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OFFICIAL REPORT  
(HANSARD)

**Thursday, February 13, 2003**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Thursday, February 13, 2003

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

Prayers.

[*Translation*]

### ROYAL ASSENT

The **Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

February 13, 2003

Mr. Speaker,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed on the Schedule of this letter on the 13th day of February, 2003, at 8:50 a.m.

Yours sincerely,

Barbara Uteck

*Secretary to the Governor General and Herald Chancellor*

The Honourable  
The Speaker of the House of Commons  
Ottawa

Bill given Royal Assent, Thursday, February 13, 2003:

An Act to amend the Nuclear Safety and Control Act

(*Bill C-4, Chapter 1, 2003*)

**The Hon. the Speaker:** Honourable senators, I might add that this was the first time that Royal Assent to a bill passed by both Houses of the Parliament of Canada has been given by written declaration. History was made this morning when the Clerk of the Senate and Clerk of the Parliaments presented Bill C-4, to amend the Nuclear Safety and Control Act, to the Honourable John Major, Deputy of the Governor General, for Royal Assent.

[*English*]

As honourable senators are aware, many attempts have been made over the years to modernize our procedure for Royal Assent. This morning's event culminated the work of many honourable senators, in particular the work of the Leader of the Government, Senator Carstairs, who sponsored Bill S-34, respecting Royal Assent to bills passed by the Houses of Parliament, which became law on June 4, 2002, and the work of the Leader of the Opposition, Senator Lynch-Staunton, who presented a number of bills on this subject in past sessions.

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

## SENATORS' STATEMENTS

### EQUALIZATION PROGRAM

**Hon. Bill Rompkey:** Honourable senators, I wish to draw the attention of the chamber to the announcement today by the Prime Minister that the cap on equalization payments will be lifted. This announcement is important to my province as well as the provinces of Senator Murray, Senator Hubley, Senator Carstairs, Senator Chaput and Senator Merchant, all of which receive equalization payments because our economies are not as strong as those of other parts of the country.

The cap of \$10 billion has been lifted and, regardless of national economic growth, money will flow to poorer provinces. This is not everything we need to change the equalization program, but it is a good start.

I rise to give credit to those senators who took part in the study on this matter, which was well received in all provinces. I wish, in particular, to single out Senator Murray, who chaired the Standing Senate Committee on National Finance, and Senator Cook, who got wind of this information today and advised us of it.

The Senate made an important contribution to this issue. Today's announcement is an important measure and, although it is not good enough, it is a first step.

### CANADA SNOW SCULPTURE COMPETITION

**Hon. Elizabeth Hubley:** Honourable senators, just to the east of the Parliament Buildings, in Major's Hill Park, the Canada Snow Sculpture Competition has concluded, and the resulting frozen sculptures are truly magnificent. This annual competition, a flagship event of the National Capital Commission's Winterlude festival, in collaboration with VIA Rail Canada and the Government of Canada, features 13 teams of snow sculptors representing each province and territory. Each team of three carvers is allotted a total of 43 hours over a five-day period to complete their masterpieces. This year's theme is "The Spirit of Canada."

• (1340)

Honourable senators, the Prince Edward Island team of Gerald Beaulieu, Ahmon Katz and William (Woody) White were awarded first prize in the competition with a sculpture entitled "Canada at Vimy," depicting the front wall of the historic war memorial in northern France. They captured second place and the People's Choice Award in last year's competition.

The Spirit of Canada is the largest of 25 figures on the actual Vimy memorial and is meant to convey the sorrow of a young nation mourning its fallen soldiers. She stands, head heavy, looking down at a laurel wreath, a sword and a helmet placed upon it. Behind her are columns representing Canada and France,

forming a supposed “gateway to a better world.” On these columns are figures depicting peace, truth, justice, knowledge, gallantry and sympathy.

Honourable senators, when I stood in front of that dramatic snow sculpture created by the Island team, I was enveloped by two emotions. One was a sense of pride in the accomplishments of the sculptors themselves. The other was a fittingly cold and sobering reminder of the great cost of war.

Honourable senators, we best honour those who have fallen not by engaging in further conflict but by relentlessly pursuing peace. In our present time of international tension and impending war, this is a truth we would do well to be stalwart about.

I would encourage honourable senators to visit Major’s Hill Park, well muffled and dressed, of course, and have a look at these beautifully crafted and thought-provoking snow sculptures that help celebrate our Canadian wintry soul.

**THE LATE MR. RASPAL DHILLON  
THE LATE MR. RIASAT ALI KHAN**

TRIBUTE

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about the untimely death of two prominent Vancouver people. Vancouver has recently lost two pillars of the multicultural communities with the passing of Rashpal Dhillon and Riasat Ali Khan. Both of these men were well known within the Vancouver community for their hard work, and generosity, and both will be deeply missed.

Rashpal Dhillon was an immigrant success story, having arrived in Canada in the mid-1950s with nothing and becoming the first Indo-Canadian peace officer in Canada, serving with the RCMP for 29 years.

Upon leaving the police force, he took up his own business endeavours and became a prominent figure in the community, serving as an administrator to many Sikh temples and also a member and a director of both the Five River Society and the Yukon division of the Canadian National Institute for the Blind in British Columbia. He was a real pillar of strength in the Vancouver community and for all communities.

Riasat Ali Khan was the founder of the Pakistan-Canada Association, which opened the first mosque in Western Canada. He also served as the head of the B.C. Immigrant Services Society. He was also a board member of the B.C. Cancer Society and a delegate to the Committee for Racial Justice.

Though it was the circumstances of Riasat Ali Khan’s death that shocked Canadians and captured national media attention, we must remember that it is from the way in which he lived his life that we can find an example of what can be achieved with hard work and dedication to our Canadian values of harmony and multiculturalism.

I hope that all honourable senators will join me in expressing sincere condolences to the families of both these great men.

[*Translation*]

**OFFICIAL LANGUAGES**

**Hon. Jean-Robert Gauthier:** Honourable senators, I do not have a crystal ball to predict the future, but I do know that next Tuesday, February 18, there will be a budget. Since it may contain a number of items that are of a great interest to official language communities, I would like to point out that the Official Languages Act was passed in 1988. Over the past 15 years, there has been a great deal of change with respect to official languages in Canada. It is time to review this legislation in order to clarify certain provisions and accountability.

Stéphane Dion will soon table in Parliament his action plan, which should contain a new recommendation, including an accountability framework.

I believe we must have a full debate on this, rather than simply limiting ourselves to new regulations. If Mr. Dion’s action plan is satisfactory, the government should not be afraid of court challenges. Under the current legislation on official languages, legal remedy is difficult and sometimes even impossible.

Mr. Dion has already said that he is afraid that there will be more court challenges if legal recourse were allowed on the issue of protecting, promoting and developing the vitality of official languages in Canada.

Since the Canadian Charter of Rights and Freedoms was passed, section 15 on equality rights has been cited in 733 legal cases. Section 16 on official languages in Canada has been cited five times in the courts, and section 23 on minority language educational rights has been cited in 31 cases. In a democracy, the role of the courts is to monitor how constitutional rights are protected.

Nobody has called into question the use of the courts to protect rights and freedoms. Section 15 has been cited in 733 cases, and that is much more than the five cases involving section 16, which stipulates that English and French are the official languages of Canada.

What about court challenges? As I was saying yesterday in the Senate, there are no regulations for one of the most important sections of the Official Languages Act, section 41. This section is found under Part VII, which deals with the advancement of French and English in Canada. A remedy cannot be sought in court under this section. This is prohibited. The federal government cannot take the lead.

Now, the Northwest Territories also have an Official Languages Act, but it has no regulations. It is high time that implementing regulations were adopted for section 41 and for the Northwest Territories’ Official Languages Act. It is up to us.

[English]

[Translation]

[Later]

### NATIONAL FLAG DAY

Leave having been given to revert to Senators' Statements:

**Hon. B. Alasdair Graham:** Honourable senators, I rise at this time because February 15 is Flag Day in Canada. As we will not be sitting on that day, I thought it appropriate to observe that extremely important day in Canada's history.

On National Flag Day, I recall the very passionate and emotional flag debate, as most of you would. It took a lot of strong leadership from then Prime Minister Lester B. Pearson to overcome opposition, both in the House of Commons and throughout the country. Like many major historical changes in the life of a great nation, there is always some fear of the unknown. However, on February 15, 1965, the wonderful story of the maple leaf came into being. The maple leaf flag became a reality.

It is a story about a remarkable, adventuresome people whose footsteps across the planet have meant peace and tolerance, justice and freedom. For many years I was privileged to be a part of the evolving course of international democratic development in many countries around the world. I have some appreciation of how meaningful our flag is to little people who seek a better life for themselves and their families. I think of the thousands of people who wait in immigration offices around the world seeking access to Canada. I think of their personal joy at the sight of the maple leaf as it unfolds majestically, like today, under a brilliant, if a bit frosty, blue sky.

I often think of what a thrill it was and, indeed, what a comfort it was to me personally, to see our red maple leaf flag as it was carried by our peacekeeping soldiers in places such as Namibia and Nicaragua, where I happened to be with an international election observing team, and the thrill we get when Canadians win gold, whether an individual or our national women's or our national men's hockey teams and our flag is raised at the podium.

As we think of our National Flag Day and all it represents, honourable senators, let us remember that our flag represents values and a better place. It represents a special community which has built a vast country north of the 49th parallel. Let us also remember, at this particular time in our history, that no matter what difficulties the international community experiences today, that Canadians are committed and talented people who enjoy enormous respect across this planet, and that our voice must always speak out, strong and free, in the interests of peace and in the interests of stability because that is the way that it has always been and that is the way it always will be.

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

## ROUTINE PROCEEDINGS

### CANADIAN FIREARMS PROGRAM REVIEW

TABLED

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, I have the honour to table in both official languages a document entitled "Canadian Firearms Program Review."

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE PRESENTED

**Hon. Lise Bacon,** Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 13, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2002-2003.

#### Foreign Affairs (Legislation)

Professional and Other Services	\$ 1,750
Transport and Communications	\$ 500
Other Expenditures	\$ 500
Total	\$ 2,750

#### Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 40,800
Transport and Communications	\$ 1,350
Other Expenditures	\$ 1,770
Total	\$ 43,920

Your Committee recommends that the following additional funds be released for fiscal year 2002-2003.

#### National Security and Defence (Special Study on National Security Policy)

Professional and Other Services	\$ 0
Transport and Communications	\$ 36,000
Other Expenditures	\$ 0
Total	\$ 36,000

LISE BACON  
Chair

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

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

[English]

Thursday, February 13, 2003

**NATIONAL SECURITY AND DEFENCE**

## BUDGET—REPORT OF COMMITTEE PRESENTED

**Hon. Michael A. Meighen**, for Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, February 13, 2003

The Standing Senate Committee on National Security and Defence has the honour to present its

**SIXTH REPORT**

Your Committee was authorized by the Senate on Wednesday, November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters. Your Committee respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY  
*Chair*

(For text of report, see today's Journals of the Senate, Appendix "A", p. 508.)

**The Hon. the Speaker:** When shall this report be taken into consideration?

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

• (1350)

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

## BUDGET—REPORT OF COMMITTEE PRESENTED

**Hon. Jane Cordy**, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

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

**EIGHTH REPORT**

Your Committee, which was authorized by the Senate on Tuesday February 4, 2003, to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee has been authorized to examine issues concerning mental health and mental illness, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and that it be empowered to travel within Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JANE CORDY  
*For the Chair*

(For text of report, see today's Journals of the Senate, Appendix "B", p. 514.)

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

**Senator Cordy:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

**Hon. Anne C. Cools:** Honourable senators, why are we not following the usual routine? I am willing to grant consent. It is just that I noticed the previous senator asked for leave to consider the report today. I am curious. Is this pressing business?

**Senator Cordy:** Honourable senators, the Senate is not sitting next week. As well, the Senate will not sit the first two weeks in March. The committee will be travelling the last week of March, and we would like to make plans to travel to Toronto, if that is acceptable to honourable senators.

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

**Hon. Senators:** Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

## MARRIAGE BILL

### FIRST READING

**Hon. Anne C. Cools** presented Bill S-15, to remove certain doubts regarding the meaning of marriage.

Bill read first time.

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

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

[Translation]

## NEGOTIATIONS WITH INNU (MONTAGNAIS) OF QUEBEC

### NOTICE OF INQUIRY

**Hon. Aurélien Gill:** Honourable senators, pursuant to rule 57(2), I give notice that on Tuesday, March 18, 2003:

I shall call the attention of the Senate to the issues related to the common approach to negotiations with the Innu (Montagnais) of Quebec, Quebec and Canada, in relation to the current debate.

[English]

## QUESTION PERIOD

### HEALTH

#### STATUS OF LEGISLATION PROPOSALS

**Hon. Terry Stratton:** Honourable senators, my question is for the Leader of the Government in the Senate and relates to outstanding bills about which we have heard nothing. Almost five years ago, Health Canada told Parliament, through its 1998-99 report on plans and priorities, that it would institute legislation for modernization of the Health Protection Act and give itself the tools to deal with infectious diseases under the Quarantine Act. In March 2001, through its 2001-02 report on planning and priorities, Health Canada said that a bill might be introduced that year to address various gaps and inconsistencies under the Food and Drugs Act, Hazardous Products Act and the Quarantine Act.

In March of last year, Health Canada told Parliament, through its 2002-03 report on plans and priorities, that it was continuing to develop a detailed legislative proposal to serve as the basis for further discussions before tabling the bill in Parliament.

In September of last year, the Throne Speech promised to renew federal health protection legislation to better address the emerging risks, adapt to modern technology and emphasize prevention.

When will we see this legislation? Does the minister have any idea?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I must indicate to the honourable senator that I have absolutely no idea when we will see that legislation. I will certainly bring to the attention of the Honourable Minister McLellan, that members in this chamber would like to see it sooner rather than later.

**Senator Stratton:** Two bills that aim to prevent the sale and import of unsafe drinking water materials and to establish national drinking water guidelines died on the Order Paper: Bill C-76, in the second session of the Thirty-fifth Parliament; and Bill C-14, in the first session of the Thirty-sixth Parliament. We are now in the second session of the Thirty-seventh Parliament and not a great deal has been heard about this bill. Is it the intention of the government to, at some point, reintroduce the drinking water material safety bill again?

**Senator Carstairs:** As the honourable senator knows, this subject was also mentioned in the Speech from the Throne in the fall of last year. I would hope to see it coming sooner rather than later. As the honourable senator will be aware, we are not sitting next week because we do not have any government legislation before us that is not in one of our committees. I have been pressing actively for some of that legislation to be introduced in this place.

**Senator Stratton:** Honourable senators, I have two more questions about which I should like to inquire. I know the answers will be the same, but we need to put on the record that these issues are also outstanding.

Four years ago, in the first session of the Thirty-sixth Parliament, the government introduced Bill C-80, which aimed to overhaul legislation dealing with food safety and inspection. Almost three years ago, in its 2000-01 report on plans and priorities, Health Canada told this chamber that they planned to introduce that bill in the spring of 2000.

Could the Leader of the Government in the Senate advise us as to whether it is still the intention of the government to reintroduce this bill?

• (1400)

**Senator Carstairs:** Honourable senators, I do not remember any specific reference to it in the Speech from the Throne. I will investigate that matter. I will also extend to the minister responsible the wishes that senators on both sides of this chamber would like to see such legislation.

### JUSTICE

#### LEGISLATION TO COMBAT CYBER CRIME

**Hon. Terry Stratton:** Honourable senators, I have another question for the Leader of the Government in the Senate. It has to do with cyber crime. Over a year ago, the *National Post* carried a report, in its December 28 edition, that the government was working on legislation to deal with the transnational aspects of cyber crime. Then, last May, the Minister of Justice said that he planned to introduce legislation to attack cyber crime last fall.



Corporations and Internet service providers would be required to save information, including e-mails and hard drive contents, for a certain period of time to ensure that the electronic trail is not erased. As is so often the case, the legislative wheels move ever so slowly. In August, the whole matter was put off for consultations that ran through the fall — consultations that could have been held last spring if the government was able to move quickly on it.

Could the Leader of the Government in the Senate advise honourable senators as to when the government expects to introduce its cyber crime legislation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I cannot give a timeline. I can say that the consultations are still going on within the community.

#### GUN REGISTRY PROGRAM

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate. The Minister of Justice has stated that the gun registry program is “moving with what we call cash management.” Can the Leader of the Government explain what is meant by “cash management” and what is being pushed aside and not being funded in order to ensure that the gun registry can be given more money?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, a number of steps were taken. For example, a freeze was placed on new hiring. Travel budgets were eliminated in order to cash-manage the monies that the department had in order to continue to register but not to broaden nor speed-up the program in any way. The minister was extremely sensitive to the fact that there were two reports out there, and he wanted to have those reports before he fully developed a plan and returned to Parliament with that plan.

**Senator LeBreton:** Honourable senators, normally, final Supplementary Estimates are tabled in late February or early March but are not actually passed until almost the last day of the fiscal year. The Supplementary Estimates, of course, are the means by which the government usually advises Parliament about the use of contingencies. Can the Leader of the Government assure honourable senators that there will be no contingencies granted by cabinet for the gun registry between the time the Supplementary Estimates go to print and the time they are given Royal Assent?

**Senator Carstairs:** Honourable senators, we are expecting Supplementary Estimates next week. At that point, the question of the honourable senator will be fulsomely answered.

#### CANADA CUSTOMS AND REVENUE AGENCY

##### LOSS OF PORT OF ENTRY STATUS TO SMALL AND MEDIUM-SIZED AIRPORTS

**Hon. Consiglio Di Nino:** Honourable senators, my question is for the Leader of the Government in the Senate. It is about the decline in business at some two dozen small Canadian airports

that have lost their port-of-entry status since increased security measures were introduced after September 11. Airports at medium-sized Canadian communities as diverse as Lethbridge in Alberta, Estevan in Saskatchewan and Chatham in Ontario have seen business plunge by as much as 90 per cent. Under the new rules, customs agents have been removed from these airports.

The CBC reported on February 8, 2003, that a drop in business has left some small airlines in trouble and they are being forced to cut service and to sell planes. According to that same CBC report, some of those small airports have written to the federal government, asking for customs agents to be brought back to these small community airports.

Could the Leader of the Government in the Senate please inform this chamber of the government’s viewpoint on this issue?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators know quite well that following September 11 there were a number of attempts to ensure that the customs processes in all our airports were working effectively and efficiently. That required additional resources at the main centre of traffic in this country. Resources were moved to the larger airports. As the honourable senator has noted, planes that normally would have landed in Lethbridge are forced to land in Calgary to clear customs and then, should they wish, fly on to Lethbridge.

The reality of the situation is that the planes are not flying on to Lethbridge. I can assure honourable senators that the issue has been raised with the government, which is examining it at this point.

**Senator Di Nino:** Honourable senators, the same CBC report states that Ottawa has suggested that if small communities really want to become ports of entry again, they should come up with the cash to pay for the customs agents.

Since we are now in a pre-budget period, could the Leader of the Government in the Senate tell us if this is the government’s position and if she agrees with it? Is this just a statement made by the CBC, which has no validity?

**Senator Carstairs:** Honourable senators, I do not know whether it was a statement just made by the CBC. I heard the statement because I watched the same program. With respect to the Lethbridge airport, rather active work is ongoing on behalf of the Honourable Senator Fairbairn.

As honourable senators know, there will be a budget next Tuesday. Perhaps we will have more information at that time.

**Senator Di Nino:** I asked the Leader of the Government in the Senate whether she shares the viewpoint that these towns should pay for their own customs agents. She is the person who represents this institution in cabinet.

**Senator Carstairs:** There are user fees for a number of services provided across this country. I have no particular information with respect to this service. I am not sufficiently knowledgeable on this issue to provide an opinion.

## TRANSPORT

### AIR TRAVEL COMPLAINTS COMMISSIONER— REPORTS OF MISLEADING ADVERTISING BY AIR CARRIERS

**Hon. Consiglio Di Nino:** Honourable senators, my second question pertains to an item raised in the recent report by the Air Travel Complaints Commissioner. The report was released at the end of January 2003. Commissioner Liette Lacroix Kenniff complained that some air carriers had been engaging in misleading advertising with respect to travel fares. According to the commissioner:

Some carriers have been advertising fares each way when the actual ticket can only be purchased on a round-trip basis. They show the equivalent of half the round-trip, thus leading customers to believe that they can actually get a cheap one-way fare when they cannot.

Could the Leader of the Government in the Senate share with us her government's thoughts on this issue?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the government is reviewing the report from the complaints commissioner. Hopefully, a response will come in the near future. That particular situation has been of personal concern to me because sometimes one does not see the fine print. The fine print may indicate that a full-fare ticket must be purchased. However, the last few advertisements I have seen seem to be a little bit more clear on that matter. Hopefully, the airlines themselves have responded because it was the right and proper thing to do.

**Senator Di Nino:** Honourable senators, the same report also deals with other issues. In examining the report and information dealing with the final fare that air carriers charge consumers, it becomes clear that the commissioner's complaints are not isolated.

For instance, travel agents have been complaining for some time that the airlines, in their advertising, will try to entice the client with "the lowest possible fare" and that they have failed to effectively detail all the costs, including taxes, airport fees and security charges that make up the final fare that consumers are charged.

• (1410)

Beyond the fact that this issue touches upon the pre-budget rumour that the government is considering the reduction of the air security fee, could the minister please explain what her government intends to do to ensure greater transparency in the advertising conducted by airlines?

**Senator Carstairs:** Honourable senators, there are two issues here. Certainly, there is the charge that the government has imposed. I do not think it would be appropriate for the government to force the airlines to publish that fee. That is a

government responsibility and it should be held accountable for informing the public about that particular charge.

With respect to all other issues, the government is presently looking at this report and will bring forward recommendations.

**Senator Di Nino:** Honourable senators, I would like to engage the minister in a discussion on that matter at the appropriate time.

### THE BUDGET—POSSIBLE REDUCTION TO AIR TRANSPORT TAX

**Hon. Consiglio Di Nino:** Might I ask one final question of the Leader of the Government in the Senate? I do not know what the budget contains, but the budget will likely lower the air transport tax. Both the Minister of Transport and the Minister of Finance have indicated as much.

If a reduction in the air transport tax takes effect, will the government ensure that the reduction will apply to all tickets purchased by consumers, even though they may have been purchased before the reduction date, for flights to be taken subsequent to that date?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as the honourable senator knows, the government does not like retroactivity. I do not anticipate it will do that. It may be complex for the consumer if the government were to do it.

However, the honourable senator seems to have more knowledge about what is in that budget than I as a member of the government. At this point, I certainly cannot give him any information about what is in that budget. I have not seen it yet. I do not anticipate that I will see it until Tuesday.

**Senator Di Nino:** We have friends!

## FOREIGN AFFAIRS

### POSSIBLE WAR WITH IRAQ—CONTENT OF SPEECH TO BE GIVEN BY PRIME MINISTER IN CHICAGO

**Hon. Douglas Roche:** Honourable senators, I have several questions about Iraq for the minister. Will the Prime Minister's speech in Chicago today help to calm the present atmosphere in the U.S., which could fairly be described as approaching hysteria? Can the Prime Minister exude some confidence that the international structures for peace, if they are given the support of all countries, including the U.S., will protect the people far better than the prosecution of a war in Iraq?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I do not think that the purpose of the speech the Canadian Prime Minister will give to an American audience this evening in Chicago is to calm American fears. I believe that is the responsibility of the American government.

What he will do is present the Canadian position to the individuals gathered — who, I understand, have some expertise on foreign policy — which is that we stand by the United Nations and resolution 1441.

## NATIONAL DEFENCE

### POSSIBLE WAR WITH IRAQ— INVOLVEMENT OF TROOPS

**Hon. Douglas Roche:** Honourable senators, yesterday, the government announced that Canadian Armed Forces would be sent to Afghanistan. Sending Canadian Armed Forces personnel to Afghanistan to act in a peacekeeping role, in the rebuilding of that war torn society, is a good idea. I support it. It is a significant and proper use of Canada's military.

Can the minister confirm that, in the event of war in Iraq, Canada's Armed Forces will not be involved?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I can only repeat what Minister McCallum said yesterday. By this agreement with our allies to send up to 2,000 troops to Afghanistan to act as peacekeepers, we have undertaken a traditional Canadian role. There will not be many left to send other places. We only have so many troops in this country and we only let so many of them out of the country at any time.

However, we have naval forces and JTF2 forces. No decision has been made with respect to those forces. No requests have been made to us by the United Nations for those troops. I cannot give the honourable senator the kind of absolute guarantee he wants today.

## HEALTH

### HEALTH AND SOCIAL TRANSFER—DEMISE OF POST-SECONDARY EDUCATION AND SOCIAL ASSISTANCE TRANSFERS

**Hon. Lowell Murray:** Honourable senators, last week, during the first ministers' conference on health, the Prime Minister undertook on behalf of the federal government that, as of April 1, 2004, the amount of the federal health care transfer would be separated from the block funding mechanism known as the Canada Health and Social Transfer and that a separate and distinct transfer would be created. That would leave in the CHST post-secondary education and social assistance.

My question is this: What is the government's thinking about those two programs? Is it the government's intention to have two more separate transfers, one for post-secondary education and one for social assistance — which would seem to be the way to go, following the logic of last week's decision — or to leave those two programs in a block funding mechanism such as the CHST?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the honourable senator knows that the reason for making the statement that, for health purposes, the CHT would replace the CHST was to establish greater accountability on how health dollars will be spent. However, no decision has been made with respect to the other two components, the post-secondary education transfer and the social assistance transfer, which at present are bundled in something known as the CHST.

**Senator Murray:** I appreciate that, of course. The greater accountability, in my humble opinion, will involve not just the provincial governments, who deliver the health services, but also the federal government in the sense of accounting to the public for the amounts of money that are transferred annually. The minister will be more aware than most that the amount of this transfer is the subject of considerable debate between the provinces and the federal government.

Let me ask the minister whether the provinces are now being consulted about whether they would prefer to have separate transfers for post-secondary education and social assistance, fields in which accountability is arguably at least equally important, or whether they are insisting that those two programs be lumped together or kept together in a block funding mechanism?

• (1420)

**Senator Carstairs:** My understanding, honourable senators, is that that discussion did not take place at the first minister's meeting because, of course, it was devoted to the health care agenda. Clearly, before any decision is made with respect to the other two components, further discussions will have to take place.

[*Translation*]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

#### COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Fernand Robichaud (Deputy Leader of the Government),** pursuant to notice of February 12, 2003, moved:

That, during the period of February 14 to 24, 2003, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

He said: Honourable senators, I would like to say a few words on this motion. The Honourable Senator Joyal commented to me that people should not get the impression that the work of the Senate of Canada stops when the Senate does not sit for a week. The committees are an extension of the Senate and the work they do is recognized across the country. This motion allows committees to sit in order to continue the work they have started. At least five committees want to meet next week. I invite all the honourable senators to support this motion.

[*English*]

**Hon. Consiglio Di Nino:** Honourable senators, I should like to add to the comments of Senator Robichaud in speaking in support of the motion, which is relevant to our responsibilities as parliamentarians.

When the Senate and committees of the Senate are not sitting, I believe there is still an erroneous impression in the public that we go home, go to bed and sleep. Our offices are still open. Our computers are on sometimes longer than one would like. The fax machines are operating, as are our telephones. I am sure I speak for all honourable senators when I say that I often receive calls from colleagues or from parliamentary offices late at night and early in the morning on weekends. I think it is time we put on the record that we do not work a 37.5 hour week, and this is certainly not a nine-to-five job.

On behalf of all honourable senators, I want to put on the record that our offices still function and our responsibilities continue whether the Senate is sitting or not.

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

[*Translation*]

**Hon. Lowell Murray:** Honourable senators, I would simply like to clarify one small thing, not in Senator Robichaud's speech but in the statement made yesterday by the Leader of the Government. She listed the Senate committees that want to sit next week, but she failed to mention the Standing Senate Committee on National Finance.

[*English*]

It is not because our amour-propre is offended, but rather simply to insist and to reassure those members of the committee who may be wondering, that we are indeed sitting on Tuesday next at 9:30 in the morning when we expect the witness will be the Honourable Sheila Copps, Minister of Canadian Heritage, who is coming to testify on several important policy matters that have been of interest to the committee.

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

Motion agreed to.

### LOUIS RIEL BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator LeBreton*).

**Hon. Thelma J. Chalifoux:** Honourable senators, I should like to ask the Honourable Senator LeBreton whether she plans to speak on Bill S-9 in the near future as I am anxious for this bill to go forward to committee for examination.

**The Hon. the Speaker:** It stands in the name of the Honourable Senator LeBreton. Does the honourable senator wish to respond?

**Hon. Marjory LeBreton:** I was planning to speak to it when we are back after the March break. I will try to speak to it during the week after next, but I was planning to do it as soon as we return after the March break.

[ Senator Di Nino ]

Order stands.

• (1430)

### STATUTES REPEAL BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Tommy Banks** moved the second reading of Bill S-12, to repeal legislation that has not been brought into force within ten years of receiving Royal Assent.

He said: Honourable senators, I wish to say a word about the provenance of this bill. Mrs. Pelech was a constituent of mine who wrote a letter in January 2001 to the Honourable David Kilgour in which she inquired about an act, Bill C-37, entitled the Canadian Heritage Languages Institute Act, in which she had a great interest and which she noted had been passed by all three elements of Parliament and had received Royal Assent some time before that. She was asking David Kilgour, with a copy of the letter to me, what had happened to that bill. Mr. Kilgour asked if I would inquire into that matter, as he was heading out of town.

I was new and naive and found out that, in fact, the bill had not been brought into force. I thought, oh, some lordly bureaucrat had stood in the way of the supreme will of Parliament. I got all huffy. My then assistant, who of course knew a great deal more than I did, said, "Senator, it might be a good idea if you read the whole bill, including the little bits down at the end." I took his excellent advice and found a clause called "Coming into Force" in which the government had been authorized by Parliament to invoke this bill and to put it into force whenever it liked, for all intents and purposes.

I thought about it and realized that there are many circumstances in which the government must have, perforce, that kind of flexibility and freedom of action and that sometimes those acts will be brought into force subsequent to another action or in lieu of something else happening. The government needs to have, from time to time, that kind of flexibility.

I decided to inquire, just out of curiosity, as to how many such bills there were. I was amazed to find out how many there were. I would crave the permission of senators to distribute a list that I have obtained in both languages of those acts of Parliament which, according to the *Canada Gazette*, among other sources — this is an unofficial list — have received Royal Assent and are not now in effect.

Do we need a vote on that permission, Your Honour?

**The Hon. the Speaker:** Senator Banks would like to distribute a document that he has referred to in his remarks. Is leave granted for the distribution of the document?

**Hon. Senators:** Agreed.

**Senator Banks:** Thank you, honourable senators.

Honourable senators, I call your attention to the fact that the title of the document you are about to receive says that it is an unofficial list, but it is based on the information that I have to

date. Honourable senators will note that it is a long list — nine pages — of legislation that has been enacted by both Houses of Parliament, has received Royal Assent and has never been brought into force.

It occurred to me that there was a reasonable length of time during which that freedom of action ought to be granted to this or any other government, but that there should be some point at which a government would have to come back and ask Parliament again. There is a time at which the circumstances which obtained when the legislation was first introduced, discussed, deliberated and passed would be totally different from the circumstances in which it might subsequently be brought into force and effect, so much so that I saw that there was actually some danger in respect of some of these acts which stayed in the hip pocket of the government, not just the last government and this government but, unless we do something about it, all successive governments, whatever the stripe may be and whatever the circumstances in which they might find themselves wherein these pieces of legislation might come in handy.

I have devised a bill which is now before you, Bill S-12, that says, in effect, that on the first meeting of Parliament in each year, the Minister of Justice shall place before both Houses of Parliament a list setting out those pieces of legislation that have received Royal Assent and are, at that point, nine years or more old. Failing the government doing something in Parliament to reactivate, if that would be the word, those pieces of legislation, they would, on the following December 31, automatically be repealed.

Honourable senators, the ten-year standard is something that I have picked arbitrarily. The mechanism by which the government might reactivate these bills or save them is something that I hope would be addressed by members of a committee who will know a great deal more about those things than I. However, I suggest that a perusal of the list of these statutes would show that 37 of them were passed in 1985 and could be brought into force by a government tomorrow or ten years hence, absent our doing something about it.

I think ten years is a prudent length of time, after which it seems reasonable that any government ought to be obliged to come back to Parliament and say, "We would like to keep this going." Failing that, according to this bill, they would disappear on the following December 31.

On page 6 of the list that is being distributed, honourable senators will see the Maritime Code, passed by Parliament in 1977 and not yet brought into force. Elements of that act deal with situations that no longer obtain. I only use that as a microcosmic example of what I think is a situation that ought properly to be addressed by this bill.

I must tell honourable senators that there are senior bureaucrats who do not like this bill because it is convenient to have these things in your hip pocket, I suppose. However, I remind honourable senators that it is Parliament that ought to make these decisions. It is Parliament that runs this country. As I have heard my honourable friend comment, if they think an act

ought to be kept in place that long after having received Royal Assent without having been brought into force, then they should come and tell us why and justify to us why that would be so.

Therefore, honourable senators, I am hopeful that you will give second reading to this bill, after due consideration, and that it will be sent to the appropriate committee so that that committee can study the implications of the bill and the means by which they might want to amend it in order that the government can retain certain degrees of flexibility or determine that it is their view that the time line ought to be changed. Ten years, as I said, is simply arbitrary.

• (1440)

Honourable senators, I reiterate: If a bill has been passed through Parliament, given Royal Assent, come into law, but has not been invoked, in most cases, despite the inconvenience, after 10 years, it should go away. We should look at the question again in the context of the then-prevailing circumstances with which the bill deals.

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

## PERSONAL WATERCRAFT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Forrestall, for the second reading of Bill S-10, concerning personal watercraft in navigable waters.—(*Honourable Senator Cook*).

**Hon. Joan Cook:** Honourable senators, I rise today to offer my observations and opinions on Bill S-10, concerning personal watercraft in navigable waters. The purpose of this bill is to provide a method for a local authority to propose restrictions be applied respecting the use of personal watercraft on all or a portion of waterways over which Parliament has jurisdiction, in order to ensure the waterway's peaceful enjoyment and protection of the environment.

A local authority may, after general consultation within the community, adopt a resolution proposing to the minister that the use of personal watercraft be forbidden on designated waterways or that some or all of the restrictions established by the regulations apply to designated waterways.

Honourable senators, the definition of a personal watercraft is a motorized vessel less than 15 feet in length, designed to be operated by a person sitting, standing or kneeling on it, rather than within the confines of a hull. It is my understanding that legislation of the Canada Shipping Act, through regulation, covers the use of personal watercraft, as in Sea-Doos and Jet Skis. The term "power-driven vessel," I believe, covers everything that has a motor, from a punt to a yacht. Recent amendments to the small vessel regulations provided added measures in reducing noise pollution and improving personal safety.

Honourable senators, I grew up in an outpost beside the sea, backed by lakes, rivers and ponds. I know from personal experience how unforgiving water of any type, whether salt or fresh, can be. It may be of interest to honourable senators to know that the Province of Newfoundland and Labrador has 34,000 square kilometres of inland water and 29,000 kilometres of shoreline.

The peace and tranquility of our open spaces are near and dear to us all, with leisure time at a premium. As a cabin owner, I understand the need to cherish and protect that dimension. Over the years I have observed many transitions in the pleasure craft industry. As technology evolves, we have all witnessed many changes at a rapid pace and, without a doubt, continuous and countless new watercraft will be introduced to the environment. Who knows what kind of craft will come to these bodies of water in the not-too-distant future? The government has a responsibility to ensure the peace and safety of its citizens and the environment.

Honourable senators, at second reading of this legislation, Senator Spivak said she did not expect that Bill S-10 would be needed everywhere and that she hopes it will not be needed on the majority of our lakes and rivers. Its function is to give choices and control over what the senator terms a significant problem in lakes and rivers, a problem that arose some 10 years ago and begs resolution.

Honourable senators, I believe access to water is a right for all Canadians, and proper governance of that right is the responsibility of the federal government. When proposing legislation, we must ensure that it is inclusive and for the common good. However, it is my opinion that this legislation would legislate against the users of one type of watercraft. My opinion is that the legislation may speed up the process somewhat, but in general it does not add any improvement or speediness to the current system. Also, the federal regulatory process requirements are the same for any regulations, and Bill S-10 would not be more expedient.

It has been demonstrated to me, through briefings by DFO officials and through extensive reading and research, that adequate legislation is currently in place within the Canada Shipping Act through boating restriction regulations, which are amended as required to satisfy the intent of Bill S-10.

Honourable senators, I look forward to following the debate when this bill goes to committee.

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

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration, presented in the Senate earlier this day.

**Hon. Lise Bacon** moved the adoption of the report.

[ Senator Cook ]

She said: Honourable senators, I am pleased to speak to the ninth report of the Standing Committee on Internal Economy, Budgets and Administration.

[*Translation*]

In this report, the committee recommends that the following funds be released: \$2,750 to the Committee on Foreign Affairs for legislation; \$36,000 to the Committee on National Security and Defence for a special study; and \$43,920 to the Joint Committee on Scrutiny of Regulations.

[*English*]

Since this is likely the last report for the fiscal year, I should like to thank all committee chairs for their understanding and patience in what has been a difficult and trying exercise. Let me assure you that it was not an easy task, as the committee had to consider demands that far exceeded the total budget.

It is important that I should summarize for honourable senators a few financial facts with respect to committees. The total amount available to committees in 2002-03 was \$2.2 million, of which \$400,000 was set aside for witness expenses and video conferencing. Therefore, \$1.8 million was available for distribution to committees.

[*Translation*]

During the first session, the amount requested totalled \$3,934,137, of which \$1,762,819 was approved, and expenses of \$589,964 were incurred. During the second session, the available amount was \$1,432,000, once it was realized that the budget for witnesses would not be used in its entirety.

[*English*]

Up to this point in time, in the second session, the amount requested is \$1,769,484, while the amount recommended for approval, including this report, is \$1,326,087. This leaves some \$106,000 for new requests from now until the end of the fiscal year.

• (1450)

With respect to the process to release any part of these remaining funds, it was agreed by the Standing Committee on Internal Economy, Budgets and Administration that all chairs be asked if they need more funds for the balance of the fiscal year. I would therefore ask that chairs inform the principal clerk responsible for committees and private legislation by next Tuesday if they desire further funds. The steering committee will then consider the applications and report at the earliest opportunity.

I should like to underline the fact that each demand was given serious consideration by the subcommittee, and each committee was treated fairly and equitably. I assure honourable senators that the same criteria were applied to each committee. I am pleased to say that we did our work with full transparency. The principles that guided the subcommittee in reviewing the budget applications for 2002-03 are well known.

Honourable senators, I request the adoption of your committee's ninth report.

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

Motion agreed to and report adopted.

### LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Consiglio Di Nino:** Honourable senators, I thank the Honourable Senator Robichaud for allowing me to speak on this item that stands in his name.

I am pleased to rise today to speak to the inquiry into the legacy of waste during the Martin-Chrétien years. Senator Stratton made some remarks on the Employment Insurance program that I thought were rather mild. I should like to bring some additional focus and add some additional facts by briefly reviewing the history of the rates that were set during the tenure of Paul Martin and Jean Chrétien and by reminding senators of the views expressed at various stages.

While the Martin-Chrétien government turned the EI program into just another tax, there was a time when they saw profit-insensitive taxes as a problem. In the 1993 election, Jean Chrétien promised to work with the provinces to examine moving away from profit-insensitive methods of taxation. In response to a questionnaire published by the *Edmonton Journal* on October 3, 1993, he said that he would discuss with the provinces joint reductions in payroll taxes to generate more incentives to create jobs.

In February 1994, former Finance Minister Paul Martin told Canadians in his first budget:

Payroll taxes are a barrier to jobs.

His context was a set of Employment Insurance benefit cuts and changes to the social safety net that were supposed to allow for lower EI premiums — not a huge EI surplus, but lower premiums.

On August 31, 1994, the *Ottawa Citizen* reported Mr. Martin as saying:

We think that high payroll taxes are a cancer on the economy.

A few months later, two government departments further declared, in background papers, that payroll taxes were a problem. The Department of Finance, under the direction of Paul Martin, said, in an October 1994 policy document called "A New Framework for Economic Policy":

Total payroll taxes in Canada have been rising steadily relative to average wages.... The effect of imposing a payroll tax — which is typically paid in part by both employer and employee — is to increase the effective wage cost to the employer and to decrease the take-home pay of the potential employee. The payroll tax drives a wedge between the two. This makes a wage bargain harder to reach and this raises unemployment relative to the situation in which there is no tax, or a lower tax.

Industry Canada, under the direction of John Manley, asserted in a 1994 policy document called "Building a More Innovative Economy" that:

Payroll taxes raise the relative cost of labour, creating a disincentive for firms to create jobs. Because they are not related to sales or profitability, payroll taxes put additional pressure on firms during cyclical downturns.... If we are to ensure strong economic growth, governments, both federal and provincial, should reduce disincentives to job creation.

Paul Martin himself told the House of Commons Finance Committee, on October 17, 1994:

We believe that there is nothing more ludicrous than a tax on hiring. But that is exactly what payroll taxes are.

He recognized it, at least.

However, a few months later, in the February 1995 Budget, the Liberals gave their first hint that they were thinking of using the EI program to pad the surplus. Canadians were told, on page 56 of the Budget Plan:

Improved employment conditions are rapidly eliminating the deficit in the Unemployment Insurance Account which had already reached almost \$6 billion in 1993. With no increase in premium rates, the cumulative surplus in the Unemployment Insurance Account will be allowed to rise to above \$5 billion through to the end of 1996. This surplus will be maintained and used as a buffer to mitigate unemployment insurance premium rate increases during periods of slowing economic growth.

Honourable senators, the prospect of a \$5-billion surplus in the EI Account did not set off any loud, clanging alarm bells. No one would have guessed that the words "allowed to rise to above \$5 billion" meant that the sky is the limit.

In my opinion, Paul Martin clearly misled both Parliament and Canadians as to his true intent. A \$5-billion cumulative surplus would not have been allowed under the legislation as it stood, so the government just changed the law. The critical alteration was slipped in amid a number of other changes to the program.

When Human Resources Development Minister Lloyd Axworthy tabled the necessary legislation on December 1, 1995, Canadians again were told basically the same thing, in a background paper:

Instead of reducing premiums further at this time, the government has decided to build a rainy day reserve to ensure that premiums are held stable during periods of economic downturns. Under this scenario, the UI reserve will reach \$1 billion at the end of 1995, and as stated in the 1995 Budget, “be allowed to rise above \$5 billion through the end of 1996.”

This reserve will enable Employment Insurance to reinforce its traditional role as an economic stabilizer that pumps money into the economy during periods of recession, thereby cushioning the extent of the downturn and preserving jobs.

• (1500)

By the fall of 1996, with the EI Account about to grow into a considerable surplus, the government was singing a completely different tune. The Liberal majority on the Finance Committee, on page 45 of their pre-budget report entitled “The 1997 Budget and Beyond: Finish the Job,” said that “the case is not clear that payroll taxes are killers of jobs.” However, they did acknowledge that there are limits to the EI surplus, stating, on page 47 of the same report:

The Committee believes that a prudent EI surplus will better guarantee stability in premiums over a full economic cycle. That does not mean the Committee believes the surplus should continue to build in an unlimited way.

On the eve of his 1997 budget, Paul Martin suggested that, at the then current levels, payroll taxes would not be a killer of jobs — changing his mind — but rising payroll taxes would be. He told the following to a CBC town hall meeting on February 20, 1997:

There is no doubt that when payroll taxes rise, that can have an effect on jobs.

Mr. Martin ignored the fact that workers and employers pay not just EI, but also CPP and QPP. His EI reductions have fallen short of offsetting CPP and QPP contributions. In the case of CPP and QPP, there is at least the valid reason of ensuring that there is enough money to pay for our pensions down the road. In the case of EI, the only reason seems to be to make the government’s books look better.

By the late 1990s, the EI program had racked up a large cumulative surplus. Since those surpluses are part of the overall surplus of the government, Paul Martin was anxious to ensure the premiums remained as high as possible. It would have been difficult for him to show large surpluses without the extra money sloshing around the EI Account.

To keep premiums from dropping, he had to deal with two barriers. The first was that an independent commission was part of the rate-setting process. Technically, under the Employment Insurance Act, premiums are set by the Employment Insurance Commission with the approval of cabinet and on the recommendation of the Minister of Finance and the Minister of Human Resources Development. The commission itself includes representatives from business, labour and government.

The second problem is that, even with the changes made in the government’s first mandate, the act did not contemplate the account continuing to receive more revenue than was needed to maintain stable rates or meet the needs of a business cycle. Section 66 of the Employment Insurance Act states:

The Commission shall, with the approval of the Governor in Council on the recommendation of the Minister and the Minister of Finance, set the premium rate for each year at a rate that the Commission considers will, to the extent possible,

- (a) ensure there will be enough revenue over a business cycle to pay the amounts authorized to be charged to the Employment Insurance Account; and
- (b) maintain relatively stable rate levels throughout the business cycle.

What was the size of cushion to meet these objectives? In the fall of 1997, with the cumulative surplus approaching \$12 billion, Michel Bedard, the program’s actuary, said in his “Chief Actuary’s Report on Employment Insurance Premium Rates for 1998”:

At the upper limit, our estimate is that a reserve of between \$10 and \$15 billion — attained just before a downturn — should allow meeting of all the costs during a downturn.

He also said:

The average premium rate required to pay for program costs throughout a business cycle can be estimated to range from between 1.90 per cent to 2.10 per cent.

He went on to conclude that rates could be cut to 2.5 per cent or 2.6 per cent in 1998, falling to 1.9 per cent in 1999. The government instead set the premium at 2.7 per cent in 1998.

A year later, in the fall of 1998, with a cumulative surplus approaching \$19 billion, he again noted in his “Chief Actuary’s Report on Employment Insurance Premium Rates for 1999,” that a reserve of \$10 billion to \$15 billion in the EI Account would be adequate, and that the average premium required to pay for program costs through a business cycle were in the range of 1.9 per cent to 2.1 per cent. He also told the government that, in a worst-case scenario, “there would be little risk in setting a premium of 2.3 per cent,” but he went on to say:

It is likely that a rate as low as 2.0 per cent could also be set for 1999 and kept for the indefinite future, under almost any set of unemployment rates.

However, thanks to the Minister of Finance, Canadians paid a premium of 2.55 per cent in 1999.

In the fall of 1999, with the EI surplus approaching \$26 billion, much the same advice was offered, but with a 2.25 per cent premium for 2000 as the rate for a worst case scenario and 1.95 per cent as a rate that could be set for 2000 and the indefinite future. However, Canadians, thanks again to the Minister of Finance, paid a premium of 2.4 per cent in 2000.



By the fall of 2000, it had become increasingly difficult for the EI Commission to set the premium at rates that were more in tune with the government's revenue objectives than with the spirit of the Employment Insurance Act. At that time, it was clear that, by the end of the year, the surplus in the account would be two to three times what the actuary said was needed.

The government's solution was simple: strip the EI commission of its role in setting premiums for two years while the government studied how to set the rates. Instead, the Chrétien cabinet, on the advice of the finance minister and the human resources development minister, would then set the premium rates. Paul Martin would not have to worry about convincing the EI Commission about the need to keep premiums artificially high.

On the same day the government announced its EI changes in September 2000, the then Auditor General Denis Desautels noted in his comments on the Public Accounts of Canada for the 1999-2000 fiscal year that the EI surplus stood at \$28 billion in March 2000, more than double what the EI Actuary said was needed. He went on to say:

In view of the size and the continued growth of the accumulated surplus, it is important that the Commission clarify and disclose the way it interprets the Act in setting premiums. In my opinion, such clarification and disclosure are necessary to ensure that the intent of the Employment Insurance Act has been observed.

While the necessary legislation did not pass before the end of 2000, the commission, on the recommendation of the Minister of Finance and HRDC, did agree to set premiums for 2001 at the 2.25 per cent rate assumed in the budget. That was done in spite of new data from the "Chief Actuary's Report on Employment Insurance Premium Rates for 2001," giving 2.10 per cent as the amount needed to see the program through a recession in a worst-case scenario, but also stating the following:

It is likely that a rate as low as 1.75 per cent could also be set for 2001 and kept for the indefinite future.

**The Hon. the Speaker:** I regret to interrupt the Honourable Senator Di Nino, but his time has expired. Does the honourable senator request leave to continue?

**Senator Di Nino:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Di Nino:** A year later, with the government in full control of rate setting, it had a new report from its Chief Actuary. In "Outlook for Premium Rates 2002," the government was told that the EI program would likely break even on a premium of 1.57 per cent. Instead, the premium was set at 2.20 percent.

• (1510)

Finally, last fall, in "Outlook for Premium Rates 2003," the Chief Actuary estimated that the break-even point for this year would be \$1.75. Instead, Canadian workers are paying \$2.10.

The end result is that the actuary estimates that, by this December, the cumulative surplus in the EI account will hit just under \$45 billion. That is a nice sounding round number, \$45 billion. Of this amount, some \$19 billion has come from workers and \$26 billion has come from those who employ them. Job creation. Folks, think about it.

Honourable senators, the history of setting the EI rates under Paul Martin and Jean Chrétien is significant. It shows a clear pattern in which the government could not keep its hands off this cash cow, milking it for every cent they could extract. To that end, the purpose of the EI Commission was subverted, its work and recommendations ignored and sabotaged.

Honourable senators, the Liberal government's treatment of this venerable program to assist unemployment has been shabby and shameful, and it is a disgrace that continues to this day. While I hope the forthcoming budget will finally reduce the premium rate to at least bring this year's revenue in line with this year's expenses, I expect that we will be disappointed yet again by the Martin-Chrétien government's insidious and perfidious money-grubbing ways when it comes to the EI fund. Waste and mismanagement have been a hallmark and lasting legacy of this government.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### BUDGET—REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Reports of the Committees:

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Social Affairs, Science and Technology, presented earlier this day.

**Hon. Jane Cordy,** for Senator Kirby, moved the adoption of the report.

Motion agreed to and report adopted.

## SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

### MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Peter A. Stollery:** Honourable senators, I rise to say a few words about the inquiry that was initiated by the Honourable Senator Roche on the Iraq crisis.

As we all know, events are unfolding before us, and one finds it impossible to make any kind of prediction. I personally view with astonishment these unfolding events. Privately, I have said from the beginning that the Americans will not go to war. That has been my position from the beginning. I may be wrong. Certainly, there have been days when I have thought that they were going to invade. I still question whether they will.

I oppose invading Iraq. I go further than Senator Roche in his inquiry, in which he says that a further sanction from the UN Security Council would be required. I support Senator Roche in that regard. However, I wish to explain to honourable senators some of the implications of all this and why I find it difficult to believe that it will go ahead, though it may.

In 1958, I was a student in Cairo, when Nuri as-Said and King Faisal were murdered. I met a man in Cairo who astounded me with a story of how the decapitated body of this famous figure in Iraqi history had been dragged in front of him as he was standing in a doorway. Iraq has had a long and sad history since the break up of the Turkish Empire.

I must say that, of course, I do not support the present dictator of Iraq. However, I think the implications of invading the country are simply astounding. I wrote a few of them down. The other day on the CBC, I heard that the Americans have asked the Kurds if they would allow Turkish troops into Kurdistan under Turkish officers. That was the report. That is crazy. The Kurds are already divided into two groups and have had a rather difficult history. The Turkish public is totally opposed to the invasion of Iraq, from the information that we all have, but the Turkish military is being bribed by the Americans.

What are the implications of that? Turkey has an application before the European Union. What happens if there is an overthrow of the democratically elected Turkish government? What will that do, for example, to the application of Turkey to join the European Union, which, I think, would be an important step toward a peaceful resolution of this ridiculous difficulty between Christian countries and Islamic countries? It is important that a major Islamic country become a member of the European Union.

I have followed events in that part of the world for a long time, since I lived in Algeria during the civil war. I believe that the resolution around the Mediterranean should be a peaceful resolution. I do not see any benefit to killing. Many innocent people will be killed, and any war will only lead to an even worse situation. Everyone knows that.

What about the Israel-Palestine issue? It must be resolved. We will not get peace in that part of the world if it is not resolved. I am not *parti pris*; I do not have a favoured party, but that issue must be dealt with. No one wants to deal with it. Rather than deal with it, however, many people are planning an invasion of Iraq, which will lead to enormous difficulties. I recommend to anyone here Winston Churchill's great book, entitled *Great*

*Contemporaries*. In it he talks about his problems with Iraq in 1922, when the British had 22,000 soldiers stationed there. He said it could not go on like this; we cannot have it like this; we must resolve it. The settlement, which continues to this day, was the Hashimite kingdom of Iraq and its neighbouring kingdom, Jordan. There is a story here, honourable senators.

I am taking advantage of the inquiry of Senator Roche to put a few of my personal thoughts on record. I do not believe many people think that Iraq has intercontinental ballistic missiles. I do not believe that many people believe that it has a nuclear capability with intercontinental ballistic missiles, which would be not a good thing for anyone.

Concerning sanctions, we all know what happens with sanctions. Sanctions do not get the dictator; they always get the poor people. They are the people who do not get the medical supplies, and so on. In my opinion, this has been the most stupid approach to an international problem that I have seen for many a year.

• (1520)

I realize that not everyone would agree with me, but I see a situation with no exit strategy. I have said that they will not do it, but then I ask: Where is the out? How do they get out of it? At this point, it seems to me, the Americans have lost their manoeuvrability. If they do not go in, they will be viewed as being weak. If they do go in, that will have huge implications. I cannot imagine being in such a position in international relations.

I want to touch for a moment on the implications for Canada because we have become an unintended victim. A reasonable person would say that the most obvious victims will be the Iraqi people if this goes any further, as well as people in the Israel-Palestine area. As for Canada, 35 per cent of our gross domestic product is dependent upon trade with a country that is about to go to war and that sees itself as under attack from international terrorism — whatever that is.

In order to maintain the current standard of living in our country, we have to send a truck across the Canada-U.S. border every 2.5 seconds. That is 35 per cent of our GDP. Naturally, the Americans are concerned with that border, given the Iraqi situation and given the attack that killed more than 3,000 people at the World Trade Centre. Naturally, the Americans are conscious of their border. As a Canadian who is interested in Canadian jobs, in the Canadian standard of living, I am interested in that border too. Without question, we have become hostages of this dependency. Now that a war is very seriously being contemplated, where does that leave Canada?

Honourable senators, I first went to the Middle East in 1958, quite a few years ago. I have lived in many Arab countries. I do not know what people are talking about when they talk about the Hajj having something to do with terrorism. I have never heard such ignorance in my adult life as when I hear people talking about Muslims as if they are some different kind of people from us. That is so ridiculous to anyone who knows anything about it. People will be killed unnecessarily and that should not be.

Honourable senators, I apologize for using the motion of Senator Roche to put some of my own thoughts on the record. Those are just my personal observations.

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

**The Hon. the Speaker:** Will the Honourable Senator Stollery entertain questions?

**Senator Stollery:** Of course, honourable senators.

**Hon. Douglas Roche:** Senator Stollery should not apologize. He should proclaim with pride what he has just said. I want him to know how much I welcome his intervention in this inquiry. I will try to phrase this question as briefly as I can, honourable senators.

Senator Stollery has touched on some very important points, many of which could stand some elaboration. He seems to have a real doubt about the motivation of the coming war, if there were to be a war, and it being based on the premise that Iraq has weapons of mass destruction. He said that Iraq does not have the capability to inflict the kind of damage that would result from the use of those weapons.

Would Senator Stollery be in favour of the French-German-Russian plan to put in more inspectors, almost on a permanent basis, to assure the world community that Saddam Hussein can neither hide nor develop weapons of mass destruction with such massive continuing inspection? This is a serious proposal that has been put forward by important countries and supported by a former president of the United States, President Jimmy Carter.

Senator Stollery brings to this debate his wide experience. He has already mentioned that he first visited Iraq in 1958. He has been chair of the Standing Senate Committee on Foreign Affairs. That was an important intervention that Senator Stollery made today. I repeat that I welcome it.

I should like to hear his opinion about this alternate plan which has been put forward by Russia, France and Germany.

**Senator Stollery:** Honourable senators, that is the Rambouillet plan. Essentially, it looks like the same plan that was put forward in respect of Serbia and which was not accepted for all kinds of reasons. Generally speaking, I am for any plan that avoids going to war. I believe there is also a proposal to employ UN soldiers.

I am in favour of more inspectors, if that is required, even if they have to stay there permanently. I would remind everyone that the reason the inspectors left was not because they were kicked out by the Iraqis; they were withdrawn because the Americans and the British were going to bomb Iraq. There is the impression that the inspectors were turfed out by the Iraqis. That is not the case. As to the plan put forward by the French and the Germans — and I am not sure if it is supported by the Russians — I support putting in more inspectors. I agree.

**The Hon. the Speaker:** I regret to advise honourable senators that Senator Stollery's speaking time has expired.

**Senator Prud'homme:** Is there consent that he continue?

**The Hon. the Speaker:** It would be up to Senator Stollery to ask, if he wanted to extend his time. Otherwise, we will go on to another speaker, or perhaps Senator Rompkey will ask to adjourn the debate.

**Hon. Marcel Prud'homme:** Honourable senators, I wanted to ask questions so, instead, I will speak to the motion. I wanted to keep my powder dry for later.

I have known Senator Stollery for many years in the Liberal caucus and here. I wanted to ask him why, as chairman of the most influential — in my view — committee of the Senate, he has never seen fit to have a study or a briefing session on one of the most important issues of the day. I told the honourable senator this privately. I have tried to smile, to cajole, to flatter; I do not know what else.

There used to be a city in China called the Forbidden City. It is now open. I visited there under Mao when it was forbidden. For the information of new senators, the Middle East discussions are the "forbidden subject" in this country's Parliament, in the House of Commons but especially in the Senate.

• (1530)

The last time we had a study on these issues was under the most distinguished chairmanship of Senator van Roggen. There were three years of study, all over the Middle East. Everyone was in agreement until the very last day, when a new senator joined in and bastardized the situation saying that every member who sat on that committee was an anti-Semite. We can go back to a 1984 press conference. Senator van Roggen never recovered. Senator Lapointe, distinguished Speaker, was a member. Senator Murray was a member. Senator Hicks, chief fundraiser for the B'nai B'rith of Canada and an ex-premier of Nova Scotia, felt insulted at being accused of being an anti-Semite.

We have refused to take that question as we should here in the Senate of Canada. I have been here, and new senators had better learn why I am an independent. It is because, on this issue, one morning, I became fed up. Unfortunately, I lacked patience. I should have taken the day off. I would still be in the Liberal caucus. I resigned the same day. When I came to the caucus here, I came as an independent senator.

Why do we not study these issues? I just arrived from Foreign Affairs. That is why I was late. The questions are always the same. Let us return to the roots of the problem. The roots of the problem will help us solve what is happening in the Middle East between the Israelis and the Palestinians, and all of the rest follows.

There was a similar debate in 1990-91. The vote was on January 22, 1991, when the chief government whip of today voted with me. The Liberals were supposed to vote against in the morning, and they collapsed that day. I related that story to honourable senators last week. By the end of the day, the NDP and only four Liberals voted against that resolution.

Why are we scared to call a spade a spade? I came to the Senate. My first request to Senator Carstairs and to others was to sit on the Standing Senate Committee on Foreign Affairs. I was told to ask to sit on any committee I wanted, but I will not get that one. Why? I said it here, openly. I know why. There is a veto. Now I am on the Standing Senate Committee on Banking, Trade and Commerce. Can you imagine Senator Prud'homme on the Banking Committee? I do my duty. I accepted. I am conceding. I will do my utmost. I am happy to sit under Senator Kolber, an extremely good chairman. He and I will never agree on the Middle East question.

As a matter of fact, when I was elected chairman of the national Liberal caucus against Sheila Copps in a secret ballot, he resigned as the fundraiser of the Liberal Party, even though I was elected in an open, democratic election.

I ask again, why are we afraid to call a spade a spade? Who the hell is Saddam Hussein? You do not think I will defend Saddam Hussein, but when did he become this great Satan? Was he a great Satan when the United States of America and everyone armed him to the teeth against Iran for eight or nine years? Did he stop being a great Satan when he was told by the Ambassador of the United States, "You claim Kuwait. We have no opinion on it," hoping he would attack? Did he ever attack. Now he is staying where he is. No one is defending that man.

The question is this: Are we afraid to discuss these issues openly in the Senate? I have a motion standing on the Order Paper, so I will not take the time of honourable senators now. I did not expect to speak today.

Honourable senators, we may be in immense trouble. The most prestigious committee of the Senate has not even had one meeting or briefing session to call in the Israeli ambassador — with whom I have a very good relationship — as well as other ambassadors, bureaucrats and businessmen to hear what Canada can do with regard to this question. Canada can do so much. We are loved everywhere, and we are losing that respect every day.

My country, Canada, is respected. Canadians are loved all over the Middle East. Now they are beginning to see that we are not the kind of Canada that they like.

We talk about the resolution of the United Nations. My father told me — and I know some of the older senators are sick and tired of hearing it — to never talk about human rights unless you believe in the universality of human rights. If you believe in the universality of human rights, you cannot pick and choose. That is the same for the United Nations resolution. We cannot pick and choose the resolutions that we like. We apply them equally or we shut up in the name of sanity and honesty.

Why do we apply to some what we do not apply to others? Do honourable senators think that people in the world are blind? There are 2 billion Christians in the world. There are 1.2 billion Muslims in the world in over 55 countries. For those who think that "Muslim" means Iraq, even one minister one night said, "I am so happy that the ambassador of the biggest country of the Muslim world is here." He was referring to Egypt, while the

ambassador of Indonesia was sitting next to him, where there are 200 million Muslims. That is the degree of our education and knowledge.

I believe that Canada has immense responsibility. Honourable senators will see that in the speech that I have written on the resolution.

On November 29, 1947, a resolution was put forward for a vote, in large part because of the great ability of Mr. Lester B. Pearson. I was elected under Pearson, but he was then a secretary of state or a deputy minister. He was known as the great facilitator. Thirty-three countries voted for UN resolution 181, written partially by Judge Rand of the Supreme Court of Canada. Thirty-three countries, all Christian, all Catholic, voted in favour, and there were 13 against and 10 abstentions. Two of the ten were China and Great Britain.

We have a responsibility. I went with Prime Minister Chrétien to the Middle East. I went to Israel on his long trip. They said of him: "You are a successor to the great Mr. Pearson. He is known here as the Balfour No. 2." That means we have responsibility. We are "héritiers."

When will the Standing Senate Committee on Foreign Affairs have the courage to give us briefings so that we can keep our great reputation as supporters of the United Nations?

In 1947, Canada was at the forefront of the problems of the day. Yes, I will say it: We were at the forefront; and look at what has happened since.

We talk about the arms race. What a hypocritical arms race. We talk about arms of mass destruction. Who used the first two nuclear arms? Of course, they were used on "the yellow." I am sorry to use that term, but I am so full of anger, but respectful. We dropped the bombs. They were Japanese. There was not one bomb but two. Those are arms of mass destruction.

Who used chemical weapons and where? The Americans used them in Vietnam. There is a book written about what Trudeau made me do, to accept 35,000 or 40,000 American deserters and draft-dodgers. I paid the price for it. However, I was willing to do it.

• (1540)

I have seen so much hypocrisy on this issue. As soon as they speak like me, they whisper. I can name colleagues who are here now. They say, well, you know, Senator Prud'homme, he is anti-Jew, but they have never dared say that outside of this place because I will sue them. There is a sickness. It is anti-Semitism. I have at least 50 quotes from the House of Commons where I say anti-Semitism is a cancer that eats you from inside, and I am very healthy, and I do not want to have that kind of sickness.

However, I have the right to have opinions on the Middle East that are not the views of some powers of Canada, powers that are the forces of hate!

[*Translation*]

These hidden forces prevent us from seeing reality. What can Canada do in this world gone mad? Bank on its fine reputation? Take extraordinary initiatives? The world expects something of Canada, but not that we will be at the beck and call of our friend and neighbour to the south! Canadians, play a lead role! Everywhere I go, I am asked how we manage to coexist.

[*English*]

We are a miracle to the rest of the world: How can you cope with each other with various backgrounds, religions and regions? That is what Canada is all about. That is what Canada has to offer.

Are we, honourable senators, doing what we can do? Are we offering to the world our expertise, our *savoir-faire*, or are we a bunch of hypocrites who pay lip-service to the First Nations? We love them, but we say something else in private, or you hear, "The French, you must accept them, they are so confounding." I never use that word any more. That is not the kind of Canada people expect. No initiative.

My greatest sadness, and I say it to Senator Carstairs, was to have my request to become a member of the Foreign Affairs Committee turned down, time and time again. I was good enough for Pierre Trudeau for over 10, 12, 14 years as the only Chairman of the Committee on Foreign Affairs and National Defence and CIDA. He trusted me then. Here I am so close to the door that I still do not know after ten years if you want me in or out.

However, on this issue — who said "I feel the same"? No, who? Senator Day, Senator Phalen? I want people to stand up. I belong to the British parliamentary system, one of the best systems in the world. If anyone would like to get up, get up on your feet. Disagree, that is the parliamentary system, and I will go and have a drink with you after, if need be.

Honourable senators, this is a good resolution. We should vote on it. We should be unanimous on this. There should not be debates and speeches as I have just made. The debate is scattered because I did not know there was going to be a debate today.

I am proud because at long last my friend Senator Stollery raised the issue. I look around at all the honourable senators who know the story of Senator Prud'homme. Senator Smith, my friend. Senator Robichaud, sat with me. Senator De Bané sat with me. Senator P  pin, Senator Baker who was here. All these people who sat with me in National Liberal Caucus. Everyone let me do anything. I could go everywhere in Canada. However, on the issue of the Middle East, I was a pariah. I will be a pariah.

There is only one country that still makes sense because of the love that the world has for us and the trust that they have for us. It is called Canada. Do honourable senators want me to spell it differently some day? I can. It is called Canada. An initiative should be taken, honourable senators, and I appreciate your patience with me.

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

On motion of Senator Rompkey, debate adjourned.

## PANDEMIC OF HIV/AIDS

### INQUIRY

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. Mobina S. B. Jaffer:** Honourable senators, I begin by drawing your attention to this important issue of AIDS. The time has passed when AIDS could be strictly a health problem. It now impacts on the social, economic, cultural and political structures of most countries.

My most memorable experience with this difficult issue came when I returned to my country of birth, Uganda, in 1990. I was shocked to discover the massive changes that the epidemic of HIV/AIDS had brought not only on the people, but the society and the country, itself.

During my trip, I went back to the park that I used to visit as a little girl every Sunday with my family. The serene landscape that I remembered was no longer there. The park was filled with homeless children who no longer had another place to stay. In the past, young people in Uganda would always be cared for by their family. The AIDS epidemic has removed not only their immediate family, but their extended family as well.

When I spoke with the children in the park, I quickly realized that they were not children any more; they had been forced to become young adults, trying to survive on the streets of Kampala. When I lived in Uganda, we had a saying: It takes a village to raise a child. There are now no villages left, and the children must raise themselves.

I tried to wrap my head around the magnitude of this disease. More than 42 million people worldwide are infected with HIV/AIDS. That is more than the population of Canada. Yet, it is the impact that those numbers have on each village and community that is most striking. An entire generation has been lost. The young people who used to be teachers, politicians, religious leaders, farmers, poets, mothers and fathers are all sick or dying. Those who are still healthy have to take on the additional burdens of an often overstretched society.

The Canadian approach to development, as much as our approach to HIV/AIDS, cannot be addressed in isolation. AIDS contributes to problems such as chronic under development and instability. However, all of these factors also contribute to the spread of AIDS. As Senator Morin stated, this becomes a vicious cycle. These challenges will have to be addressed holistically if we are to be successful.

Although primary health care and drug programs are important, the AIDS epidemic can never be fully addressed without attention to its root causes. Canada has been a leader in integrating HIV/AIDS as a priority in multiple aspects of our development assistance program. Initiatives that reduce poverty, promote education and training, and provide employment opportunities contribute to breaking the cycle that has led to the AIDS epidemic. This all-encompassing approach brings together communities, governments, spiritual leaders and medical professionals. Yet, it is important to recognize that some populations are more vulnerable to HIV/AIDS infection than others.

From a purely biological perspective, women are three to five times more susceptible to HIV infection than men, and constitute more cases. Women also have the fastest growing rate of new infection. Again, we cannot address biology in isolation.

The power differences and socio-economic inequities that women experience increase their vulnerability to AIDS. For instance, in most societies, men customarily have the more dominant role in sexual relationships. Women are rarely in a position to insist on safe sexual practices or to refuse sexual advances. Male gender roles also contribute to this challenge by encouraging men to have multiple partners and by discouraging men from inquiring about safe sexual practices.

• (1550)

Moreover, because of the gaps in most societies between men and women in education, income and status, women are often dependent on men to support them and their children. Yet, because of the high infection rates, women often have to take on additional roles, such as primary breadwinner for the family, nurse for the sick and dying, and parent to the orphaned children. Therefore, addressing gender roles and power dynamics between men and women is central to dealing with the AIDS epidemic.

Canadian development assistance has focused on providing services specifically targeted at women in areas such as education, training and access to health care. We have found that improving self-confidence and informing women of their rights increases their bargaining power in sexual relationships. Furthermore, Canada's approach tries to improve family living standards, increase employment opportunities and increase stability, all of which indirectly contribute to slowing the spread of AIDS.

Although Canada has taken a leading role, there is still much work to be done. There remains a stigma attached to AIDS that creates a barrier to openly discussing prevention and treatment. This code of silence needs to be broken. As new money becomes available, we will need to ensure that we address a broad range of issues related to the epidemic. Canada should use its influence to ensure that a multifaceted approach is used to address the diverse causes and impacts of the epidemic.

Honourable senators, we need to continue to support the excellent work that has been done to address AIDS as an integrated, community-wide issue. We need to ensure that people around the world suffering from this disease and its effects are not forgotten and that more resources are made available to assist them.

[ Senator Jaffer ]

I started my intervention today by telling honourable senators about when I visited Uganda in 1990. Thirty years ago as a young bride, when I went to my husband's village, I passed many other villages on the way. In 1990, when I went to visit my husband's family, those villages on the way had all disappeared. That is the effect of AIDS. This is a serious issue for people the world over. With my own eyes I saw villages where there were little children and elders, but no one in the middle, nobody to care for the children or the elderly. The young adults had disappeared. That is the effect of AIDS.

I call upon all my colleagues in the Senate to ensure that addressing HIV/AIDS throughout the world remains a priority of our government.

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

**The Hon. the Speaker:** If no other honourable senator wishes to speak, the inquiry is considered debated.

[*Translation*]

### SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE ADJOURNED

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

That he will call the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.

He said: Honourable senators, I have raised this issue before. I take a personal interest in it, being myself hearing impaired. I am not alone; there are nearly three million hearing impaired people in Canada. There are 28 million in the United States, and some of them do visit us from time to time. I sometimes travel with great difficulty on the various modes of public transportation. This is what I wanted to address today.

[*English*]

The deaf and hard of hearing are dependent upon assistance to access daily information. They must take advantage of modern communications such as television programming through captioning, subtitles on public notices, available sometimes from monitors in public places, and safety instructions on public transportation. There are many other instances where hard of hearing people must depend on safety instructions in a format they can understand. In some instances, it could be through captioning, in others, through sign language. It is a question of equal access.

I have experienced various public transportation modes in the last few months. I went to Edmonton. I went to Vancouver.

[Translation]

I travelled to Montreal, and to the Magdalen Islands. I therefore used the three modes of transportation: air, rail and water. This turned out to be a rather stressful experience for me. I flew on Air Canada to Edmonton.

[English]

In Edmonton, I went to visit NAIT, the Northern Alberta Institute of Technology, where they train people in real-time reporting — technicians who have an ability, a skill, to put into writing what people normally would access through hearing. It is very important. There used to be two schools, one in Vancouver and one in Alberta. As I said, I visited both last fall.

I travelled by Air Canada. If you are deaf, you have no way of knowing where to go unless a friendly person directs you or helps you. When you get on the plane, there are absolutely no instructions given for people who are hard of hearing or have hearing difficulties — absolutely none. Yet, when they show a film during the flight, the commercial advertising — wine, for example — was captioned. I could read on the commercial advertisement what the people were saying, but they did not use captioning for security notices. I asked them why. The answer was simple, “The screen is too small.” I asked the lady, “Why can you sell wine on the small screen but not get safety security instructions on the same screen? That does not make sense.” She said, “That is what I have been told.” I said, “Well, we will change that.” It is possible, but there has to be a will.

I travelled by train from Ottawa to Montreal.

[Translation]

I visited the Centre de recherche informatique de Montréal, or CRIM, which has a staff of 80 or 90. This was fascinating. It is conducting research on computer-based voice recognition. CRIM is working on a system to capture the spoken word and put it into writing. This technology is still in the research stage. It is not as advanced as we would like it to be. TVA has invested \$500,000 in this research. The Government of Quebec also invested in voice recognition research.

• (1600)

As far as I know, the federal government has not yet gotten involved. However, it would be useful. It is not only the hearing impaired who need these services. The courts use these services constantly. I have access to real-time captioning for sittings of the Senate and committee meetings. I could not work without it.

However, this requires technicians. Right now, there is no real-time captioning training available in French. However, I have good news. Since I have brought it up over and over, the Cité Collégiale in Ottawa will be offering a course in it this September. I am very happy about that. Now there will be English training in Edmonton and French training here in Ottawa.

However, this is not enough. The demand is still greater than that. I am trying, despite the few means at my disposal, to convince Algonquin College to offer the course in English in

Eastern Canada. We have the technology; we just need to recruit students and interest people in this skill. It is not easy. It requires a good command of written and spoken French and English.

[English]

You cannot have a bilingual system. The dictionary on the computers that they use is either in French or in English.

[Translation]

You cannot have both the *Oxford* and *Le Petit Robert*.

[English]

It is essential to train people in either English or French. Let me be very blunt. I have spoken with the broadcasters of this country — Radio-Canada, CTV, Global, TVA — and they say, “Jean-Robert, we do not have the technicians to supply real-time reporting.”

[Translation]

So we come back to the chicken or the egg. If there are no real-time captioning services, the service cannot be provided. However, the demand is presently high enough. I asked the Cité Collégiale to set up an advisory board for users of this service: the Supreme Court, the Federal Court, Radio-Canada and other radio broadcasters. A board was set up.

Today, I am sufficiently knowledgeable about these matters. Soon, there will also be a shortage of translators and interpreters, because Canada has not trained enough of them. These are two different professions. Canada will need at least 1,000 interpreters and translators each year over the next few years to meet the demand. If there is no translation or interpretation, there will be no captioning either, since captioning depends on what the interpreter said. It is quite complex, but this matter is important enough to warrant this kind of intervention.

I conducted other research, for example, on the airlines, to see if they offered TTY services, a telecommunication device for the deaf. Some say they do, including Air Canada and West Jet; others say they do not, including Air Transat. The service is not available across the board.

Airlines say that, if there is a demand for a special service, they will provide it. However, people are shy. Generally speaking, when one is deaf, one is a little nervous. There are communication problems. Moreover, if people are not aware of the availability of a service, they cannot ask for it. I have also noticed that some of the hearing impaired are embarrassed by their condition. That is not my case. It is just a quirk of fate. Five or six years ago, I became ill. I was given a medication and, as a result of taking that medication, I became deaf. No one was to blame. It was a reaction to the medication. I am not ashamed to say that I was ill and that I am deaf.

I can lip-read in French, because I took courses in French. These courses are given in both languages. I cannot lip-read in English yet, but I am learning — and when I can lip-read in English, watch out!

I will conclude on a rather more positive note. As regards public transportation, I am simply asking that the regulations be amended to take the needs of the hearing impaired into account. All modes of public transportation should provide equal access to information, particularly safety instructions.

I am asking the government to look into this. It is possible to improve things and make it easier for the hearing impaired. I thank you.

On motion of Senator Chaput, debate adjourned.

#### 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, February 25, 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 25, 2003, at 2 p.m.

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**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(2nd Session, 37th Parliament)**  
**Thursday, February 13, 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	03/02/11	Social Affairs, Science and Technology					

**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	03/02/12	03/02/13	1/03
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 3 <sup>rd</sup> 02/12/04 2 at 3 <sup>rd</sup> 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.
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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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S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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**PRIVATE BILLS**

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

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