procedure and how important it is to you. However, by raising Bills C-10A and C-10B, you are returning to matters that have already been dealt with and ruled upon. The proper procedure is for the house to now continue with the Order Paper.

Senator Cools: I am speaking to my colleagues in the chamber, which is my right . The fact of the matter is that there is something very wrong in this message and this message is the property of the entire Senate. This is not the message of the Speaker of the Senate or the message of the staff of the Senate. This is the message of the Senate acting as a whole and it should be dealt with properly. It is our property.

The Hon. the Speaker: Senator Cools —

Senator Cools: It is not His Honour's property.

The Hon. the Speaker: Senator Cools, there may be a point of order but I have not heard anything new from you since I last ruled on the point of order. If you have something new, I should like to hear it put on the record.

Hon. Eymard G. Corbin: Honourable senators, I have a new point of order.

The Hon. the Speaker: Honourable senators, I will hear Senator Nolin first and then Senator Corbin.

[*Translation*]

Senator Nolin: Honourable senators, I ask the question in French because my clarification concerns the French version of the message. That is why I asked you if the word "ce" refers to Bill C-10A or Bill C-10B. The verb "reporter" means that we are returning to them something that we have already received. That is what I wanted to know. As far as I am concerned, there is a mistake in the French version of your message.

[*English*]

The Hon. the Speaker: Senator Corbin, perhaps you could help me with that.

Senator Corbin: Honourable senators, I should like to offer an opinion. The last words of the Speaker's ruling that I read today were that the message was in order and would be sent to the House of Commons forthwith. "Forthwith" means immediately and the way that I understand "forthwith" is that the message, if it has not reached the House, it is down the corridor on its way to the House. That means it is no longer before this house. If it is no longer before this house, there cannot be a point of order on it. There can be no point of order on something that is not before us.

Some Hon. Senators: Hear, hear!

[*Translation*]

Senator Nolin: I have the greatest respect for the enlightened opinion of our colleague, but the same paragraph states that senators may raise a point of order with respect to the content of the message, if they have reason to believe there has been a factual or procedural error. And that is precisely what I did. I believe I am entitled to a response on the French version of the message we are sending to the House of Commons.

Senator Robichaud: Honourable senators, when the Honourable Senator Nolin raised this point initially, the Chair listened to his arguments and then brought down a ruling: the message was correct and there was no point of order.

We are coming back to this whole issue and doing indirectly what we cannot do directly, which is to challenge the decision.

[*English*]

Senator Cools: Honourable senators, I have been trying to speak for quite some time and it seems to be an enormous challenge.

The Hon. the Speaker: As to the third point of order, by Senator Nolin, and while I am not on comfortable ground, I rule that it is not fatal to the message, that it is adequate and that it does not constitute an error such that we should revise the message.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Does an honourable senator wish to challenge?

Hon. A. Raynell Andreychuk: Honourable senators, I rise on a point of clarification. I respect the Speaker's ruling that the message will be sent to the other place —

Some Hon. Senators: It is gone.

Senator Andreychuk: Bill C-10 will be sent over, annexing Bills C-10A and C-10B. However, I am having trouble understanding what the Senate has, therefore, retained. Subsection (c) states that the Senate is further considering Bill C-10B. If we have sent Bill C-10, then we have appended Bills C-10A and C-10B. What could honourable senators further consider to be before the house? As we speak, the Legal and Constitutional Affairs Committee is supposed to be meeting to consider Bill C-10B. I find that troublesome because it seems to be in contradiction of the first paragraph. Therefore, it is not a question of sending the message over but rather of clarifying what is left to consider. If the house has sent Bills C-10A and C-10B to the other place, how can Bill C-10B be considered in our committee?

• (1550)

Senator Cools: I should like to support that point of order as well. This is one of the critical points I was trying to raise. Using a message such as this simply cannot deliver to the House of Commons that which the chamber itself does not possess. Bill C-10B, or the alleged Bill C-10B, is still being dealt with in the Standing Senate Committee on Constitutional and Legal Affairs. That is the first point. The second point is that Bill C-10 no longer exists. Therefore, this message simply cannot be a conveyance for that which is not in our possession here in this chamber to send. That is a critical point, and I think it is one that should well be taken into account.

This is not right, honourable senators.

Senator Robichaud: Order!

Senator Cools: This is unconstitutional.

The Hon. the Speaker: Once again, I believe we are reworking old ground, Senator Cools.

Senator Cools: No, we are not.

The Hon. the Speaker: As to Senator Andreychuk's point, if some action is taken which is inappropriate in the circumstances, I believe that is a matter that should be dealt with by the committee or by this chamber.

Senator Cools: Honourable senators, this is not a parliamentary proceeding. Bills appear, they disappear and they reappear.

Senator Robichaud: Order!

Senator Cools: This is voodoo. This is not a parliamentary proceeding. You simply cannot have bills appearing, disappearing and reappearing at whim.

The Hon. the Speaker: Senator Cools, happily or unhappily, I find myself in the role of presiding officer charged with the duty of moving on with the business of this place. Senators may wish to speak to items on our Order Paper. We have spent much time on this issue. I have listened carefully for new material, points or questions, and I have not heard any up to this point.

I believe that it is my duty to draw to the attention of all honourable senators that we have disposed of these questions. I have done the best I can. I do not claim any perfection in these matters. Having done that, I believe it is now time for me to say to all honourable senators that we should move on with the business of the Senate out of respect for those who have business before this chamber.

Some Hon. Senators: Hear, hear!

Senator Cools: We have sent a flawed message to the House of Commons. I would warn that this message does not reflect the will of this chamber. It must be crystal clear that this message is not the will of this Senate chamber and, therefore, there is something very wrong here.

Senator Robichaud: Order!

Senator Cools: Listen to me. I know the rules of this place.

Senator Robichaud: Order!

The Hon. the Speaker: Order, please, honourable senators.

Senator Cools: I know the rules of this place.

Senator Robichaud: Order!

Senator Cools: I know how the Senate is supposed to operate. The rules here in the Senate are that the Speaker of the Senate is just another senator. We should conform to that particular rule. The fact is that the business of maintaining the order of the Senate is something that belongs to the entire chamber.

Senator Robichaud: Order!

Hon. Terry Stratton: Honourable senators, I raise a minor point that has nothing to do with what has taken place prior to this and nothing to do with what is coming down. People are virtually leaving this chamber because of the temperature. On our side, we only had so many senators in attendance, and we are losing them. They are leaving because of the cold temperature.

I have the support of Senator Rompkey on this, because he is experiencing the same problem on his side.

Hon. Bill Rompkey: I concur with Senator Stratton. People on this side have made a similar complaint to me. I think measures have been taken to correct the situation. However, as yet, it has not been corrected. We do need comfort in the chamber to do our work properly.

The Hon. the Speaker: Honourable senators, the clerk has advised that the Table is aware of this. Public Works has been called, and all attempts are being made to rectify the problem.

Senator Robichaud: Honourable senators, it seems strange to say that we are cold in here because there is not enough hot air. I hope I am not offending anyone by saying that.

I believe that consent will be granted to stand the items on the Order Paper that were not reached. Therefore, the committees that have planned on sitting today, as they do every Wednesday, will be able to meet.

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

Some Hon. Senators: Agreed.

Senator Cools: The honourable senator is asking for permission to stand all remaining items. I wish to ask the Deputy Leader of the Government a question. He is proposing that we stand all remaining items on the Order Paper so that committees may meet. Is one of those committees that will be meeting the Standing Senate Committee on Legal and Constitutional Affairs? If the answer is yes, then I would ask: What will be the subject of the meeting?

[*Translation*]

Senator Robichaud: Honourable senators, this question should be asked of the chair of the committee involved.

[*English*]

Senator Cools: My question is a serious one. The honourable senator is asking for leave. When a senator rises and asks for leave, he has a duty and obligation to explain why. If another senator has a question as to why he is requesting leave, he has a duty to respond.

All of our rules are supposed to ensure that debate takes place and that proper consideration is given. Rules are not intended to shut down debate; rules are supposed to allow the opposite to happen.

I am asking the Deputy Leader of the Government if he is asking for leave so that committees may sit. I am asking him if the Standing Senate Committee on Legal and Constitutional Affairs is one of those committees. I am also asking him what subject matter that committee will be considering, since we are asking leave of the Senate to adjourn so that it may sit.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker: I hear no dissenting voice. Leave is granted.

The Senate adjourned until Thursday, December 5, 2002, at 1:30 p.m.

APPENDIX

Speech delivered by the Hon. Willie Adams
on second reading of Bill C-10, November 20, 2002
(pages 384-385)

ᒪᓕᒐᓕᐅᖅᑏᑦ, ᐅᑉᓗᒥ ᐅᖃᐅᓯᖃᕈᒪᔪᖓ ᒪᓕᒐᓕᐊᖑᓯᓕᕐᒥᒃ C-10ᒥᒃ. ᑖᓐᓇ ᒪᓕᒐᖅ ᐊᒃᓱᕈᐊᕆᒐᒃᑯ ᓄᓇᖃᖅᑳᖅᓯᒪᔪᓄᑦ ᐊᒃᑐᐃᓯᒪᓂᖓ. ᐃᓱᒪᒐᒪᓕ ᑖᓐᓇ ᒪᓕᒐᖅ ᒪᕿᐃᓕᖓᓕᕆᐊᖃᕐᓯᕆᒐᒃᑯ ᐊᒻᒪᓗ ᐋᖅᑭᐊᖅᑕᐅᓗᑎᒃ ᒪᓕᒐᓕᐊᖑᒃᑲᓐᓂᕐᓗᑎᒃ ᒪᓕᒐᓕᐊᖑᖏᑎᓪᓗᐊᖅᑕᖏᓐᓄᑦ.

ᐃᓄᐃᑦ ᓄᓇᕗᒻᒥ ᐊᒻᒪᓗ ᐊᓯᖏᓐᓂ ᐅᑭᐅᖅᑕᖅᑐᒥᐅᓂ ᓄᓇᖃᖅᓯᒪᓕᕐᒪᑕ ᐊᑯᓂᒻᒪᕆᐊᓗᒃ ᐊᓯᒥᖕᓄᑦ ᑲᒪᒋᔭᐅᓇᑎᒃ. ᐊᖑᓇᓱᖕᓂᒃᑯᑦ ᐃᓚᑦᑎᓐᓂᒃ ᓂᕿᖃᖅᑎᑦᑎᓯᒪᔪᑦ. ᓂᕈᐋᑦ ᐃᓄᖕᓄᑦ ᖃᐅᑕᒫᑦ ᐊᑐᖅᑕᐅᓂᖃᖅᓯᒪᕚᓪᓚᑕ. ᐊᖑᓇᓱᒃᑎ ᓂᕿᓂᒃ ᓄᓇᓕᖕᒥᐅᖃᑎᒥᓄᑦ ᑐᓂᓯᕚᒃᑐᖅ. ᐊᑐᕐᓂᐊᖅᑕᑦᑎᓐᓂᒃ ᐱᓇᓱᐊᖅᐸᒃᑐᒍᑦ.

ᐅᑉᓗᒥᒧᑦ ᑎᑭᓪᓗᒍ ᐊᒻᒪᓗ ᐅᑭᐅᓄᑦ ᐊᒥᓱᓄᑦ ᐊᓯᖅᑐᓄᑦ ᐃᓄᐃᑦ ᐃᓱᒪᒋᔭᐅᖃᑦᑕᕐᓂᐊᕐᒪᑕ ᐱᔭᕇᐊᖅᑕᐃᓐᓇᕐᒥᓄᑦ ᐊᖑᓇᓱᒃᑎᐅᓂᕐᒥᓂᒃ. ᓄᓇᕗᒻᒥ ᐃᖅᑲᓇᐃᔭᙱᑦᑐᑦ ᐊᒥᓲᓂᕐᒥᓄᑦ ᐅᓄᖅᑐᑦ ᐃᓚᒥᖕᓂᒃ ᓂᕿᖃᖅᑎᑦᑎᕙᒃᐳᑦ ᐊᖑᓇᓱᖕᓂᒃᑯᑦ. ᐃᓕᑦᑎᓐᓄᑦ ᐊᖑᓇᓱᒃᐸᖕᓂᑦᑎᒍᑦ ᓄᑕᖅᑲᑦᑎᓐᓂᒃ ᐃᓕᓐᓂᐊᖅᑎᑦᑎᔪᒍᑦ ᐱᖁᓯᑦᑎᓐᓂᒃ ᐊᒻᒪᓗ ᓯᕗᓕᑦᑕ ᐱᖁᓯᖏᓐᓂᒃ. ᓄᓇᑦᑎᓐᓄᑦ ᐊᒃᑐᐊᓂᖃᕐᒪᓇᒃᑲᑦ.

ᐅᓄᖅᑐᒻᒪᕇᑦ ᐊᖑᓇᓱᒃᑏᑦ ᑕᒪᑐᒥᖓ ᒪᓕᒐᕐᒥᒃ ᐊᑲᐅᒃᓴᙱᓪᓚᑕ. ᒪᓕᒐᓕᐅᖅᑎᐅᑉ ᔪᐊᑦ ᐅᖃᐅᓯᕆᖅᑲᐅᔪᖓᑦᑕ ᑕᒪᑐᒪᓂ ᒪᓕᒐᕐᒥ ᐊᓯᖏᑦ ᐊᑐᖅᑕᐅᕚᒃᑐᑦ ᐅᑭᐅᖅᑕᖅᑐᒥ ᐅᑯᐊᖑᔪᑦ, ᒥᑭᑭᐊᑦ, ᐅᓈᑦ ᐊᒻᒪᓗ ᒪᑦᑎᑦᑕᐅᑏᑦ ᐃᖃᓗᒐᓱᖕᓂᕐᒧᑦ.

ᒪᐃ 23, 1993ᖑᑎᓪᓗᒍ ᐃᓄᐃᑦ ᓄᓇᕗᒻᒥ ᓄᓇᑖᕈᑎᑎᒍᑦ ᐊᒻᒪᓗ ᑯᐃᓐ ᑭᓪᓚᖅᑐᖅᑕᐅᓪᓗᓂ ᑲᓇᑕᒧᑦ ᐊᖏᕈᒻᒥᒃ ᐊᑎᓕᐅᓚᐅᕐᒪᑕ. ᑎᑎᕋᖅᑕᐅᓯᒪᔪᖅ 5ᒥ ᐆᒪᔪᓕᕆᓂᕐᒧᑦ ᑐᕌᖓᔪᖅ. ᐊᐱᒃᓯᒪᓂᖓᓐᓂ 5.1.2(e) ᐅᖃᖅᓯᒪᖕᒪᑦ ᐊᑑᑎᖃᖅᑐᒥᒃ ᐱᓕᕆᐊᖃᕆᐊᖃᕐᓂᖏᓐᓂᒃ

ᐆᒪᔪᓕᕆᓂᕐᒧᑦ ᐊᐅᓚᑦᑎᓂᕐᒥᒃ ᐃᓄᐃᑦ ᐊᖑᓇᓱᖕᓂᖏᓐᓂᒃ ᐊᒻᒪᓗ ᐱᔪᓐᓇᐅᑎᖏᓐᓂᒃ ᐊᑐᖅᑐᓂᒃ ᐊᒻᒪᓗ ᐃᓚᓴᓇᔭᖅᓯᒪᓗᑎᒃ ᐃᓄᐃᑦ ᐆᒪᔪᓕᕆᓂᕐᒧᑦ ᐊᑐᖅᐸᒃᑕᖏᓐᓂᒃ ᐆᒪᔪᐃᑦ ᐱᐅᖅᓱᐊᖅᑕᐅᓂᖏᑦ ᐊᒻᒪᓗ ᓄᓇᖁᑎᖏᑦᑕ ᐅᖑᒪᔭᐅᓂᖏᑦ ᐊᑐᕐᓗᒋᑦ. ᐊᓯᖏᓐᓂ ᐊᐱᒃᓯᒪᓂᖏᓐᓂ ᐅᖃᖅᓯᒪᖕᒪᑦ ᐱᑕᖃᓐᓂᐊᖅᓯᓐᖓᓐᓂᒃ ᐆᒪᔪᓕᕆᓂᕐᒧᑦ ᓄᓇᖁᑎᒥᖕᓂᒃ ᐃᓱᒪᒋᔭᖅᓗᑎᒃ. ᐊᓯᖏᓐᓂ ᐅᖃᖅᓯᒪᒋᑦᓗᓂ ᐃᓄᐃᑦ ᐊᖑᓇᓱᒍᓇᖅᓂᖏᑦ ᐊᒻᒪᓗ ᐱᔪᓐᓇᐅᑎᖏᑦ ᐊᐅᓚᑕᐅᓂᖏᓐᓂᒃ ᐱᐅᖅᓱᐊᓇᐊᖃᕐᓂᖏᓐᓄᑦ. ᒪᓕᒐᓕᐅᖅᑏᑦ, ᐃᓄᐃᑦ ᑕᒪᒃᑯᓐᓂ ᐊᑐᖃᖅᐸᓪᓚᑕ ᐊᒻᒪᓗ ᑕᐃᒪᐃᓯᒪᓪᓗᑎᒃ ᐊᒥᓱᒻᒪᕆᐊᓗᖕᓄᑦ ᐅᑭᐅᓄᑦ.

ᐃᓄᐃᑦ ᐊᖑᓇᓱᖕᓂᓕᓐᓇᔭᖏᑦ ᐅᖑᒪᓂᓕᓐᓂᐅᕐᒪᑦ ᐆᒪᔪᓄᑦ ᐊᒻᒪᓗ ᓄᓇᒥᒃ ᓈᒪᒃᑎᑦᑎᓇᓱᐊᖅᓗᑎᒃ. ᐊᖏᕈᑏᑦ ᐃᓚᒋᓚᐅᖅᑕᖓ ᓄᓇᕗᒻᒥ ᐆᒪᔪᓕᕆᓂᕐᒧᑦ ᐊᐅᓚᑦᑎᓂᕐᒧᑦ ᑲᑎᒪᔩᑦ ᓴᖅᑭᑕᐅᔪᓕᐊᖃᕐᓂᖓᓐᓂᒃ ᐆᒪᔪᐃᑦ ᐊᐅᓚᑕᐅᓂᖏᓐᓄᑦ ᑲᒪᔨᐅᓂᐊᕐᓗᑎᒃ ᓄᓇᑖᕈᑕᐅᔫᒃ ᐃᓗᐊᓂ. ᑕᕝᕙᓂ ᑲᑎᒪᔨᐅᕝᕕᐅᔪᒥ ᓇᓗᓇᐃᖅᓯᕚᓪᓚᑕ ᖃᔅᓯᓂᒃ ᓂᕈᐊᑎᓂᒃ ᐆᒪᔪᓂᒃ ᐱᓇᓱᐊᕈᓐᓇᕐᒪᖔᑦ ᐆᒪᔪᐃᑦ ᐅᓄᕐᓂᖏᓐᓂᒃ ᖃᐅᔨᓴᐅᖅᑎᓪᓗᒋᑦ.

ᐊᖑᓇᓱᒃᑐᓕᕆᔨᒃᑯᑦ ᓂᐅᕕᖅᐸᖕᒪᑕ ᐊᒥᕐᓂᒃ ᐊᖑᓇᓱᒃᑎᓂᑦ ᐊᒻᒪᓗ ᑕᐃᒪᐃᓕᐅᕐᓂᖏᒃᑎᒍᑦ ᑮᓇᐅᔭᓂᒃ 6 ᒥᓕᐊᓐᓂᒃ ᐊᑐᖅᐸᒃᓱᑎᒃ ᓄᓇᕗᒻᒥ ᓄᓇᓕᖕᓂᓪᓗ ᐊᒻᒪᓗ ᓄᓇᕗᒻᒥᐅᓕᒫᓄᑦ ᓈᒻᒪᒃᑐᓂᒃ ᐱᓕᕆᔾᔪᑕᐅᕙᒃᓱᑎᒃ. ᑕᒪᒃᑯᐊᓗ ᑮᓇᐅᔭᐃᑦ ᐊᑐᖅᑕᐅᔪᓇᐃᓪᓕᒪᓕᒃᓱᑎᒃ ᓄᓇᕗᒻᒥ ᐃᖅᑲᓇᐃᔭᓐᖏᑦᑐᑦ ᐅᓄᖅᑐᒻᒪᕆᐅᑎᓪᓗᒋᑦ.

ᒪᓕᒐᕐᒥ ᖁᑭᐅᑎᓕᕆᓂᕐᒧᑦ ᐱᔾᔪᑎᖃᖅᓯᒪᔪᖅ ᐅᑭᐅᖅᑕᖅᑐᒥᐅᓄᑦ ᓄᓇᓕᖕᓄ ᐱᒪᓕᐅᖕᒪᑦ. ᒪᓕᒐᓕᐅᖅᑎ ᔫᕗ ᐅᖃᓕᐅᕐᒪᑦ ᑖᓐᓇ ᒪᓕᒐᖅ ᐱᐅᓯᕚᓪᓕᖅᑎᑦᑎᔭᓐᓇᕐᓂᖑᑲᓐᓂ ᐊᐅᓚᑕᐅᓂᐅᔭᓂ. ᑲᓇᑕᐅᑉ ᖃᓪᓗᓈᓂᕐᒥᐅᖕᖏᓐᓄᑦ ᓯᓕᔭᒃᓴᐅᔩᓪᓗᐊᖅ.

ᒪᒥᐊᓇᖅᑑᓪᓗᐊᖅ ᓄᓇᕗᒻᒥᐅᓄᑦ ᑕᐃᒪᐃᖕᒥᒪᑦ. ᐄᑉᐹᒥ ᑕᒪᑐᒪᓂ ᐊᕿᒍᒥ ᐊᐱᖅᑯᑎᖃᓪᓚᐅᕐᒪ ᓄᓇᕗᒻᒥᐅᑦ ᐊᒃᓯᕿᑎᕆᔭᖕᖏᓐᓂᒃ ᖁᑭᐅᑎᖃᕈᓐᓇᐅᑎᒧᑦ ᐱᑖᕐᓯᐊᖅᑐᓄᑦ. ᖁᑭᐅᑎᓕᕆᔨᐅᔭᖅ ᐃᖃᓗᓐᓂ ᓄᖅᑲᖅᑎᑕᐅᔪᓐᓇᖁᓪᓚᐅᖅᑐᖅ ᒫᔾᔨᐅᓭᖅᑐᒥ, ᑎᑎᕋᕝᕕᖓ ᒪᑐᔭᐅᑦᑐᓂ ᐱᓕᕆᐊᒃᓴᓖᑦ ᓂᔭᐃᓇᒧᑦ ᓅᑕᐅᑦᑐᑎᒃ. ᖃᖓᑦᑎᐊᕐᓯ ᐅᖃᐅᑕᐅᓭᓚᐅᕐᒪᑦ ᓅᑖᕐᒥᒃ ᖁᑭᐅᑎᓕᕆᔨᒃᓴᐅᔪᒥᓂᒃ ᐃᖅᑲᓇᐃᔭᖅᑐᖃᓕᕐᓂᐊᕐᓂᖓᓂᒃ ᐊᒻᒪᓗ ᐃᓕᓐᓂᐊᖅᑎᑕᐅᔫᖅᐸᑦ ᐃᖃᓗᓐᓂ ᑎᑎᕋᕝᕕᖓ ᒪᒃᐱᖅᑕᐅᒃᑲᓐᓂᕐᓂᐊᕐᓂᖓᓂᒃ. ᓄᓇᕗᒻᒥᐅᓂ ᖁᑭᐅᑎᖃᖅᑐᑦ ᖁᑭᐅᑎᒥᖕᓂᒃ ᐃᓗᒥᖕᓂᑦᑎᑦᐸᒃᑐᑦ ᖃᐅᑕᒫᑦ ᐊᖑᓇᓯᕆᐊᖅᐸᒃᑲᒥᒃ. ᐊᒻᒪᓗ ᐅᓄᖅᑐᒪᓂᑦ ᐃᓐᓇᑐᖃᕗᑦ ᖃᓪᓗᓈᑑᕆᓐᓇᖕᓂᖕᓂᖕᓄᑦ

ᐊᐱᖅᑯᑎᒃᓴᖏᑦ ᑭᐅᔭᐅᔭᓐᓇᖅᓯᒪᓐᖏᑦᑐᑦ. ᑕᐃᒪᐃᓐᓂᖓᓄᑦ ᐱᔭᓐᓇᐅᑏᑦ ᐃᓚᖏᑦ ᓯᓚ ᐱᔪᓃᖅᓯᒪᔭᒃᓴᐅᓐᖏᑦᑐᑦ. ᓄᓇᕗᒻᒥᐅᑦ ᐱᔭᓐᓇᓐᖏᑎᑕᐅᑦᑕᐃᓕᓕᑦᑐᖅ ᖁᑭᐅᑎᓕᕆᔨᒃᑯᓐᓄᑦ ᑕᒪᕿᑕᐅᓯᒪᔭᓄᑦ.
ᒪᓕᒐᐅᑉ ᐊᕕᒃᓯᒪᓂᖓᓂ 19 (3) (3) ᑌᑧᓂ ᒪᓕᒐᕐᒥ ᖃᓄᐃᒻᒪᑦ ᑲᓇᑕᒥᐅᑕᐅᓐᖏᑦᑐᑦ ᑲᒪᒋᔭᐅᑎᑦᑕᕐᓂᖅᓴᐅᑉᐳᑦ ᑲᓇᑕᐅᒥᐅᓂᒃ, ᐱᓗᐊᖅᑐᒥ ᐃᓄᖕᓂᒃ ᑲᓇᑕᒥᐅᖑᔭᓂᒃ?

ᐅᖃᖅᑲᐅᑲᒪ ᐅᖃᐅᓯᕆᔭᓐᓂ ᑕᒪᓐᓇ ᒪᓕᒐᖅ ᒪᕿᐃᓕᖓᓕᖅᑎᑕᐅᖁᓪᓗᐊᖅᐸᕋ ᐊᒻᒪᓗ ᑲᒪᒋᔭᐅᓗᓂ ᓈᒻᒪᒃᑐᓄᑦ ᑲᑎᒪᔨᐅᔭᓄᑦ ᓇᓗᓇᐃᔭᐃᓯᒪᓗᑎᒃ ᐅᒪᔭᐃᑦ ᐱᑦᑎᐊᓐᖏᑦᑕᐅᔭᓇᕐᖃᓐᖏᓐᓄᑦ ᖁᑭᐅᑎᓕᕆᓂᕐᒧᑦ ᐱᔾᔪᑎᖃᕐᓗᑎᒃ. ᑕᐃᒪᓐᓇᑦᑕᐅᖅ ᑲᓇᑕᒥ ᐃᓄᖏᑦ ᑲᒪᒋᔭᐅᑕᐅᖏᑦᑐᑦ ᐃᓯᒪᒋᔭᐅᑎᐊᖅᑎᒋᔪᑉᐳᑦ.

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