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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, April 3, 2003

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

Prayers.

SENATORS' STATEMENTS

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Leonard J. Gustafson: Honourable senators, as the war in Iraq enters its third week, the need to take measures to avoid a humanitarian crisis among Iraq's civilian population should not be forgotten. In this regard, there may be avenues where Canadians must provide leadership.

As the war wages in Iraq and shortages of foodstuffs and medical supplies start to occur, countries with access to resources have a responsibility to help minimize the negative impact of the conflict on the country's population. In this regard, it is my belief that Canada should play a greater role.

In Canada, we have access to plentiful supplies of wheat and other foodstuffs. Canada can also provide medical supplies to the citizens of Iraq. Canada has a proud history in providing humanitarian assistance to people in times of need.

I strongly urge that the Government of Canada find a way where we can be helpful, not just in any post-war period, but also while the war is occurring, in the possible provision of goods and supplies that can help avert needless civilian casualties.

Honourable senators, we surely can send a boatload of wheat and medical supplies.

NATIONAL ARTS CENTRE

ATLANTIC SCENE

Hon. Catherine S. Callbeck: Honourable senators, I rise today to draw your attention to an important event being hosted by the Canadian National Arts Centre. April 22 will mark the start of a festival called the Atlantic Scene. The Atlantic Scene is the first of a series of festivals that the National Arts Centre is holding to celebrate artists from each region in Canada. The festival will last for two weeks and feature 200 artists from Atlantic Canada.

The Atlantic Scene will include musicians from a variety of genre, such as folk, blues, classical and rock. It will feature live theatre, including Canada's longest running musical, *Anne of Green Gables*, and Theatre Newfoundland Labrador's *Tempting Providence*. Dance, visual arts, literature and film will also be an integral part of the festival, as will culinary arts. I was very pleased to learn that chef Tim McRoberts, an instructor at the Culinary Institute of Canada in Charlottetown and co-host of the

cooking show, *Cook Like a Chef*, will be joining Chef Kurt Waldele to demonstrate East Coast specialties.

Various artists will represent the Acadian and Aboriginal cultures of the East Coast. Prince Edward Island's Barachois will share their music and step dancing and a group of Mi'kmaq, Metis and Innu artists will share music, song and dance.

As the President of the National Arts Centre stated, "The Atlantic Scene will provide a unique national showcase for some of the most talented East Coast artists around."

Honourable senators, I am looking forward to attending the festival and I urge all of you to come out in support of the Atlantic artists.

UNIVERSITY OF PRINCE EDWARD ISLAND

GRADUATE PROGRAM IN ISLAND STUDIES

Hon. Elizabeth Hubley: Honourable senators, many years ago, the French-born American environmentalist and humanist René Dubos urged us to "think about global problems" but to "act locally." He believed passionately that local communities, small places, are the source points of social and cultural enlightenment and that the most useful and lasting knowledge was to be gained from life in one's backyard. Global problems, Dubos argued, are conditioned by local circumstances and choices.

More recently, honourable senators, science and nature writer David Quammen, in his book, *Song of the Dodo*, predicted, "we're headed toward understanding the whole planet as a world of islands..."

As a senator representing Canada's smallest province, it gives me great pride to acknowledge the establishment, by the University of Prince Edward Island, of the first graduate program in Canada devoted to a comparative study of the world's small island societies. Dubois and Quammen would certainly be pleased.

The Master of Arts in Island Studies will be the university's first graduate program in arts and is expected to attract students from a wide range of disciplines and areas of interests when it is officially launched this fall.

The master's program is the accomplishment of many. However, it is also the result of the vision and hard work of Mr. Harry Baglole, Director of the University's Institute of Island Studies.

In addition to other programs and activities, the institute has been conducting innovative and significant work in small island research and, over the past 10 years, has published many comparative studies and hosted two major international conferences, bringing together scholars and researchers from such places as Iceland, Tasmania, Malta, Mauritius, Fiji, the Hebrides, and Newfoundland.

With the recent approval of the master's program by the Maritime Provinces Higher Education Commission and the arrival this summer of the world's first research Chair in Island Studies, Dr. Godfrey Baldacchino, the university is poised to make a permanent contribution to this fascinating, multidisciplinary area.

Honourable senators, as I said at the beginning of my remarks, there is much to be learned from the comparative study of small island societies. I would like to congratulate UPEI President Wade MacLaughlan for a unique achievement in post-secondary education.

[Translation]

WAR IN IRAQ

Hon. Jean Lapointe: Honourable senators, since the beginning of the conflict in Iraq, I do not know how to explain it, but, this morning, seeing all that distress on television, suddenly I felt infinitely saddened, as much by the loss of allied soldiers as by the unbearable suffering of the Iraqi people as they face their human losses. All this pain and sorrow, which all endure and none deserves — not the old people, not the women and certainly not the children of Iraq, the ever-so-innocent victims of this war!

• (1340)

Since childhood, I have been a great admirer of the American people. As I grew, my deep affection for our neighbours and friends to the south also grew. As a Canadian citizen, I was happy when President Reagan breathed new life into the patriotism of the noble American people, which was nearly lost during the Nixon years. It was moving to see all the people at sporting events, including the athletes, put their right hand over their heart and sing their national anthem with pride.

It is a beautiful thing to see that in the North, South, East and West of that vast country, all Americans, whatever their origins, curiously enough, unanimously feel pride in belonging to that great nation.

However, despite all the love I have for the American people, I believe that, of all the bombs dropped by the Allied forces, the one that will cause the most damage is the one the President and his closest advisors dropped on the United Nations.

The purpose of this magnificent institution has been to find diplomatic and peaceful solutions to the various conflicts between the nations of our planet.

The question that caused my great distress this morning was this: Will the UN survive what, I believe, is an error, not one made by our neighbours to the south but by their leaders?

[English]

HEALTH

ORGAN DONATION RATE

Hon. Yves Morin: Honourable senators, Canada has so many statistics that can be cited in its favour but our organ donation rate, one of the lowest in the industrialized world, is not one of them.

Every year, more than 3,500 Canadians wait for an organ donation and each year about 150 die still waiting.

[Translation]

Most of these deaths could have been prevented. We have the expertise, the technology and the infrastructure in Canada to successfully carry out more transplants.

[English]

We also have a commitment to research that will improve the success of these operations, exemplified through our four clinical research chairs in transplantation that are co-funded by CIHR and Wyeth-Ayerst. However, we do not have the organs to be transplanted. Seventy-one per cent of Canadians say that they would donate any organ necessary for transplantation, but only 14 out of every 1 million Canadians actually donate an organ.

Dr. Keith Martin, the Canadian Alliance Member of Parliament for Esquimalt—Juan de Fuca, believes that we need a more efficient system. His excellent plan to substantially increase our rate of organ donation includes: an organ donation form that would be signed at the doctor's office and attached to each individual's medical chart; a national organ transplant coordinator to oversee registries of potential donors and potential recipients; and an organ donor coordinator in each hospital to approach families for permission to donate their loved one's organs.

If Dr. Martin's plan were followed, we could save lives and money. For every patient who receives a kidney transplant, approximately \$200,000 is saved over five years. Some countries, such as Austria, Spain, Belgium and Sweden, go even further. Their "presumed consent" system of organ collection means that organs can be taken unless the patient or family has refused consent before the death takes place. As a result, these countries have organ donation rates that are much higher than in Canada. Spain's organ donation rate, for example, is 32.5 per million, which is more than double the Canadian rate.

Honourable senators, April 21 to 27 is National Organ and Tissue Awareness Week.

[Translation]

I invite you to sign your organ donor card.

And let us be sure to adopt measures to considerably increase the number of Canadians who receive organ donations.

ROUTINE PROCEEDINGS

Thursday, April 3, 2003

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. Yves Morin, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

The Standing Joint Committee on the Library of Parliament has the honour to present its

FIRST REPORT

Your Committee recommends that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament; and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends that its quorum be fixed at seven (7) members, provided that both Houses are represented including a member from the opposition and a member from the government whenever a vote, resolution or other decision is taken, and that Joint Chairs be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least (4) members are present including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings of the Senate.

A copy of the relevant Minutes of Proceedings (*Meeting No. 1*) is tabled.

Respectfully submitted,

YVES MORIN
Joint Chair

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

On motion of Senator Morin, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE PRESENTED

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

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

FIFTEENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

1. Aboriginal People (legislation)

Professional and Other Services	\$ 10,000
Transportation and Communications	\$ 500
Other Expenditures	\$ 700
Total	\$ 11,200

2. Banking, Trade and Commerce (legislation)

Professional and Other Services	\$ 23,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 9,500
Total	\$ 32,500

3. Energy, Environment and Natural Resources (legislation)

Professional and Other Services	\$ 7,500
Transportation and Communications	\$ 500
Other Expenditures	\$ 3,000
Total	\$ 11,000

4. Foreign Affairs (legislation)

Professional and Other Services	\$ 3,500
Transportation and Communications	\$ 750
Other Expenditures	\$ 750
Total	\$ 5,000

5. Legal and Constitutional Affairs (legislation)

Professional and Other Services	\$ 35,500
Transportation and Communications	\$ 9,807
Other Expenditures	\$ 1,000
Total	\$ 46,307

(includes \$15,000 for professional advice including legal advice. It must be noted that any person hired by the Committee to provide assistance to it can not be given the title of Legal Counsel to the Senate or to the Committee, since the Senate Law Clerk and Parliamentary Counsel is Legal Counsel to all Senate committees.)

6. National Finance (legislation)

Professional and Other Services	\$ 25,500
Transportation and Communication	\$ 6,000
Other Expenditures	\$ 0
Total	\$ 31,500

(includes some funding for conferences)

7. Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 10,000
Transportation and Communications	\$ 500
Other Expenditures	\$ 0
Total	\$ 10,500

8. Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 2,790
Transportation and Communications	\$ 2,250
Other Expenditures	\$ 2,505
Total	\$ 7,545

(includes some funding for conferences)

9. Social Affairs, Science and Technology (legislation)

Professional and Other Services	\$ 2,500
Transportation and Communications	\$ 0
Other Expenditures	\$ 500
Total	\$ 3,000

10. Transport and Communications (legislation)

Professional and Other Services	\$ 20,000
Transportation and Communications	\$ 200
Other Expenditures	\$ 1,000
Total	\$ 21,200

Your Committee recommends that there be a strict claw back process, whereby any funds remaining following the conclusion of an activity, in particular travel for public hearings and/or fact-finding, will be returned to the central budget for redistribution by the Committee on Internal Economy, Budgets and Administration. This will be done in such a way that committees will not have to volunteer the return of funds.

Your Committee intends to reconvene in the fall to undertake a review of the financial situation and to consider the release of additional funds. The release recommended in this report will enable committees to plan their work at least through the early fall.

Respectfully submitted,

LISE BACON
Chair

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

On motion of Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

TRANSPORT AND COMMUNICATIONS**BUDGET—REPORT OF COMMITTEE PRESENTED**

Hon. Leonard J. Gustafson, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Transport and Communications has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, March 19, 2003, to examine and report on the current state of Canadian media industries; emerging trends

and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, 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 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,

LEONARD GUSTAFSON
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 661.)

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

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

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES****BUDGET—REPORT OF COMMITTEE PRESENTED**

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

Thursday, April 3, 2003

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

SIXTH REPORT

Your Committee, which was authorized by the Senate on November 7, 2002, to examine and report on emerging issues related to its mandate.

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,

TOMMY BANKS
Chair

(For text of report, see today's Journals of the Senate, Appendix "C", p. 669.)

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

On motion of Senator Banks, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1350)

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Deputy Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002 to examine and report upon the Canada — United States of America trade relationship and the Canada — Mexico trade relationship, 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 travel outside Canada for the purposes of its examination.

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,

CONSIGLIO DI NINO
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix "D", p. 679.)

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

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

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Ione Christensen, for Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report upon

issues affecting urban Aboriginal youth in Canada, now, respectfully requests approval of funds for fiscal year 2003-2004.

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,

THELMA J. CHALIFOUX
Chair

(For text of report, see today's Journals of the Senate, Appendix "E", p. 687.)

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

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

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF POLITICAL COMMITTEE, MARCH 3-6, 2003—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian section of the Assemblée parlementaire de la Francophonie, and the financial report relating to it. The report concerns the meeting of the APF Political Committee, held in Luxembourg, from March 3 to 6, 2003.

[English]

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— LANGUAGES OF NOTICES— AVAILABILITY OF TRANSLATORS

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate. On Tuesday, Health Canada began distributing health alert notices at Pearson International Airport in Toronto. These notices asked travellers to postpone their flights and see a doctor if they are showing symptoms of SARS, or had contact in the last 10 days with any infected people or were at any infected SARS facilities. Could the Leader of the Government in the Senate tell us if these notices are available in the languages of Southeast Asia, in particular Cantonese and Mandarin, as well as the relevant languages of the highly infected areas of Asia?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I do not know if this information is available in any languages other than Canada's two official languages. I will get that information for him. The honourable senator has made an excellent recommendation and I will bring it forward also with the Minister of Health.

Senator Keon: Honourable senators, along with the health alert notices, airport authorities have placed posters at strategic locations at Pearson International Airport, informing travellers who meet certain criteria to defer their flights. In addition to these posters, it may be useful to have staff there to hand out flyers or answer questions that travellers may have. Again, could the Leader of the Government tell us, or find out, if there are translators there who could communicate this information to people from the Asian areas where there are particularly high pockets of the disease?

Senator Carstairs: Honourable senators, there certainly are staff to conduct inquiries or respond to questions that individuals may ask. I also know that the phone lines being manned in Toronto do have translators in all of the languages of the communities that have been most affected by this disease. I do not know whether there are translators at the airport. Again, I will try to obtain that information for the honourable senator.

JUSTICE

FIREARMS CONTROL PROGRAM— STATUS OF BILL C-10A

Hon. Gerald J. Comeau: Honourable senators, on Tuesday, the Leader of the Government in the Senate told us that the government would press for the passage of Bill C-10A next week. She also said that we cannot move forward with Bill C-10B until the House of Commons has moved forward with Bill C-10A and our suggestion to split the bill. Today, we learned that the government has withdrawn its plans to push Bill C-10A through the House of Commons because it contains wording that might have to be changed before the Solicitor General can legally take responsibility for the Canadian Firearms Program. My understanding is that this might even imply legislative changes. In light of these revelations, could the Leader of the Government tell us exactly what is the status of Bill C-10A? Is it being withdrawn or amended? How long will it take to do this, and what will happen to Bill C-10B, which is still before this chamber?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. When I read the article that I am sure he read this morning, I was somewhat surprised. I was in a meeting, yesterday afternoon, in which just the opposite information was provided to me. I immediately made contact this morning. My understanding is that the matter will still be on the agenda for next week.

FINANCE

USE OF FOREIGN AFFILIATES TO AVOID PAYING TAXES

Hon. Marjory LeBreton: Honourable senators, the CBC program, *Disclosure*, broadcast on April 1, revealed that Canada Steamship Lines moved some of its companies from Liberia to Barbados, because of the change in Canadian tax laws.

The 1994 budget brought in by the former Minister of Finance, Paul Martin, boasted about "taking measures to prevent Canadian-based companies from using foreign affiliates to avoid paying Canadian taxes." The budget closed the Liberia loophole, but not the Barbados one. Can the Leader of the Government tell us why the Barbados loophole was not closed at the same time as the Liberian one?

• (1400)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, protecting Canada's tax base is an ongoing process, as the honourable senator well knows, since, in this chamber, we usually get new tax treaties for various countries two or three times a year. They, of course, go to the Banking Committee for discussion. My understanding is that tax havens are under continuous scrutiny by the Department of Finance as well as Canada Customs and Revenue Agency. Discussions with Barbados are ongoing with a view to updating that tax treaty.

Senator LeBreton: Honourable senators, the Auditor General, in her December 2002 report, on page 24, noted that "Canadian direct investment in Barbados...has increased from \$628 million in 1988 to \$23.3 billion in 2001."

Earlier this week, the Ethics Counsellor refused to answer the CBC program *Disclosure*, as to whether the former Minister of Finance had discussed with his trustees the moving of CSL companies to Barbados, to take advantage of these tax laws. We know the Ethics Counsellor allowed meetings under the former minister's blind trust management agreement or, as our leader in the other place says, the "Venetian blind trust," in the event of extraordinary or exceptional circumstances.

Can the Leader of the Government in the Senate tell us if changes in the Canadian tax laws would constitute an extraordinary or exceptional circumstance?

Senator Carstairs: Honourable senators, the Ethics Counsellor, who has had a relationship with the former Finance Minister in exactly the same way as he does with every single minister, including me, is very direct in his information to us and very direct in his insistence upon our obligations under the established code of conduct. He has indicated in the clearest possible terms that the former minister, the Honourable Paul Martin, has in no way violated the code of conduct.

TOTAL GOVERNMENT EXPENDITURES SINCE 1993

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government in the Senate. On Tuesday this week, the Honourable Senator Bryden compared the total expenditures of the Mulroney government of 10 years ago with governments prior to that date. He quoted, with some fanfare, the following statement:

Seventeen prime ministers, from Macdonald to Turner, governing since Confederation, spent \$900 billion over 117 years. Then along came Mulroney who, with the help of Wilson, Mazankowski, Campbell, Charest and friends, managed to spend more than one trillion dollars in eight years.

I would ask the Leader of the Government in the Senate to bring us up to date. What are the total annual expenditures of the Liberal government since it took office in 1993?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would be prepared to do that. However, as the honourable senator knows, I will have to take that question as notice and provide that information later. Of course, the honourable senator has it in his office. He would need only to take a look at the accounts and add them up.

Senator Stratton: The answer is \$1.5 trillion over nine years.

NET REVENUE FROM GOODS AND SERVICES TAX SINCE 1993

Hon. Terry Stratton: Honourable senators, Senator Bryden went on to laud the surpluses and fiscal management of the Chrétien-Martin government. Can the Leader of the Government inform us as to the total net revenue taken in by the government over the last nine years through the tax they promised to cancel, namely, the GST?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have that figure; however, I am sure the honourable senator does and will he quickly give it to us?

Honourable senators, we are in a situation this afternoon in which a favoured phrase of my mother's comes to mind, which is that people who live in glass houses should not throw stones.

Senator Stratton: Honourable senators, the correct answer is \$180 billion. Is that good fiscal management?

NET REVENUE FROM EMPLOYMENT INSURANCE PREMIUMS SINCE 1993

Hon. Terry Stratton: Honourable senators, in addition to the \$180 billion in net GST revenues over that nine-year period, the Chrétien-Martin government also introduced a new taxation concept. I refer to the Employment Insurance Fund. I am sure the Leader of the Government in the Senate can provide this answer. Can the leader tell us how much the Chrétien-Martin government has taken in to date from that insurance program?

Hon. Sharon Carstairs (Leader of the Government): No. Again, I am sure the honourable senator can provide us with that information. However, it is important for a couple of things to be put on the record. When the Mulroney government left office, we had roughly a \$42 billion deficit. In the last six years, we have had a balanced budget. I think that is the most perfect example of fiscal accountability that anyone could possibly consider.

Senator Stratton: Honourable senators, I would suggest that, if you add the help of \$180 billion and the \$45 billion in the Employment Insurance Fund at the end of this fiscal year, you end up with a substantial amount of money that I am sure adds up to more than the surpluses the government has accumulated. The government has accumulated them thanks to the GST and thanks to the Employment Insurance Fund.

[Senator Stratton]

Senator Carstairs: Honourable senators, with the greatest respect to the honourable senator, one cannot deal with hypothetical issues; however, one must ask oneself, if it was \$42 billion in 1992-93 under that administration, and it had been growing steadily year after year, what would it be today if they had remained in power?

FISCAL DEFICIT AS PERCENTAGE OF GROSS DOMESTIC PRODUCT

Hon. Marjory LeBreton: I have a supplementary question, honourable senators. The honourable minister has just cited the \$42-billion deficit. I asked a question on this subject a year-and-a-half ago in the Senate. I asked the government leader whether she agreed with the standard fiscal practice of calculating the deficit as a percentage of the GDP. At the time, she said that she did not know the purpose of my question. I will tell her. I wanted to point out that the biggest deficit ever left in the history of this country was left by the Trudeau-Chrétien Liberals in 1984, when it was 8.7 per cent of the GDP. The Mulroney government got the deficit down to 4.6 per cent of the GDP, and by the time we left office after the serious recession it was still only 5.9 per cent, almost three percentage points lower.

My question to the Leader of the Government in the Senate is: Can she imagine what the \$38-billion deficit left to the Mulroney government in 1984, which constituted 8.7 per cent of GDP, would have been like today if left untackled?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the reality is that it was left untackled when the honourable senator's government kept running deficits.

Senator LeBreton: No.

The Hon. the Speaker: I remind honourable senators that, according to our rules, Question Period is a time for putting and answering questions. Debate is not in accordance with our rules for Question Period.

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Consiglio Di Nino: Honourable senators, it is all in fun.

Colleagues, last week the Canadian government announced \$100 million in aid for the people of Iraq. We all applaud that initiative. However, at the same time, a question was asked last week as to where this \$100 million is coming from. The government stated that the money was provided for in the February budget and is built into the existing fiscal framework. In today's *Ottawa Citizen*, both in an editorial and a separate article, attention was drawn to the fact that the Iraqi conflict has distracted the world from other troubled spots, such as Eritrea, the Sudan, Malawi and Ethiopia. It was also noted that aid crises in these and other areas have now fallen out of the spotlight.

• (1410)

Can the Leader of the Government in the Senate assure this chamber that the aid to be provided to Iraq has not been diverted from other areas that are an important focus of Canada's much-needed aid dollars?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure the honourable senator that the budget has provided for significant increases in humanitarian aid and that the integrity of the programs that are presently in existence has been protected.

UNITED NATIONS

HUMANITARIAN AID

Hon. Consiglio Di Nino: I thank the honourable senator for that response.

Could the minister also inform this chamber as to what steps our country is taking at the UN to ensure, together with other nations, that other aid crises in Africa, Asia and elsewhere in the world do not fall out of the spotlight?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the Prime Minister has put aside a large sum of money, \$500 million, for aid specifically targeted to Africa. That fund is in place and will reach out to the people of Africa.

The senator is quite right. Our televisions, our news programs, our radio and our newspapers are dominated by one event going on in the world. However, there are other tragedies occurring, and we must be there for those people as well.

THE SENATE

WAR WITH IRAQ—REQUEST FOR BRIEFING BEFORE FOREIGN AFFAIRS COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, every time I want to ask a question to the Chairman of the Standing Senate Committee on Foreign Affairs, I do not know what happens. I am not lucky again today. In his temporary absence — I want to be a gentleman and cannot say that he is absent — can I ask the deputy chair of the committee if he could use a day or two in the next three weeks to give us a full and complete briefing on the situation in the Middle East?

The Hon. the Speaker: I am sorry, honourable senators, but the rules are fairly clear. Questions can be put to a minister or the chair of a committee. Unfortunately, the rules do not extend to a deputy chair or to the deputy leader.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

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

Thursday, April 3, 2003

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

NINTH 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 and in particular, to examine issues concerning mental health and mental illness, now, respectfully requests the approval of funds for 2003-2004.

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

Respectfully submitted,

JOYCE FAIRBAIRN
For the Chair

(For text of report, see today's Journals of the Senate, Appendix "F", p. 693.)

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

On motion of Senator Fairbairn, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

ORDERS OF THE DAY

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Christensen, seconded by the Honourable Senator Chalifoux, for the second reading of Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the second reading debate on Bill C-2. As honourable senators have already heard from our colleagues who have spoken, Bill C-2 implements a process for assessing the potential environmental and/or social impacts of certain developments — such as logging, mining or road construction — undertaken in the Yukon.

This legislation implements the development assessment process described in chapter 12 of the Yukon First Nations' Umbrella Final Agreement between Canada and the Yukon Territory and the Council of Yukon Indians, which was signed in May of 1993. Effectively, through Bill C-2, a framework is being created whereby any potential environmental and/or social impacts of development are considered before they can proceed. The framework is intended to apply a single process to all projects, whether they involve federal, territorial or First Nations' settlement lands.

The bill itself is divided into three parts and contains 134 clauses. Part 1 of the bill establishes the Yukon environmental and socio-economic assessment board, which consists of a three-person executive and four other members. It is important to underscore that the board's chairperson must be a Yukon resident, as well as a majority of the board's members.

Bill C-2 also details how the Indian Affairs minister, following consultation with the First Nations, will divide the Yukon into six assessment districts. A community in each district will be named as a designated office and will have staff accountable to the board for the purpose of assessing local projects. As well, the main office of the board will be in Whitehorse.

The board will be given the power to make a wide range of rules covering areas such as time lines for project assessment, proposal information requirements for projects, public notices of proposed projects and public involvement in the assessment process. Also, the board will be responsible for maintaining a central public registry with information on all projects that have been and are being assessed.

It is notable, honourable senators, that according to Bill C-2, the board will be subject to the Privacy Act and the Access to Information Act. We would like to see this in all legislation. Also helpful is the fact that the board will be audited annually by the Auditor General and that it must submit annual reports to the minister. It will be important to determine that the minister, in turn, will make those reports available to Parliament.

Part 2 of the bill deals with the assessment process and related decision documents. All projects must be assessed by either the board or one of the designated offices. The bill lays out the matters that must be considered when conducting an assessment, such as the purpose and stages of the project, the significance of any environmental or socio-economic effects of the project, including malfunctions or accidents, and alternative ways of operating the project to minimize any adverse effects.

The process outlined in the bill also stipulates that after a project has been assessed, the board or office will recommend to the relevant federal, territorial or First Nations decision bodies whether the project should be allowed to proceed and if special terms or conditions should apply to the project. It would follow, then, that the decision bodies for the project would then accept, reject or vary the recommendations in a decision document. Under the bill, decision bodies must then implement their decision

documents when they issue authorizations or permits or take any other action that would allow a project to proceed.

Honourable senators will note that in accordance with the provisions contained in the bill, the Canadian Environmental Assessment Act will have limited application in the Yukon. Its application will be limited to the panel review level, particularly when transboundary projects are under consideration.

Part 3 of the bill primarily involves transitional provisions and related amendments to other acts. Key in this regard is the fact that the Yukon First Nations Self-Government Act is amended to allow fines of up to \$300,000 for offences related to the use of settlement land and natural resources on settlement land and the protection of the environment.

• (1420)

Honourable senators, the bill before us has a backdrop. Part of that backdrop was a decision made by the Council of Yukon First Nations, the Government of the Yukon Territory and the Government of Canada on May 29, 1993, when the three parties signed the Umbrella Final Agreement. That agreement became law on February 14, 1995. It provides for final land claims agreements and self-government provisions for the 14 Yukon First Nations.

The Umbrella Final Agreement is the key overarching document of the Yukon First Nations land claims settlement. If I understand correctly, it is also the document from which this bill and its development assessment process flow.

Ideally, the full implementation of Umbrella Final Agreement, along with the associated implementation of individual First Nations final agreements, the associated creation of related management boards and committees, and the associated creation of new mechanisms for managing economic development and environmental assessment, will help to more effectively realize the tremendously rich potential of the Yukon and its citizens.

I am sure we would all agree that the extent to which Bill C-2 advances this latter objective is important. This will be one of the key criteria, no doubt, for the scrutiny of the committee to which this bill is referred.

Honourable senators, this bill should be examined within the context of the very interesting history of the development of self-government in the Yukon. In principle, this bill is a solid initiative. We, on this side, have no difficulty, therefore, in supporting this bill at second reading.

The Hon. the Speaker: Honourable senators, is the house ready for the question?

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Christensen, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Cook, for the second reading of Bill C-15, to amend the Lobbyists Registration Act.

Hon. Consiglio Di Nino: Honourable senators, I am pleased to speak today on Bill C-15, which proposes amendments to the Lobbyists Registration Act. Although the bill fails to adequately address some concerns relating to lobby campaign budgets and enforcement provisions, it does improve transparency of lobbyist activities.

Our colleague Senator Rompkey has already outlined much of the history and substance of the act. However, in the interest of clarity, I will add a few points.

The Lobbyists Registration Act was passed in 1988 by the then PC government. The act was amended in 1993 and again in 1996. Notably, the amendments passed in 1996 led to the drafting of the Lobbyist Code of Conduct by the Ethics Counsellor, to which all lobbyists are currently bound.

In 2001, the Standing Committee on Industry, Science and Technology in the other place delivered a report on the effectiveness of the lobbyist registration system. Although the committee concluded that the registry was effective in broad terms, a number of recommendations were made.

The changes to the act proposed by Bill C-15 bring us closer to the goal of addressing the four key principles mandated in the act's preamble and outlined, I think quite well, in Senator Rompkey's presentation.

The aim of the act is not to regulate lobbying activities but rather to increase transparency in such a way that the Canadian public knows who is lobbying the government and on whose behalf.

The bill makes a number of changes to the Lobbyists Registration Act. The expression "attempt to influence" has been removed, meaning that all communications between lobbyists, consultants and the government qualify as lobbying and are, therefore, subject to registration.

Communications initiated by a public office holder with a potential lobbyist have been included in the list of actions requiring registration. This bill creates a common registration bank for both corporate lobbyists and lobbyists representing not-for-profit organizations, with responsibility for registration being transferred from individual employees to senior management.

Under Bill C-15, lobbyists will be required to update their submissions to the registry every six months. The act itself is to be reviewed by Parliament every five years.

During hearings in the other place, a number of concerns regarding Bill C-15 were raised, including that the Lobbyists Registry is too vague because it names only the government departments targeted for lobbying activities. Some have suggested that lobbyists identify the individual public servants with whom they are in contact.

John Chenier, publisher of the *Lobby Monitor*, an individual who has followed lobbying for close to 15 years, recommended during committee hearings in the other place that operating budgets of lobbyists be included in information filed. He pointed out that there is "a huge difference between an advocacy campaign with a budget of \$30,000 and another of \$500,000."

Witnesses also questioned whether those who hold senior positions with federal political parties should be allowed to lobby the government as paid lobbyists.

A number of enforcement issues have been raised in relation to this bill. Currently, the act does not set out penalties for lobbyists who are in violation of the code of conduct. The omission is significant because it leaves too much leeway for interpretation by the Ethics Counsellor. The nature of the Ethics Counsellor's role has raised questions of inconsistencies in the investigations process. To date, not a single lobbyist has been found to be in violation of the code of conduct and few of the complaints filed ever make it to the investigation stage. This could also be good news, but we should look at it.

The 2001 report of Standing Senate Committee on Industry, Science and Technology recommended that the Lobbyists Registration Act be "amended to create a new office" with the "exclusive responsibility of investigating and reporting to Parliament on alleged violations of the Lobbyist Code of Conduct."

Currently, the Ethics Counsellor investigates such complaints and reports his findings to the Minister of Industry. In response to this recommendation, the government indicated that it was "of the view that the role of the Ethics Counsellor has been a valuable part of the overall success of the lobbyist registration system since its inception."

Separate from Bill C-15, both Houses of Parliament have undertaken a study of proposals to implement the 1997 Milliken-Oliver report and to amend the act dealing with the Ethics Counsellor. This raises the question as to whether Bill C-15 and its objectives will be affected. I urge the committee to examine this as well.

Honourable senators, although this legislation does not address all of the weaknesses of the Lobbyists Registration Act, it does increase transparency in lobbying. For this reason, we would agree that it should go to a committee which should pay particular attention to the points I have outlined and other issues that may be raised by witnesses.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

• (1430)

REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[Translation]

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 April 2, 2003, moved:

That, pursuant to rule 95(3), during the week of April 7 to 11, 2003, all Standing or Joint Committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

Hon. Marcel Prud'homme: Honourable senators, can we expect the Foreign Affairs and National Defence Committee to meet next week, given the dramatic events in the Middle East and the potential implications for Canada?

Senator Robichaud: Honourable senators, the purpose of the motion is to allow any committees so desiring to meet next week and address matters of their choosing. Each committee always has the privilege of deciding what it will do.

[English]

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

Motion agreed to.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud: Honourable senators, dare I hope that consent will be given to call the next item, Item No. 1 under "Commons Public Bills", third reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge?

[Senator Di Nino]

Hon. Marcel Prud'homme: I had advised the house formally of my objections. However, after consultation, and being a reasonable man, I was convinced by Senator Lapointe to withdraw my objections, when I said that I was absolutely opposed to this, and that you would see why later on during the debate. I therefore will give my consent.

[English]

VIMY RIDGE DAY BILL

THIRD READING

Hon. Marie-P. Poulin moved the third reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

She said: Honourable senators, during the past few weeks, we have been touched by the expressions of emotion in support of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge. One colleague after another has openly shared treasured memories of loved ones, friends and relatives, all who gave of themselves in the defence of freedom. Grandfathers, fathers, brothers, uncles, sacrificed their lives or suffered wounds in Vimy. Women served in support capacities for the fighting men. Their valiant efforts, collectively, deserve to be honoured by establishing a national day of remembrance of the Battle of Vimy Ridge, almost exactly 86 years ago at Easter. It was, as history has recorded, the day when Canadian troops, fighting for the first time, independent of other Allied forces, launched a battle for the Vimy escarpment. Their triumphs gave birth to Canada as a nation. Out of the quest for freedom, Canada emerged strong, proud and united.

[Translation]

Honourable senators, it was noted by all those who spoke in support of this bill that the Battle of Vimy Ridge has become a symbol of our country's independence, of the courage of Canadians at a time of fragile peace, at a time when the present loss of human life is breaking the hearts of fathers, mothers, husbands and wives. The road to democracy, to responsible government throughout the world, is not always a smooth one.

In instituting a national day of remembrance of the Battle of Vimy Ridge, we are showing, in a tangible fashion, our admiration for and appreciation of those who sought to defend our values in the past and of those who are doing so today.

[English]

Honourable senators, the sentiments of this house are with that of the other place. I invite you to adopt Bill C-227 by voting unanimously in favour of the third reading of this bill.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I listened attentively to all the speeches. Obviously, if we are serious, we must do our jobs and listen to what is being said in this chamber. Sometimes, not everyone appears to be listening. A good argument will convince me, as it does everyone else.

I will not mention the unfortunate events caused by some individuals who, in their hurry, hoped to sabotage this extremely good cause. How can anyone disagree with what Senator Poulin just said? How can anyone disagree with what Senator Meighen or Senator Atkins said? How can anyone disagree with everything that has been said since this idea to commemorate the Battle of Vimy Ridge was first introduced?

The bill is quite simple. It is but one line. Bill C-227 was presented on February 25, 2003. On February 27, 2003, it was read the second time.

I waited to hear the comments of those who believe, as I do and as many others do, in what the Battle of Vimy Ridge represents. Some of us have relatives who took part in this battle. Senator Atkins told us that his father had died. He was going to speak earlier, but postponed his remarks — which is normal; it is his privilege to do so. Other honourable senators, including Senator Meighen, Senator Fitzpatrick and Senator Milne, spoke on second reading.

Finally, when my turn came, you all know what happened: the commitment made was not kept. Later on, Senator Kinsella took me to task and told me: "It goes without saying that the honourable senator will have the opportunity to speak at third reading", as if I were a newcomer in the Senate. We have to follow the rules, but I knew very well that I would be able to speak at third reading.

• (1440)

They came to my office and pleaded with me. I had to be unpleasant, which is not my nature, and throw three senators out of my office because, frankly, there is a limit to being made a laughing stock.

It is obvious that the Battle of Vimy Ridge is an extraordinary event that must be commemorated. I have been a parliamentarian for 40 years, and I keep seeing the same things happen over and over again.

Someone rises, makes a wonderful suggestion, so wonderful in fact that it is almost impossible to oppose it. People did not even think about the importance of flying the flag at half-mast, the flag I voted for. None of you voted for the flag. Incidentally, this is a flag that no one in Western Canada wanted. No one! For months, they ranted and raved!

The symbol of the flag is an important one to me, as it was to my friend, the Right Honourable John Diefenbaker. When they took down the flag we had at the time, the Red Ensign, on February 15 — and I am not using any notes — a member attending the ceremony wept. I understood how he felt. In the heart of winter, what joy it was for the huge crowd to watch our flag be raised. A large segment of the Canadian population was opposed, arguing that this was a concession to Quebec. Today, who would be foolhardy enough to tell young people in Alberta that we are going to take the Canadian flag away? That person would be lucky to get out alive. The flag is a very important symbol.

When there is talk about flying the flag at half-mast, there is a need for a protocol. How do we go about it? Is all that is required for someone to stand and announce that he or she has a good idea? We cannot say no.

I will remember all my life the way in which the first honorary Canadian citizen was inducted. I still believe that he is not a Canadian citizen. Everything was done on the sly in the House of Commons, on a Monday evening. The decision was imposed on the Senate, even though an honourable senator did object. The Senate adjourned. It was to reconvene the following day. What happened? The Leader of the Government, Senator Roblin, had Mr. Charbonneau recall Parliament to consider a matter of national emergency. There are people here who witnessed the whole affair. Senator Allan MacEachen has been wondering ever since what national emergency warranted recalling Parliament a second time? Two sittings in one day! Honestly, if there had been more consultations, instead of the usual backroom shenanigans, there would have been unanimous support.

I would like that to happen someday. That is why I am so furious. We are not talking about the Battle of Vimy Ridge. Obviously, everything that has been said is important, and clearly we must honour these soldiers.

Yesterday, in committee, the compelling argument I was given is that we have to hurry because there are only a dozen or so survivors of this battle left. What were we doing 15, 20, 30, 40, 50, 60 and 70 years ago? The Battle of Vimy Ridge did not take place yesterday. The definitive argument I was given was: "Hurry up, April 9 is next week!"

Next week, the flag will be flying at half-mast, for a historic event. People will ask: "What is happening?" It is to commemorate the Battle of Vimy Ridge!

There will be nothing to prepare us emotionally, no announcements in schools about Vimy's symbolism. People will realize that the flag is at half-mast. We have gone from 12 to 18 to 22 to 42 days during the year when the flag is at half-mast. Honourable senators, is the flag important or not? I am not against this ceremony. And now I understand that no one will even be here next week. I will be here! However, I do not think that this is the right approach. We are supposed to take whatever time is needed. That is the rule.

[English]

"Order excludes haste and precipitation." It is in the Speaker's chambers, where we go for receptions.

[Translation]

That is the role of the Senate. We are not supposed to be told, with a knife at our throats: "Hurry up, or you are against the veterans."

[English]

I have no lessons to learn. I will tell you one thing: I would remind the first one who would dare to try to teach me a lesson on the veterans of Canada that I became their champion when someone wanted to tamper with the War Museum. I came out

directly after having a heart attack. With former Senator Orville Phillips, we saved the War Museum. I became an honorary member of places where they have never heard and seen a Canadien français Roman Catholic from Quebec. In parts of Saskatchewan and Manitoba they said, "Marcel was our champion." Therefore, I have no lesson to learn. If anyone ever gets up and uses my name and says, "It is Prud'homme who seems to have opposed it," they had better say it in public, because I love debating. That is probably the only thing I know.

That is why I wanted to be on the Foreign Affairs Committee. They dumped me on the Banking Committee. I am not too sure I understand what is going on, except that I see they are very important people, big shots, and they all agree, it seems, with each other.

Honourable senators, a very bad incident took place when I wanted to speak on March 26. It involved the process.

Honourable senators, how are we to decide in the future how to appoint, for instance, an honorary Canadian citizen? Many of you saw what happened in the House of Commons in December 1995, how disgusting it was when there was an initiative to make Mr. Nelson Mandela an honorary citizen. If there had been a process, we would not have had that sad spectacle by a Canadian Alliance member. He would have gone down the usual road of democracy and said, "I do not agree." At least the process would have been followed, but, no, poof, and it was a big surprise. I am happy that I raised the matter here.

I defended Mandela when I was a student. There, again, I will not take any lessons from anyone. However, the process is important.

However, we need a process. Next week, we could say that we want Mother Teresa to be an honorary Canadian citizen, and who would say no? We may try to do something today, but there is no process.

MOTION IN AMENDMENT

Hon. Marcel Prud'homme: Honourable senators, just to remind people, I have an amendment. You will dispose of it, I am sure, rapidly. I move, seconded by the Honourable Senator Sparrow:

That Bill C-227, An Act respecting a national day of remembrance of the Battle of Vimy Ridge, be not now read a third time, but that it be read a third time this day six months hence.

I have enough experience to know that the amendment will not pass. It is a friendly reminder to people to put their heads together in the open the next time, not in secrecy, and not because it may get more votes in this or that region or with the Legion. No, make your case in the open. Canadians love things that are done in the open. Canadians have good proposals.

Therefore, I move this amendment to Bill C-227.

[Senator Prud'homme]

The Hon. the Speaker: Honourable senators, are you ready for the question?

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I do not always agree with what Senator Prud'homme has to say, but his comments do merit consideration. It is not the first time that this chamber or this Parliament has had to deal with issues brought up at the last minute.

• (1450)

There are more and more proposals to designate days or weeks to commemorate historical events in our country or in another country with which we have close ties. For instance, there is Senator Losier-Cool's initiative, which Senator Comeau has built upon, respecting a National Acadian Day to recognize the contribution of Acadians. This is still being considered in committee, but things are going slowly. Yet the deportation of the Acadians was one of the most troubling events in the history of our country.

Senator Grafstein — and I asked for adjournment of the debate on his motion yesterday — proposed that we designate a special day to commemorate September 11, to be called "America Day in Canada."

Senator Prud'homme: To commemorate September 11.

Senator Corbin: Yes, September 11. Senator Lapointe made what I consider a very interesting informal suggestion to amend the motion.

When I was a member of the House of Commons, I suggested that we establish a National Family Week in Canada. This was turned down. A few months later, I was appointed to the Senate, and a new member sponsored my initiative, and the House of Commons and the Senate adopted the motion. There is now a National Family Week in Canada.

In recent years, we have seen other initiatives, including the one referred to by Senator Prud'homme. He has referred to the haste with which certain things are done, without any real reasoned debate beforehand. To use his colourful expression, we had a knife at our throats. We even had two special sessions on the same day in order to get this proposal passed, which came out of nowhere, one might say.

Perhaps we should create some institution, or ask an existing one, to examine all proposals of this kind and make recommendations to Parliament. We would, of course, have the final say. It is not necessary for the Senate or the House of Commons to have the last word. The government can issue an Order in Council, or use some other approach. There are many associations in Canada which proclaim this or that national day in order to raise public awareness. As a result, our calendar is starting to be full of days commemorating one thing or another.

I am not trying to downplay their importance. However, perhaps the time has come for some body or other — this could even be one individual or a group of individuals — to be mandated to look at proposals of this type and establish their relative importance with respect to our history, our traditions, our habits and customs and the values contained in the Charter and Constitution. Someone could come along tomorrow and propose that March 19, the Feast of St. Joseph, be designated National Maple Syrup Day or whatever! There are such things in some provinces or municipalities.

Senator Bolduc: Good idea, that.

Senator Corbin: Of course, this may sound like advertising. What we are trying to do here is much more significant. It seems to me that this bill deserves careful consideration and a great deal of wisdom. We must put this kind of commemoration in the global context of our history. This must not be done with a piecemeal approach; we need to keep a global perspective.

How many here can list the commemorative days that are officially recognized in Canada? Some could name a number of them. There may be some duplication, but I doubt that anyone could name them all. I cannot tell you how many commemorative days, weeks or months there are on the Canadian calendar.

I ask that we pause for a moment, if not today then later, but not too late, and try to put some order in this issue. I will make this point again when I speak on Senator Grafstein's motion. I do not intend to speak soon, because I really want to think seriously about what is being suggested. I want to put things in a Canadian, American and continental historical context. I am warning you: I will take my time and I do not want to be rushed. The same approach should have been adopted for what we are being asked to do in a hurry today. It is not a matter of downplaying the sacrifice of those who fought at the Battle of Vimy Ridge, for instance, the sacrifice of so many Newfoundlanders who gave their lives.

Senator Prud'homme: At the Battle of Beaumont-Hamel.

Senator Corbin: Actually, the Battle of Beaumont-Hamel used to be commemorated on July 1 in Newfoundland. However, Newfoundlanders were asked to change the date because it conflicted with Canada Day. As if Newfoundlanders did not have the right to commemorate this tragic event on the date of their choice! How many such examples are there?

• (1500)

I really do understand what Senator Prud'homme is saying. I share his views on the subject. I do intend to avoid haste and precipitation in the future. I will do so with respect to Senator Grafstein's motion.

I am not obstructing just for the fun of it. However, I would like to know what our country wants to have as fundamental values, and whether we think it appropriate to express these values by devoting days or months or years to commemorative events. I believe it is time to straighten these things out.

I am not certain that I will support Senator Prud'homme's motion. I might be inclined to do so, because I, too, do not like

being rushed. If we had to go along with every committee that made a suggestion because a deadline was approaching, that would not be a reasonable situation.

[English]

Senator Prud'homme: Honourable senators will be interested in this because it is very serious. Newfoundland became a province in 1949, but how many people know that at the famous Battle of Beaumont-Hamel on July 1, 1916, 800 Newfoundlanders went to the battlefield that morning and only 68 came back that night? They have tried to have that day recognized but have been denied by Ottawa because it is the same day as Canada Day.

I am glad that Senator Corbin reminded me of that so our colleagues might question Newfoundlanders. We have Senator Rompkey and Senator Cook, honourable senators from Newfoundland. They know the story well. They know how deep the feelings are in Newfoundland, but the Secretary of State says, "No, it is July 1. Do what you want but not on that day." However, in 1916 they were operating under another regime and it is a most important day.

Honourable senators, the more I speak about this issue the more I am reminded to ask Senator Corbin to kindly share with me any comments he has received. I would be happy to share with Senator Corbin all the comments I have received in the last week.

Senator Corbin: I must apologize.

[Translation]

I was not listening to what you were saying, because I was thinking about something else that has to do with the Battle of Vimy Ridge. Would you please repeat your comment?

[English]

Senator Prud'homme: I was saying that I thank the honourable senator for reminding us about the famous Battle of Beaumont-Hamel that took place in Newfoundland when Newfoundland was under another regime, where 800 people went to battle that morning and only 68 returned that night.

[Translation]

Honourable senator, if you receive comments, I would like to continue this intelligent debate in the Senate in order to establish this committee, so as to prevent any surprises.

Senator Corbin: I completely agree, that was the gist of my comments. We need to stop adding things to the calendar right and left. It seems to me to lack sense and blurs the relative importance and value of the events we want to commemorate. We seem to let anything go when it comes to this. I think that the U.S. does this sort of thing much better than we do.

[English]

Hon. Herbert O. Sparrow: Honourable senators, I move the adjournment of the debate.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Sparrow, seconded by the Honourable Senator Prud'homme, that further debate be adjourned to the next sitting of the Senate.

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

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it. The motion to adjourn is defeated.

We could resume the debate, honourable senators, or I could put the question.

Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Sparrow:

That Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge, be not now read the third time but that it be read the third time this day six months hence.

Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the nays have it. The motion is defeated, on division.

Resuming debate on the main motion, or is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Poulin, seconded by the Honourable Senator Corbin, that this bill be read the third time now.

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

Motion agreed to and bill read third time and passed.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Morin, for the second reading of Bill S-11, An Act to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, Bill S-11 amends the Official Languages Act to specify the scope of section 41, in Part VII, of this act, in order to ensure that section 41 and Part VII are directory, and not declaratory, as some would claim.

You may say that I am very consistent, and that is true. Here I am again raising an issue that I believe to be fundamental to Canada's linguistic duality — a Canada that has official languages legislation, which ensures that official language minority communities have legal rights, rights that can be called on in the courts. If I had to give a title to my speech, it would be "No Recourse Equals No Rights."

• (1510)

This is the purpose of my speech today in support of Bill S-11. This is the second bill I have introduced in the Senate on the same subject. The first, Bill S-32, died on the Order Paper last year with prorogation. As a result, I have been able to improve the wording and to now submit Bill S-11 to the Senate.

My hearing is seriously affected by my illness, but that did not prevent me from understanding what was said by those who appeared before the committee examining Bill S-32. The Senate provides me with real-time captioning, which I greatly appreciate. It enables me to see in writing what I perhaps can hear but not understand. There is a difference between hearing and understanding.

The Standing Senate Committee on Legal and Constitutional Affairs devoted eight meetings last year to the examination of Bill S-32. We heard more than 20 witnesses in February and March of last year.

These witnesses made a serious contribution to the debate and I thank the senators who took part in the committee meetings. I must also acknowledge the interest and informed advice I received from my Senate colleagues. I put it to good use, along with what was said during consideration in committee, in drafting my new bill.

You have already heard me refer to the reason behind my numerous interventions on this matter in recent years. It is a matter of lifting the veil of ambiguity that obscures section 41 of the Official Languages Act and to determine once and for all the following: Is this provision directory or merely declaratory?

Many feel it is directory, but I acknowledge that many others feel it is declaratory. My objective is to make the wording so clear that there will no longer be any doubt remaining. Recently Minister Dion appeared before the Joint Committee on Official Languages and stated, in reply to a question on section 41, that it is not directory. It is too vague a matter to be left up to the courts. If it is too vague, then let us clarify it and tighten up the language.

I would like to give a quote that came to mind, a quote from Boileau that many of you will recognize. It dates back to 1674:

What is well understood is expressed clearly

and the words to say it come easily.

That is my intention. If the linguistic minorities in Canada have not sought any remedy with regard to section 41, it is, in part, due to the ambiguity about its scope. This comes from statements to the committee by Ronald Caza, a well-known lawyer, who defended Franco-Ontarians in the Montfort Hospital case. This is a man who knows how to make a stand. Mr. Caza told us in committee that individuals who want to go before the courts, because they are entitled to do so under section 18, could go before the Federal Court tomorrow. However, this requires deep pockets and an army of lawyers, because the argument does not relate to the substance but to the interpretation given to section 41. All the Ministers of Justice, since 1998, without exception, have told me that section 41 was declaratory.

How is it that such clear wording has been used? For example, it says in section 41 that the government is committed, I stress the word "committed," to enhancing, supporting and fostering the development of official languages in minority communities; the government is committed. When Senator Gauthier is committed to something, he keeps his word. The government says: "Well, you know, that is one way of putting it." It is declaratory, not directory. Yet, I was present when this legislation was amended, or the new legislation was passed in 1988. During a committee meeting, I remember that the then Secretary of State, Lucien Bouchard, had answered a question I had asked about this. He said: "Mr. Gauthier, section 41 creates obligations for the government." That is what I want because, in fact, the federal government has the main responsibility for protecting the official languages communities and minorities in general. The federal government is responsible for ensuring the survival of these communities throughout the country. It is in the Constitution; it is clear.

I am going to read section 41. I must point out that the legislator does not usually speak just for the sake of speaking, as my colleague Senator Beaudoin would say. We are not speaking just to hear our own voices. We are speaking because we believe in this.

Let me read to you what it states:

41. The Government of Canada is committed to

- (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
- (b) fostering the full recognition and use of both English and French in Canadian society.

This wording is almost identical to that of section 36, concerning equalization and regional disparities. You are familiar with equalization, the program under which between \$11 billion and \$12 billion is spent annually on the provinces to ensure that all have equal opportunities. Same wording.

36. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial government, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities;...

How is it that we can spend some \$12 billion a year on this but that no one can tell me whether section 41, whose wording is almost identical, is a declaratory provision? I am a little lost here. Granted, I have no legal training to help me understand. The fact remains that such was not the intention of lawmakers in 1988. At least, not the ones I knew.

• (1520)

I was the official languages critic for the official opposition at the time. I think that, in those days, we spoke with a unified voice and firmly believed that the government was indeed committed. As the minister said, the government creates obligations for the government.

We must clarify the scope of section 41. The veil has been lifted. The full responsibility of the federal government will become clear and francophone and anglophone minority communities in Canada will fully exercise their rights. They will be able to go before the courts when the federal government does not assume its responsibilities — something they currently cannot do. Under section 41 of Part VII of the Official Languages Act, one cannot ask a court to provide an interpretation of the expression "the Government of Canada is committed." You may argue that section 18 of the federal act allows for such action, but there are costs involved. One needs a team of lawyers. So far, it has been impossible to ask the courts for such an interpretation. I went through this with TFO, because I sincerely believe that educational television in a province comes under section 23 of our Constitution. It is an educational institution and I can prove it. I have the transcripts of the committee proceedings. The then Minister of Justice, the Honourable Jean Chrétien, gave a clear explanation of what an educational institution was. It is much more than a building made up of bricks and mortar.

In Ontario, it took 15 years to make the province realize that an educational institution should be managed by the minority community. Considering that the courts ruled in favour of this interpretation — the *Mahé* case is a classic example — considering that the courts ruled that the communities should manage the schools and that this is a constitutional right, why do we have educational television networks that do not come under the same section?

I tried to go to the Federal Court. The process took four to five months. I was told that the court would not hear my case. I went before the Supreme Court and asked to be heard. I was given the same answer after six months. Why? Because I was raising a constitutional issue, a right that I deem important, the right to educational television in provinces like Ontario, Alberta and Quebec. To me, it goes without saying that our children should have access to educational television in a modern world where communications, including distance education, are the solution to many problems. A lot can be accomplished through educational television. Communities must be given the right to manage. If that right is valid for the majority, why would it not be valid for the minority?

I was not able to convince the courts. The day will come when Canadians across the country, anglophones and francophones alike, will have access to distance education. Whether in a general field or medicine, we need to be able to establish direct links to communities, wherever they are located. This is possible today with telemedicine.

Many legal experts believe that the current wording of Part VII of the Official Languages Act is directory. I could name several members of this Senate who supported me on this issue, such as Senator Beaudoin. Senator Beaudoin and Senator Joyal both support this interpretation.

At Justice Canada, Warren Newman, whom I know well, and who was responsible for the bill in 1988, stated that the intent of legislators with section 41 was to provide formal, permanent and visible guidelines as to the federal government's commitment to official languages — that is what he said in committee. He stated that Part VII of the Official Languages Act was not regulatory, but referred to programming, and was therefore not judicable. That, incidentally, is what all ministers of Justice have been telling me since 1988.

Part VII of the Official Languages Act contains a commitment, not obligations, that are directory. It does not provide for legal recourse. That is basically the response that I have received from ministers of Justice since 1988.

I have been told:

This is why there are no regulations for section 41 or Part VII.

No regulations equals no recourse. No recourse, as far as I am concerned, equals no justice. I will resume the quotation:

Legislation without regulations is random, because it is not accompanied by any measures for its enforcement.

Let us have a look at the main objections that have been expressed in response to section 41. There are three of these.

First, this was not the intent of legislators—this is what officials have been telling us since 1988.

Second, recourse to the courts might encroach upon an area of provincial jurisdiction.

• (1530)

The Honourable Sheila Copps, Minister of Canadian Heritage, raised the concern before the Senate committee that involving the courts might encroach upon such provincial powers as education or health. My response to that is that there has been a successful precedent. Section 23 of the Charter of Rights and Freedoms encroaches on provincial prerogatives because it assigns rights relating to education. If the federal government believes that provincial governments must support minority language communities, let it say so loud and clear. The consequences for language minorities cannot help but be good.

Third, the fear of over-judicialization is pure nonsense, in my opinion. Must we stand up for what we believe in? Have education-related rights taken up an unacceptable amount of the courts' time? On the contrary. There have been 733 cases before the courts on section 15, and 30 on education, in connection with section 23, since 1982. It has been 18 years. There have been five in connection with section 16 of the Constitution. Who has been abusing the system? Not the minorities. We won all five. I could give you a list of the judgments, particularly the Supreme Court ones, on the interpretation to be given to official language equality in education, for example. This is taken for granted nowadays, but it took a lot of time and a lot of money. I know some of you here knew Georges Forest in Manitoba in 1976-77. This is the man who challenged the situation in Manitoba, where he did not have access to justice in his language, French. He challenged this in the courts and he won. It took \$70,000. He was not a rich man, and I found it somewhat staggering that a man had to just about bankrupt himself in order to defend a fundamental right. The government's reaction was a good one. A court challenges program was set up to provide financial assistance with cases involving constitutional interpretations. Even today, section 15 on equality and section 16 on official languages, the equality of their status can be challenged under that program. Which is only right. People are no longer forced into bankruptcy in order to defend their fundamental rights. In fact, when I am told that making section 41 directory would increase court action, I wonder on what they are basing this kind of statement? I do not understand.

Allow me to speak now about the witnesses who appeared before the committee last year to testify in favour of making Part VII directory. They suggested wording that I was only too happy to include in Bill S-11. These witnesses will have helped to speed up the passage of a better act, an act that is clearer and free of ambiguity. We will take an act that is ambiguous and give it some teeth. It will be clear and precise.

Our linguistic ombudsman, the Commissioner of Official Languages, Dr. Dyane Adam, told the Senate committee that section 41, as worded, had to be maintained, but also add after paragraph (1), paragraphs to explain that the government is required to act in order to provide for accountability, and that the Governor in Council should allow for recourse to the courts.

Many community organizations and other organizations representing francophone and anglophone communities and even French-speaking lawyers appeared before the committee to explain the problems. They gave their opinion and advice, and I accepted both and incorporated them into my bill.

[Senator Gauthier]

I recall, in particular, the statements made by the Fédération des communautés francophones et acadienne du Canada (FCFA). It too suggested that section 41 be maintained without amendment by inserting it in paragraph (1), followed by two new paragraphs clarifying the obligations and stating that the Governor in Council was to deal with such obligations. The FCFA also suggested adding a paragraph to Parts X (Court Remedy) and XI (General) to include reference to Part VII.

A select group of lawyers also appeared before the Senate committee. They all spoke in favour of clarifying the intent of section 41. Notably, Joseph Magnet essentially repeated the suggestions made by the Commissioner of Official Languages and the FCFA.

I also remember the statements made by Nathalie Des Rosiers, a lawyer and President of the Law Reform Commission of Canada, who spoke both as an individual and a constitutional and linguistic law researcher. In her opinion, the amendments to Part VII are necessary and part of a major law reform. Her theory is that, since the Quebec secession reference, protecting minorities has become a fundamental structural principle of the Canadian Constitution. Furthermore, the Montfort decision is based on this fundamental structural principle of protecting minorities. Ms. Des Rosiers said that any change desired by the minority to institutions providing services to the minority should be made in consultation with that minority and with its approval. This obligation to maintain a dialogue with minorities is compatible with changes in law reform today.

Under the Canadian constitution, the federal government is the guardian of official language minorities. Having federal legislation without regulations makes linguistic minorities vulnerable to the whims of all levels of government and to changing circumstances, and that is difficult.

I would like to conclude by saying a few words about the Official Languages Action Plan announced by Minister Dion on March 12. Some will say: this shows that the federal government is assuming its responsibilities. No need to make Part VII of the Official Languages Act directory; something is being done. There is an action plan. Forgive me if I smile a little. I was here in 1972-73, when the government promised to give us the overall development plan we were asking for. We never got it.

• (1540)

I can say that that framework is in place, since March 2003. Now we just need to find out if it is going to last. Are things going to get better? I do not know, because governments change and moods change as well. Unfortunately, there is no guarantee of continuity in law.

It is true that, in the action plan submitted by Minister Dion, it is no longer just Canadian Heritage responsible for coordinating the various departments and departmental responsibilities. Today, there is Canadian Heritage; there is Industry Canada; there could be a whole series of departments. The plan is clear, and the obligations are set out; what remains to be seen is if it will

yield results. There is an accountability framework, which is a good thing. I feel that it would be still better and more accountable, if section 41 of Part VII were judicable. At the present time, the law does not allow recourse to the courts. There are insufficient means and resources.

Bill S-11 would give the francophone and anglophone communities in minority situations the possibility of recourse to the courts if necessary.

No recourse equals no justice.

That is the message I wanted to leave with you today. I hope this bill will be passed. It would send a message to the linguistic communities that parliamentarians have faith in the future of linguistic duality in Canada.

On motion by Senator Beaudoin, debate adjourned.

[English]

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002, to examine and report upon Canada's possible adherence to the American Convention on Human Rights, respectfully requests for the purpose of this study that it be empowered to travel from place to place within and outside Canada.

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,

SHIRLEY MAHEU
Chair

(For text of report, see today's Journals of the Senate, Appendix "G", p. 701.)

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

Hon. Eymard G. Corbin: Before giving leave for the adoption of the report and since it will be debated later this day and not 48 hours from now, could we have a copy of the report for examination, please?

Senator Maheu: It is being distributed.

On motion of Senator Maheu, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Equipment, Furniture and Furnishings) presented in the Senate on April 2, 2003.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, I move the adoption of the report.

Hon. Eymard G. Corbin: Could we have some explanation?

Senator Bacon: Honourable senators, copies of the Senate policy on equipment, furniture and furnishings were sent to your offices yesterday. All senators have a copy. It has been amended to enhance and streamline the scale of entitlements for equipment to be in line with current requirements and to be in accordance with emerging technology. As background, the original policy was adopted in a report of the Standing Committee on Internal Economy, Budgets and Administration on October 1, 1997, and adopted by the Senate on November 19, 1997.

Hon. Colin Kenny: Honourable senators, for some of us, the report came yesterday. I think we should have an opportunity, at least, to review the report and study it before we vote on it.

On motion of Senator Kenny, debate adjourned.

FOURTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Telecommunications) presented in the Senate on April 2, 2003.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, I move the adoption of the report.

Hon. Colin Kenny: Could we have an explanation?

[*Translation*]

Senator Bacon: Honourable senators, I would like to point out once again that copies were sent to your offices yesterday. The present telecommunications policy has been in existence for over

14 years. You will understand that some services are no longer around and others have developed over the years as technologies evolve.

[*English*]

Over the years, as new tools and technology became available, requests for new products and services were different from the guidelines that were set under now outdated policy. These requests were reviewed on a case-by-case basis prior to their approval, since they were not included in the policy. In updating this policy, these particular requests were analyzed in an effort to bring the policy in line with today's standards.

[*Translation*]

Adoption of a revised telecommunications policy is required if we are to remedy the existing shortcomings and ensure implementation of mechanisms to ensure proper and fair application of the policy in future.

[*English*]

The proposed policy allows enough flexibility to be able to evolve with technology and to account for future growth, if deemed necessary, in senators' offices.

That is the explanation I can provide. Honourable senators have copies of the policy in their offices.

Hon. Tommy Banks: I have a question for the committee chair. I regret that I have not seen the report to which she refers.

• (1550)

Is it regarding the broadcasting of proceedings of Senate committees or does it refer to telecommunications in the sense of telephones or faxes?

Senator Bacon: It refers to faxes.

Senator Kenny: Honourable senators, while I am generally in favour of the revisions to which the honourable senator refers, I have not had an opportunity to study this report. Therefore, I would like to take its adjournment.

On motion of Senator Kenny, debate adjourned.

[*Translation*]

STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (document entitled "Santé en français—Pour un meilleur accès à des services de santé en français", tabled in the Senate on December 12, 2002.—(*Honourable Senator Pépín*).

Hon. Lucie Pépin: Honourable senators, following on the heels of Senator Morin, I am speaking today in support of the health initiatives in the Official Languages Action Plan. I heartily congratulate Minister Dion and all those who worked on this plan with him.

The Government of Canada's commitment to fostering the development of French and English linguistic minority communities is commendable. This action plan breathes new life into the reality of bilingualism, so often criticized these past few years. Like many Canadians, I am convinced that the resources and the mechanisms proposed in this report will promote bilingualism, one of the most precious aspects of our heritage.

I was extremely pleased to read in the action plan that \$119 million over five years would go to improving access to health care in minority areas. This money will go into networking, training and retention and the Primary Health Care Transition Fund.

The priorities in health care enumerated in the action plan are in keeping with the recommendations made by the Standing Senate Committee on Social Affairs, Science and Technology, of which I am honoured and pleased to be a member. You will recall that, in our report last December on "La santé en français", we felt it important to stress network development, the need for training activities and the establishment of organizational models for front line health care.

This new funding will help Health Canada to optimize its contribution to developing francophone and anglophone minority communities. Canadians living in minority communities really needed this.

The problems for francophone and anglophone minorities in accessing health care were clearly demonstrated by several committees created by the federal government. The two official languages advisory committees clearly defined the difficulties experienced by minority communities.

The anglophone minority community advisory committee put an end to one myth and noted that access to social services and health care in English is problematic in certain anglophone communities in Quebec, particularly those outside of greater Montreal.

The report entitled: "Santé en français: Pour un meilleur accès à des services de santé en français" paints a rather grim picture of francophone communities. In its study, the Consultative Committee for French-Speaking Minority Communities pointed out that more than half of the francophones living in a minority community have little or no access to health services in their language. The situation is much worse if we exclude Ottawa and Moncton, which are better served.

Of course, the lack of health services in their own language creates a lot of problems for these communities, from a health care point of view. This was confirmed at the hearings held by the Senate Social Affairs Committee during its study of the report entitled "Santé en français."

During these two days of hearing, we heard witnesses from Nova Scotia, New Brunswick, Prince Edward Island, Ontario, Manitoba, Alberta and British Columbia. These people are active in various sectors, including universities, associations and hospitals. They told us about serious shortcomings in terms of access to health services in their own language. I can tell you that their evidence was both very touching and upsetting.

Honourable senators, you will agree that it is only natural for anyone to wish to get services in one's own language, particularly when ill. French-speaking doctors and stakeholders in the health sector told us how important it is for francophone patients to get health services in their own language. As far as these witnesses were concerned, if a sick person cannot communicate in his mother tongue, this invariably leads to isolation — at the expense of that person's well-being.

Hubert Gauthier eloquently explained the problem. Mr. Gauthier is both the administrator of the Saint-Boniface Hospital, in Manitoba, and the co-chair of the Consultative Committee for French-Speaking Minority Communities. As such, he directed the work on access to health services in French for francophone minorities. In short, Mr. Gauthier is an expert on this issue.

He told us the following regarding the language in which health services are provided:

These patients often suffer from a number of diseases and from serious conditions. They are confused and afraid. They sometimes suffer from dementia and their relatives and friends must try to speak and act on their behalf. I cannot imagine providing the same care, ensuring the same degree of involvement on the part of patients and their relatives without being able to convey information and without understanding the nuances in their questions. Therefore, language is, in my opinion, an essential tool.

Dr. Denis Vincent also explained how important it is that his Franco-Albertan patients have access to services in French. For this Alberta doctor:

...access to health care in French is as important an issue for the development of francophone communities as the recognition of the right to French education.

What could be truer? It is unacceptable that people are experiencing this type of problem in a bilingual country such as ours. Anglophones and francophones living in minority linguistic communities belong here. They must have the right to obtain services in their language in areas as important as health and education.

Apparently in some areas, asking for health care services in one's own language is considered a nuisance. Clearly, anyone who is sick wants to avoid conflict, particularly when one's health precludes this luxury.

It is important to correct this with proactive solutions. We must encourage the establishment of places where people can be confident that health care services will be provided in their language. Certain witnesses told us that we must create places where people can feel that they can ask for services in French, and obtain them.

Steps must be taken to ensure that, when they walk through the door, physical or virtual, they will feel that services are in French and that they are not being a nuisance when they ask for service in their language.

Another witness informed us that when services are offered in their language, francophones use them a great deal. I heard from this same witness that "when there is availability, people spread the word, and there is a snowball effect."

This is the type of service we need to move toward. In areas where there are francophone and anglophone communities, people need to be able to say that such and such a centre offers services in the minority official language.

Dr. Vincent reminded us that it is possible to create health care centres with an atmosphere that is completely French, where anglophone clients can feel completely comfortable, and vice versa. I agree with him that, by operating in such a manner, we can raise awareness among anglophones of the French fact.

I have noted that the action plan contained provision for new financing to facilitate access to primary care by minority communities. I am told that efforts to train bilingual medical personnel are looking very promising, but in the meantime I trust these additional resources will go to help recruit bilingual personnel in communities where the need is most urgent.

In our hearings we were told about multidisciplinary teams, travelling teams and arrangements to link up professionals via telemedicine or telephone. There are already examples in place for us to follow.

• (1600)

There are successful solutions already available as far as networking and training go. Although there are still some challenges, collaborative efforts and the sharing of expertise have produced major gains as far as training and community-to-community links are concerned. I again stress the necessity for each and every Canadian to have the opportunity to receive medical care in his or her language. When the end of life is approaching, people have the right to die in their language. We heard some witnesses speak of palliative care being provided by persons of the other language and some reported being forced to pray in the other language. We all know how unacceptable that is, both for francophones outside Quebec and anglophones in Quebec.

Honourable senators, although I focussed on health measures throughout this speech, my desire is to place emphasis on the need to see this plan implemented. It is particularly important for this new thrust for linguistic duality not to be met with disappointment. The combination of this action plan and the legislative measures on linguistic duality already in place indicates to me that now things are set up properly. I hope the various levels of government involved, as well as the community, all do what is expected of them. Care must be taken to avoid a repetition of situations like Montfort Hospital, where the Franco-Ontarians had to battle for close to five years before seeing their rights

confirmed. Preserving that hospital took a lot of courage and tenacity, coupled with francophone solidarity. Montfort has become, in my opinion, the example of something that must never be allowed to happen again. We need to avoid ever getting to that point again, especially if we are not lucky enough to have a Madame Lalonde in our community. I retain my optimism, however. The provinces' expressed desire for bilingualism and the determination shown by the federal government since the release of this action plan are good signs for the future.

[English]

The Hon. the Speaker: Is an honourable senator rising to put a question?

Hon. Consiglio Di Nino: I am, Your Honour.

The honourable senator made a strong and valid point that I support. However, as I listened to Senator Pépin, something came to mind that we should address in this chamber. I understood her to say that it should be the right of a citizen who is very ill to be able to receive care to the degree possible in his or her own language, which I totally support. I believe she was talking about the two official languages. The Leader of the Government in the Senate should take note of this because I will be asking some questions on this matter probably when we return after the April recess. Should we not attempt to provide this service for the large number of new immigrants who come to this country who have a similar problem, although I am not equating it to the bilingual nature of our country? Would the honourable senator agree that we should strive to provide the services for other language groups where reasonable, where appropriate and where the numbers would warrant?

[Translation]

Senator Pépin: This kind of service should indeed be provided to the sick, especially those who are seriously ill. In some places, it is currently provided by volunteers. We should look into that. This is definitely a priority, one of the most compassionate forms of assistance that can be provided.

On motion of Senator Ringuette, debate adjourned.

[English]

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *The Myth of Security at Canada's Airports*, deposited with the Clerk of the Senate on January 21, 2003. —(Honourable Senator Kenny).

[Senator Pépin]

Hon. Colin Kenny: Honourable senators, I will not speak at length to this item today. I know that Senator Atkins and Senator Banks wanted to speak further to it because they have some points of interest to make in respect of Canada's airports.

On motion of Senator Kenny, for Senator Atkins, debate adjourned to the next sitting of the Senate.

[Translation]

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee of the Library of Parliament tabled in the Senate on April 3, 2003.

Hon. Yves Morin moved the adoption of the report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Eymard G. Corbin: Honourable senators, I wish to call the attention of the Senate to page 7 of the Order Paper, under Reports of Committees, at Nos. 10 and 11 in English, and Nos. 11 and 12 in French, because the items are not numbered correctly. The wording of the items match, but they are numbered incorrectly.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth 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.

She said: Honourable senators, your committee is pleased to have presented its fifteenth report, which deals with the release of funds to committees for the fiscal year 2003-2004. According to the "Procedural Guidelines for the Financial Operation of Senate Committees," it is the responsibility of the Standing Committee on Internal Economy, Budgets and Administration to report legislative budgets to the Senate. Special study budgets are to be reported by the committee undertaking the study. Therefore, the report before honourable senators does not include special study budgets. However, I believe that it is important for all senators to know the process that was followed in allocating funds for 2003-2004.

Committees have already submitted nearly \$3 million in requests and, given the nature of parliamentary work, it is likely that further requests will be received later in the year. The Senate

budget for committees is \$2.2 million. Of this amount, \$400,000 has been set aside for witness expenses and video conferencing, leaving \$1.8 million available for distribution to committees.

Committee chairs were invited to appear to defend their budgets. In addition, committees were asked to help in looking for ways to reduce demands by reviewing their requests, in particular with respect to travel, and by indicating where cuts could be made or activities could be deferred.

I would like to thank those committees that took this request for assistance seriously and made suggestions that greatly facilitated the work of the Standing Committee on Internal Economy, Budgets and Administration. I would especially like to thank the Standing Senate Committees on Agriculture and Forestry, Foreign Affairs, Transport and Communications, Fisheries and Oceans, and Official Languages. These committees all had submitted budgets over \$200,000, and they were cooperative in volunteering to reduce or defer their demands. Their input was greatly appreciated.

• (1610)

In reviewing the budgets, the Committee on Internal Economy, Budgets and Administration was faced with a difficult task: to facilitate the work of committees while treating them equitably and respecting the fiscal framework. Clearly, some difficult decisions had to be made. I wish to assure honourable senators that we listened attentively to the presentations, including the priorities identified by the chairs. Consideration was given also to the timing of planned activities. Every line of every budget was reviewed to determine which demands could be funded at this time and in what amounts.

Particular attention was paid to requests for travel funding since it is the largest budget item in special study budgets. Your committee based its decisions on the following principles: public hearings should be funded to allow all members of the committee to participate; fact-finding trips within Canada or the United States should be funded to allow up to nine senators to travel. Historical data, as well as input from chairs, indicate this level of funding will be sufficient to cover the needs of committees and that funds should be released to allow the required staff identified by the committee to travel. I am not referring to political staff.

In order to act on these principles, it is necessary that there be a clawback process to ensure that funds allocated, but not used, for particular activities are returned for redistribution. Given that demand far exceeds supply, committees will not be permitted to hold on to surplus funds from one activity to be used for another. Your committee believes that this approach strikes a reasonable balance between giving committees flexibility to manage their own affairs and ensuring fairness and fiscal responsibility.

Other principles used by your committee include: funds for communications consultants are not to be granted for legislative budgets. A reasonable level of funding for communications consultants for special studies is recommended; conferences should be funded on a selective basis, based on whether the committee identified particular conferences and the priorities brought to the committee's attention.

By adopting the fifteenth report, the legislative budgets received today will be funded through to the end of the fiscal year. It should be noted that legislative budgets received cannot request funds for either fact-finding or public hearings, and the amount recommended for release in this report is \$179,752. With respect to special study budgets, committee chairs will report to the Senate with an appendix showing the amount recommended for release by the Internal Economy Committee.

If those reports are adopted, funds will have been released to allow committees to undertake their activities at least through the early fall. If all these reports are adopted, nearly \$1.7 million of the \$1.8 million available will have been released. After the summer adjournment, the Committee on Internal Economy will consider a further release, depending on express needs and the availability of funds.

I would like to thank all my colleagues on the Committee on Internal Economy, especially the members of the steering committee, as well as all senators who assisted us in this difficult endeavour. I move the adoption of the fifteenth report.

Hon. Colin Kenny: Honourable senators, I rise to comment on this report. It is exceedingly difficult to do so, given the short notice. The report arrived on our desks today and we have had little opportunity to reflect on it.

I am conscious of the fact that committees need funding; and that to slow down the approval of this funding would hamper the work of many committees in this chamber. Having said that, I think it is important to note that there are problems with the process that is going ahead with these reports.

The Internal Economy Committee has a difficult job. I have served on that committee on and off for more than a decade during my time in the Senate, including a period of about 18 months as chair. Consequently, I have great sympathy for the difficulty that the Chair of the Internal Economy Committee and her steering committee have in coming forward with budgets that serve all senators. Having said that, she and her colleagues started off behind the eight ball because of severe constraints on the amount of money that was available to dispense. It is exceedingly difficult, when we are faced with the constraints that we have as an institution, to adequately fund the work that senators want and need to do.

The other place has a significantly larger base, which gives them the capacity to do a great many things that we cannot do. That puts us at a disadvantage. Bluntly put, a 5 or 6 per cent increase in our budget is very different from a 5 or 6 per cent increase in the House of Commons' budget when you are counting dollars.

They have built significant cushions into their budget that we do not have. I have never seen an organization that could function without some contingency funds. It is a basic principle of good management. The Senate has not had the luxury of having a contingency in its budget for years. It does not make any sense that one can sit 12 or 14 months ahead of time and plan for everything that will come forward.

There are additional problems. The Chair of the Internal Economy Committee has described a proposal that calls for the reallocation of funds from one committee to another as the year goes forward. The concept is rational in theory, but in practice many trips and much of the work of Senate committees is planned well ahead of time. It is exceedingly difficult to make adjustments, as evidenced in the difficult circumstances we faced last February as a result of the prorogation. That is a classic example. Almost every second year, if you look back over the history of the Senate, we either have a prorogation or dissolution. Each time, there is an eight-week hiatus as we go through the process of renewing our orders of reference, taking them before the Internal Economy Committee, then via the Internal Economy Committee back before the Senate to be adopted. During that eight weeks, committees cannot function because either they do not have an order of reference or they do not have a budget.

That reduces our working time to around 40 days for the year. I know you would say, "No, we work much more than that." Most senators work five days a week, some six or seven. However, in terms of Senate sitting days, committees can be left with only 40 days. In a good year when there is no dissolution or prorogation, we might get up as high as 70 to 75 days of work in a year.

Honourable senators, when you take into account the difficulties of getting funding — starting with a \$1.8 million budget, when previous Internal Economy Committees have noted that we need roughly \$2 million more — you know that committees will be operating under severe constraints.

The objective, I suppose, is not to lapse money at the end of the year. I do not see any sin in doing that. It goes back to Her Majesty, to the Consolidated Revenue Fund, and I do not see any difficulty in us finding additional funds so that committees can plan their work with a certain degree of confidence as we go through the course of the year. However, planning for a bit at a time, and then waiting to see what is going to happen in September — or if there will be anything left over as you get toward February — makes it exceedingly difficult for committees to form a rational work plan.

• (1620)

It is fair to say that the chair, her steering committee and the full committee have done the best job possible, given the limited funds they had to work with. However, honourable senators, \$1.8 million spread across all our various committees is not enough for them to be active throughout the year. It is clear that, if the Senate is to be able to function in an effective way, we will have to go back for supplementaries early in the fall. More than that, we will need a commitment from the leadership that we will seek those monies early in the fall.

Next, I should like to talk briefly about the importance of committee travel. It is a matter of some dispute within this chamber as to whether committees should travel or not. Everyone knows that it is far less expensive for a committee to bring its witnesses to Ottawa. Everyone also knows that committee costs can be further reduced by hearing witnesses via teleconference. However, if we adopt these attitudes, we send a negative message to the outer regions of what Senator Stewart called "TOMland" — that is, outside of the Toronto-Ottawa-Montreal triangle.

If we agree not to have our committees travel, that means that the people in Moose Jaw, in Rimouski, or Grand Falls, New Brunswick, will never have a Senate committee visit their region. The Senate is based on regional representation; as such, we should get out of here and go there.

By visiting those places, people come to know that the Senate is alive. The people in those regions get to talk to us face to face. This attitude that everyone should come to Ottawa and appear before us is wrong. By travelling, we get a different flavour and a different attitude; we get to talk to people in their own backyards. I am not talking about the big cities; I am talking about the Cold Lakes, the Val d'Ors, the Sherbrookes, the Trentons and those sorts of places. Committees must get out and have a look around.

I also take issue with the concept that different-sized committees should be travelling to different places. I have no use for that idea at all. People do not join a committee only to attend hearings in Ottawa. If a committee travels, all members should travel with the committee. Senators should expect their colleagues to return from their travels and to explain what happened. The whole committee should travel. A senator who is a member of a committee should travel with the committee, should visit different areas with the committee.

It is a false economy for us to say that a full committee is needed if it is conducting a hearing but that only part of a committee is needed if it is on a fact-finding mission. The committees I have served on have found out much more when they are fact-finding, poking around and asking the difficult questions, than when they are sitting behind a podium in a formal setting, with translators and reporters present. That is all very posh. However, I must tell honourable senators that when they get out, get their boots muddy and start wandering around and asking questions, that is when people see the Senate working and that is when the Senate counts.

All members of committees should be travelling when they are out there.

I have no time for this business of cutting back on staff either. Committees need staff. We need professional advice; we also need people who can interpret, if you will, when we are getting snowed. We need experts who understand the reality of the testimony we receive and who can tell us that there is another point of view. These experts can say to the committee: "You have heard this witness, but I know more about the background of this witness than the committee does. I also know that there are three other experts over here who do not agree with him. You might like to hear what these other experts have to say."

We need to have this sort of support with us. I am happy to see this funding go forward, because I think the Senate needs to get working and be working. I do not want it go through another eight weeks like we did in the fall, where we all sat here glued to our chairs because no one had an order of reference or a budget. We have orders of reference now. Senator Bacon has been kind enough to get a budget. Since she cannot blow her horn, I will. To

her credit, she was working into the night last night to make this happen, and I think she worked into the previous night to make this happen.

I do not want to hold up this funding; however, I do want to make the point that the way these budgets come forward is not satisfactory. I must also comment on the fact that, as part of these guidelines, there is a suggestion that chairs of committees should appear only once before Internal Economy. That is not acceptable. That is not working; that is not a collaborative approach. A collaborative approach is one where there is a dialogue between committees and Internal Economy. Internal Economy should be there to help committees solve these problems, and committees should be there to describe to Internal Economy the nature of the problems. It is important that this dialogue be ongoing.

Honourable senators, I am the recipient of a letter saying that Internal Economy has all the information it needs to make a decision. Well, that is terrific. However, I would still like to sit down and chat with Internal Economy from time to time; I think that is an important exercise for us to go through.

I do not think this issue will live or die on my remarks today, but I do want to serve notice that we, as an institution, need to discuss these matters further. We need to discuss further whether there is a consensus in this chamber that travelling to hear the views of Canadians firsthand is of value. Honourable senators have to stand up and say, "No, make the witnesses come to Ottawa," or "Yes, I would like to go out and hear people's views first-hand." Honourable senators must also express their views as to whether committees should always hold formal hearings, or whether there should be fact-finding missions. We have to think carefully about the impact we make on Canadians when we do get out of Ottawa. I look up at the galleries. I have no clue who is up there, but I can judge.

I must say that we are in a real bind in this place. Our two analogue air packs break down every day. We need to get television into all of our committee rooms. We have two more coming online, digital ones. They cost \$3 million each. That is a lot of money, no question about it; however, if we can televise our proceedings, people will see where we are going, what we are doing. This is key to the future of the Senate. People must see us working. It would help to stop the Jack Aubrys of this world from writing nonsense, from saying that if we are not actually sitting here we are not working. It is like saying to him: "Jack, if we do not see your byline in the paper, it must mean that you are not working either." That is nonsense.

The Senate does very well when it is sitting and when it is travelling. We must demonstrate on an ongoing basis that we are working. One of the ways of doing that is by getting the committees out. It is expensive; honourable senators cannot take a committee to the West Coast for less than \$90,000. Will we write off B.C.? We cannot take a committee to the Maritimes for less than \$70,000. Will we write them off? We need to have committees there on a regular basis. There is no reason for not having a couple of committees travelling every month. We would be none the worse for it.

In fact, I found a remarkable appetite for people to travel during the summer. To have four or five committees travelling over the course of the summer, frankly, is well received and it compares well with what they are doing in the other place.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired.

Senator Kenny: I will wrap up quickly.

Hon. Senators: Agreed.

Senator Kenny: I appreciate it. I do not want to take up much more of your time. I simply want to say I believe we should support Senator Bacon today. We should adopt the report.

• (1630)

However, let us commence a debate amongst ourselves about what sort of Senate we want. Do we want to get out? Do we want to touch Canadians where they live? Do we want to ensure that our work here is televised so that people can judge us, not on the basis of myth and rumour but on the basis of fact and what we are actually doing? Let them see us out there working, and the reputation of the Senate will take care of itself. Let us begin this discussion, and let us see whether we can make this institution more relevant through our work and by our work.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, in my years as a senator, I have had the opportunity to attend meetings of the Standing Senate Committee on Internal Economy, Budgets and Administration without being a member of this committee. I am not afraid to say that I enjoy witnessing the extraordinary skill of the committee's chair, the Honourable Lise Bacon. Senator Bacon ran the affairs of Quebec in her capacity as the Deputy Premier during the illness of Premier Robert Bourassa. She had a firm-hand management style, and I always regretted her not succeeding Mr. Bourassa. I would have been her number one supporter. Since Senator Bacon was able to manage the affairs of Quebec well under difficult circumstances, I am confident that she has the expertise required to properly manage the Standing Senate Committee on Internal Economy, Budgets and Administration; the committee's budget, after all, accounts for only a minute portion of the budget she had to administer in Quebec.

I agree with some of Senator Kolber's statements. I do not have any complaints, but I would like to settle this problem regarding the Standing Senate Committee on Banking, Trade and Commerce. I do not particularly care for the cavalier way in which a trip — to Washington, for example — is often decided upon without all members of the committee being aware of it. First they say six senators, three from the opposition and three from the government, are to go on the trip. Then they change their minds and four senators from one side and four from the other are supposed to go, but no one remembers to consult the independent senator who sits on the committee. He is not consulted. He comes back to the committee never even knowing that a trip has been planned. He could have applied to go on the

trip at least, and might or might not have been rejected. I do not say that I want to succeed all the time, but at least I would like to have the privilege of applying and being properly refused.

There is much that is true in Senator Kenny's statement. Still, with regard to the Internal Economy, Budgets and Administration Committee, I will always be in attendance, even though I am not a member, in order to lend my support to the current chair, who, I believe, knows just what each person wants. She has a certain budget that she must stick to. She cannot do more than she has resources for. When she is given a bigger budget, I am certain that all the needs of the honourable senators will be met. I know that she has carefully taken note of the suggestions that have been made. I know that she will fight to get a bigger budget, so that everyone can be satisfied.

[English]

Hon. Willie Adams: I have a question for the Chair of the Standing Committee on Internal Economy, Budgets and Administration. During the last several years, I have received invitations from rural associations in other countries. Senator Watt and I put before Internal Economy several requests, one for New Zealand and one for Greenland. We were turned down because we were told we were not committees of the Senate.

In the future, when we receive invitations to represent Canada at rural associations in other countries such as Iceland, Japan, the Philippines, I would like us to consider those requests. We have had invitations from these associations, and we have been turned down. I was wondering if Internal Economy could look into that issue sometime in the future.

Senator Bacon: All I can say is that I will take note of the honourable senator's request, and I will take it to my colleagues. Those events happened under a previous chairmanship. I will look into it.

Hon. Anne C. Cools: Honourable senators, my question is for Senator Bacon. Before I put my question, I should like to thank her on behalf of most of us, I think, for what I would consider to be her continuing industry. Senator Bacon has had a reputation for many years of being diligent, earnest and hard-working. Those senators who attend to this business of looking after our internal economy quite often go unsung. The issues are about the tedium of running the place, the nuts and bolts. I thank her for her years of work.

I was looking at the report. It is a good report, and it is hard to disagree with it. It seems to be essentially tracking the legislative needs of committees. The sums are laid out neatly.

I am curious about two items that seem to be somewhat new. They are stuck in the middle of the report. The first item is on page 2 of the report, and the second is on page 3. Perhaps I will speak to them separately, and Senator Bacon can explain them to us. It seems these items are independent and could almost have come forward for consideration and vote separately, rather than being tacked on within a report that is, to my mind, relatively straightforward.

[Senator Kenny]

Turning to page 3 of the report, I cite the report:

Your Committee recommends that there be a strict clawback process, whereby any funds remaining following the conclusion of an activity, in particular travel for public hearings and/or fact-finding, will be returned to the central budget for redistribution by the Committee on Internal Economy, Budgets and Administration. This will be done in such a way that committees will not have to volunteer the return of funds.

This seems to be a strange choice of words — “clawback.” It says it should be done involuntarily. I wonder if Senator Bacon could explain that more. If a committee does not use money, it seems self-evident that the money should be returned. What I do not understand is that that should be treated as clawback. The term “clawback” seems to suggest not a return of the money but that someone could just reach out and decide that they should pull money back from a committee. Could that be explained? It does sound odd. It is a principle of the business that we are in that money should be used for the purposes for which it is obtained. This is such a profound point that I think it would have been better introduced outside the report as a separate issue for debate.

The other point I should like to inquire about is found at page 2 under Standing Senate Committee on Legal and Constitutional Affairs, Item No. 5. It says that the total includes a dollar amount for professional advice, including legal advice. Then it says:

It must be noted that any person hired by the Committee to provide assistance to it cannot be given the title of Legal Counsel to the Senate or to the Committee, since the Senate Law Clerk and Parliamentary Counsel is Legal Counsel to all Senate committees.

I can understand clearly that any lawyer, legal person or legal-like person working for the committee or advising the committee could not employ the term “Legal Counsel of the Senate.” However, I have some difficulty understanding why the Law Clerk of the Senate is involved in the committee. For example, here in this chamber we have the Clerk of the Senate. We also have clerks of committees. Following that logic, one could not call those persons doing those activities clerks of the committees, because the Clerk of the Senate is theoretically clerk of all committees as well. This issue could have been debated by itself. Perhaps it is that the clerks of committee are not really clerks at all. Perhaps there is only one clerk, being the Clerk of the Senate. I am wondering why a topic as profound as that would be just tagged into the prose of the report and not brought forward as a question deserving of debate, consideration, opinion and vote. I am curious as to why we proceeded in this way.

• (1640)

Senator Bacon: Honourable senators, we included this item here because we thought it was important for everyone to know that nobody can use the title of legal counsel to the Senate except Mr. Audcent, who is our legal counsel. It was known that some people do that if they are hired to give legal advice to committees. They use the title “legal counsel” outside the Senate but they are

not entitled to. We wanted to be clear that we have only one legal counsel to the Senate and that is Mr. Audcent.

Senator Cools: I understand that. However, the recommendation goes on to speak about the committee. I have served on committees that have had legal counsel for periods of time. There is a major difference between someone counselling the committee or giving advice to the committee and occupying that position.

I understand Mr. Audcent is not only the Law Clerk of the Senate; he is, I believe, the law clerk of all of Parliament, as is our clerk the Clerk of the Parliaments. However, it does sound somewhat self-serving here. I do not know how we can do it because the time is late. That question should have been decided on its own.

Senator Kenny’s words are correct and profound. He says, for example, that senators need more support and more assistance. I will give you an example. The complexity and the enormity of the Estimates and the Public Accounts are so great that honourable senators or members of Parliament could use the services of a few chartered accountants in the pool of resources. I do not know how to proceed with that. If this issue was of concern, it could have been brought forward outside the report. It seems to be a matter worthy of debate. Everything else in the report is so eminently sensible and of common sense.

The committee report here goes farther than the Law Clerk of the Senate. It speaks to the committees. I do not know exactly what the issue is here. Is it the title? I do not know, but I see some problems there.

Senator Bacon: Nobody else can use the title of legal counsel to the Senate but the legal counsel to the Senate, who is Mr. Audcent. We wanted to ensure that nobody else would use this title. That is why we put it there. We should leave it there because of the experience that we have had.

Of course, Mr. Audcent is also the legal counsel to all committees. If a committee hires a legal counsel, he is not a legal counsel to the Senate; he or she is legal counsel to a committee while they are studying a specific piece of legislation.

Senator Cools: Was the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs consulted on this particular point in this report?

Senator Bacon: This was discussed by the steering committee including the Chair of the Legal Committee.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Sixth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented in the Senate on April 3, 2003.

Hon. Tommy Banks moved the adoption of the report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Foreign Affairs, presented in the Senate on April 3, 2003.

Hon. Consiglio Di Nino: Honourable senators, I move adoption of the report.

The Hon. the Speaker *pro tempore*: Honourable senators, is it your pleasure to adopt the motion?

Hon. Marcel Prud'homme: Honourable senators, I know that we cannot question the chair. I have been reminded of that before. I know that we are not supposed to take notice of people who are not here. After all, we have just enough people to continue our work. However, now, the official spokesperson for the Standing Senate Committee on Foreign Affairs is putting forth a budget dealing with the committee's activity. Does the committee plan, over the next three weeks when we will most likely be absent, to hold a briefing, a meeting, or to call witnesses on the very tragic situation in the Middle East? We need to be a bit better informed than those who only watch CNN. Thank goodness I watch TV5, CNN, the BBC and all the rest. It would be good if we could go directly to the source to find out where the government stands on certain issues, the position of the bureaucracy and to learn where the budget will come from. Only a good committee can do that. Only the honourable senator with his intelligence, sagacity and brightness could convince the committee to call us. There are more people interested in this issue than you may think.

Senator Di Nino: In response to Senator Prud'homme, I will take his request to the steering committee meeting that I expect will be held next week.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Aboriginal Peoples, presented in the Senate on April 3, 2003.

Hon. Maria Chaput, moved the adoption of the report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Ninth Report of the Standing Senate Committee on Social Affairs, Science and Technology, presented in the Senate on April 3, 2003.

Hon. Joyce Fairbairn, moved the adoption of the report.

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Human Rights, presented in the Senate on April 3, 2003.

Hon. Shirley Maheu: Honourable senators, I move adoption of the report.

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

• (1650)

Hon. Colin Kenny: Could we hear about the report briefly?

Senator Maheu: Honourable senators have a copy of the report on their desk. The report covers one trip to a university group in Saguenay, Lac St-Jean. The first two items on the report relate to a consultant in communications. The consultant is to look at the report of the committee last year, and the same applies to the editing of the report.

Are there any more questions?

An Hon. Senator: Question!

[Translation]

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

It was moved by the Honourable Senator Maheu and seconded by the Honourable Senator Bacon, that the report of the committee be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

MOTION TO AUTHORIZE COMMITTEE TO
STUDY LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Bacon:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common-law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003.—(*Honourable Senator Carney, P.C.*)

Hon. Pat Carney: Honourable senators, I rise to speak to the motion that authorizes the Standing Senate Committee on Human Rights to examine and report on key legal issues affecting matrimonial real property on Indian reserves on marriage breakdown, including common-law relationships and the policy context surrounding these issues. I will speak to my serious concerns about how the Senate and we, as senators, are treating this important issue.

Years ago, we made a mistake on a similar Aboriginal issue. I refer to my colleague Senator Gauthier's comment earlier today that continuity is not assured in the matter of rights. There is a continuity assured for Aboriginal rights that they receive inadequate attention.

This motion is in response to the request by Indian Affairs and Northern Development Minister Robert Nault to undertake a "short-term" study of the division of on-reserve matrimonial property. Issues to be examined include jurisdictional divisions between provincial and federal laws, the practice of land

allotment on reserves, the status of spouses — that is a key issue — and how real property is divided on the breakdown of relationships. The committee is asked to suggest possible solutions to the Senate no later than June 27, 2003.

I am pleased that the Government of Canada has finally recognized the need to take action on key issues affecting the subject of on-reserve matrimonial real property on the breakdown of marriage or common-law relationships, which is a matter of crucial concern to many Aboriginal women who have been unable to access their property rights under legislation.

It is a shocking reality that Aboriginal women do not have the same protection that is provided to other Canadian women. Aboriginal women and their children are the most discriminated-against group in Canada. Under the Indian Act, Canada's precious Charter of Rights does not apply to them.

Since the Supreme Court has ruled that provincial family laws do not apply on Indian reserves and federal legislation, like the Indian Act, does not make specific regulations for the division of reserve property upon divorce or separation, most Indian women are left with no legal rights to occupy their family home, keep household goods, or bar an abusive partner.

Honourable senators, I have serious concerns about the process that we are being asked to adopt in dealing with this complex issue. First, there is the time schedule. The Senate will not meet next week, nor is the Human Rights Committee scheduled. There is then the two-week Easter break. It will be the end of April or the beginning of May before this matter will be addressed in committee. The Deputy Leader of the Government, Senator Robichaud, has already expressed his view that the June 27 date is "rather late." He has asked that all committees report when the Senate is still sitting, before the summer break.

Honourable senators, this is a ludicrous timetable for this extremely important subject. It effectively leaves only a few weeks to consider this vital issue. Consider how long this chamber has dealt with changes to divorce legislation and custody issues affecting mainstream Canadians. Why should Aboriginal women be treated with any less respect and consideration?

Aboriginal women are divided in their views on the manner in which division of matrimonial property should be treated. Some women want rights similar to non-Aboriginal women in Canada; others wish the issue to be dealt with by band councils under self-governance provisions. How can this timetable possibly accommodate consultations across Canada with the Aboriginal women themselves?

My second concern is the referral of the minister's request to the Standing Senate Committee on Human Rights. This is a new committee chaired by the very able Senator Maheu and consisting of some outstanding senators in their fields. However, in my view, the issue of on-reserve matrimonial rights is part and parcel of the revisions to the Indian Act proposed by Minister Nault in Bill C-7, which deals with various self-governance issues, including the powers assigned to band councils and leadership selection, that is before the other place and will be reviewed by the Standing Senate Committee on Aboriginal Peoples.

Consideration of these legal rights cannot be taken out of context of the complex and cultural realities of Aboriginal people. For example, Minister Nault's letter specifically states:

Any study of this issue should take into consideration the diversity of needs and limited resources of First Nations governments while —

— and, this is the point —

— keeping in mind that reserve lands must remain for the use and benefits of Indians for which they were set aside.

That is the problem, the problem of status, which he also referred to in his reference letter. Who is an Indian under the complex classification of "Aboriginal people" as dictated by the Indian Act? These include on-reserve status Indians, off-reserve status Indians, non-status Indians and Metis. Non-status Indians do not have the same rights as status Indians. They are often denied their property rights, band membership, access to on-reserve housing, health services, welfare and educational assistance.

In the Aboriginal Peoples Committee last night, we were told by New Brunswick Chief Betty Ann Lavallée that a large share of the population on many reserves is made up of non-status children. There is concern that in 10 or 20 years most of the reserves will be populated totally by non-status children. She told us that "They refer to them as 'ghosties'"; that is, reserves haunted by the ghosts of vanished Indians replaced by non-status children. "What will happen then?" asked Chief Lavallée. She went on to say:

If that does happen, the minister has the power to go in there and say, "There are no real Indians living there. Therefore, this reserve is no longer required." He can legislate that reserve out of existence. There goes a nation of people.

Honourable senators, in B.C. we are negotiating treaties with First Nations involving huge areas of land, natural resources and money; yet, under existing Canadian law, some of these First Nations will no longer exist. To echo Chief Lavallée: What will happen then?

Honourable senators, you may ask: Who created this deplorable situation? Well, we did — the Parliament of Canada, including the Senate of Canada. We effectively set in motion the annihilation of Aboriginal nations when we passed Bill C-31, to amend the Indian Act, in 1985.

I was one of the women MPs who were mobilized by then House of Commons Speaker Jeanne Sauvé, the first woman Speaker of the House, to restore status and band membership rights to Aboriginal women who were married off reserve to non-Indians and to increase control by Indian bands of their own affairs. We thought we had done the right thing, even a noble thing. Instead, we created a nest of nastiness. Under the old act, Indian status usually meant band membership. Band membership privileges included the right to live on the reserve, to vote in band elections, to own and inherit property and to have a share of income from band resources.

Under Bill C-31, Indian status and band membership were separated, giving bands the right to control their own membership based on their own membership rules. The government also established a system to classify Aboriginals, depending partly on marital status. One result is that some people were eligible for Indian status but not for band membership. Some may be accepted for band membership but not for Indian status. Still others are eligible for both band membership and Indian status.

• (1700)

The government of the time explained that subsections 6(1) and 6(2) define who is entitled to be registered as a status Indian — and who is not — in the Indian register maintained by the Indian Registrar at Indian and Northern Affairs. The very language makes my skin crawl. There are pages and pages of regulations classifying Aboriginal people.

All of those already registered in the Indian register, whether entitled or not, were classified as 6(1). Children of 6(1) persons were able to inherit the status. Children who had only one 6(1) parent, however, were registered as 6(2). After the second generation, children of 6(2) parents fall off the registration list entirely, no longer considered to be Aboriginal. New Brunswick Chief Lavallée says:

We are like cattle. We are being graded, A, B and C. I am a grade C because I am a 6(2)."

Let us see how that plays out in the real world inhabited by Aboriginals. At last night's committee meeting, urban Aboriginal youth activist Stephanie Bolger of New Brunswick, a 27-year-old mother of two daughters, said that the registration policy under the Indian Act is an overwhelming issue that many young Aboriginal people are only recently becoming aware of. She told us:

To me, the Indian Act is one of the most repulsive and racist pieces of legislation. Nothing or no one will tell me that my child is or is not an Aboriginal person. How can one nation be so bold as to tell another nation who their citizens are and what their citizenship requirements are? What other nation would allow such a thing? This issue affects all Aboriginal people, especially youth today and their children.

She said:

We are literally being legislated out of existence, assimilated by the pen rather than the sword.

She went on to tell us what being a non-Indian means. She said:

It means being denied health benefits and post-secondary education. It means harassment when trying to exercise traditional hunting and fishing rights. It means being stigmatized by your own people as not being Indian enough. It means being denied access to other programs and services... Where is the justice for the youth and children of our Aboriginal nations?

Asked about her own status, Ms. Bolger said:

Personally, I am a 6(2). I have status, but I am not able to pass it on unless I marry an Aboriginal man with status.

It has affected me personally because I have two daughters. One is status and one is non-status. That will give rise to some big issues because one receives health benefits while the other does not. One might be entitled to post-secondary education through the reserve while the other one will not be. It will create a lot of problems for me personally.

She added:

Many of the youth with whom I work are non-status. Therefore, they are not entitled to some of the things to which I am entitled. Nor are their children entitled to these things. It is becoming a big issue. I find it creates a lot of division between us.

Chief Lavallée told us:

I am a 6(2). My son is not entitled to registration under the Indian Act. My husband adopted him when we were married. The only way I could have had him registered under the Indian Act was to deny his parental line. Excuse the expression, please, but I would have had to declare my son a bastard to have him registered under the Indian Act. I refused to do that.

Chief Lavallée added:

We are the only women that I know who have non-Aboriginal babies. If you are a Chinese woman and you have a baby, your child is considered to be Chinese. If you are a Mexican woman and you have a baby, your baby is considered to be Mexican. We are the only women of the world of whom I know that, when we have babies, they are considered not to be of their mother's heritage. I find that repulsive.

She told us:

There are some things we can control in life. Whom our children marry is not one of them.

She feels that we should be advocating an Aboriginal peoples act and allow Aboriginals to decide who are Aboriginals, not a registrar in Indian Affairs.

Honourable senators, let us square this circle. We cannot separate the issue of on-reserve Indian women's property and matrimonial rights from the issue of who is an Indian and who is not. That is why this reference should be studied by the Aboriginal Peoples Committee. Similarly, the preamble of Bill C-7, the one on self-governance that Minister Nault is proposing, for the first time states that the Canadian Charter of Rights and Freedoms applies to the exercise of powers under the new bill. According to Minister Nault, it is the first time that First Nations citizens who live on reserves have been specifically included under the Charter.

Some Aboriginal women feel the bill will include watered-down Charter rights to accommodate self-government provisions in the Canadian Constitution. Some Aboriginals agree and some do not.

Clearly, all of these matters must be considered in context by the same committee and over sufficient time.

I am told by Senator Carstairs that this vital and difficult issue has been referred to the Standing Senate Committee on Human Rights because the Standing Senate Committee on Aboriginal Peoples does not have the time; yet, the Chair of the Aboriginal Peoples Committee, Senator Chalifoux, will be assigned to the Human Rights Committee when it studies the on-reserve matrimonial rights issue.

There is something wrong with this picture. If the Aboriginal Peoples Committee is too busy to deal with this issue, how can its chair find the time to sit on another committee dealing with an Aboriginal issue? What is the rush? Bill C-7, the framework bill, which should incorporate these issues of matrimonial and other rights and status affecting Aboriginal women, is still before the committee in the other place. It is not even on the Senate legislative radar screen.

Honourable senators, Parliament essentially and brutally stripped some Aboriginal women and children who are Canadian citizens of their Charter rights under the Canadian Constitution because we did not understand what we were doing. By attempting to ensure that Indian women who had married non-Indian men could regain their Indian status for themselves and their children, we did it wrong. This time, let us take the time to do it right.

MOTION IN AMENDMENT

Hon. Pat Carney: Therefore, honourable senators, I move:

That the motion be amended in the first paragraph thereof by replacing the words "Standing Senate Committee on Human Rights" by the words "Standing Senate Committee on Aboriginal Peoples"; and

That the reporting date be no later than March 31, 2004, rather than June 27, 2003.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I welcome the opportunity to participate in this debate. I would first like to set forth the process by which this original motion was put before us and to indicate why I do not support the amendment that has been introduced by the Honourable Senator Carney.

This issue was brought to my attention by the Honourable Robert Nault, Minister of Indian Affairs and Northern Development. He indicated a grave need to study this issue. He asked me what committee I thought should have this particular work. Of course, I first thought of the Aboriginal Peoples Committee, but it was not the only committee that I considered. I think we make a very serious error if we believe that it is only the Aboriginal Peoples Committee that can study issues of importance to Aboriginal people. Therefore, I looked at the Human Rights Committee and the Legal and Constitutional Affairs Committee as perhaps other venues where this issue could be thoroughly canvassed and discussed.

• (1710)

As the Leader of the Government, in looking at the agenda — some of which I know more in advance of others in this place — I realized that the legislative load and burden of both the Aboriginal Peoples Committee and the Legal and Constitutional Affairs Committee were going to be heavy. A number of pieces of legislation, for example, will be referred to the Aboriginal Peoples Committee, in addition to its Aboriginal youth study, which is underway.

Of course, as Senator Carney pointed out, the Aboriginal Peoples Committee will eventually receive Bill C-7, the proposed First Nations Governance Act. Today, the committee received Bill C-6, the proposed Special Claims Resolution Act. The committee will also receive Bill C-19, the proposed First Nations Fiscal and Statistical Management Act.

Hence, honourable senators, it is for that very reason, to ease the workload of the committee, that, while I would normally have referred Bill C-2, the proposed Yukon Environmental and Socio-Economic Assessment Act, to the Aboriginal Committee, I chose to refer it to Standing Senate Committee on Energy, the Environment and Natural Resources.

In looking at the agenda of the Legal and Constitutional Affairs Committee, I discovered that that committee also faces an extremely heavy workload. It has Bill C-10B before it, the cruelty to animals bill. It has also before it two private members bills, the proposed National Acadian Day Act and the proposed Statutes Repeal Act. In addition to that, Legal and Constitutional Affairs is expecting Bill C-24, the political financing bill, Bill C-20, the protection of children bill, Bill C-22, dealing with family orders and divorce, and Bill C-23, the proposed Sex Offender Information Registration Act. That committee will be more than fully occupied with respect to its legislative schedule.

Therefore, honourable senators, I turned to a new committee, as the Honourable Senator Carney has said, a committee under the able chairmanship of Senator Maheu and one that includes senators that I know are held in extremely high respect, as are all senators in this particular chamber. I wanted to look at the membership, though, because some of the issues that will be engaged should be represented on that committee. For example, I wanted to have someone like Senator Beaudoin, a constitutional expert, as a member of this committee, and he is a member of this committee. I wanted to ensure that someone with an historic knowledge and a background like Senator LaPierre was on the committee, and he is indeed on this committee.

I wanted to ensure that there was broad representation from coast to coast to coast, and that is represented on the committee, although I must say with a heavy emphasis on those provinces in which there are the greatest numbers of Aboriginal peoples. I asked Senator Chalifoux if she would be prepared to be a member of this committee during its study and its deliberations, and because the Committee on Human Rights meets on Mondays when her Aboriginal Committee does not meet, she agreed. I also have an agreement with one of the other Liberal members on the committee to defer their membership to Senator Chalifoux, for the purposes of this study. I believe, in balance, that this is the right committee to which this particular study should be sent.

Now the honourable senator raises the issue of timing. Like the honourable senator, I think June may be much too soon for the committee to perform its study. However, there is a great tradition in this Senate of extending the dates for when a particular committee should table its report. I also know full well the experience of having a deadline in one's mind that gets one focused and down to hard work. Therefore, I am not particularly concerned that the report has a time date of June 27. I do not suspect it will make that time date. I expect the committee will come to the Senate in early June, if not sooner, and indicate that it has the full agenda of this study laid before it and cannot possibly complete it by the June 27 date. I expect the committee will ask for an extension and that we will be more than willing if necessary, and if they request it, to grant that extension.

Honourable senators, there have been a great many studies done in this particular field. The Senate committee will have access to each and every one of those studies. The Human Rights Committee will not be starting from scratch; it will be building on good work that has already been done.

The issue that Senator Carney raises, which is an important one, the relationship this will have to Bill C-7, is important, because there will be so many issues that will have to be studied within the context of Bill C-7 that I am afraid the marital property issue will get very short shrift. Therefore, it would be extremely useful, when the Aboriginal Peoples Committee begins to study Bill C-7, for the members of that committee to observe the testimony and in fact, if they so desire, take that testimony into their committee. It is an acceptable process here for one committee's testimony to be considered having been heard by the other committee. I see real advantages for this going on in two committees at the same time. I think it will serve our Aboriginal peoples well, but let me conclude with how I began.

I believe we make a very serious error if we believe that the only committee that can study Aboriginal peoples is the Aboriginal Peoples Committee. This was one of the major reasons given for why such a committee should not have been established in the first place. There was genuine concern by our Aboriginal senators that they would be sidelined to one committee and that their issues would be sidelined to one committee. That we must never do.

Hon. Terry Stratton: Honourable senators, I should like to adjourn the debate in the name of Senator Rossiter.

An Hon. Senator: No.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Stratton, seconded by the Honourable Senator Keon, that further debate on this motion be adjourned until the next sitting of the Senate.

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

An Hon. Senator: No.

The Hon. the Speaker *pro tempore*: Will all those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will all those honourable senators opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the yeas have it.

On motion of Senator Stratton, for Senator Rossiter, debate adjourned, on division.

[Translation]

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the difficulties of 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.—(*Honourable Senator Chaput*).

Hon. Maria Chaput: Honourable senators, I rise today to take part in this debate on the inquiry by the Honourable Senator Gauthier, specifically on the difficulties of 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.

As Canadians, we share fundamental values, and these values include, in particular, a commitment to being inclusive.

All persons with disabilities need assistance to integrate, and each type of disability presents unique difficulties. The deaf and hard of hearing are people of all ages and all walks of life. Some of them have had one or more physical limitations since birth. Their disability is the result of a disease, an accident or aging. In 1991, 15.5 per cent of all Canadians, some 4.2 million people, reported suffering from some degree of hearing loss. In 1991, among individuals using public transportation, 31 per cent suffered from some degree of hearing loss. Of all disabled children between birth and age four, 12 per cent have hearing problems. It is important not to forget that Canada has an aging population and that hearing problems increase with age.

Honourable senators, public transportation is an important part of our lives. Whether it is for business, pleasure or educational purposes, travel should be relaxing and comfortable. Persons with a hearing problem face numerous obstacles that make travelling difficult, frustrating and even dangerous.

• (1720)

Hearing-impaired people are full-fledged citizens. They must have access to all the information, to all the communications and, more important, to all the safety procedures in public conveyances, including in aircraft, on the ground or on ships.

In 1999, the Government of Canada made a commitment before Parliament to report on the progress made to meet the needs of disabled people in Canada. A report entitled “In Unison: A Canadian Approach to Disabilities Issues” was published in 2001 on behalf of the federal, provincial and territorial ministers responsible for social services. This report is a major step in the concerted efforts of over 30 federal departments and agencies to provide the most comprehensive picture of government services and programs, and their impact on the lives of people with disabilities.

This report deals with the objectives pursued and the corresponding indicators. It describes the indicators that allow us to measure the progress made by those who try to ensure that disabled people get the help and tools that they need. The report also looks at the research being done to put in place accessible means of transportation.

All Canadians, including people with disabilities, have rights and responsibilities under the Canadian Charter of Rights and Freedoms.

Honourable senators, I do hope that the policies and programs of our governments and partners will contribute significantly to ensuring that people with disabilities can exert their rights. A lot remains to be done to solve the numerous problems that confront hearing-impaired people who have to use public transportation and who have the legal right to receive the information and safety procedures that are available to all Canadians.

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

[English]

ROYAL ASSENT

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

RIDEAU HALL

April 3, 2003

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 3rd day of April 2003, at 4:35 p.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to, Thursday, April 3, 2003:

An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act (*Bill C-3, Chapter 5, 2003*).

An Act respecting a national day of remembrance of the Battle of Vimy Ridge (*Bill C-227, Chapter 6, 2003*).

GREECE

MOTION TO ENCOURAGE THE UNITED KINGDOM TO RETURN PARTHENON MARBLES— DEBATE ADJOURNED

Hon. Shirley Maheu, pursuant to notice of December 12, 2002, moved:

That the Senate calls on the Government of Canada to encourage the Government of the United Kingdom to cause the return of the Parthenon Marbles to Greece in time for the Opening Ceremony of the 2004 Olympic Games in Athens.

She said: Honourable senators, many of you are already aware that the Parthenon Marbles, also named the Elgin Marbles by the British government, are a collection of Greek antiquities that were removed from the Parthenon in Athens by Lord Elgin. Between the years 1801 and 1812, Lord Elgin removed the marbles and many other sculptures, most of which are on display in the British Museum in London.

Many history buffs will know that Lord Elgin was the first British Ambassador to the Ottoman Empire. He arrived in Athens in approximately 1800. He was wholeheartedly welcomed by the Sultan of Turkey because he represented a country that had won several battles against Napoleon and the powerful French naval and armed forces.

On several occasions, Lord Elgin took full advantage of this goodwill, moving many sculptures with the marbles. Unfortunately, in the packing and shipping process, many if not all were damaged and defaced. Some were corroded by salt water during the voyage to England.

[*Translation*]

Every year, over six million visitors see these magnificent sculptures in the museum in London. Since they are still far from the Parthenon, however, it is very difficult for these numerous visitors, historians, archaeologists and other lovers of Ancient Greece to truly appreciate these marbles in conjunction with the Parthenon and its historical and cultural significance.

In the hope that the museum will agree to return the marbles to Greece, the Greek government has had a museum built at the foot of the Acropolis in order to let visitors enjoy the view of the statues and of the Parthenon itself simultaneously. There is a special room where the Parthenon Marbles can be displayed in total safety.

Thousands of visitors from all over the world will come to the 2004 Olympics to celebrate the games' return to the country where they began, Greece. This historic and cultural event will,

without a doubt, be a source of great pride for all Greeks. People will come from all over the world to take part in these long-awaited games, but also to savour the cultural, artistic and political heritage of Greece.

• (1730)

For the Greeks, the return of the marbles before the games would be a high point in their history. For the first time in 200 years, the Parthenon would be seen as it was originally.

[*English*]

Honourable senators, this is not an issue that concerns Great Britain and Greece. It is an issue of cultural heritage that transcends all borders. The Parthenon is the most significant structure and archaeological site in Greece, closely associated with Greek history and culture. The Greek people, as an occupied nation, never consented to the removal of the marbles and have protested to this day the removal of such historic and important artifacts of Greek culture and to Greece as a nation.

Moreover, it is important to understand that the sculptures are an integral part of the Parthenon and cannot be properly appreciated in another location. These marbles were not simply housed in the Parthenon, but they were part of its wall. The act of removing them mutilated the Parthenon. Without its marbles, the Parthenon is not and never has been the same. The return of the marbles to Greece would display them within sight of the old Parthenon, and visitors would finally be able to form a complete picture of the temple in its entirety. Therefore, I strongly believe the British have an obligation to the world to restore its symbol of justice.

[*Translation*]

I would like to point out that on April 1, the House of Commons passed a motion on this. Several states and organizations around the world also support this initiative. In addition to Greece, UNESCO, the United States, Australia, Turkey, China, Russia, New Zealand and Belgium have already asked the British government to return the marbles to Greece.

In Great Britain and elsewhere, committees for the return of the Parthenon Marbles have been struck, to convince the British government and the museum to return them to their place of origin. Here in Canada, a Canadian committee has also been struck.

[*English*]

Finally, honourable senators, I should like to add that this campaign for the restitution of the Parthenon Marbles is not an attempt to return other monuments that were taken from Greece in the course of its history, and it is not intended to create any precedent for the future.

The Greek people requested the restitution of only those sculptures removed from the Parthenon by Lord Elgin and make no general claim for the restitution of any other of the hundreds of thousands of Greek artifacts that exist in museums around the

[The Hon. the Speaker]

world. In other words, they simply want to restore the unity of a unique monument that is the symbol not only of Greek democracy, culture and heritage, but the very psyche and identity of the Greek people.

As a member of the Commonwealth and a strong supporter of Hellenic culture, Canada must intervene in this matter by encouraging the British government to cause the return of the Parthenon Marbles to Greece in time for the opening ceremony of the 2004 Olympic Games in Athens.

On motion of Senator Merchant, debate adjourned.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE—DEBATE SUSPENDED

Hon. Tommy Banks: Honourable senators, I ask leave of the house to revert to Notices of Motions.

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

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, we once said yes to leave. We did not know what it was all about, so some of us walked out. Leave was requested to go back to a bill, which we did not expect. I am sure Senator Banks would like to give us a hint of what he is asking leave to do.

Senator Banks: Honourable senators, I will do so, happily. I have been asked by members of the Standing Senate Committee on National Security and Defence to introduce this motion to permit a report to be tabled on Tuesday next. A plan was put in place for an event next week, thinking that next week would be a sitting week, which, technically, I believe it still might be. Committee members wish that event to proceed, but it would be improper for it to proceed without the report being deemed to have been presented to the Senate. That is the nature of the motion, which, if I receive permission to revert, I will make on behalf of Senator Day.

Senator Prud'homme: I have been on the Hill for 40 years. When the honourable senator talks about security here, I voted against CSIS in the House of Commons, and I told Prime Minister Trudeau why. I am an RCMP guy, and I am still of the same opinion.

Just before I say yes, and at the risk of being unpopular, as soon as someone mentions security, there is so much hanky-panky going on. Could the honourable senator outline the motion? He knows I like to be very courteous, and I will say yes.

Senator Banks: Honourable senators, I am happy to inform you that this motion and the report with which it deals has to do with the health care of members of our armed services, their pensions, benefits and matters of that kind.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the Standing Senate Committee on National Security and Defence, which was authorized by the Senate on 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, and to report by June 30, 2003, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

Hon. Lise Bacon: Could we have a copy of the motion?

Hon. Colin Kenny: May we suspend until honourable senators see the motion?

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

Hon. Senators: Agreed.

Debate suspended.

• (1740)

CANADA ELECTIONS ACT

MOTION TO REFORM PARTY FINANCING— DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of December 11, 2002, moved:

That the Senate urge the Government of Canada to reform the Canada Elections Act and other pertinent Acts to eliminate all donations to political parties and to replace them with a system of full public financing, and to establish an impartial, independent committee to direct and oversee the said system, including setting and enforcing standards and rules of conduct.

He said: Honourable senators, on December 11, 2002, I placed a motion on the floor dealing with electoral financing reform. Two days subsequent, the government introduced Bill C-24, dealing with the same subject. I have been following its progress.

I am delighted to see that Canadians are discussing this issue. I am hopeful that, by the time the proposed legislation arrives here, I may not need to continue with this motion. In the meantime, I wish to ensure that the clock does not run out. I am making this intervention in order that I may rewind the clock, in effect. I should like to move adjournment of the debate in my name for the amount of time remaining to me.

On motion of Senator Di Nino, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO TABLE REPORT DURING ADJOURNMENT OF THE SENATE

Hon. Lorna Milne, pursuant to notice of April 2, 2003, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament, be permitted, notwithstanding usual practices, to deposit an interim report with the Clerk of the Senate, should the Senate not be sitting; and that the report be deemed to have been tabled in the Chamber.

She said: Honourable senators, I move the motion standing in my name.

Hon. Marcel Prud'homme: Honourable senators, I have a question, which will give time for Senator Kenny to distribute the documents. Otherwise, we will adjourn, and the honourable senator will not be too happy.

What is the urgency of this item?

[*Translation*]

It is not as though we are adjourning for the whole summer. What is there in the rules that would require you to ask us for leave to introduce this bill? This is a motion that normally comes at the end of a session, in the summer.

We should take our time. I would like to know what the rush is. If people are not wearing their earpieces, they will have a hard time understanding.

[*English*]

Senator Milne: Honourable senators, the Standing Committee on Rules, Procedure and the Rights of Parliament is requesting exceptional permission in order to ensure that the views of its members vis-à-vis the ethics package that was tabled in the Senate last fall and referred to this committee on February 4, 2003, are known to the government.

The committee has been given to understand that drafters will be working in late April, over the Easter break, to finalize the proposed legislation to be introduced and to create the position of an ethics commissioner. If this committee has not reported by then, no considered opinion of any sort will have been expressed by any Senate element, whatsoever.

I understand that tabling an interim report of a committee is not to be considered the opinion of the Senate. I shall take great pains to make certain that that distinction is known, if we are granted the permission for which we are asking.

Nevertheless, any expression of a considered opinion, or a progress report on the topic, is better than none, especially if it is that of a committee that has studied the matter at some length. In the meantime, the committee intends to continue its work, and will certainly not stop after the tabling of this interim report.

Honourable senators, I believe that it is in the best interests of the Senate to have expressed an opinion. Under these circumstances, the request for this extraordinary permission is warranted. Therefore, I ask the permission of honourable senators for approval of this motion.

The Hon. the Speaker *pro tempore*: Are senators ready for the question?

Senator Prud'homme: Honourable senators, I sat on this committee. We have too many committees.

I have in mind the Blenkarn case regarding conflict of interest. We have everything necessary in the Criminal Code. We do not need to complicate unduly, thinking that members would be more honourable, et cetera.

The Criminal Code is clear. If you read it attentively, it makes you want to question yourself about whether every decision made each day is acceptable. It is like reading the Election Act. You wonder whether you could make a promise to the best organizer you have, to hire her or him as your staff, because the law forbids it.

The honourable senator said that she would ensure that the report is neutral. Honourable senators do not know the views of the members on this committee. It is exceptional that a person as hard working as the honourable senator would ask for approval on an interim report.

Does the honourable senator wish to table an interim report in the next three weeks? The honourable senator said that she would work late in April. Honourable senators will be back then. No one would be stopped from working. I am of the view that we will be coming back late in April to unveil the memorial to Senator Molgat. Does that mean that the honourable senator wishes to table a report the week prior to that event?

Senator Milne: Honourable senators, I sincerely hope that we will be able to table this interim report. It is merely a status report on the deliberations of the committee to this point. When we return in April, we will continue our full deliberations.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Agreed.

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

Motion agreed to, on division.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Prud'homme, that the Standing Senate Committee on National Security and Defence, which was authorized by

the Senate on 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, and to report by June 30, 2003, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

Hon. Tommy Banks: I hope that all honourable senators have now had an opportunity to see the motion, which was distributed in both official languages. With permission, I wish to add a codicil to the motion.

We are seeking this permission, provided it is understood that the subject matter of the report that is being made under this order of reference is that which concerns the matter of Major Henwood and his colleagues and their pension and dismemberment entitlements as serving members of the Armed Forces.

• (1750)

Senator Day, who was to introduce this motion, is not here.

Honourable senators will see that this reference is quite broad. I am asking honourable senators to understand the codicil in respect of the request to table this report: that it is the report dealing with Major Henwood and the attendant questions of access to benefits for injured war veterans and peacekeepers.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

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

Motion agreed to.

[Translation]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 29, 2003, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

[English]

Hon. Tommy Banks: Honourable senators, may I speak to the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, when leave is requested, it is either granted or not granted.

Senator Banks: I wish to speak to the adjournment motion.

Hon. Marcel Prud'homme: Honourable senators, I rise on a point of order. Senator Robichaud is asking for leave to make a proposal, which is debatable. Senator Banks, regardless of what this side may say, wishes to speak to the motion. He did not say that he did not want a resolution, but he does want to speak to the motion to adjourn. If we are satisfied after Senator Banks speaks, then we will agree with Senator Robichaud. The honourable senator is desperately trying to convey that to us, in my understanding. At least that is what I understood until he was interrupted by senators who think the motion has already passed. The adjournment was moved, but it was not passed. Do honourable senators agree? Senator Banks rose to speak to the motion.

Senator Banks: In whatever context and in whatever place, I am speaking against the idea of adjourning next week. I know how unpopular that will make me. I also know how important it is that we deal with government business and that we do not have enough government business to justify sitting next week. However, many committees will be sitting next week and many senators will be here next week.

The Senate has before it, aside from government bills that were passed today, 10 Senate public bills, 11 reports of committees and 30 motions or inquiries that have not been dealt with. It is not right for us to say, or to answer to anyone who asks the question, that we have no business before us. We have a great deal of business before us.

The Energy Committee, which I chair, will meet with ministers next week. I will be here all day Monday in another committee meeting. I heard Senator Di Nino today talk about his committee meeting next week, and there are others. I do not believe that it is a good idea, as a matter of practice for us at this time in the calendar, to take a week away from our usual sitting schedule. I may well be alone in that respect, but I wanted honourable senators to know that I hold that view strongly.

Hon. Colin Kenny: Honourable senators, Senator Banks is not alone in that view. I would like very much to know from the leadership which committees will be sitting and what the work program of the Senate will be next week. It is important that that be placed on the record. I do not know whether a list is available, but if there is one, could it be made public? Perhaps I missed something earlier on. If so, I apologize for taking up the time of the chamber unnecessarily.

Honourable senators, I am uncomfortable when this chamber is not sitting. I am much more comfortable if I know that we are doing committee work and that committees are functioning throughout the place. If I could be assisted in this matter, it would help me greatly with this motion.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senators who put this question. That is why we gave notice yesterday and moved a motion today that all committees of the Senate would be authorized to sit next week. Whether those committees choose to sit next week remains to be seen, but I am able to give the honourable senator specific information about a number of committees that will be sitting. The following committees will sit next week: the Standing Senate Committee on National Security and Defence; the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Social Affairs, Science and Technology; the Standing Senate Committee on Energy, the Environment and Natural Resources; and there may well be others. The committee sittings will be much longer next week than they normally would be, given the confines of the narrow times available if the Senate were to sit next week.

Honourable senators, I want to make this very clear: Next week is a committee-sitting week so that adequate amounts of time can be freed up. Committees that are hard-pressed to find the hours they need will have those hours during the committee-sitting week.

Senator Kenny: Honourable senators, Senator Carstairs has been of great assistance in this respect. Although it is a fine point, it is an important point: There is a significant difference in declaring a committee-sitting week and announcing the programs of the committees. First, it is important for the internal operation of the place. Committees may sit on Mondays, but if senators do not know whether committees are sitting on Tuesdays, Wednesdays and Thursdays, they may not want to come to the Monday meetings. Second, the public has a right to know what committees are sitting. If we are to have a committee-sitting week, we should publish the information about the committees in advance. Otherwise, we would go through a weekend of "Aubry."

I do not want to give this fellow too much attention, but I would like to be in a position to rhyme off the committees that will be sitting, and I suspect there are other senators who would like to do that, too. I am conscious of the work that is before the Rules Committee and the difficulty it has in finding time to get on with its work. However, I want the committee schedule to be public. I want it spelled out that committees will sit two days or 10 hours or whatever it will be. It should be on the record before we proceed with an adjournment that will ultimately turn into a three-week recess.

Senator Banks has done us a service by bringing this matter to our attention. I would hope that we would change our practices only to the extent that we would announce which committees are meeting on committee-sitting weeks in advance of an adjournment.

The Hon. the Speaker *pro tempore*: Honourable senators, it being six o'clock, is it agreed that the Chair not see the clock?

[Senator Kenny]

Hon. Senators: Agreed.

[*Translation*]

Senator Prud'homme: Honourable senators, I come from the same school as Senator Banks. It is unthinkable to me that we are not sitting next week. I will not turn this into a huge debate. It is all good and well to say that the committees are going to sit, but I come back to a point that seems troubling to some. We are going away for three weeks. There are things happening around the world that perhaps certain senators are not aware of.

• (1800)

The Standing Committee on Foreign Affairs systematically refuses to consider the most explosive issue, although people who are best informed could take part and contribute. Not only are we not sitting, it is wonderful that the committees are, but we seem to have forgotten important things like daily Question Period — I would like it to be 45 minutes long, in fact — and Senators' Statements. All this has stopped until April 29. What is going to happen between now and then? I do not know. International issues could require us to commit our resources and our soldiers. Nothing is certain. I fully support Mr. Chrétien, but I am concerned by the news. Only one committee could tell us what is going to happen. This is not Question Period. Question Period is what inspires us to go to committee. I personally want to go on record as saying that I find this unusual. You know me, in any case, I will be here whether the Senate is sitting or not. I will be one more senator present when the flag is lowered to half-mast next Wednesday in honour of those Canadians who died at Vimy. I am starting to think that there will not be many of us. Perhaps Senator Poulin and the member of the other House, Mr. Saint-Denis, whom I want to thank, will be there. I find this regrettable.

[*English*]

Senator Carstairs: I have been given some additional information, which I think is important to put on the record.

On Monday, the committees that will meet are: the Standing Senate Committee on National Security and Defence; the Standing Committee on Rules, Procedures and the Rights of Parliament; and the Standing Senate Committee on Official Languages.

On Tuesday, the committees that will meet are: the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Foreign Affairs; the Standing Senate Committee on Agriculture and Forestry; and the Standing Senate Committee on Fisheries and Oceans.

On Wednesday, the committees that will meet are: the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Social Affairs, Science and Technology; and the Standing Senate Committee on Foreign Affairs.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(2nd Session, 37th Parliament)

Thursday, April 3, 2003

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon	03/03/19	03/04/03	Energy, the Environment and Natural Resources					
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26	03/03/25	Banking, Trade and Commerce	03/03/27	0	03/04/01	03/04/03	5/03
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-6	An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts	03/03/19	03/04/02	Aboriginal Peoples					
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		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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 rd 02/12/04 2 at 3 rd 03/02/04	03/02/04	03/03/19	2/03
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-15	An Act to amend the Lobbyists Registration Act	03/03/19	03/04/03	Rules, Procedures and the Rights of Parliament					
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
C-29	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	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	3/03
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	4/03

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25	03/03/26	National Security and Defence	03/04/02	0	03/04/03	03/04/03	6/03
C-300	An Act to change the names of certain electoral districts	02/11/19							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	03/02/25	Social Affairs, Science and Technology					
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications	03/03/20	0	03/04/02		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources					
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10							
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11	03/02/27	Legal and Constitutional Affairs					
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13							
S-16	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	03/03/18							
S-17	An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc)	03/03/25							
S-18	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	03/04/02							

PRIVATE BILLS

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

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