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OFFICIAL REPORT  
(HANSARD)

**Thursday, February 6, 2003**

—  
THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Thursday, February 6, 2003

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

Prayers.

### SENATORS' STATEMENTS

#### UNITED NATIONS

##### IRAQ—WEAPONS INSPECTION PROGRAM— INCREASE IN PERSONNEL

**Hon. Douglas Roche:** Honourable senators, the evidence given yesterday to the UN Security Council by U.S. Secretary of State Colin Powell shows that Iraq is in material breach of resolution 1441, but it is clear that Iraq does not have the capability to launch an attack on the West. There is no justification for a war in Iraq.

Rather than join in warfare, Canada should use its wide experience in verification to support the recommendation made by former U.S. President Jimmy Carter, to increase the present number of UN inspectors from 100 to 1,000. Such a robust and permanent monitoring regime would ensure that Iraq could not hide or develop weapons of mass destruction.

For several decades, Canada has been an acknowledged leader in the field of verification. We have much to contribute. This proactive work, to lessen the threat of weapons of mass destruction, would be far better than joining in a war with horrendous consequences.

The *Independent* of London warns that war in Iraq would destabilize the whole region, would encourage a backlash from fundamentalists and would virtually guarantee an upsurge in global terrorism. The bombing attacks now planned would also inflict widespread death and destruction on innocent civilians, just as was done in the 1991 Gulf War.

I oppose the war that is now contemplated. I call on the government to put forward a stringent verification proposal to help the UN resolve this crisis without war.

#### UNITY AGAINST TERRORISM

**Hon. Gerry St. Germain:** Honourable senators, the time has come for our government to represent Canadians by clearly stating to the world where we stand on the matter of terrorism. Canada must stand shoulder to shoulder with our American neighbour, our friend and our ally. We will not be standing alone, for other allies have already stood up to be counted.

Yesterday, the world got a good insight into just what the Iraqi regime thinks of its global neighbours. Our American friends, who have never faltered in building a military presence, the sole

purpose of which has been to restore and keep the peace and protect freedom, have shown us that Iraq has been producing and amassing weapons whose only purpose can be to cause harm.

The United Nations has been rebuffed by Saddam Hussein and his regime. Unless this dictatorship is stopped, we have no idea what kind of reign of terror will be perpetrated.

The world stood by too long while Hitler made ready his plans. Do we want to repeat history and stand idly by while the democratic rights and freedoms of others are trammled upon?

The price of freedom, my friends, has never been cheap, and often hesitation becomes costlier. In that spirit, we must stand with our friends, the British, the Americans and other allies. There can be no cracks in the armaments of peace. Now is not the time for our country to falter.

• (1340)

### SEARCH AND RESCUE

#### SUCCESS OF EH-101 CORMORANT HELICOPTER

**Hon. J. Michael Forrestall:** Honourable senators, I wish to take this opportunity to celebrate the success of the EH-101 Cormorant search and rescue helicopter, notwithstanding the teething problems of bringing a new aircraft into the fleet.

Honourable senators, on December 4, 2002, a Cormorant search and rescue helicopter based at Gander, Newfoundland, flew a rescue mission in severe ice conditions, some 600-plus kilometres off Newfoundland to successfully rescue an injured Norwegian sailor. The round trip logged in excess of 1,600 kilometres. Many believe that to be a record.

On January 24, 2003, a single EH-101 Cormorant search and rescue helicopter was dispatched in a severe storm to rescue 16 seamen from a Finnish ship that had lost power some 450-plus kilometres off St. John's. It successfully lifted the entire ship's company, comprising 16 seamen, from their stricken vessel in another milestone achievement under the foulest of winter conditions and at extreme range.

On February 4, 2003, just the other day, in the longest West Coast rescue in history, a Cormorant search and rescue helicopter had completed the life-saving rescue of an injured Japanese ship's captain some 400-plus kilometres off the British Columbia coast.

To Canada's Cormorant search and rescue helicopter and, above all, to their crews who are highly professional and brave, I say "Bravo Zulu" for a job well done.

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## ROUTINE PROCEEDINGS

### COMMITTEE OF SELECTION

#### FOURTH REPORT OF COMMITTEE PRESENTED

**Hon. Bill Rompkey**, Chair of the Committee of Selection, presented the following report:

Thursday, February 6, 2003

The Committee of Selection has the honour to present its

#### FOURTH REPORT

Your Committee recommends a change of membership to the following committees:

#### STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senator Chaput replaces the Honourable Senator St. Germain as a member of the Standing Senate Committee on Aboriginal Peoples.

#### STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senator Ringuette-Maltais replaces the Honourable Senator Pitfield as a member of the Standing Committee on Rules, Procedures and the Rights of Parliament.

Respectfully submitted,

**WILLIAM ROMPKEY**  
*Chair*

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

**Senator Rompkey:** With leave, later this day.

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

**Hon. Senators:** Agreed.

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration later this day.

### NUCLEAR SAFETY AND CONTROL ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Tommy Banks**, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, February 6, 2003

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

#### FIFTH REPORT

Your Committee, to which was referred Bill C-4, *An Act to amend the Nuclear Safety and Control Act*, has, in

obedience to the Order of Reference of Thursday, December 12, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

**TOMMY BANKS**  
*Chair*

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

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

[*Translation*]

### L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

#### MEETING OF JANUARY 13-16, 2003—REPORT TABLED

**Hon. Pierre De Bané:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the house, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie, and the related financial report. The report concerns the meeting held in Strasbourg, France, from January 13 to 16, 2003.

### AGRICULTURE AND FORESTRY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee on Agriculture and Forestry be authorized to examine issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products and;

That the Committee submit its final report no later than June 30, 2004.

### FISHERIES AND OCEANS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Gerald J. Comeau:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 3:45 p.m. Tuesday next, February 11, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

This would provide our committee with the opportunity to have the Minister of Fisheries for Newfoundland and Labrador, Gerry Reid, appear before us. He has graciously consented to appear at that time, which is the only time he would be able to attend.

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

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** Honourable senators, I wish to thank our colleague for showing how committees should ask for leave, rather than coming to this chamber in a sneaky way, when there are few senators present, to ask for prolongation, as some chairmen have done recently. That should be the approach of committee chairmen who want their committees to sit next week, so that we know how many honourable senators will make up the quorum for the house. That knowledge is helpful for the leader, the deputy leader, the whip and so forth.

Thank you, Senator Comeau, for showing us how it is correctly done.

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

Motion agreed to.

## LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

### INQUIRY

**Hon. Marjory LeBreton:** Honourable senators, I give notice that on Tuesday next, February 11, 2003:

I shall call the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

• (1350)

## QUESTION PERIOD

### NATIONAL DEFENCE

#### REPLACEMENT OF SEA KING HELICOPTERS— ASSESSMENT OF NH-90 EUROCOPTER

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. As the minister would be aware, I would not want honourable senators to be misled even on small but relatively important points.

Would the minister return to her Department of National Defence source that she spoke with and ask specifically if it is not true that when the Canadian Armed Forces team went to France that Eurocopter offered to do the demonstration flights with the Cougar MK II because the NH-90 was not available?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, that is not the information that I have. The purpose of

the January visit was to conduct a formal demonstration flight of the NH-90 helicopter. Demonstration flight visits were also to have taken place with the Sikorsky S-92 helicopter and the Cormorant EH-101 helicopter.

**Senator Forrestall:** Honourable senators, I have just put on the record what I think of the EH-101. All honourable senators should be proud of that helicopter. It is getting through its teething problems.

Would the minister inform honourable senators as to whether the NH-90, when it was finally assessed in the demonstration that was put on, completed both its agility demonstration mission and its mission 8 sortie profile? Particularly, I should like to know whether the NH-90 flew the full time required with the 30-minute reserve fuel.

I would draw to the attention of honourable senators, in order that you may understand what I am saying when I say that our forces deserve the best, that the ISA was originally four hours with a 30-minute fuel reserve, not two hours and 50 minutes. We are not talking about minor changes, but rather major ones. My question is: Did the helicopter meet the full time requirement?

**Senator Carstairs:** Honourable senators, each aircraft presently in the race for the Maritime Helicopter Project is undergoing tests and evaluations. It is unfair to pronounce on the results of any one of them at this time.

As to the earlier statement of the honourable senator with respect to the teething problems of the Cormorant, Senator Forrestall knows better than anyone in this chamber that any piece of military equipment usually goes through teething problems. That is acceptable. Unfortunately, Canadians do not always understand that. However, the Cormorant has now reached a stage where it is performing with flying colours.

**Senator Forrestall:** Would the minister agree that the Cormorant is performing because it does have the stability and the range for use in the type of search and rescue missions that we would require of it? The minister would be aware that, for many years the Sea King has not restricted its operational undertakings to military matters; it has been widely used as a primary search and rescue vehicle. For that reason, we hope that the government will stay with the highest criteria.

**Senator Carstairs:** Honourable senators, I have indicated on a number of occasions, and I will continue to state, that the Government of Canada has not modified the statement of operational requirements. If a helicopter that is presently being tested does not meet that statement of operational requirements, then that company will not win the contract.

## JUSTICE

### REPORTS ON OPERATION OF FIREARMS REGISTRY

**Hon. Terry Stratton:** Honourable senators, my question is for the Leader of the Government in the Senate. A question of privilege was raised in the other place that the reports tabled by the Minister of Justice in regard to the gun registry were incomplete. The technical documentation that details the information upon which Mr. Raymond V. Hession based his report is only available by calling the Department of Justice.

[ Senator Comeau ]

My question is: Will the Leader of the Government in the Senate tell honourable senators why this information was not tabled and why the complete reports were not posted on the Internet? Is the government trying to hide something? That is the perception.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, there is no way the government is trying to hide something. At the briefing that was given to all members of Parliament, it was clear that the third report was available in only one language and, therefore, could not be tabled in the House of Commons and could only be made available upon request.

**Senator Stratton:** Honourable senators, why did the government choose to table the report at this time if the full document was not available in both official languages? What is the response of the government to Canadians who phone the Department of Justice and ask for the technical documentation in French?

**Senator Carstairs:** Honourable senators, my understanding is that the documentation will be available, but it is not yet available. At present, the document is available in only one official language. The government does not table documentation that is not available in both official languages.

The reality is, however, that there was great pressure from opposition parties, including the opposition parties opposite, to give information as quickly as possible to the people of Canada with respect to the firearms registry. That is why the two core documents were tabled earlier this week.

**Senator Stratton:** Honourable senators, why are francophones on the other side not raising objections over having this document not being available in both languages? They should insist on that. I have seen others insist on other occasions. Where are those senators now? Why are they not insisting that these documents be printed in both official languages? Reports are only released when they are available in both languages; they know that.

Earlier this week, the Minister of Justice tabled two reports on the problems of the gun registry. The first report was by KPMG and the second was by Mr. Hession. Mr. Hession noted in his report that the government went to an alternate services delivery contact in 2002 because of ongoing problems with earlier technology that had cost \$400 million. The contractor for the alternative services delivery must be certified before taking over existing services. Mr. Hession said, at paragraph 6.3 of his report:

In the interests of cost containment and technology evolution, the strategic focus of the ASD solution is dependent on Commercial-Off-The-Shelf (COTS) software replacing the custom-built solution. Current indications are that the complexities of the CFP continue to put the potential economic advantages of the COTS solution in jeopardy.

Will the Leader of the Government in the Senate tell honourable senators if an assessment has been done of the cost

to scrap the alternative services delivery contract and if the software is not functional? How much more money will the government put into the gun registry system?

**Senator Carstairs:** Honourable senators, let us start with the beginning of the honourable senator's statement. The government has done absolutely the correct thing here; it has brought information to the Canadian people in a timely and quick fashion by tabling both the Hession and the KPMG reports. They were available in both official languages and they were both tabled. The briefing that was held for MPs immediately following the tabling of the reports had the third document available. Unfortunately, it was very technical. It has not yet been translated, although that process is taking place, I understand.

As to the broader question, the report from Mr. Hession makes 16 recommendations. Senator Stratton has mentioned two of the recommendations, but there are 14 others. Each and every recommendation is being evaluated by the Government of Canada, particularly, the Department of Justice. The costs are obviously of primary concern.

**Senator Stratton:** Honourable senators, the contractor for the alternative service delivery program is now in discussion with Public Works about the cost overrun. I believe the figure is some \$15 million. There is also concern that the contractor may incur costs primarily related to the passage of Bill C-10A. Mr. Hession says that Bill C-10A must be passed by April 1, 2003.

• (1400)

The Senate sent a message to the House of Commons in early December reporting that Bill C-10 had been divided into two parts. The House has not yet concurred with that division.

Can the Leader of the Government in the Senate tell us when she expects this business to be dealt with in the other place? Does she believe that the April 1 deadline indicated by Mr. Hession is realistic?

**Senator Carstairs:** Honourable senators, I think it is extremely realistic. I understand that it is on their Order Paper for active consideration, beginning today.

**Senator Stratton:** In his observations about the Canadian Firearms Program, Mr. Hession states:

The department has a very demanding policy agenda, involving itself in virtually every legislative, regulatory and program activity of the government. The CFP has, with its continuing controversies and extraordinary logistical demands, layered unprecedented burdens on the department's management. And, correspondingly, the CFP is continuously contending for the resources and management attention it has needed to sustain its performance against its legislated milestones. The aggregate effect of these organizational dynamics includes a cumbersome leadership model, less intense focus on the mission of the CFP and corresponding inefficiencies in operational execution.

Can the Leader of the Government in the Senate tell us, in light of this condemnation of the delivery of the Canadian Firearms Program, who will ultimately take responsibility for this?

I asked earlier and I ask again: How much more money will the government put into the gun registry program? The figure of half a billion dollars is being thrown about. Thereafter, the figure is in the range of \$60 million to \$80 million a year. Can the minister verify those figures?

Who is responsible for the cost overrun of \$1.5 billion plus the annual operational costs? For goodness sake, is no one responsible?

**Senator Carstairs:** Honourable senators, the government has clearly accepted responsibility. There is no question about that. The figures being projected are simply that — projected figures. We are working very hard to find the most effective and efficient way. There is no question, however, that the gun registry will continue and that people in Canada believe that it is a good process to register guns in this country.

The honourable senator did raise a significant question, one that the government needs to and has agreed to examine very carefully. The Department of Justice is not, for the most part, what we refer to as a transactional department. Transactional departments include the Canadian Customs and Revenue Agency and Human Resources Development Canada. Those departments have computer programs that deal with millions of transactions with Canadians each year. In hindsight, it might have been better to have gone to one of those departments, which are familiar with transactional analysis and data collection, rather than leaving the program in the Department of Justice. However, the decision at the time was made to leave it in the Department of Justice, and hindsight is always 20/20.

**Senator Stratton:** The real issue is that the program is projected to cost \$1 billion. The report estimates that it will cost \$400 million to \$500 million more to correct the problems, plus \$60 million to \$80 million annually to operate the program. Can the Leader of the Government in the Senate tell me if those figures are realistic?

**Senator Carstairs:** Honourable senators, first, the program has not cost \$1 billion to date. The projected cost for 10 years would be \$1 billion. Let us be absolutely accurate. I believe that the last estimate of its cost, which is certainly not a small amount, was \$680 million, and obviously it has cost more money in this fiscal year. We are not trying to avoid any of those figures, but the reality is that the program has not yet cost \$1 billion.

In terms of what it will cost in the future, I remind honourable senators that the present program introduced by the other side cost \$30 million a year. Let us not leave the impression that there were no costs associated with previous gun control regulations. There were previous costs and there are ongoing costs associated with those regulations.

**Senator Stratton:** Honourable senators, it is projected that the cost for 10 years will be \$1 billion. Is the government leader telling

me that because those costs have not been incurred and only \$685 million has been spent, credibility is brought to the argument of good management? I do not think so.

**Senator Carstairs:** The honourable senator did not listen to what I said.

**Senator Stratton:** Yes, I did.

#### EFFICACY OF FIREARMS REGISTRY

**Hon. Gerry St. Germain:** Honourable senators, my question is on the same subject and is directed to the Leader of the Government in the Senate. In the days of the pipeline debate, C. D. Howe asked, "What is a million?" Is Senator Carstairs now asking, "What is a billion?"

The honourable leader says that the Canadian people continue to want the registration of firearms. I do not think they really knew what they were getting. She will recall the debates we had on Bill C-68 wherein it was clearly pointed out by many of us how much the gun registry would cost, how complex this issue was and how unnecessary it was. The "unnecessary" aspect has been backed up by the Chief of Police in Toronto who is facing a dilemma of handgun murders that registration has not slowed down. He has clearly stated that the gun registry program is not gun control but gun bureaucracy and is not working. It is using funds that should be utilized for policing on the streets of Toronto, where he unfortunately needs a lot of assistance as a result of a culture that has developed in that city.

The Chief of Police of the largest city in Canada clearly states that this program is not working, yet my honourable friend is telling us that she knows better.

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I will quote some things which I think are of interest.

On January 14, 2003, David Griffin, Executive Officer of the Canadian Police Association, said:

We...consider the licensing of firearm owners and the registration of firearms to be a valuable public safety tool for front-line police officers.

Chief Vince Bevan, Vice-President of the Canadian Association of Chiefs of Police, at their press conference on January 8, 2003, said:

The principles which support this legislation have not been compromised....It is without question an investment in the future of our country and of our children.

**Senator St. Germain:** Honourable senators, when I questioned the same Canadian Police Association at the Senate committee hearing on Bill C-10A, they said that they are split on this issue. The bare majority support gun registration. As Senator Carstairs knows, I am quite familiar with the policing field, having been in that field for five years when I was younger.



Police chiefs are often, unfortunately, political. They either become politicians or chiefs. We should be speaking to the rank and file. The rank and file are short of equipment and other necessities as a result of government waste and lack of government funding.

**Senator Carstairs:** Honourable senators, it is interesting that the honourable senator likes to quote one police chief but does not like to quote the Association of Chiefs of Police or the Canadian Police Association. The honourable senator does not like those quotations because they express the majority view of the Canadian Police Association, the Canadian Association of Chiefs of Police and, in my view, the Canadian people.

**Senator Kinsella:** And what is your point?

• (1410)

#### REPORTS ON OPERATION OF FIREARMS REGISTRY

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, as for clarification, I can understand why the minister would not table a document unless it was available in both languages. However, I do not understand how the same document which is only available to date in one language is available through the minister's office by a telephone call. Why would he be exempt from the bilingual requirement in this case when the Official Languages Act is quite clear that all official documentation available to Canadians must be in both languages?

As I understand it, the press release regarding the Hession study included a reference to the effect that supporting technical documentation is available to the Department of Justice, but it does not say in only one language. Why?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, because it was delivered to the Department of Justice in one language only.

The reality is that had this document not been made available, along with the other two, there would have been a hue and cry from the people across this country that we were trying to hide something.

**Senator Meighen:** There already is.

**Senator Carstairs:** Therefore, it was made available out of the minister's office in one language only because that was the only language in which it was available.

If the honourable leader opposite is suggesting that we should have withheld everything until that document was translated, then that is a legitimate position. However, there is no question that the people of Canada wanted the information as soon as possible, and rightly so because this was a very expensive program.

It is because the two reports were available in both official languages that they were tabled in the House.

**Senator Lynch-Staunton:** As I understand it, then, some undue haste to cover up past transgressions has taken over from the basic fundamental right in this country to have documentation in both official languages. Shame!

**Senator Carstairs:** I certainly disagree with the way in which the honourable leader has structured his particular question. This is not an attempt to cover up. These particular reports were, in many respects, very critical of the Government of Canada. The cover-up would have existed if we had not shared it with the people of Canada.

**Senator Kinsella:** They shared it only with anglophones; they do not care about the francophones.

#### ENFORCEMENT OF REGISTRATION OF FIREARMS

**Hon. Leonard J. Gustafson:** Honourable senators, given the fact that most of the provinces are indicating they will not cooperate with the registration and many of the provincial police associations will not enforce the legislation, how will the government implement the legislation, in particular, among farmers and native people?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, some provinces are not cooperating. In that, the honourable senator is quite correct. However, in provinces where the RCMP has authority, the RCMP is enforcing the legislation.

As the honourable senator knows, police departments, that are municipal, take their direction from the municipality. If they are a provincial police force, they take their direction from the province. That is the way it operates in this country. It is most unfortunate that some provinces have chosen to ignore a law that is wanted by the vast majority of Canadians.

**Senator Gustafson:** Would the minister not concede that this will be very confusing?

**Senator Kinsella:** It is a mess!

**Senator Gustafson:** Some officer may step out of line and prosecute one farmer or one native person. Many of these people are saying, "We will not register." This is a very confusing situation, and it will become even more confusing.

**Senator Carstairs:** As the honourable senator knows, sometimes it takes a while to convince people to obey the law. That was certainly the case with seat belt legislation. Such legislation was passed in many provinces. Some Canadians were loath at first to equip themselves properly for driving what has the potential to be a dangerous vehicle.

Canadians gradually complied. Many honourable senators have probably been stopped — certainly I have been recently — for a standard check to ensure compliance with that statute. I was in compliance. I am pleased to say that I received no fine and no demerits on my licence as a result of a failure to comply.

It is interesting to note that, in my province, the seat belt legislation, which is provincial legislation, was not met with great favour. Alberta was the last province to come on board. There is a certain amount of similarity between those who had trouble getting on board with the seat belt legislation and those who are not complying with the gun legislation.

**Some Hon. Senators:** Come on!

**Senator Prud'homme:** It is the same thing with the metric system.

**Senator Gustafson:** Honourable senators, that answer leads me to believe that the government will put out an extensive advertising campaign to sell the general public on the fact that they should register their guns. How much will that cost?

**Senator LeBreton:** Groupaction, here we come.

**Senator Carstairs:** In fact, it has already been spent. There was an extensive advertising campaign.

**Senator Gustafson:** It did not work.

**Senator Carstairs:** It certainly did work. The fact that there is 90 to 95 per cent compliance on the licensing of guns and what is perceived as a 70 per cent factor on the registration of guns indicates that the advertising program worked very well indeed.

**Senator Kinsella:** Who had the contract?

**Hon. Herbert O. Sparrow:** Honourable senators, in 1940 there was a national registration of all Canadians. The timeline for the registration of all Canadians was that it be done in one month, that is, August 1940. The registration of those Canadians took three days, from August 19 to 21, 1940. Some 8 million Canadians, 16 years of age and over, were registered.

It took from 1995 to 2003 to register one third of those who are gun owners. Perhaps the minister or the Department of Justice could relate to us how that registration in 1940 could be done in three days when there were no computers and when there were not thousands of staff, yet they cannot register the guns owned by Canadians in seven or eight years.

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

**Senator Carstairs:** Honourable senators, there is a simple explanation.

**Some Hon. Senators:** Oh, oh!

**Senator Carstairs:** In August 1940, we were 11 months into World War II. People in this country, particularly those on the East and West Coasts, but most particularly those on the East Coast, were concerned about their own safety. U-boats were seen off the coast of Nova Scotia, New Brunswick and Newfoundland, which was not part of the country but which was part of the Allied nations at that particular point in time.

Canadians acted very quickly at that time. Canadians did not act as quickly in this case partly because we told them they had a much more extensive period of time in which to register.

• (1420)

Had the terms been narrowed, it is possible that the legislation may have come forward more quickly and the registration process may have progressed more quickly. However, the Government of Canada made the decision, and I think rightly so, that it was better to get a cooperative public doing what the government wants it to do rather than to feel that there was any sense of urgency about that particular process.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table delayed responses to four oral questions. The first is in response to an oral question raised by the Honourable Senator St. Germain, on December 10, 2002, regarding the Firearms Registry Program. The second is in response to an oral question raised by the Honourable Senator Kelleher on December 9, 2002, regarding the Auditor General's Report, access to Special Import Measures Act process for small and medium-sized businesses. The third is in response to an oral question raised by the Honourable Senator Kinsella on November 27, 2002, regarding the airline industry and the policy on public health measures. The fourth is in response to an oral question raised by the Honourable Senator Comeau on December 11, 2002, regarding the search for a vessel dumping oil at sea.

## JUSTICE

### FIREARMS REGISTRY PROGRAM— INCREASE IN FIREARMS MURDERS—REQUEST FOR BREAKDOWN BY PROVINCE AND TERRITORY OF APPLICANTS REJECTED

(Response to question raised by the Hon. Gerry St. Germain on December 10, 2002)

The breakdown by province and territory of the rejected applications and revoked licences can be found below.

As of December 28, 2002

Provinces	BC	AB	SK	MB
Applications Refused	703	318	88	186
Licenses Revoked	236	156	42	117
<b>TOTAL</b>	<b>939</b>	<b>474</b>	<b>130</b>	<b>303</b>

Provinces	ON	QC	NB	NS
Applications Refused	1,521	988	79	194
Licenses Revoked	1,094	726	30	91
<b>TOTAL</b>	<b>2,615</b>	<b>1,714</b>	<b>109</b>	<b>285</b>

Provinces	PEI	NF	YK	NWT	NU
Applications Refused	12	65	14	81	31
Licenses Revoked	13	123	9	7	8
<b>TOTAL</b>	<b>25</b>	<b>188</b>	<b>23</b>	<b>88</b>	<b>39</b>

Provinces	TOTAL
Applications Refused	4,280
Licenses Revoked	2,652
<b>TOTAL</b>	<b>6,932</b>

#### CUSTOMS AND REVENUE AGENCY

##### AUDITOR GENERAL'S REPORT—ACCESS TO SPECIAL IMPORT MEASURES ACT PROCESS FOR SMALL AND MEDIUM-SIZED BUSINESSES

*(Response to question raised by the Hon. James F. Kelleher on December 9, 2002)*

The Auditor General's report indicates that, in 1998, the Canada Customs and Revenue Agency (CCRA) produced a plan to address the problems of small and medium-sized businesses.

The report specifies that the CCRA began implementation of the plan; however, in October 1998, the project had been put on hold due to budgetary constraints.

The Auditor General's report also indicates that the CCRA recognized "access for small and medium-sized producers" as a priority and that CCRA staff were directed to continue making efforts and seek innovative ways for improving Special Imports Measures Act (SIMA) accessibility, including providing assistance when requested.

The CCRA has improved SIMA administrative practices, provided direct assistance and market research support, streamlined procedures for filing complaints, assisted in the preparation of complaints, simplified the questionnaires and improved accessibility to the SIMA process.

The CCRA is committed to ensuring fair and equal access to the SIMA process for small and medium-sized producers.

The CCRA is currently revisiting the 1998 plan and is developing an action plan with timelines and timeframes to specifically address the Auditor General's concerns.

The action plan will be completed by the end of April 2003, and a copy of the plan will be provided to the Honourable Senator at that time.

These steps demonstrate the CCRA's desire to ensure fair and equal access to the SIMA process for small and medium-sized producers.

#### TRANSPORT

##### AIRLINE INDUSTRY— POLICY ON PUBLIC HEALTH MEASURES

*(Response to a question raised by the Hon. Noël A. Kinsella on November 27, 2002)*

Health Canada is in the process of completing an integrated public health program to protect the health of passengers on conveyances operating in Canada.

Health Canada's Workplace Health and Public Safety Program (WHPSP) has undertaken to date, a collaborative approach with operators of passenger conveyances and their ancillary services. For example, the WHPSP has developed, in collaboration with the cruise ship industry, the passenger train industry and the flight kitchen industry, a voluntary compliance program. The objective of the voluntary compliance program is to ensure the provision of safe water and food and sanitation on board these conveyances and from their ancillary services.

The airline industry is one of the last remaining aspects of the travel industry to participate in this fully integrated public health program. Health Canada is currently in negotiations with the airline carriers and anticipates the implementation of the voluntary compliance program within the next year. Health Canada, with the airline industry, will complete guidelines specific to public health. The public health guidelines will address water and food safety, general sanitation and disease surveillance on board aircraft.

The general sanitation component will address availability of toilets, hand basins, hot and cold running water, and cleaning of washrooms. Furthermore, the general sanitation component will address the cleaning of air vents.

#### FISHERIES AND OCEANS

##### COAST GUARD—SEARCH FOR VESSEL DUMPING OIL AT SEA—STATUS OF DISABLED RUSSIAN VESSEL

*(Response to question raised by the Hon. Gerald J. Comeau on December 11, 2002)*

The Government of Canada has not been successful to date in identifying the vessel or vessels responsible for illegally dumping the oil that was found on the recovered birds.

The ocean off the East Coast of Canada is, in a very real sense, the crossroads of the North Atlantic. At all times of the year, there is heavy shipping traffic sharing the habitat of pelagic seabirds; however, during the winter months, the evidence of illegal discharges is the highest. This is because the migratory pelagic birds spend the winter months on the water feeding in this area prior to returning to the Arctic in the summer. Most cases of seabird oiling are classified as mystery spills, where no known source can be identified.

The federal departments of Environment Canada, Transport Canada, and Fisheries and Oceans — Canadian Coast Guard, have developed a Memorandum of Understanding (MOU) for Cooperation to Reduce Illegal Oil Pollution in Atlantic Canadian Waters. The purpose of the MOU is to clearly define the roles and responsibilities of the parties with regard to marine oil pollution and oiled migratory birds. Additionally, it provides a process in order that parties can undertake joint enforcement actions and communications activities to minimize illegal discharges.

The three departments recognize that cooperative efforts are required to deal with the problem of chronic and illegal marine oil pollution. In the future, prosecutions and investigations will be done under the umbrella of the departmental MOU.

With respect to the question regarding “the status of the disabled Russian boat”, it is assumed the question refers to the F/V *Aleksandrit*. On December 16, 2002, it was safely secured in St John’s, NFLD, after being towed in by a commercial tug, the *Ocean Foxtrot*.

a response, the Leader of the Government’s explanation or the lack of such an explanation are deemed to be referred to the originating committee.

The rationale for this change in the rules is that the Senate invests much of its resources and efforts in conducting special studies and drafting reports that it feels add to the public debate on important policy issues. We have only to think back to the Senate reports from committees such as Social Affairs, Illegal Drugs and National Security, to name but a few, and the impact those reports have had on public discourse to appreciate what it is that we contribute to public policy development in this country.

However, we also know that on topics not as close to the editorial priorities of the media, it is easier for the government to ignore alternative points of view. Certainly, it is in the Senate’s best interests to adopt measures that encourage an active consideration of its reports by the government and encourage follow-up by our committees.

One of the strengths of the Senate is continuity of service. We saw this demonstrated by Senator Carstairs and Senator Beaudoin’s follow-up review of the euthanasia report, focusing on palliative care.

In keeping with past reports of this committee this session, we have consciously chosen a mechanism that does not take for granted the decision of the Senate. Rather than making a response of the government automatically required for all reports, this proposal requires an overt expression of will by the Senate before invoking the requirement.

A committee may choose to include the request as part of its report; the request may be included in the motion for adoption of the report; or an individual senator may move a motion requesting this response, following the adoption of a report. We believe this leaves the final authority to make such a request where it belongs — with the Senate itself — while allowing maximum flexibility as to who may make the request.

The question of enforcement was raised and is addressed in the report. Suffice to say that the committee believes in the goodwill of the government to meet its obligations to the upper chamber of Parliament; that the potential negative publicity associated with not responding is important; that the political skills of individual senators have been well demonstrated, and if senators are interested in such responses, their skills to make that fact public are considerable, in fact, formidable; and that the Senate, with sufficient political will, has levers that it may choose to exercise should it feel compelled to do so in defence of its honour and privileges.

In any case, the rule is drafted in such a way as to have even outright defiance of such a request be deemed to be referred back to the originating committee after 150 days, for that committee to follow up as it sees fit.

I believe that the proposed new rules contained in this report address an important interest of the Senate, while respecting its final authority to make such important decisions to exercise its will. Therefore, honourable senators, I commend this report to you and ask that you support its adoption.

[English]

## ORDERS OF THE DAY

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### SEVENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to Rule 131—request for Government response) presented in the Senate on February 4, 2003. —(Honourable Senator Milne).

**Hon. Lorna Milne** moved the adoption of the report.

She said: Honourable senators, this report is in respect of two orders of reference received by the Standing Committee on Rules, Procedures and Rights of Parliament. One was raised in the last session and reported in the fourteenth report of this committee, which did not pass because of prorogation. Subsequently, the report was raised by Senator Gauthier, and some portions of it were referred to the standing committee. Also, Senator Cordy made a motion from the Standing Senate Committee on National Security and Defence, and this has been referred to our committee.

The report before you proposes to change the *Rules of the Senate* such that, upon the adoption of a committee report, the Senate may then adopt a motion requesting a response from the government within 150 days. Failing a response, the *Rules of the Senate* would require a detailed explanation from the Leader of the Government in the Senate. Further to that, 150 days after the adoption of such a request, the report and the response, or, failing

[ Senator Robichaud ]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I want to commend Senator Milne and her committee for having come up with what, I think, is an excellent rule recommendation. Perhaps it is being a little optimistic to say that the government would have an obligation. I do not think the government is anywhere required to reply.

• (1430)

That being said, I wonder whether Senator Milne and her colleague would agree to perhaps tightening up the clause that reads as follows:

(3) Upon adoption of a report or a motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader...

Would it not be advisable to have the request directed to the minister responsible as well as to the government leader and to insert the word "immediately"? With all due respect to the excellent work of our clerk, a few days may go by, because of other responsibilities, before he is able to get to it. Meanwhile, the 150 days start ticking away.

I would recommend that the minister also be made directly aware of the views of this chamber through a communication by the Clerk of the Senate. The Leader of the Government should be copied so that our views go directly to the minister, rather than to the minister through the Leader of the Government. It may sound a bit picky, but in my opinion an address directed to the minister carries more weight.

**Senator Milne:** The honourable senator's request seems to be a proper one. I wish we had incorporated that into the report in the first place. However, I think the report as it stands will probably do. Normally, the communication between this chamber and the other is through the Leader of the Government in the Senate. This is the normal procedure, the normal channel of communication, except of course in the papers. I think the report as it stands will be adequate.

**Hon. Terry Stratton:** Honourable senators, I have a question for the chair of the Rules Committee. Could we not, with the concurrence of this chamber, simply agree to that amendment now? If amended, the clause would add emphasis on what needs to be done without dramatically changing the report at all. As a matter of fact, that amendment to add the minister would add to the report's effectiveness.

**Senator Milne:** Honourable senators, I must tell you, I may be chair of the Rules Committee, but I am unclear as to how to effect that change within this chamber itself. Should an honourable senator move an amendment to the report? Is someone willing to make that motion? If so, I am quite willing to accept it.

**Senator Stratton:** Honourable senators, I move that the report be amended to add the minister.

**Senator Lynch-Staunton:** Honourable senators, I think we need precise wording, in writing. Perhaps we could suspend this item and write out an amendment.

**Senator Milne:** Honourable senators, with the permission of the chamber, may we return to this item later on the Orders of the Day?

**Hon. Anne C. Cools:** No.

**Senator Stratton:** I move adjournment of the debate.

**Senator Kinsella:** Question!

**Senator Stratton:** Honourable senators, I was unaware that other senators wish to speak to this report today. With the permission of honourable senators, I withdraw my motion to adjourn so that others may speak.

**The Hon. the Speaker pro tempore:** Honourable senators, we will resume debate.

**Hon. A. Raynell Andreychuk:** Honourable senators, I would ask the chair whether she recalls that, when the committee was dealing with this matter, the intent was to convey the message to the minister. The Leader of the Government in the Senate is a cabinet minister, and we thought that fact would carry additional weight. We weighed both points. Certainly the Leader of the Government here would be more compelled and obliged to take note of this message. I think the committee's message would be covered if the clause read, in part, "to the Minister and to the Government Leader..."

That would be in line with the committee's intention and would provide greater certainty, as Senator Lynch-Staunton has said. I hope we can pass that motion to amend and not delay the report any further by returning it to the committee.

**Senator Cools:** Honourable senators, I have looked at the report with some interest. I should like some explanation on the statement that begins at the bottom of page 1:

On May 17, 2001, the Senate had referred to your Committee a motion by Senator Gauthier, as amended by Senator Lynch-Staunton, that would have amended the *Rules of the Senate* to enable the Senate, after approving a report submitted by a standing committee, to refer that report to the Government with a request for a comprehensive response by the Minister within 90 days.

The paragraph continues to say essentially that that report was not adopted prior to prorogation.

Communication between the two Houses of Parliament was traditionally handled by message. According to this report, there is mention of "referring" a report to the government. What mechanism could the Senate possibly use to refer a report to the government?

**Senator Lynch-Staunton:** It could use a message to the minister.

**Senator Milne:** Honourable senators will read, at page 5, the following:

Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader who shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government's response or give an explanation for not doing so...

**Senator Cools:** Honourable senators, I have read it carefully and I would submit that the Clerk sending a piece of mail or a communication to the government leader is not quite the same thing as “referring” a matter to the government. We know what we do when we refer a matter to a committee here. It is a clearly understood parliamentary procedure. As far as I know, there is no real method for referring a matter to a minister. I should like some clarification. The comment of the honourable chairman of the Rules Committee does not explain how a matter here in the Senate can be referred to a minister.

I would assume that, if we had such a procedure, there must be a reverse procedure where a minister could simply refer a matter to the Senate. The business of reference in the high court of Parliament, as is the business of reference in a superior and inferior court, has a particular meaning. I should like to know what “refer” means in this report. My interest in this issue has been stimulated. Are we following proper procedure?

**Senator Milne:** Honourable senators, if one reads further in the report, one will see that the present committee, as compared to the one in the last session of this Parliament, did not follow exactly the same procedure. I refer you again to point three in the recommendations:

Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader who shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government’s response or give an explanation for not doing so...

**Senator Cools:** That is not a “reference.” That is a mere delineation, a system whereby a document is carried by one person’s hand to the other. That is not a reference; neither does it carry the power or the system of an order of the Senate that a reference historically and traditionally carries.

• (1440)

A reference is a peculiar thing. This is not a reference. This is not much more than asking one of the pages to deliver a piece of paper.

On motion of Senator Stratton, debate adjourned.

## COMMITTEE OF SELECTION

### FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Committee of Selection, presented earlier this day.

**Hon. Bill Rompkey** moved adoption of the report.

Motion agreed to and report adopted.

## PANDEMIC OF HIV/AIDS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the pandemic of AIDS-HIV which is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day, and the role that the Government of Canada could play in fighting the disease which is destroying much of the emerging third world.—(*Honourable Senator Jaffer*).

**Hon. Yves Morin:** Honourable senators, this month, as we marked World AIDS Day, we also marked a milestone of sorts. For the first time, half of the 42 million people infected with the disease are women. More than three-quarters of these people live in sub-Saharan Africa, where the heaviest burden is being borne. There, women make up nearly 60 per cent of those who are infected, and the rate of AIDS infection among women aged 15 to 24 is twice that of men of the same age.

Infected women are spreading the disease to their children through childbirth and breast-feeding. In fact, while we in North America think of AIDS as a disease affecting gay males and drug users, in most of southern Africa, HIV/AIDS is becoming overwhelmingly a disease of women and children.

The burden of AIDS in this part of the world is being made worse by famine. It is a vicious circle. When illness strikes, people are unable to work the fields, and women and girls are responsible for as much as 80 per cent of food production in this area.

Much attention has been focused on the lack of treatment options for people in Africa. In North America and Europe, drugs have changed AIDS from a death sentence into a chronic disease to be managed. In Africa, according to the World Health Organization, maybe 1 per cent of people with AIDS have access to those drugs. The typical African woman is dead three years from the time she learns she has the disease.

While progress is being made on making treatments more easily available to people in Africa, we cannot lose sight of the fact that HIV/AIDS is a disease that is completely preventable. We must take whatever measures we can to help prevent the spread of AIDS, not only in our own countries but also in countries such as Lesotho and Malawi, Mozambique and Swaziland, Zambia and Zimbabwe.

The basis of AIDS prevention, telling women they can say “no” to sex and use protection, and telling men to respect women’s choice, runs counter to cultural norms in many African countries. The development of a prevention method that women could control would save millions of lives every year.

Such women-controlled products exist and are now being tested. Preliminary studies have shown that these products, known as microbicides, would substantially reduce the transmission of AIDS. Microbicides offer a powerful new prevention tool in the fight against this terrible disease. These compounds are, for this reason, very promising products, particularly for young women.

This fact is being recognized throughout the world. Dr. Geeta Gupta, President of the International Center for Research on Women, has said:

I firmly believe that the development of microbicides could do for women's reproductive health the same thing that the pill did in its invention 40 years ago.

This could do for infection (from AIDS) what the pill did for fertility control for women in terms of putting power into their hands...

Unfortunately, the great potential of this preventive tool may never be realized. Pharmaceutical countries will not invest in microbicides because the main market would be in developing countries. Women in these resource-poor settings would have limited ability to pay for these products.

Many countries in the industrial world have, however, committed to correcting the problem. They have made the development of microbicides a priority among their global health initiatives. For instance, the Department of International Development of the United Kingdom has recently invested \$36 million in projects on microbicides in South Africa. Other European countries have also donated generously to this program, including France, Germany, Sweden, Belgium and Ireland. A small country like the Netherlands has just invested \$12 million. The U.S. National Institutes for Health, for its part, has distributed \$53 million for this microbicide program. It is evident that microbicide research has become a priority both in Europe and in the U.S. These countries have all invested heavily in programs targeted to ensuring the benefits of microbicides reach African countries.

The Canadian AIDS Society has also made microbicides one of its top priorities. The Canadian government, however, has not, up to now, invested in this crucial research field. This is especially surprising, as Canadian researchers have already developed very promising microbicides for the prevention of AIDS. For example, sodium lauryl sulfate, a microbicide developed by a Toronto company, will finally be tested clinically, with the help of the U.S. government. Another sodium lauryl sulphate microbicide, developed by Dr. Michel Bergeron of Laval University, has been found in preliminary animal and human studies to be both safe and effective, but must now be tested clinically in Africa.

The cost of an adequate microbicide clinical trial in Africa is not cheap. It amounts to some \$4.5 million. However, there is no way around it. It must be done before these products can be made widely available.

• (1450)

As Stephen Lewis, the UN special envoy for HIV/AIDS in Africa, recently stated, the pendulum will swing. With the mobilization of technical capacity, you could turn around AIDS in Africa in five or six years.

Canada has taken a leadership role among G8 countries in promoting a new Africa Action Plan and will invest \$6 billion in it. An effective microbicide is an essential part of the arsenal for preventing this unprecedented epidemic among the African population. We must see that this product reaches those who desperately need it. I call on the Canadian government to follow the lead of other countries and invest in microbicide research. I call on honourable senators to support initiatives that may well

save the lives of millions among the most vulnerable people of the world, sub-Saharan African women.

[*Translation*]

**Hon. Eymard G. Corbin:** Honourable senators, I noticed that the honourable senator emphasized the need for the government to contribute to the development of this kind of product.

Could you tell us which Canadian pharmaceutical companies are working in this field? Why do they need to wait for the government to give them a push, when the government has given substantial tax breaks to Canadian pharmaceutical companies to pursue work in this country?

It seems to me that there lies a zone of incredibility between the two. My criticism is in no way directed to the honourable senator or to his comments. However, there is an important link missing in the global effort to develop the medicines needed to fight the devastating effects of the scourge that is sweeping across Africa and other parts of the world.

**Senator Morin:** Honourable senators, I thank Senator Corbin for his question. Indeed, this is a particular problem, in that pharmaceutical companies are private businesses that invest where it is profitable. They do not invest where there is no profit to be made. Unfortunately, in the case of microbicides, the market is in Africa, specifically among young African women who currently make up the lion's share of AIDS cases. They cannot afford to pay for these products.

Of course, it would be very nice if pharmaceutical companies were to invest in research, but the reality is that they are independent entities and they will invest where they see fit. They are in business and most of them are multinational corporations that make decisions outside Canada.

That said, we must be realistic, pragmatic, and try to save the lives of these young women. It has now been proven that the prophylactic measures used in North America cannot be used in Africa. Women do not have the independence needed to use these means. There is also the issue of a vaccine. A vaccine will not be available in Africa for another 10 years.

So these microbicides need to be promoted. Other countries have done so, Holland has invested \$12 million, England \$36 million, and the United States \$60 million. The fact that Canada is not investing in them is all the more ironic in that our researchers have developed some excellent products. Yet, they cannot get the necessary government funding to carry out clinical trials in order to make these products available to the young women of Africa.

I agree with Steven Lewis, an expert in this area, that this is something that must be done promptly. Canada must fall into line with the other countries on this.

On motion of Senator Jaffer, debate adjourned.

## OFFICIAL LANGUAGES

### INQUIRY

**Hon. Jean-Robert Gauthier** rose pursuant to notice of Tuesday, December 10, 2002:

That he will call the attention of the Senate to the need to put in place a real policy on the active offer of judicial and legal services in the minority official language and the need for the federal government to take all necessary measures in order to serve official language communities at risk.

He said: Honourable senators, this is a timely topic. All of the figures and information I will be sharing with you come from the Justice Canada study entitled "Environmental Scan: Access to Justice in Both Official Languages," published in 2002. It describes recent changes in languages and the law, and indicates a general dissatisfaction with legal services in French in the nine provinces and three territories in which French is the minority language.

The provinces are classified into three groups. First, there is the group where work has yet to begin: Newfoundland and Labrador, and British Columbia. The researchers who contributed to the report suggest a census of bilingual lawyers, and appointment of bilingual prosecutors and at least one bilingual judge. To supplement those measures, interprovincial loans of services should continue.

Then we have the provinces where progress toward better access to justice in the minority official language is in its infancy: Alberta, Saskatchewan, Manitoba, Nova Scotia and Prince Edward Island. In those cases, more francophone judges need to be appointed and bilingual court staff positions created, and innovative approaches adopted, including single-window service, itinerant courts and computerization.

The three central provinces — Ontario, Quebec and New Brunswick — of course have their own problems, but those problems are not as serious.

Consequently, less significant measures are needed to improve access to services in French. I am quoting from the report:

For these provinces, services in both official languages need to be made easily accessible throughout the entire province in question, an active offer policy needs to be developed and implemented, measures need to be taken to ensure that judicial personnel are able to serve the public in the language of their choice, and use of the minority language needs to be standard practice in order to overcome the idea that proceeding in the minority language creates an inconvenience or increases the costs and time involved.

• (1500)

A survey of lawyers revealed that they are generally dissatisfied with French language judicial and legal services provided by provinces other than Quebec. The report shows the levels of dissatisfaction among lawyers in the following categories:

criminal law, bankruptcy law, and the law of divorce and support payments for all of the provinces with the exception, of course, of Quebec.

It is interesting that the level of dissatisfaction in the area of criminal law is so high when the Criminal Code contains provisions — sections 530 and 530.1 — that ensure Canadians the right to services in French.

The problem of access to services in French clearly has an impact on the choice of parties on whether or not to proceed in French in courts outside Quebec. As a matter of fact, delays and costs incurred as a result of requesting a trial in French do influence parties and discourage them from proceeding in French.

According to the report, 54 per cent of lawyers outside Quebec are of the opinion that the additional delays affect the decision as to whether to proceed in French; 39 per cent of lawyers believe that the additional costs affect this decision; 13 per cent of lawyers believe that deciding to proceed in French will have an influence on the judgment in the case, or even on the chance of an appeal; 26 per cent of lawyers perceive a fear of negative impact on the part of their clients, as explaining their decision not to proceed in French; 54 per cent of these clients do not perceive that fear and 20 per cent do not know.

This is insulting when one considers that access to a fair trial in the official language of one's choice is a constitutional right!

The situation for anglophones in Quebec is quite different. Lawyers in Quebec are generally quite satisfied with legal services provided in the minority language in all three federal jurisdictions, criminal law, divorce law and bankruptcy law. The level of satisfaction in Quebec is 87 per cent, even 100 per cent in some regions.

We have to wonder. Are Canadians aware of their constitutional rights to a trial in the official language of their choice? According to the lawyers surveyed in the poll, 40 per cent believe that judges inform accused individuals who are not represented by counsel of their language rights. In Quebec, 71 per cent of the lawyers questioned say that they are aware of section 530 and 530.1, and 60 per cent, again in Quebec, think that judges inform accused persons, who are not represented by counsel, of their language rights.

The researchers propose an active analysis of minority official language services, and I quote the report:

At the national level, with the exception of a few provinces, active offer of services in the minority official language is not always made, and the components of what might be expected in a genuine policy are present only in somewhat limited fashion.

Yet, there is an active demand for services in French. Some 128 lawyers with French as their first language, who practise outside Quebec, estimated that, on average, their francophone clients represent 40 per cent of their total clientele and that about 46 per cent of their francophone clients request judicial and legal services in French. Whereas, the 42 lawyers whose first



language is English, but who are bilingual, estimated that their francophone clients represent about 15 per cent of their total clientele, and that 46 per cent of those francophone clients request services in French.

As for interpretation services, 64 per cent of lawyers believe that they are easy to access. Assembling a jury that is able to understand the case in French is problematic in some regions of the country. The lower the concentration of francophones in a region, the more difficult it is to assemble this kind of jury.

The 1999 *Beaulac* judgment notwithstanding — a *cause célèbre* — the problems with access to legal services in French persist. The report entitled “Environmental Scan: Access to Justice in Both Official Languages” interprets the access to legal services in the minority language as follows:

The situation as it relates to access to justice in both official languages evidently varies from one province, territory or judicial division to another. For one thing, the three territories have a less highly developed judicial infrastructure. In those three jurisdictions, borrowing services from other provinces appears to offer a temporary solution while waiting for resident bilingual judges to be appointed.

The report proposes some solutions for the problems specific to each province and territory. It points out the obstacles, in some instances offering best practices to follow, and proposes some potential solutions. These recommendations merit serious study and need to be implemented.

That is why I feel there is an urgent need for the Standing Senate Committee on Official Languages to address this issue.

**The Hon. the Speaker:** Honourable senators, if no other senator wishes to speak on this inquiry, the inquiry will be deemed debated.

#### ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 11, 2003, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 11, 2003, at 2 p.m.

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**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, February 6, 2003**

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

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05							

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

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0			
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3rd 02/12/04 2 at 3rd 03/02/04	03/02/04		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	–	–	–	02/12/11	02/12/12	27/02

#### COMMONS PUBLIC BILLS

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

#### SENATE PUBLIC BILLS

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