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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, April 29, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

BOOK WEEK

Hon. Joyce Fairbairn: Honourable senators, it has become a bit of a custom in recent years in this country to recognize our annual Book Day. Last week, April 23 was not only Book Day but the week has turned into Book Week. We had celebrations across the country: The CBC was running Canada Reads, and children in schools throughout Canada were busily engaged in learning about our authors and stories. It also reminds us of what great authors we have. As well, it reminds us how, sadly, many Canadians are unable to enjoy those writers and the books they produce because of their difficulty in reading.

To underline the day, and underline my continuing friendship with the Leader of the Opposition, Senator Lynch-Staunton, I would like to present him with this year's book, which is a sweeping history of late 19th century Victorian England, mixed in with western North America — Canada and the United States — and it all ends up in the area around southwestern Alberta, where Senator John Lynch-Staunton's family resides and is a great part of the history of that area.

The book is *The Last Crossing* by Guy Vanderhaeghe, a Saskatchewan writer and storyteller. I know the honourable senator will enjoy it.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I thank the honourable senator for her kindness in what has become an annual tradition. However, this time I have been forewarned, and I have a gift for the Honourable Senator Fairbairn. It took me a long time to find something appropriate, but I think I did find it. Her party is heading into a leadership convention, and the honourable senator will want to ensure that a leader is selected who is, one might say, "the right choice." What better book to inspire her than David Frum's book, *The Right Man* —

Hon. Senators: Oh, oh.

Senator Lynch-Staunton: — which is subtitled, *The Surprise Presidency of ...*, and perhaps the honourable senator may have a book to write after November, also about the surprise leadership of whoever. In other words, it is an inspiring book, and I am sure it will help the honourable senator in her selection process.

THE LATE JOHN ROBERT LATIMER

TRIBUTE

Hon. Norman K. Atkins: Honourable senators, last Friday I attended the funeral of John Robert Latimer, known to many of his friends as "Chief." The whole occasion was a great tribute to someone who was loved and admired by so many. Not only was

St. James Cathedral in Toronto overcrowded, but people were also gathered outside on the church grounds. The reception was held in the Canadian Room at the Royal York Hotel, and I think it is fair to say that almost all of those who went to the service gathered at the hotel to reflect on the life and times of this very special person. I am taking the liberty of quoting his accomplishments to honourable senators, which notes were written after his death on April 22:

John saw a wonderful dream come true this year in co-founding Greenwood College School. Previously he has been the Headmaster of Royal St. George's College, acting chief of protocol for the Province of Ontario, very active in several political campaigns as well as a published author. In his dedication to young people, he served on many school boards, camping associations and youth charities. John's love and passion, in addition to his family, was Kilcoo Camp, the magical place where he grew up as a boy. The Chief and his partner and best friend, Ms. Chief, owned and directed Kilcoo Camp for over 40 years.

John Latimer was a remarkable individual who served the community in many different ways. He loved people, especially young people. I think it is fair to say that no one lived life more fully nor enjoyed it more than he did.

John will be sorely missed by his wife, Peggy, and his three sons, David, Jeffrey and Michael, and all the family and his many friends.

He touched the lives of so many during his lifetime, setting an example for all of us.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES

Hon. Ethel Cochrane: Honourable senators, I rise today to express my personal outrage and frustration with the ill-advised decision of the Minister of Fisheries and Oceans to close the northern cod and northern and southern Gulf of St. Lawrence fisheries.

• (1410)

With this decision, the federal government has shown a blatant disregard for the recommendations put forward by the Newfoundland and Labrador All-Party Committee, the Fisheries Resource Conservation Council, the Fish, Food and Allied Workers, and prominent members of the scientific community.

In recent weeks, some fisheries groups have called for a reduced fishery. However, there was not a single recommendation for a full closure. In fact, most adamantly argued that a full closure would do nothing to promote the health of the stocks.

In its report last month, for instance, the FRCC stated:

In its analysis of a complete closure of the Gulf cod stocks, the Council concludes that this is an unrealistic option that would, in no way, guarantee stock rebuilding.

The report added:

There is a view that a closed fishery — and an alienated fishing sector — would actually result in an increase in unreported mortality. The Council judges this to be a real threat that could inflict continued undetected harm to the resource.

Further, the FRCC emphasized the important conservation role that fishers play and must continue to play. The chairman of the Council's Gulf team said:

The closure option, taken on its own...does nothing to promote the prospects for stock growth and rebuilding....Furthermore, there is reason to believe that taking fishermen off the water may result in a higher incidence of mortality and less stewardship of the resource.

Personally, honourable senators, I am also gravely concerned that Minister Thibault's decision has been made in the absence of adequate science.

Dr. George Rose, a prominent fisheries scientist at Memorial University, said recently:

We have a deficit of information. And that's only going to get worse because it seems like the amount of research that's being done on cod stocks continues to decline.

I hear from fishermen that there is not even enough money to buy gas for these conservation and scientific vessels to go out and do the research.

According to Dr. Rose, this means that there will be less and less information upon which to make rational decisions.

Honourable senators, I suggest that Thursday's decision illustrates that we have already reached this point. A decade of government cutbacks has taken its toll on the Department of Fisheries and Oceans. It is now clear that the government can no longer make rational decisions about Canada's historically important fishery resource.

MR. MIKE WEIR

CONGRATULATIONS ON WINNING MASTERS GOLF TOURNAMENT

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to Mike Weir for being the first Canadian to win the Masters Golf Tournament.

Hon. Senators: Hear, hear!

Senator Mahovlich: And he is a southpaw.

It is the most prestigious tournament in the world. A native of Bright's Grove, Ontario, Weir now has six PGA Tour wins, three already this season.

To quote Winston Churchill, "Playing golf is like chasing a quinine pill around a cow pasture." Winston Churchill did not see the game the way Michael Weir did at the Augusta National Golf Club, for one week, in April at the famous Masters Golf Tournament.

Gary Player, South Africa's great, stated: "Mike Weir, if he continues in the same vein as he is, will be the best player Canada ever had."

Canada's best-known golfer is George Knudson, who won eight professional tournaments before passing away at the age of 51. Weir is up to six with one major, a feat that few Canadians up to the 2003 Masters have been able to accomplish.

Michael has had to work on his game, and there have been many critics. He has this habit of making a quarter swing before he takes a full swing. It is a bit jerky. Al Balding was being interviewed a few years ago and was quoted as saying that this would not work because most golfers had swings that were like dancers doing a waltz — they were smooth. A week later, I ran into Al at a sports dinner. I confronted him about this statement and explained that Weir was doing a dance — it was called the tango.

Weir is back in the pack after a dismal year in 2002, and fans have a future to look forward to as Michael continues his journey. His stunning victory should go down as one of the greatest sporting moments in Canadian history and, of course, everyone wishes Michael and Bricia more embracing on the final holes.

To Mark Twain, "Golf is a good walk spoiled." It was for most of the golfers that competed for the Masters, but for Michael Weir it was a walk in the park that every golfer dreams about.

Congratulations on your outstanding achievement.

THE RIGHT HONOURABLE BRIAN MULRONEY

RCMP—ANNOUNCEMENT OF END TO AIRBUS INVESTIGATION

Hon. Gerry St. Germain: Honourable senators, one of the darkest periods in Canadian history came to an end when the RCMP announced that they had finally concluded their eight-year investigation into groundless allegations against the distinguished former Prime Minister Brian Mulroney.

Honourable senators, the RCMP were mere pawns of the vindictive power mongers of the Jean Chrétien regime who, from day one, directed this unprecedented witch hunt. It was offensive to Canadians and the ideals we cherish in this freedom-loving, democratic nation.

The deceit, persecution and abuse of power began with the issuance of an official Justice Department letter to Swiss government authorities under the watch of the overzealous and irresponsible then-Minister of Justice Allan Rock. That letter was based on nothing more than pure innuendo, conceived in the small minds of irresponsible journalists and their partisan accomplices.

The blame for this obscene persecution rests squarely with Prime Minister Jean Chrétien, former Minister of Justice Allan Rock and the other members of the Liberal gang of thugs. The corrupt and unethical Chrétien gang manufactured a faceless and groundless claim against a former prime minister. What is even more revolting is the fact that the witch hunt continued without care or caution for six years after a court of law declared, without equivocation, that the government was wrong in making the claim in the first place.

However, that court ruling did not rein in the attack dogs. No, subsequent ministers of justice, solicitor generals and the Prime Minister himself allowed the RCMP's criminal probe to continue. All the while, the Liberal power mongers smirked in public and privately celebrated in glee as they watched one of Canada's greatest prime ministers having to defend his reputation. They cared nothing of the human carnage they created. They ignored the toll it would have on public confidence in our democratic institutions.

Now this absurdity has ended. It has ended because the process reached its inevitable conclusion: Despite the Liberal regime's dastardly plans, nothing could overcome the fact that Mr. Mulroney has always been innocent. However, while the absurdity has ended, the end of the story will only come when Canadians are able to see clearly who perpetrated all of this. Canadians need to see how the levers of power in this country were abused for little more than personal glee and partisan gain. They need only contrast he who was persecuted and maligned against those who were the abusers of the system and their self-righteous defenders.

Mr. Mulroney can now stand proud, as he rightly should. His lifelong record of community service is a shining symbol of commitment. His decade of achievements, while leading our nation, stands as a testimony to honour, decency, respect, excellence and accomplishment. Despite the fact that justice was blatantly abused in this whole affair, I am confident justice, one day, will be done and the indecent will pay.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

2003 REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the House of Commons, dated April 2003, pursuant to the Auditor General Act, R.S. 1995, chapter 43, section 3.

[Senator St. Germain]

[English]

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 23, 2002, to examine and report upon the present state of the domestic and international financial system, respectfully requests the release of additional funds for 2003-2004.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget application submitted was printed in the *Journals of the Senate* of March 25, 2003. On March 27, 2003, the Senate approved the release of an initial \$20,000 to the Committee.

The Report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "A," p. 718.)

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

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

• (1420)

BUDGET—REPORT OF COMMITTEE ON STUDY OF THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*; respectfully requests approval of funds for 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,

E. LEO KOLBER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 719.)

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

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

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NEED FOR NATIONAL SECURITY POLICY PRESENTED

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

Tuesday, April 29, 2003

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

NINTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 30, 2002, to examine and report on the need for national security policy for Canada, 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,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "C", p. 725.)

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

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

[Translation]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Official Languages has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on December 5, 2002, to study and report from time to time upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, within those institutions subject to the Act, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary, and that it be allowed to adjourn from place to place within 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,

ROSE-MARIE LOSIER-COOL
Chair

(For text of budget, see today's Journals of the Senate, Appendix "D", p. 737.)

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

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

[English]

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to the order adopted by the Senate on Wednesday, November 20, 2002, and the motion adopted by the Senate on Thursday, April 3, 2003, the Standing Senate Committee on National Security and Defence deposited its eighth report entitled "Fixing the Canadian Forces' Method of Dealing with Death and Dismemberment." That report was filed with the Clerk of the Senate while we were on adjournment on April 10, 2003.

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

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

STATISTICS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Marjory LeBreton, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 29, 2003

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

TENTH REPORT

Your Committee, to which was referred Bill S-13, An Act to amend the Statistics Act has, in obedience to the Order of Reference of Tuesday, February 11, 2003, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MARJORY LEBRETON
Deputy Chair

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

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

CODE OF CONDUCT AND ETHICS GUIDELINES

INTERIM REPORT OF RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT COMMITTEE TABLED

Hon. Lorna Milne: Honourable senators, I wish to inform the Senate that, pursuant to the order adopted by the Senate on Tuesday, February 4, 2003, and the motion adopted by the Senate on Thursday, April 3, 2003, the Standing Committee on Rules, Procedures and the Rights of Parliament deposited its

eighth report entitled, "Government Ethics Initiative," with the Clerk of the Senate on April 10, 2003.

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

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

[Translation]

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table the second report of the Standing Joint Committee for the Scrutiny of Regulations on the operations of the committee.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF HEALTH CARE SERVICES AVAILABLE TO VETERANS PRESENTED

Hon. Joseph A. Day, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 29, 2003

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

TENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters, 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,

JOSEPH A. DAY
Member of the Committee

(For text of budget, see today's Journals of the Senate, Appendix "E", p. 747.)

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

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

• (1430)

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ON STUDY OF IMPACT OF CLIMATE CHANGE PRESENTED

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 29, 2003

The Standing Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your Committee was authorized by the Senate on October 31, 2002 to examine the impact of climate change on Canada's agriculture, forests and rural communities and the potential adaptation options focusing on primary production, practices, technologies, ecosystems and other related areas.

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,

DONALD H. OLIVER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "F", p. 755.)

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

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

BUDGET—REPORT OF COMMITTEE ON STUDY OF DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS PRESENTED

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 29, 2003

The Standing Committee on Agriculture and Forestry has the honour to present its

FOURTH REPORT

Your Committee was authorized by the Senate on February 11, 2003 to examine the issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products.

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,

DONALD H. OLIVER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "G", p. 761.)

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

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

[Translation]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

SECOND PLENARY MEETING, FEBRUARY 20-21, 2003—REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table in both official languages the report of the Canadian delegation to the Inter-Parliamentary Forum of the Americas' second plenary meeting in Panama City, Panama, on February 20-21, 2003. I would like to thank the Leader of the Opposition, Senator Lynch-Staunton, for his cooperation.

[English]

NEW CONSTITUTION FOR IRAQ

NOTICE OF INQUIRY

Hon. Gérard-A. Beaudoin: Honourable senators, I give notice that on Thursday, May 1, 2003:

I will call attention of the Senate to a possible new Constitution for Iraq.

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— REVIEW OF DEPARTMENT'S EMERGENCY PREPAREDNESS PLAN

Hon. Wilbert J. Keon: Honourable senators, there have been many questions about how SARS, severe acute respiratory syndrome, was spread in the Toronto area. One health care official has placed the blame on hospitals that did not follow guidelines for treating people with infectious disease. Another official has blamed the lack of funding for infection control. Others have wondered whether health care workers were given masks, gowns and other protective gear soon enough. Reports of people breaking their quarantine resulting in hundreds or more being quarantined raised the question as to whether they were properly monitored. All of these things and more will have to be looked at carefully so that we may understand how this disease spread so quickly.

My question is for the Leader of the Government in the Senate. Has the federal response to the SARS health emergency prompted a review of Health Canada's emergency preparedness? If so, how would such an audit be conducted?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question and I am sure he will be as pleased as I was to learn that the World Health Organization, WHO, has lifted its travel advisory on the City of Toronto.

Senator Keon is quite correct. It has been a long time since emergency preparedness plans of this kind were put in place in cities such as Toronto and Vancouver. A thorough review must be done, but that will only be possible in conjunction with officials from Health Canada and the full cooperation of public health officials at the local level in the provinces that have been so greatly affected by SARS. It is my understanding from the ongoing discussions between Ontario's Minister of Health and Long-Term Care, Tony Clement, the Minister of Health, Anne McLellan, and the public health authorities that such a study will commence as soon as SARS is completely under control.

Senator Keon: Honourable senators, I thank the honourable leader for that answer. We are all pleased that the ban has been lifted.

WEST NILE VIRUS— PLAN FOR DEALING WITH DISEASE

Hon. Wilbert J. Keon: Honourable senators, we will soon be facing the threat of another deadly virus that causes flu-like symptoms, West Nile virus. That threat may be coming earlier than expected this year, as we all know. Could the Leader of the Government in the Senate tell us about the approach to dealing with the West Nile virus?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the testing of animals for West Nile virus commenced one month earlier this year than it did last year because it became evident that we had not responded as quickly as we could have in the past. Thus, the testing of birds that may be infected with the virus has begun. As well, all of the monitoring has been examined to ensure that we are using the best practices.

It is difficult to compare the two diseases, as the honourable senator is well aware, because they are spread in different ways. SARS is spread by human-to-human contact while mosquitoes infected with the West Nile virus spread the disease when they bite humans. It appears that an individual infected with West Nile virus is unable to infect another individual. However, because of SARS, I can assure the honourable senator that there has been a stepped-up evaluation to ensure that everyone is working cooperatively together. In line with that initiative, it is my understanding from the Minister of Health, Anne McLellan, that she has been in daily contact with the Ontario Minister of Health and Long-Term Care, Tony Clement. They worked extraordinarily cooperatively on this file, and that kind of work cooperation will also be needed against the West Nile virus.

SEVERE ACUTE RESPIRATORY SYNDROME— WORLD HEALTH ORGANIZATION TRAVEL ADVISORY

Hon. Marjory LeBreton: Honourable senators, on Wednesday April 23, 2003, the World Health Organization, WHO, issued a travel advisory against Toronto, which urged people all over the world to put off non-essential travel to that city for at least three weeks. Thankfully, this decision has now been reversed but it leaves devastating implications for the public image and economic well-being of not just Toronto but also of Canada. I was in Toronto last Thursday and Friday for a Mothers Against Drunk Drivers conference. The effect of that advisory was noticeable in the Toronto airport.

It appeared at the time that the initial WHO announcement caught everyone, including the Minister of Health, Anne McLellan, by surprise. Perhaps if there had been more direct contact with the WHO by Canadian officials, the ban would not have been made in the first place. Could the Government Leader in the Senate tell us when the minister was made aware of this advisory and whether she was in direct contact with WHO officials before the advisory was made?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my understanding that there have been ongoing discussions with the WHO right from the discovery of the first case of SARS diagnosed in Toronto. However, the decision by the WHO was not broadcast to the department any sooner than it was broadcast to the public. There was a significant information gap between the information that scientists received in Canada and the information that scientists had in the WHO, which has led to the lifting of the advisory today.

Clearly, we have to ensure that those channels of communication are much more open than they apparently were during this particular incident.

• (1440)

SCREENING OF TRAVELLERS LEAVING FROM PEARSON INTERNATIONAL AIRPORT

Hon. Marjory LeBreton: Honourable senators, on March 27, 2003, the WHO recommended that all outgoing passengers from airports in affected areas should be screened for symptoms of SARS. Health Canada chose not to follow this advice, instead issuing health alert notice cards. It is thought that the WHO based its decision last week, in part, on the fact that people have carried SARS from Toronto to other parts of the world. That travel advisory ban called for the screening of air passengers leaving affected areas.

Will Health Canada begin screening air travellers leaving Pearson airport for international destinations? If so, when do they plan to start implementing the screening?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is important to understand that the WHO accepted the plan put forward by Health Canada with respect to the notification. They did not ask for more stringent controls out of Pearson airport. Infrared technology referred to as a "fever scan" would detect if a person had a fever. This technology is being considered at the present time, but no final decision has been made.

SEVERE ACUTE RESPIRATORY SYNDROME— TAIWAN TRAVEL ADVISORY

Hon. Marjory LeBreton: Honourable senators, the Government of Taiwan announced last Sunday that it will stop issuing visas to Canadian visitors on the basis of the WHO travel advisory against Toronto which, as we know, has been lifted. In view of the decision today by the WHO, could the Leader of the Government in the Senate tell us whether the federal government is doing anything to have the travel ban by the Government of Taiwan lifted?

Hon. Sharon Carstairs (Leader of the Government): I can tell the honourable senator that the Government of Canada made immediate representation to the Government of Taiwan when they imposed a ban on visas for individuals wanting to come to Canada, not just to Toronto, but to the entire country. We made it clear that we found that to be totally unacceptable. Since the WHO advisory has just been lifted, I do not think further contact has been made, but I will take the representation of the honourable senator to the Honourable Minister of Health when I see her about half an hour from now.

SEVERE ACUTE RESPIRATORY SYNDROME— ECONOMIC FALLOUT

Hon. Brenda M. Robertson: Honourable senators, I have a question for the Leader of the Government in the Senate.

Hon. Senators: Hear, hear!

Senator Robertson: Thank you, it is good to be back.

My question concerns the economic consequences of the SARS outbreak in the Toronto area. The World Health Organization travel advisory against Toronto was lifted this afternoon, but that advisory added to an already bad financial situation that has negatively impacted upon the rest of the country. A summit on the economic fallout of SARS was held in Toronto yesterday as many businesses there, especially those in the Asian community, have suffered extreme losses over the past two months.

Ontario Premier Ernie Eves met yesterday with the Prime Minister to discuss the economic situation. Mr. Eves has said that the provincial government has ruled out direct compensation to businesses but will compensate individuals forced into quarantine.

Is the federal government considering measures such as temporary tax relief or tax breaks to assist businesses that have been significantly hurt by the SARS health emergency?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question, and I welcome her back, as does every single member of this chamber. It is good to see her in good health once again.

In terms of the economic impact of SARS, as the honourable senator well knows, it is not being felt just in the city of Toronto. The impact is being felt across the country and in most of the major airports in the country where travel has been reduced considerably. The economic impact must, therefore, also be studied in light of its consequences not just for the city of Toronto but for other communities as well. I can assure honourable senators that it is under active cabinet consideration.

SEVERE ACUTE RESPIRATORY SYNDROME— SUPPORT TO HOSPITALS

Hon. Brenda M. Robertson: Honourable senators, my second question was answered by the minister because I had wanted to ask about the response of the government to all of Canada, as well as Toronto. We shall look forward to information that will help businesses that have been affected in Toronto and elsewhere.

The strain on the economic resources of hospitals dealing with SARS is another area of concern. Is the federal government considering allocating specific funds for Toronto hospitals, in particular, in order to address surgical backlogs caused by the SARS outbreak?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there are ongoing discussions between the two Ministers of Health with respect to additional costs that have fallen on the hospital system in the city of Toronto. More important, there is active consideration of the needs of health care workers, some of whom have been stretched to the very limit. Some nurses have indicated that they have resigned or will be resigning because they do not want to work in that environment. There has been a transfer of federal government nurses to Toronto, as well as other health specialists. Clearly, we must further investigate the needs of those health care professionals as well as the health care system as a whole.

SOLICITOR GENERAL

RCMP—END TO AIRBUS INVESTIGATION

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government in the Senate regarding a recent press release from the RCMP that announced that it has concluded its investigation into allegations of wrongdoing involving the Airbus contracts. The release is dated April 22, 2003. The force is quoted as saying that the remaining allegations that would have been laid by the Department of Justice in 1993 cannot be substantiated.

When will this government issue a formal apology to all those wrongly and very publicly publicized as being involved in this misadventure?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows very well, the Government of Canada does not, nor should it, nor I hope will it ever, actively direct the activities of the RCMP. The RCMP conducts criminal investigations in this country. It does so without political interference. That is the way that it should remain.

Senator Tkachuk: Honourable senators, I agree with the minister. However, is she saying that under no circumstance shall the civil authority control the police authority of the state?

Senator Carstairs: That is not what I said, and the honourable senator is well aware that that is not what I said. I said that the Government of Canada does not interfere in the criminal investigations conducted by the RCMP.

Senator Tkachuk: Honourable senators, does the government feel it has no responsibility whatsoever for the fact that the RCMP may have made a terrible and dreadful mistake and that perhaps this investigation was directed by the political authorities?

Senator Carstairs: Honourable senators, this investigation was not directed by the political authorities; it was directed by the RCMP. If the honourable senator has questions to the RCMP, I would suggest he address them to that body.

Senator Tkachuk: Perhaps we can do a formal investigation into the RCMP. Would the government provide this chamber with an accounting of how much taxpayers' money has been appropriated to conduct this investigation since it started?

Senator Carstairs: The RCMP Estimates are open, as is the entire agenda of the Solicitor General. That would be an appropriate question to ask in the Estimates process of the Solicitor General.

CANADA-UNITED STATES RELATIONS

EFFORTS TO RESTORE RELATIONSHIP

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. It relates to the relationship between our largest trading partner, the United States of America, and Canada.

As I was walking out of the office, I received a call from a business person in British Columbia who had work permits cancelled that were in place to service accounts. The business person asked me what the government is doing about repairing this strained relationship that the government leader will not acknowledge exists. I am referring to the strained relationship between the United States and Canada.

• (1450)

Hon. Sharon Carstairs (Leader of the Government): Since the honourable senator puts great store in the views expressed by American ambassador, Paul Cellucci, I would ask him to read what the ambassador said yesterday, which is that there are no strained relations between Canada and the United States.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: What do I tell the business person who has his work permit cancelled, jeopardizing his businesses and the economy of the region that I represent? As well, perhaps the honourable leader of the government could give us an update on the softwood lumber issue, which is negatively impacting the British Columbia economy.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows that the softwood lumber dispute has been ongoing for some time. Negotiations are continuing between the two countries to resolve this issue. We recognize that we are each other's largest trading partners. It is to be hoped that, just as they wish to conclude new agreements with us in a number of fields, particularly energy, we also will be able to conclude a softwood lumber deal.

CANADA-UNITED STATES RELATIONS

EFFORTS TO RESTORE RELATIONSHIP

Hon. Gerry St. Germain: Finally, honourable senators, I ask the Leader of the Government in the Senate if the government has ever considered making a formal apology to the Americans for the statements of the Minister of Energy and various other MPs on the Liberal side that were derogatory, hurtful and very damaging to our relationship?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we have a tradition in our democracy of freedom of speech. It is a tradition that I respect, and I would hope the honourable senator would do so as well.

Senator St. Germain: Would the honourable leader place freedom of speech above aggressive, abusive language? Should we respect that as freedom of speech in a caucus system, a parliamentary system that is very tightly governed by the executive branch and by the Prime Minister? Is the honourable leader of the government saying to the American people that freedom of speech prevails and that we can say whatever we want about them, regardless of what they say?

Senator Carstairs: Honourable senators, there were a number of statements made by American politicians that I did not particularly approve of, either. I would not only protect the right of Canadian politicians to have freedom of speech, I would protect the right of American politicians to have freedom of speech as well.

CITIZENSHIP AND IMMIGRATION

NEW IMMIGRATION SELECTION RULES— RETROACTIVE ASSESSMENT CRITERIA— CLASS ACTION LAWSUITS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Immigration lawyers have filed a \$400-million class action lawsuit against the Department of Citizenship and Immigration, alleging that 30,000 to 40,000 potential immigrants are being unfairly denied the chance to come into Canada.

On December 2, 2002, the department announced that new, stricter immigration selection criteria would pertain to existing applicants if their cases had not been processed by March 31 of this year. The lawsuit asks that the Federal Court force the department to change its decision, allowing cases to be judged under the criteria that prevailed when individuals made their initial application.

Honourable senators, the government has already lost a similar case. In March, the Federal Court ruled that the department had misled Parliament on the details of the new immigration rules. The federal government was ordered to process 102 applications, made before the deadline for assessing them, under the old criteria. Will the Department of Citizenship and Immigration treat all potential immigrants fairly and assess applications under the criteria in place when their claim was initially made?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator raises a number of issues, some of which I cannot address since I cannot talk about specific court actions. However, he also phrased a more general question about the policy of the Department of Citizenship and Immigration with respect to the application process. I will try to get an answer for him on that point as soon as possible.

Like the honourable senator, I have been contacted by a number of individuals who feel that they have been inappropriately dealt with, and I have raised this concern before. I hope to get an answer on that point sooner rather than later.

Senator Oliver: Honourable senators, I thank the minister for that response. While she is making those inquiries, perhaps she could also inquire into the matter of a \$35-million class-action lawsuit that has been filed by about 500 Asian families against the federal government. These families, mostly from China, claim that their applications were not processed due to the tough new selection criteria. The suit alleges that the handling of the department's skilled workers category amounts to systemic discrimination, as approximately 80,000 Asian applicants were in the backlog of 120,000 cases that were not processed by department officials.

What is the federal government's response to this lawsuit, and what does it plan to do to assure other potential Asian immigrants that their applications will not meet the same fate?

Senator Carstairs: The honourable senator must understand that there are, in every year, far more applications to come to this country than the department can handle, and that backlog is not about to be eliminated. If the honourable senator thinks that the department involved can wave a magic wand and immediately deal with every application to this country, that is not possible.

However, the issue of whether people have been dealt with unfairly or inappropriately is a significant one. I will follow up on that enquiry and attempt to get an answer quickly for the honourable senator.

JUSTICE

OFFICIAL LANGUAGES— COURT CHALLENGES PROGRAM

Hon. Jean-Robert Gauthier: My question is directed to the Leader of the Government in the Senate. The Court Challenges Program is administered out of Winnipeg and receives federal funding under a five-year agreement signed April 1, 1998. The objective of this program is to assist in the clarification of official language rights, guaranteed in the Constitution, and equality rights, also guaranteed in our Canadian Charter of Rights and Freedoms.

The program provides financial assistance for test cases of national significance, either by individuals or groups. It was reinstated in 1994, following the federal election in 1993, and further extended from April 1, 1998 to March 31, 2003.

Since the deadline of March 31, 2003 has passed, I have had difficulty determining what will happen to that program. Could the minister speak to her colleagues in cabinet to ensure that the Court Challenges Program will be maintained, and confirm for us that it will receive federal funding for another five years?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for having brought this matter to my attention earlier this morning. We have worked to obtain an answer for him. The department has recently extended its agreement for one year, because the program is currently being evaluated. Rather than have the program cease while that evaluation takes place, it was determined that it would be extended for one year. At that time, decisions can be made based on the evaluation.

[Translation]

Senator Gauthier: The funding breakdown for the Court Challenges Program since 1998 is as follows: \$525,000 for linguistic rights; \$1,575,000 for equality rights and \$650,000 for program administration costs. Can the minister find out if these same conditions will apply to the one-year extension, that is, until March 31, 2004, and if the government has any intention of bolstering the program over the next five years by increasing its funding?

[English]

Senator Carstairs: Honourable senators, the criteria that were being used in the past are the criteria that will be used for this one-year funding. As the honourable senator knows, there has been a very large investment by Justice Canada in targeted measures aimed at improving access to the justice system in both official languages. They will invest \$18.5 million to provide a variety of programs, including stable funding for French-speaking lawyers' associations and their national federation.

With respect to the honourable senator's specific questions on aged individuals, I will have to take that on notice and get back to him with a reply.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES

Hon. Ethel Cochrane: Honourable senators, my question concerns the mixed messages that the government was sending out prior to Thursday's announcement that it was closing the cod fishery.

• (1500)

As recently as April 19, just five days before the official announcement, Gerry Byrne, Newfoundland and Labrador's minister, said the following on CBC Radio's *The House*:

We are not approaching a final decision right now, and in fact where we are is we are still discussing what options are available to us.

On the same program, Mr. Byrne also said:

A decision will not be taken until I get my say, and people from this province get their say.

My question is for the Leader of the Government in the Senate: Could she explain what took place in the few days between Mr. Byrne's statement on April 19 and the government's subsequent decision to close the cod fishery on April 24? More specifically, I would like to know what happened with respect to Mr. Byrne's vow that the people of the province would have input into the final decision on the cod fishery.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows Mr. Byrne may be the political minister for the Province of Newfoundland, but Mr. Byrne is not the fisheries' minister. The Minister of Fisheries is the Honourable Robert Thibault. It is he who made the announcement on April 24 with respect to the closure of the cod fishery.

However, I can tell the honourable senator, because of a conversation that I had with Mr. Thibault, that there were ongoing discussions with Mr. Byrne. He certainly did have input. As to his statement with respect to others having input, only Mr. Byrne could answer that question.

Senator Cochrane: Honourable senators, Mr. Byrne's interview on April 19 seems to suggest that he was not in the loop with regard to making the final decision to close the fishery. Being

from Newfoundland, he should have been in the loop, even though we have a federal minister.

Could the Leader of the Government in the Senate please account for the fact that Newfoundland's minister may have been cut out of the decision-making process with respect to the closure of the cod fishery?

Senator Carstairs: Honourable senators, my understanding is that Mr. Byrne was actually at the announcement with Mr. Thibault, so obviously he was not cut out of any press conference held, nor is it my clear understanding that he was cut out in the deliberations leading up to that announcement.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATIONAL DEFENCE—PURCHASE OF TWO CHALLENGER 604 AIRCRAFT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Forrestall.

AGRICULTURE AND AGRI-FOOD—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 8, 9 and 10 on the Order Paper—by Senator Kenny.

ENVIRONMENT—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 17, 18 and 19 on the Order Paper—by Senator Kenny.

PUBLIC WORKS AND GOVERNMENT SERVICES—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 20, 21 and 22 on the Order Paper—by Senator Kenny.

CANADIAN FOOD INSPECTION AGENCY—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 23, 24 and 25 on the Order Paper—by Senator Kenny.

TREASURY BOARD—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 32, 33 and 34 on the Order Paper—by Senator Kenny.

[English]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of our former colleague, the Honourable Joan Neiman. Welcome.

[Translation]

ORDERS OF THE DAY

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, to amend the Official Languages Act (promotion of French and English).
—(*Honourable Senator Beaudoin*).

Hon. Gérard-A. Beaudoin: Honourable senators, it has been my position for some time now that section 41 of the Official Languages Act is mandatory and not simply directory. I continue to believe this.

I support, therefore, what my colleague, Senator Gauthier, has said about Bill S-11. Sooner or later, the courts will be called upon to settle this debate. The question is as follows: is section 41 imperative or instructive or, to use another legal expression, is section 41 mandatory or directory?

In a strictly legal sense, it is not always easy to tell if a text is mandatory or directory. So, from time to time, the courts are called upon to settle the matter.

Senator Gauthier has compared the wording of section 41 to that of section 36 of the Constitution Act, 1982, on equalization. Section 36 also uses the words “is committed to.” Several constitutional experts, myself included, believe that section 36 is mandatory; at least, I hope it is. It is in the Constitution. Of course, if the courts were to interpret section 36, they would find it either mandatory or directory. If the courts found it mandatory, they would stop there. They would not tread into financial waters. They would let Parliament settle the matter. As in the *Libman* decision on Quebec’s referendum legislation, the Supreme Court of Canada stressed freedom of expression. It stated that third parties should have the right to spend money, but it left it — as it clearly stated in the *Libman* decision — to Parliament to establish a ceiling on spending by third parties on referendums. In my opinion, section 41 of the Official Languages Act and section 36 of the Constitution Act, 1982, are imperative.

Honourable senators, I would like to say a few words on the general scope of the Official Languages Act. There is a tendency to ascribe greater importance to the Official Languages Act than to section 16 of the Canadian Charter of Rights and Freedoms, which is part of the Constitution. This has always surprised me. What is most important in our system is the federalist division of powers and the Charter of Rights and Freedoms. That is Canada.

Legislation that is passed under our Constitution must respect this Constitution. This goes to show that in the debate Senator Gauthier referred to, clearly the Constitution takes precedence over the Official Languages Act. The Official Languages Act must be in compliance with section 16 of the Charter of Rights and Freedoms, not the other way around.

Section 16 of the charter is fundamental. It is very significant, even if we do not talk about it very much. Canada’s official languages are French and English and section 16 states that both languages have equal rights and privileges.

• (1510)

We must therefore strive for this equality. I do not see any other solutions. Section 16 of the Charter of Rights and Freedoms does not beat around the bush. It is quite clear. The Official Languages Act is subject to the Constitution. The Official Languages Act must be in compliance with it.

Representatives of the Territories and the francophone minority appeared before the Standing Senate Committee on Official Languages. I am using this as a comparison. The supporters of two distinct positions are butting heads on the issue of bilingualism.

Both parties in the dispute are currently before the courts. In my opinion, neither party is prepared to make a compromise. In the end, it will be up to the courts to resolve the matter.

We will see whether the Official Languages Act fully complies with section 16 of the Canadian Charter of Rights and Freedoms. I will not say any more on this. This problem will have to be solved based on the equality entrenched in section 16 of the charter and all laws, federal and provincial, must respect this equality. I support Senator Gauthier’s bill.

On motion of Senator Chaput, debate adjourned.

[English]

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study of the Canadian media), presented in the Senate on April 3, 2003.—(*Honourable Senator Gustafson*).

Hon. Joan Fraser: Honourable senators, I move the adoption of the report.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to have clarification on exactly what we are being asked to do. In the budget request, the Transport Committee has asked the Standing Committee on Internal Economy, Budgets and Administration for the approval of \$435,250 for its study, which, if one reads the details of the budget, appears to cover activities for the current fiscal year. I am not challenging the figures; I am trying to understand what we are being asked to do. Internal Economy recommends \$197,850, and in the paragraph leading up to the breakdown of that figure, it says, "The approved budget is as follows...." Is the approved budget for the current fiscal year a total of \$197,850, to be voted by the Senate, rather than the \$435,250 requested from Internal Economy?

Senator Fraser: Honourable Senator Lynch-Staunton has understood the figures perfectly. The \$197,850 was significantly less than we had hoped to receive from Internal Economy, and it is indeed for the current fiscal year.

I do not believe I am betraying anything when I say that when I appeared before the Standing Committee on Internal Economy, Budgets and Administration I was asked if this study could be stretched over two fiscal years. My answer was that if the Senate so wished, it certainly could be. Indeed, our original plan had been to stretch the study over two fiscal years, that is to say the fiscal year that ended four weeks ago and the current one. The vagaries of the parliamentary timetable means that we have not started our work until now.

Obviously, there is a great deal of work that we can do and plan to do for \$197,850. In the light, however, of that greatly reduced budget, it seems likely that in the future the committee will ask me to return to the Senate to ask for an extended mandate. If that were not available, we might ask the Senate for additional budgets for the current year.

What you see before you, honourable senators, is the amount of money that Internal Economy has deemed appropriate for this committee to receive to do this study in this fiscal year.

Senator Lynch-Staunton: Honourable senators, the terms of reference are quite specific. The Senate has confirmed that the committee must report on its mandate no later than March 31, 2004. Am I to understand that the committee is already thinking of extending its mandate beyond this fiscal year?

We either approve budgets for specific purposes within a specific time frame or we do not. What I am leading up to is that too often — and I am not pointing a finger at anyone in particular because I am using the plural — many committees accept reduced budgets by saying, "Wink-wink, we will come back with Supplementary Estimates and find the additional funds that way, following which we will return to Internal Economy and then to the chamber." In the long run, the original amounts requested are for all intents and purposes satisfied. Perhaps the situation is improving now, but in the past that has been the experience. I for one do not wish to play that game any more.

Can we be reassured that the amount requested today, for some \$200,000, satisfies the committee to meet its commitment to the Senate that it will report by the end of March 2004?

Senator Fraser: Honourable senators, if that is the wish of the Senate, that is what we shall do. I understood from my first meeting with members of the Internal Economy Committee that they wished to consider the prospect of spreading this study over two fiscal years. Nonetheless, the budget we presented was a real budget designed to cover all of the work that we thought necessary with quite strict commitments about things that we did not intend to do that would have added to the cost. For example, we will not be doing any foreign travel; it will all be through teleconferencing.

The budget of the committee was designed to meet all those expenses in one year. It was designed to be a real budget to meet the real needs of this study.

We were not given that money. We were not even given half of that money. If the Senate so decrees, we will cut our clothes to suit our cloth and complete our work within the allocated dollars.

• (1520)

Certainly, the budget that you see before you, which the Internal Economy Committee has proposed, is sufficient to do very extensive work in this fiscal year, and I believe that it is the intention of the members of the committee to make this one of the studies of which the Senate will be able to feel at least satisfied and, I hope, proud.

That is the best I can give Senator Lynch-Staunton, but for sure what you do not have here is the thin end of an unknown wedge. It is really not.

Hon. Terry Stratton: Honourable senators, my understanding is that the \$198,000, give or take, is sufficient to cover the study to completion. Is that what the honourable senator is telling us?

Senator Fraser: It is certainly not sufficient to do all that we had planned to do. Notably, it is not sufficient to enable us to travel across Canada as extensively as this committee believed we should do in order to allow people in every region of the country to explain their concerns, preoccupations and particular interests. I repeat: A committee must do what the Senate authorizes it to do. We have here, in this budget, essentially authorization for one regional trip. We will take that regional trip. If that is all we are to get, it will be a great disappointment, and we shall be at pains to explain to Canadians in our report why that is the only trip that we were able to take, but we will do our very best to make it the most fruitful trip possible.

Senator Lynch-Staunton: Senator Fraser is helping me in my long-standing argument, which is that when committees come for terms of reference, they should include a budget with that term of reference so we can decide the whole thing in a complete fashion, rather than doing it piecemeal.

Second, knowing her commitment to this study, has the honourable senator not thought that without the resources and time, perhaps she should not start this study? Is she implying that, with the limited resources being given to her and the time frame within which they must be spent, said resources may not be enough to conduct the kind of study and make the kind of report that she and her committee intended?

Senator Fraser: Honourable senators, I spent many years as a journalist always wishing that I had higher budgets to cover the stories and do the investigations that I was trying to do. There was never enough money. There is never enough money, anywhere. However, I learned that one does the very best one can with the resources that are available, and that the effort is worth making even if one could have done more, should the resources have been available.

Senator Stratton: As the chair of the study is aware, three of four of our members on the committee are away this week. Amazingly enough, three of the four are ill. I would like to have the opportunity to review this with them over the next couple of days, if I may, and therefore I move the adjournment of the debate on this issue.

On motion of Senator Stratton, debate adjourned.

STUDY ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Sixth Report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Competition in the Public Interest: Large Bank Mergers in Canada*, tabled in the Senate on December 12, 2002.—(Honourable Senator Lynch-Staunton).

Hon. John Lynch-Staunton (Leader of the Opposition): I am not quite ready to speak to this matter. I will explain why when I do. Therefore, I would like to have it adjourned in my name in the meantime.

On motion of Senator Lynch-Staunton, debate adjourned.

INDEPENDENCE OF SPEAKER IN WESTMINSTER MODEL OF PARLIAMENT

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.—(Honourable Senator Oliver).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Oliver is aware, as are we, that this inquiry stands at the fifteenth day. We do not intend to speak further to it because the subject matter is part and parcel of a bill that is before the house, so it will drop off the Order Paper.

The Hon. the Speaker: Stand.

Order stands.

[Translation]

LINGUISTIC DATA IN 2001 CENSUS

INQUIRY—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose pursuant to notice of December 11, 2002:

That he will call the attention of the Senate to the demo-linguistic data in the 2001 Census dealing with Canada's language profile and many other useful facts of national importance.

He said: Honourable senators, I do not plan to speak to this matter today.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, since Inquiry No. 13 of Senator Gauthier, on the Orders of the Day, has stood on the Order Paper for fifteen days, would the honourable senator like to say a few words to stand this motion once again?

Senator Gauthier: I appreciate Senator Robichaud's comments.

I would like to speak to this matter, but I am not prepared to address this inquiry today. I would like to adjourn the debate. I will speak to this matter next week.

On motion of Senator Gauthier, debate adjourned.

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier, pursuant to notice of December 11, 2002, moved:

That the Standing Senate Committee on Official Languages be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

He said: Honourable senators, this is not the first time I have raised the issue of examining and reporting upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

• (1530)

You will recall that, in 1999, I tried to convince the federal authorities of the need to give official language minority communities regular access to programming in their language and in their community. That was difficult.

Ontario is the only province in Canada with two educational TV channels—one in English (TVO, TV Ontario), and one in French (TFO, Télévision française de l'Ontario).

I thought that we ought to be able to expect to be able to see each other, speak to each other, through modern-day television. I thought that Ontario educational television could help other provinces that lacked educational TV. I even went as far as doing a study of this.

I devoted the entire summer of 1999 to the preparation of a study of the possibility of this, a feasibility study. I believed in the urgency of such an issue for our education system everywhere in Canada.

It is true that TFO goes to New Brunswick, Nova Scotia, Manitoba even, but not elsewhere. Particularly not to Quebec. The cable companies told me: "No, we already have educational TV in Quebec, and do not need a second channel." The argument did not really hold up.

I wanted to extend the broadcast area so as to enable Canadians everywhere to benefit from educational television suited to their needs. This would be commercial-free programming, with no violence or sexism. I did not succeed.

Because I kept on insisting, a good idea came along. The cabinet issued an order-in-council calling upon the CRTC to study the needs of Canada's francophone communities, particularly those in minority situations. This took some time, but led to a very good report, "Achieving a Better Balance/Vers un avenir mieux équilibré," a title that is self-explanatory.

After the report was tabled in this Chamber, I moved that it be referred to a standing Senate committee. The motion was agreed to by the Senate and the report was referred to the Standing Senate Committee on Transport and Communications. Nothing happened. Total silence for over a year!

Something happened that occurs rather often: Parliament was prorogued, my motion died on the Order Paper, and there was no study done of the report, despite its importance to the communities and to Canada as a whole.

The report documents our great need to talk to each other, to see each other, to listen to each other, and to discuss. Television today is an important tool for communication, information and education. I sincerely believe that educational television falls under section 23 of the Charter of Rights and Freedoms, which says that official language communities have a constitutional

right to manage their educational institutions. We have seen this with regard to schools, where school boards — as they are called in Ontario — are now run by the minority. This was not the case before 1982. It is in the Constitution. I contend that educational television is an educational institution just like a college, a university, or a school. It is important for distance education, for isolated communities, who can have access to modern education as a result. This proposal was full of good sense, but it has not yet been successful.

I can give you an example of the way we are treated in Ontario. Last week I learned of a decision by TVO to separate the program schedules — previously published together, in English and French, in a magazine called *Signal* — and to publish TVO's programming in English only. Francophones, you are on your own!

There was considerable reaction, including my own. This is a reactionary decision. I thought that Ms. Bassett, the chair of TVO, had received poor advice. If the decision was made for economic reasons, it was not right.

I wrote to Ms. Bassett and I said: "Please change. Put *Signal* magazine back into circulation, in English and in French."

This decision tells francophones that they are not important enough. Someone wants to separate the two networks: if that is what they want, I will support them. If my definition is accepted, meaning that television is an educational institution, then the minority will have the right to manage it. If it comes to pass, then no one will be pulling the wool over our eyes the way the chair of TVO did last week. It is unacceptable. Things like this happen every day. If we could manage our own institution, our own educational television, we could make arrangements with the Acadians from the Maritimes and the francophones in the West to share and develop a national minority television service, together. This important link would promote unity.

In the report on the development of francophone communities released recently by Minister Dion, it states that, right now, 24 per cent of young people are graduating from immersion programs. The report proposes increasing this to 50 per cent within ten years. In order to succeed, institutions and incentives need to be in place.

• (1540)

Statistics have shown that when immersion programs are over, children quickly lose their ability to communicate in both languages because they do not have the opportunity to use French. If these children had access to educational television in French and English in their regions, they would have the opportunity to use both languages and maintain their bilingualism.

That is my vision of Canada. It seems to me that it is essential that we promote, develop, protect and, if possible, encourage both communities to flourish across the country.

The motion now before the Senate proposes that this report be referred to the Standing Senate Committee on Official Languages for study and recommendations on the implementation of the CRTC's report.

I gave a speech on this subject in 2000 and again in 2001. At the risk of repeating myself, it is essential that the Standing Senate Committee on Official Languages study this matter. I asked the joint committee to examine this report, which is quite interesting, even stimulating, but to no avail.

I will quote a few excerpts from this report, if I may. Paragraph 36 reads:

It is the opinion of several associations and individuals who took part in the public consultations on this subject that determining the audience who should have access to French-language broadcasting services is the key element of any initiative to increase the availability of such services.

Then, in paragraph 37:

In PN CRTC 2000-38, the Commission proposed that the compulsory application of its policy would be limited to undertakings whose licensed area is in a market where the number of people having a knowledge of the minority official language amounts to at least 5,000 or 10 per cent of the market's total population. The Commission received a number of comments proposing amendments to this approach.

Here is where the problem lies: this calculation is done only where numbers justify, that is a minimum of 10 per cent or 5,000 people.

What is needed is well thought-out television, national television for communities and individuals. People in the Yukon, the Northwest Territories and Nunavut ought to be entitled to programming in French at any time. This is, to my mind, elementary and essential to our very survival; otherwise, assimilation will take place, slowly but surely. We need the tools and the means to conserve, preserve and develop our cultural and linguistic heritage.

Honourable senators, I could go on for some time, and I could read a text I have prepared on this, but I will save it for committee. I hope this motion will be referred to the Standing Senate Committee on Official Languages for study and consideration.

[English]

The Hon. the Speaker: Is the house ready for the question on Senator Gauthier's motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, for your information, when a senator moves that a committee undertake a special study — in this case, a study other than one on a bill — the motion must indicate the date on which the committee is required to table its report. Perhaps Senator Gauthier might amend his motion so that it sets out the date on which the committee must present its report to the Senate.

Senator Gauthier: The CRTC is not a federal institution as defined by law. Therefore, the Deputy Leader of the Government

in the Senate is correct. We must establish a deadline. I move that the deadline be October 22, 2003 — my birthday.

[English]

The Hon. the Speaker: Honourable senators, the mover of the motion can, with unanimous agreement, vary his or her motion. It is proposed by Senator Gauthier that he vary his motion to include the wording, "and that the Committee report back to the Senate no later than October 22, 2003."

Is it agreed, honourable senators, to add that language to Senator Gauthier's motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed.

Hon. Shirley Maheu: Honourable senators, would it not be advisable to ask if it is possible for the committee to report back by October 21?

The Hon. the Speaker: The chairman of the committee is here.

Would the Honourable Senator Losier-Cool be prepared to comment on that suggestion?

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, the committee tabled a financial report today for consideration tomorrow. This report addresses the budget for committee work scheduled for the fall, namely consideration of Part VII of the Official Languages Act. Senator Gauthier's question to the committee could therefore be part of the study we intend to carry out on this issue. The report will, consequently, not be ready by October 22. We can, however, come back and ask that this deadline be extended.

[English]

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

Some Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Kroft:

That the Standing Senate Committee on Official Languages be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada; and

That the Committee report no later than October 22, 2003.

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

Motion agreed to, as modified.

The Senate adjourned until Wednesday, April 30, 2003, at 1:30 p.m.

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