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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, October 2, 2003

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

Prayers.

SENATORS' STATEMENTS

NATIONAL DEFENCE

AFGHANISTAN—DEATH OF TWO SOLDIERS

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is with a great deal of sadness that I inform the chamber of the death of two Canadian soldiers in Kabul earlier this morning, Ottawa time. Sergeant Robert Alan Short and Corporal Robbie Christopher Beerenfenger were killed while on a patrol. Three other soldiers were injured: Master Corporal Jason Cory Hamilton, Corporal Thomas Jarrett Stirling and Corporal Cameron Lee Laidlaw.

Honourable senators, when the decision was made to deploy troops to Afghanistan, it was made knowing that this would be a very difficult mission, but it was part of our commitment to the war on terrorism.

At the present time, the army in Afghanistan is clearly focusing on returning the deceased with dignity so that they can be given back to the families who love them so dearly, so that we can say farewell with respect, and so that we can ensure that those who have been injured have access to the best possible medical treatment.

Honourable senators, I know that all of you will join me in offering our prayers and our sorrow to the families of those who have died, and our deep hope that those who have been injured will be successful in dealing with their injuries.

Hon. Norman K. Atkins: Honourable senators, on behalf of those on this side, I want to thank the Leader of the Government in the Senate for her comments.

Canada's military has been at the forefront of the fight on terrorism. Our soldiers, sailors and airmen have all shown tremendous courage in the efforts of the international coalition to defeat terrorism that so threatens our society.

Today, these brave soldiers paid the ultimate price for their conviction that freedom, and not tyranny, must reign. We extend our grief and most sincere condolences to the families of those who made the supreme sacrifice. We express our hope that the injured soldiers will recover quickly and return to their families. Canada owes a debt to these brave men and we will not forget their sacrifice.

[Later]

Hon. Douglas Roche: Honourable senators, I want to join with Senator Carstairs and Senator Atkins in expressing sorrow at the

death of two Canadian soldiers, and the wounding of three more, when their vehicle struck an explosive mine device in Afghanistan.

Our first thoughts are with those who died, and we send our condolences to their families and loved ones. I believe that Prime Minister Chrétien spoke for all Canadians when he said, a little while ago, that the news today is a painful reminder that defending our values and doing our duty can come with a very high price.

Honourable senators, I want at this moment to give my own support to the Canadian Forces personnel who are in this most difficult situation in Afghanistan. In war and its aftermath, it is always human beings who die and suffer. That is the relentless fact that has been driven home to us today.

What we must take from this sad moment is a renewed dedication and commitment to strengthening the international processes of law to respond to the new kinds of threats that terrorists represent. That is the true route to peace and security.

The Hon. the Speaker: Honourable senators, I have received a request that we pay our respects to those we have lost, and those on whom Senators Carstairs and Atkins have commented. I would propose to do so now. We will then continue with Senators' Statements. Some may wish to comment on the same subject, but I believe, having heard from the two sides, that it is now appropriate for me to respond to the request that I have received and, with your leave, we will now observe a minute's silence.

Senator Prud'homme: Absolutely.

Honourable senators then stood in silent tribute.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— UNITED STATES TRADE RESTRICTIONS

Hon. Gerry St. Germain: Honourable senators, since the discovery of a single cow with BSE in Alberta on May 20, the borders remain closed to live Canadian cattle. Live cattle represent more than 40 per cent of our beef exports, or about \$1.8 billion annually.

Permits became available from the United States on August 8, and from Mexico on August 11, to export veal and boneless beef products from animals less than 30 months old. In the first two weeks, 18 million pounds crossed the border. Under normal circumstances, 26 million pounds would have been exported in the same time period, but this only counts one category of exports. The total export market for all beef products was \$4.5 billion in 2002, 80 per cent of which was to the U.S.

• (1340)

Since May 20, this situation has cost producers \$11 million per day in lost exports and \$7 million per day in collapsed prices. Producers have been hit with a triple whammy: They cannot sell abroad, and when they can sell, the price is down. Cows are coming off pasture and must be fed or disposed of. Revenues are down while costs continue to pile up. Options and time are running out for these people.

The ripple effects are many and wide. Suppliers and dealers are feeling the pinch. Layoffs continue in the packing industry. The dairy industry complains they cannot dispose of their culled cows, while their members must feed and milk their existing herds. Other ruminant ranchers of elk, sheep and bison are caught up in the border situation.

The government announced a federal-provincial program of up to \$460 million that expired August 30. Little of that money has ever reached the producers because it has been caught up in politics and bureaucracy.

The Minister of Agriculture insisted that the provinces sign on to his unpopular agriculture policy framework before money would flow. He announced \$600 million as a second instalment of the transitional funding, but this does little for the beef industry. It mostly goes into NISA, the Net Income Stabilization Account, which is difficult to trigger and will not release funds until the spring of 2004.

The minister has bragged that he formed a beef value roundtable with industry representation, but I do not believe he has responded to it in a positive way. The industry does not want handouts; it wants a workable plan that will lead to a rational transition for producers. It wants alternative markets, conversion of excess beef to food aid and a contribution of \$330 per head for 10 per cent of the herd, which is the average cull. It has only had silence from the government on many of these issues. A partial opening of the border for one part of the industry hardly constitutes success, and the government has reacted slowly, moved uncertainly, and offered no answers for the future.

Honourable senators, I believe that this is an urgent situation, and it is urgent right across this country. It is not restricted to Western Canada — the region that I represent. Therefore, I would urge the government to move as quickly as possible on a positive resolution.

GOVERNOR GENERAL

STATE VISIT TO RUSSIA

Hon. Mira Spivak: Honourable senators, Senator Pearson and I were privileged to be part of an imaginative state visit, intelligently conceived and brilliantly executed, in keeping with the unique and innovative interpretation of a dynamic role for the Governor General's office, initiated by the current holder of that office, the Right Honourable Adrienne Clarkson.

Briefly, that role is characterized by an expansion of the formal diplomatic state visit into a lively exchange of cultural, literary, political, economic and environmental views between eminent Canadians and their counterparts in foreign countries. This tour focused on the vision of the North — the Arctic and sub-Arctic regions — and, in particular, on the lives of the indigenous people who inhabit these regions in Canada and in Russia.

Another objective was to have a dialogue on federalism and democracy, particularly appropriate at this time as Russia is embarking on a reform of its federal structure.

The visit of the Governor General and our delegation was regarded as highly significant by the Russian political establishment and the press, and so forth, since it was the first visit by our head of state — that is, the Governor General — to Russia. About one third of the delegation came from the North, including Norma Kassis, whose passionate defence of the caribou in the ANWAR reserve stirred hearts, and Mary Simon, ambassador to the Inuit Circumpolar Conference.

In the beautiful region of Yamal-Nenets, touched with gold, the larch trees and the wild grasses, we exchanged views with the Nenets people and reindeer herders, political leaders, dancers and artists. We received a very sophisticated analysis of the region.

On the cultural front, Canadian talent was showcased by the screening of Denys Arcand's *Les invasions barbares* in Moscow, and the St. Petersburg premiere of La La La Human Steps, and also the publishing of Yann Martel's *Life of Pi* in Russian.

Several sessions were held on democracy and federalism, sparking a passionate outburst from a professor and a young student against heavy-handed central control. We were also privileged to hear from Aleksandr Nikitin, who was jailed for blowing the whistle on the dangers of nuclear submarines.

Another session dealt with the Kyoto protocol. When questioned directly, the Russian Prime Minister, not the President, indicated that Russia will sign but probably not until after the election. As well, Maurice Strong was able to put forward his solution to the North Korean energy problem to President Putin himself.

We met with top officials. We were dazzled by the glories of the Kremlin, the Hermitage, the cathedrals and the architecture of St. Petersburg.

Much was accomplished. Russians learned about the cultural and economic life of Canada. Northerners emphasized how much they have in common and the need for cooperation in the circumpolar region. It worked well, and it set a standard and heightened the influence of the newly appointed Canadian ambassador to Russia. Bilateral relations were strengthened, the profile of the North, its environment and economy, was raised, and we promoted Canada as a unique and different country.

I congratulate Her Excellency the Governor General and His Excellency John Ralston Saul. They are unabashed promoters of Canadian life and values, and they have forged a new instrument of diplomacy that will prove invaluable in the future.

The Hon. the Speaker: Honourable Senator Spivak, I regret to inform you that your time has expired.

[Translation]

ROUTINE PROCEEDINGS

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-34, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading two days hence.

• (1350)

[English]

FOREIGN AFFAIRS

BUDGET ON STUDY OF TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO— REPORT OF COMMITTEE PRESENTED

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

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, October 2, 2003

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

FIFTH 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 approval of additional funds for 2003-2004.

[Senator Spivak]

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,

PETER A. STOLLERY
Chair

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

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

(For text of report, see today's Journals of the Senate, p. 1119.)

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY POLICY ON ISRAELI-PALESTINIAN CONFLICT

Hon. Eymard G. Corbin: Honourable senators, I hereby give notice that on Wednesday, October 8, 2003, I shall move:

That the Senate Standing Committee on Foreign Affairs undertake the examination of Canada's policy regarding the Israeli-Palestinian conflict and report no later than April 30, 2004.

[English]

QUESTION PERIOD

IMMIGRATION AND CITIZENSHIP

FRAUDULENT STUDENT VISAS OBTAINED THROUGH EDUCATIONAL INSTITUTIONS

Hon. A. Raynell Andreychuk: Honourable senators, federal immigration officials have warned that the number of Canadian schools that sell fake documentation to foreign students have experienced considerable growth. These illegitimate, often fictitious schools not only assist illegal entry into Canada but also take money from legitimate foreign students who have been fooled into paying tuition fees. The growth in the number of these so-called visa schools has been blamed on a jurisdictional gap: While the provinces are responsible for the individual schools, the federal government is responsible for issuing student visas. The inability to organize a collective response to this activity has therefore allowed the problem to grow.

My question is for the Leader of the Government in the Senate. Is the federal government looking for a way to better coordinate the student visa process with the provinces in order to crack down on the selling of fraudulent student documentation and thereby adding to the negative impacts of foreign students coming to Canada?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, education is the constitutional prerogative of the provinces. They are the only entity that can license schools.

The Department of Citizenship and Immigration has concerns that these schools are producing this fake documentation, but it is clearly a difficult issue when they have absolutely no control over the licensing of these schools.

Having said that, the Department of Immigration wants to ensure that fake documentation is not provided. My understanding is that they will work with their provincial counterparts in the various departments of education to ensure that there is no longer a continuation of this practice since it is in the best interests not only of the provinces, but also clearly of the federal government.

Senator Andreychuk: Honourable senators, it is clear that education is a provincial matter. However, for many years there has been a recognized coordinating role for the federal government, including the fact that, both at the ministerial and the provincial level, there are coordinating councils. With the consent of provinces, the federal government has played this coordination role of bringing ministers and bureaucrats together as necessary. My understanding is that this is an ongoing process.

The fraudulent activity of false documentation goes unnoticed because there is no approved master list of Canadian schools and universities that the immigration officials can check against when receiving student visa applications. To avoid these situations, would it not be in the best interests of Canadians and foreign students that the government exercise this coordinating role by working in conjunction with the provinces to create this master list of schools?

Senator Carstairs: I believe the honourable senator misunderstands the role of the federal government with respect to education. There is no coordinating role. There is the Council of Ministers of Education, but those ministers represent the provinces and the territories; they do not represent the federal government. The federal government is invited to attend, on occasion, and they do. However, the federal government does not play the principal role; the provinces, quite rightly, play the principal role. They are in charge of the Council of Ministers of Education, not the federal government.

Senator Andreychuk: Honourable senators, while the provinces may be in charge of the council of ministers, the federal government has been a part of the process. Surely on an issue of this importance the federal government is well within its rights to suggest and encourage the provincial governments to meet with federal authorities to solve this dilemma. In the end, we are talking about citizens, and citizens do not always mark themselves

as provincial or federal. Therefore, I think it would be very reasonable for the federal government to act. I would ask the federal government to identify this problem from a federal point of view and to encourage the provincial ministers to sit down with the federal minister in charge and to rectify this problem before it becomes so well-known in the international community that it damages our reputation and thwarts honest students from coming to Canada.

• (1400)

Senator Carstairs: The honourable senator has certainly used the correct words. They can suggest, and they have done so. They can encourage, and they have done so. However, they cannot dictate.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— ASSISTANCE TO FARMERS

Hon. Leonard J. Gustafson: My question is to the Leader of the Government in the Senate regarding the serious problem the cattle industry is facing. I was in touch with the Assiniboia Livestock Auction, and they tell me that heifer calves are moving at 96 cents and steers at about \$1.05, which is not too bad. However, the minister will know that many of the cow-calf operators still have most of their calves on the farm and have not moved them. Their concern is that when the big push comes, there will be no place for these calves in the feedlots. Of course, exports of processed beef cannot stay ahead of what was happening when these operators were shipping live cattle across the border. Is the government looking ahead to the possibility of very serious problems in the market, as well as a problem of feed if the farmers have to keep these cattle over for the winter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator opposite knows, of course, of the federal-provincial BSE recovery program, which has offered \$500 million in assistance since June. The Honourable Senator St. Germain placed some comments on the record earlier that, quite frankly, are not an accurate representation of the situation in my view. That program was not administered by governments; it was administered by the cattle producers' association, at their request, and it was the decision of the provinces, the territories and the federal government that they should do so.

The honourable senator knows that additional assistance for cattle producers is available through transitional funding. He also knows that the federal government is continuing to monitor the situation, particularly the market and feed issues that he has clearly identified.

Senator Gustafson: Honourable senators, according to the Assiniboia auction mart, no program is in place in regard to the current crop of cattle that are under 30 months of age. Is the government considering a program? I understand these programs were all phased out in August.

Senator Carstairs: My understanding, honourable senators, is that there could be a program under the APF agreement if all of the provinces were to sign and get on board, and the vast majority of them have done so. I am assuming that the auction market the honourable senator is referring to is in his home province of Saskatchewan, which, as he knows, is not one of the provinces that is on board. Meanwhile, the government continues to work with the provinces. A meeting was held last week between the federal, provincial and territorial agriculture ministers, and they are working together closely to ensure that we address these issues, including market-based solutions.

Senator Gustafson: Like the grain producers, they do not know where this program is at, quite frankly, if you talk to them. They are very confused about the program and whether any funds will ever come through.

BOVINE SPONGIFORM ENCEPHALOPATHY—
UNITED STATES TRADE RESTRICTIONS

Hon. Leonard J. Gustafson: Honourable senators, some consideration has been given on both sides of this house to sending a high-level delegation to Washington because this crisis has become, in the minds of many, a political situation. Many of us thought that it would have been solved long ago. We only had one animal test positive. Is consideration being given to the political aspect of what is happening and to dispatching a high-level delegation? This situation just cannot continue.

Hon. Sharon Carstairs (Leader of the Government): I know the frustration that the honourable senator feels for those deeply engaged in this particular industry. Many in my own province are suffering from similar problems. However, we should recognize that over the next two years there will be \$1.2 billion of transitional funding, much of which can be used to alleviate the stress and strain that has resulted from BSE.

The provinces, in not signing agreements, make it impossible for that bridge funding to go forward. The money is there. We need to get the provinces on side in order to move it forward so that we can come up with more help for our provinces, particularly the beef-producing provinces in this country.

Honourable senators, there is no point in sending a high-level delegation to Washington unless there is genuine hope of success. I remember with interest the so-called high-level delegation led by Premier Ralph Klein. He was going down there to solve that problem. Well, that was some months ago, and unfortunately the problem was not solved.

It is important that we keep the channels of communication open between the United States and Canada on this very serious file, and I know that this is exactly what Minister of Agriculture Lyle Vanclief is doing.

Senator Gustafson: On the subject of a high-level delegation, no one in Canada can take the place of the Prime Minister. Perhaps we should call on him to lead the delegation. We will never know if we never try.

Senator Carstairs: I think the honourable senator opposite is well aware that when prime ministers, presidents, monarchs and other people of high state meet, they do so with lots of foresight

and planning and with a knowledge or at least a great hope that there will be a positive outcome. I would not want our Prime Minister going with any less an indication of success.

THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE—STATUS OF MOTION TO REFER
STUDY ON INCLUDING IN LEGISLATION
NON-DEROGATION CLAUSES RELATING
TO ABORIGINAL TREATY RIGHTS

Hon. Eymard G. Corbin: Honourable senators, my question is to the Leader of the Government. Yesterday, in her remarks concerning Bill C-10B, she referred to Motion No. 1 on the Order Paper:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing aboriginal and treaty rights of the aboriginal peoples of Canada under s. 35 of the *Constitution Act, 1982*; and

That the Committee present its report no later than December 31, 2003.

Though the leader made reference to the existence of this motion, which I think would greatly clarify a number of matters pertaining to Bill C-10B, she has not, in her remarks, told the house why this motion is not moving forward. It would help a number of us achieve a better understanding of what is at issue if this matter could be resolved soon.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my recollection that Senator Cools took the adjournment on this motion. If she would speak to it today, from our perspective it would be perfectly appropriate to call the question.

• (1410)

I may be mistaken in thinking that it was Senator Cools who took the adjournment of this order on the last occasion. It is a government motion, so that it does not show up in the record with Senator Cools' name attached. However, I did ask for that point to be clarified. If it was some other senator, then I would ask that senator please to speak to the matter or call for the question. I can certainly assure the honourable senator that the leadership will strongly support it; it was our motion.

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME—
COMPENSATION PACKAGE TO ONTARIO

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. The Ontario Nurses Association has said that the province is not prepared for a third outbreak of severe acute respiratory syndrome. The Province of Ontario is struggling to deal with the needs of its health care system in the wake of the outbreak, and has rejected the federal government's compensation package of \$250 million as being insufficient.

My question is for the Leader of the Government in the Senate: In light of the nurses' claim about the fragility of the health care system, will the federal government offer a more suitable amount of compensation to Ontario?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there are two parts to the honourable senator's question: One is with regard to the fragility clearly identified by the nurses and their concern that we have not put into place resources for another outbreak of this nature, be it SARS or something else; that we do not have the teams in place for success. As the honourable senator knows, the Naylor report is expected — literally — momentarily. I understand it is in translation. As soon as it is completely translated, it will be distributed. As the Dean of Medicine at the University of Toronto, Dr. Naylor was asked, with his committee, to specifically look at what could be done differently in the future. We look forward to that report.

In terms of compensation, the honourable senator knows full well that the federal government has put money on the table. The Province of Ontario has not accepted that money. In light of what might happen in the Province of Ontario today, we may see money flowing to that province quickly.

SEVERE ACUTE RESPIRATORY SYNDROME— TRAVELLER-SCREENING PROCESS

Hon. Wilbert J. Keon: Honourable senators, I have a supplementary question. The Ontario Minister of Health has begun to examine the creation of a second traveller-screening process for infectious diseases at Pearson International Airport. That is being done because the Ontario Health Minister, Tony Clement, has said that he does not believe the federal government is doing enough to protect against the possible re-emergence of SARS in this country during the fall and winter 'flu season. There is some real apprehension about another wave.

Can the Leader of the Government in the Senate tell us if the federal government is making any changes to its passenger-screening procedures as a result of this development?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, one of the issues raised over and over in this chamber was the need for scanners. Those scanners were put into place. My information is that they did not identify a single case of SARS. Those scanners are still in place. The other processes are still in place. If you venture into the Toronto airport today, you can still see the pink cards on display, giving information to individuals. At least they were there two weeks ago, so I assume they are still there.

Quite frankly, I believe the current screening process is appropriate. The Naylor report may comment on this as well. I do not know; I have not seen the report. However, I can assure honourable senators that the federal government welcomes this report and will move swiftly on the recommendations.

OFFICE OF PRIVACY COMMISSIONER

AUDITOR GENERAL'S REPORT— INVESTIGATION OF FINANCIAL REPORTING

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It is a request for clarification of a question that I asked yesterday. I asked whether legal proceedings were being initiated against those persons who prepared the misleading financial statements for the Office of the Privacy Commissioner. The leader stated:

I can tell the honourable senator that there may be as many as 12 investigations ongoing by the RCMP.

Will the leader confirm that those 12 RCMP investigations all relate to the Office of the Privacy Commissioner?

Hon. Sharon Carstairs (Leader of the Government): My understanding, honourable senators, is that those 12 investigations are all in regard to the issues raised by the Auditor General.

Senator Stratton: They are with respect to the Privacy Commissioner?

Senator Carstairs: That is what her report was about, so I would presume that that is what the 12 investigations are about.

PARLIAMENT

GUIDELINES ON SCREENING APPOINTMENTS OF OFFICERS

Hon. A. Raynell Andreychuk: I have a supplementary on the issue of the Privacy Commissioner. The Leader of the Government in the Senate stated, quite profoundly in my opinion, that we cannot have this kind of situation occur again; that there should be mechanisms in place; and that we should be part of ensuring that those mechanisms are in place.

Mr. Radwanski's appointment came about on the recommendation of the Prime Minister and was passed by the House of Commons and the Senate. I was somewhat troubled that, in the newspapers, the Prime Minister has defended his decision by saying that it was really the opposition parties and the Senate that approved Mr. Radwanski's appointment.

I was one of those who voted for Mr. Radwanski's appointment. I voted on the basis that I had received his curriculum vitae and that he came here and talked about not wasting money and about doing things in an efficient way. The fact that he had Liberal connections set off certain bells and whistles in this place, but I thought that if he had merit to have the job, those connections were no reason to exclude him. In other words, I think we have acknowledged a certain understanding of patronage in this place. The fact is that the Prime Minister may know more Liberals and competent Liberals. My emphasis was on competence.

The Prime Minister is indicating that, somehow or other, we voted for him and that we are accountable for him, and I agree that we are, as a bottom line. Therefore, would the Leader of the Government in this place support a motion to put in place a job description and some guidelines on how we should deal with the appointment of officers to Parliament?

In the past, we have relied heavily on the Prime Minister's recommendation. It would appear that that method has failed us. Would it be appropriate to put in place stronger policies and practices, at least for this chamber, in appointing future Officers of Parliament?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator raises a very interesting point. I may be wrong but I understand that these officers of Parliament are, in fact, prescribed by law. That is how they become officers of Parliament. Within that, there is certainly a form of job description, if you will, as to what it is that we expect as they undertake and perform their duties.

I think it is also necessary to have a process, which I certainly supported last time around, to bring the individual before us and to ask vigorous questions. Perhaps our questions were not as vigorous as they might have been, in hindsight. However, I do not think any of us could possibly have foretold the sequence of events as laid out by the Auditor General.

Should we have a tougher screening process in this chamber for those who will be officers of Parliament? That is a legitimate question. It is a legitimate topic for discussion with our Rules Committee, which will shortly be dealing with the issue of the ethics counsellor, who will also be an officer of this place. What exactly would we expect from such an individual?

Senator Andreychuk: I have a supplementary question. I am glad the leader has raised the ethics officer issue because we have had great discussion that there should be some guidelines.

• (1420)

Honourable senators, in the past, we have relied heavily on the Prime Minister's recommendation. Is it not now time for this chamber to start to assert itself? If this person is an employee of ours, in the sense that he is an officer of this place, then should we not move to a process in which we take more ownership in the appointment? As a result, we would be in the position of being more accountable when things go wrong, or at least we would have some alert measures in place on which to act.

Senator Carstairs: I think what the Prime Minister was saying clearly is that, yes, he does make the recommendation. He is not denying that he made the recommendation. However, once that recommendation is made, he is saying that it is up to the two chambers to decide whether his recommendation meets their needs, expectations and desires. That is why we held the process we did in this place. Interestingly enough, it was not done in the other place. I think that is a good thing.

[Senator Andreychuk]

Are there other issues that should have been raised? I think all of us will be much more vigilant. Are there things we want to carve in stone? I think that is up for consideration and may well become part of the rules of this place.

Hindsight is always 20/20, which is what we are now engaged in. We are looking at what I thought was a positive procedure that took place in this chamber. Unfortunately, I think we were badly let down.

OATH OF OFFICE—ORIENTATION OF OFFICERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my supplementary flows from the question that has just been asked.

On page 37 of the report of the Auditor General are two matters to which I wish to refer. The Auditor General reports:

In addition, we were unable to find any evidence that an oath of office was administered to the former Commissioner.

Honourable senators, I am sure this point speaks directly to officers of Parliament who are approved by a resolution of this place. If the oath of office is to be administered to anyone, it would be our responsibility to ensure that it be administered to officers of Parliament.

The second part of my question also arises from the same page of the Auditor General's report, where it is pointed out that the former commissioner had been given little or no orientation to the public service culture beyond being given two information booklets. Is the government and the Privy Council in particular prepared to assume some responsibility for the process in this case?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we come here to make laws. One of the reasons I have been conducting seminars for new senators is because I realized we were not doing much in the way of orientation for new senators.

I have distributed books to all senators on our side, and I have distributed those books to the leadership on the other side. It may not be perfect, but at least I do it. I do it because I believe it is absolutely essential.

This is a difficult situation, which I got into yesterday. These officers of Parliament stand somewhat above and apart from other public service employees. They are our officers.

Senator Lynch-Staunton: They come under the same guidelines as deputy heads.

Senator Carstairs: We have responsibilities to them and we provide them with information, but how do we compel them to read that information? The Auditor General made reference to this. She does not indicate that the former commissioner was not given the information. According to her report, he did not seem to have followed what was included in that information.

[*English*]

Perhaps this issue is part of what Senator Andreychuk was addressing; that is, what is to be the relationship of an officer of Parliament with Parliament? Who do they see as their bosses? I hope the answer is the two chambers, but who exactly is the person or persons to whom these individuals respond?

That is why I suggested that perhaps we need to take a closer look at this issue, which is what the Standing Committee on Government Operations and Estimates of the House of Commons is doing.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to a question raised by Senator ForreSTALL on March 18, 2003, concerning the deployment of a platoon of the Canadian Forces to the United Arab Emirates and a response to a question raised by Senator ForreSTALL on June 16, 2003, concerning the involvement of Hercules aircraft crews in the war with Iraq.

NATIONAL DEFENCE

UNITED ARAB EMIRATES— DEPLOYMENT OF PLATOON

(*Response to question raised by Hon. J. Michael ForreSTALL on March 18, 2003*)

A security platoon of the Canadian Forces has been deployed to the Arabian Gulf region to provide security for CF personnel and assets working in support of Operation APOLLO, the Canadian military contribution to the international campaign against terrorism, and now in support of the Canadian contribution to ISAF in Kabul, Afghanistan.

WAR WITH IRAQ— INVOLVEMENT OF HERCULES AIRCRAFT CREWS

(*Response to question raised by Hon. J. Michael ForreSTALL on June 16, 2003*)

No Canadian Forces (CF) aircraft took part in the Iraq conflict and the information provided by the US military was confused with the CF's contribution of three Hercules transport planes to the international campaign against terrorism and missions in Afghanistan.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That, with respect to the House of Commons Message to the Senate dated September 29, 2003 regarding Bill C-10B:

- (i) the Senate do not insist on its amendment numbered 2;
- (ii) the Senate do not insist on its modified version of amendment numbered 3 to which the House of Commons disagreed;
- (iii) the Senate do not insist on its modified version of amendment numbered 4, but it do concur in the amendment made by the House of Commons to amendment numbered 4; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Gérald-A. Beaudoin: Honourable senators, I will speak to this item next Tuesday.

The Hon. the Speaker: Is the honourable senator asking that the item stand?

Senator Beaudoin: Yes, Your Honour.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am prepared to consent to the motion for adjournment of the debate, moved by Senator Beaudoin, who will address this issue on Tuesday of next week.

Order stands.

[English]

PUBLIC SERVICE MODERNIZATION BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Harb, for the third reading of Bill C-25, to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts,

And on the motion in amendment of the Honourable Senator Beaudoin, seconded by the Honourable Senator Comeau, that the Bill be not now read a third time but that it be amended in clause 12, on page 126, by replacing lines 8 to 12 with the following:

“30. (1) Appointments by the Commission to or from within the public service shall be free from political influence and shall be made on the basis of merit by competition or by such other process of personnel selection designed to establish the relative merit of candidates as the Commission considers is in the best interests of the public service.

(1.1) Despite subsection (1), an appointment may be made on the basis of individual merit in the circumstances prescribed by the regulations of the Commission.

(2) An appointment is made on the basis of individual”.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on the amendment to Bill C-25 brought forward by my colleague Senator Beaudoin. I listened carefully to the arguments made by the proponent of the amendment, as well as to those made by the opponent of the amendment. On balance, I find myself coming down in favour of the argument advanced by the proponent of the amendment.

Honourable senators, during the committee hearings on Bill C-25, in which I participated, it became clear that the government, quite frankly, is going down the wrong path when it comes to replacing relative merit with individual merit. I think events of recent days speak to the dangerous approach that is captured by Bill C-25.

Beyond simply reinstating the use of relative merit, there is a further issue that needs to be addressed. That is one of strengthening and reinforcing employment equity in the Public Service of Canada. I was pleased that in some of the exchanges in the debate in the last day or two the issue of employment equity was addressed by honourable senators.

The primary intent of employment equity is to ensure that the workforce reflects the community. It is a remedial concept, designed to overcome and correct historical employment disadvantages faced by identified target groups — to date, women, visible minorities, persons with disabilities and Aboriginal peoples.

In outlining its goal, the Employment Equity Act states:

...to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

• (1430)

Honourable senators, unfortunately women are under-represented in the upper ranks of management in the Public Service of Canada. First Nations peoples, persons with disabilities and visible minorities are under-represented in the public service at all levels, not only at the upper levels. For example, in spite of recent progress, while women represent more than half of the public service, they represent less than a third of those serving in the executive ranks. Women are still widely employed in supporting roles, often with no security, in term positions. Indeed, six out of every 10 women hired into the Public Service of Canada enter as term employees.

Visible minorities represent 10.3 per cent of the potential workforce across Canada, but as of March of last year, only 6.8 per cent of the federal public service and only 3.8 per cent of the executive category in the public service.

In the year 2001-02, while 1,738 persons from the visible minority community were hired into the federal public service, two thirds of these were for insecure term positions. First Nations peoples represent 2.1 per cent of the potential workforce but only 1.6 per cent of the federal public service. As was the case with visible minorities, of the 785 Aboriginal Canadians hired in the year 2001-02, two-thirds were not for term positions, not for permanent positions but, rather, for insecure term positions.

In 2002, the Treasury Board Secretariat commissioned a survey of public service employees. That survey, done by the Treasury Board itself, revealed that 26 per cent of racially visible public service workers indicated that they experienced harassment on the job in the past two years and that 34 per cent had experienced discrimination in the last three years. Some 30 per cent of Aboriginal public servants said that they had experienced harassment and 28 per cent alleged that they had experienced discrimination.

In the matter of career development, we find that 44 per cent of racially visible workers and 41 per cent of Aboriginal workers felt that their federal public service supervisors did not do a good job of helping them develop their careers. Further, 28 per cent of visible minority workers and 17 per cent of Aboriginal workers believed that the discrimination they experienced had adversely affected their career progress in our public service.

Honourable senators, three years ago, the Task Force on the Participation of Visible Minorities in the Federal Public Service, in its report entitled "Embracing Change in the Federal Public Service," recommended that the government set a benchmark of ensuring that, by the year 2002-03, one out of every five external hires would be from the visible minority community. The federal government endorsed that recommendation. The question now is: How are we doing? Last year it was one in 10, a long way indeed from one in five. Not one out of 68 departments of the federal government met the goal of one in five.

Honourable senators, this bill, as crafted, will not help the government meet its objectives. It will do the opposite, I suggest. It will lead to chaos in the implementation of employment equity; it will blur the lines of accountability required to ensure that it is a priority.

As demonstrated by the Public Service Staff Employee Survey results, to which I referred a minute ago, visible minorities workers have not found their supervisors or their departments to be supportive of their career development. The Treasury Board itself recognizes that there are problems at the lower management levels in making employment equity not just a theoretical objective or a goal but an obligatory reality.

In particular, it is noted in the Treasury Board's 2001-02 annual report on employment equity in the public service:

Nevertheless, a central challenge remains: while there appears to be commitment among deputy ministers and assistant deputy ministers to the hiring of visible minorities, the message that there is an obligation to make special efforts to identify, hire, mentor, and promote visible minority employees is not being effectively conveyed to managers at lower levels. Work still needs to be done to convince hiring managers that increasing the representation and participation of visible minorities makes good business sense.

Honourable senators, Bill C-25 allows the government to delegate hiring authority down to lower level managers. They may or may not believe in the merits of a representative workforce. They may or may not be willing to assist the career development of disadvantaged workers. They may or may not want to hold open competitions and, if they so wish, can invent qualifications for a particular position that will disqualify almost all but the candidate they favour. That is what we are doing, in part, in Bill C-25.

The ability to appeal any decision on the basis of human rights or on the basis of merit will be severely restricted. If a competition has been twisted so that only one person, the one they want, meets

the qualifications, there is no appeal, no recourse. There is no mechanism in this bill to ensure that employment equity initiatives are given a priority in this new staffing protocol. Managers are not committed to employment equity initiatives and will not be held accountable under this new legislation except in the most narrow of circumstances.

Honourable senators, it is essential that the merit principle be applied in a barrier-free manner for visible minority communities — Aboriginal people, women and persons with disabilities.

The Treasury Board itself says on its Web site:

In a society that prides itself as a mosaic, diversity must give Canadian institutions a universal competitive edge in the global market. Diversity is an advantage only when it is valued and nurtured, not when it is merely accommodated. The legislative obligation under the Employment Equity Act is the foundation on which to build diversity. In turn, inclusiveness is what turns diversity into an advantage.

MOTION IN SUBAMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I support the amendment of my honourable colleague Senator Beaudoin. Nevertheless, in my view, it needs to be strengthened. Therefore, I move, seconded by Senator Stratton:

That the motion in amendment be amended:

(a) by replacing the words "by replacing lines 8 to 12" with the following:

"(a) by replacing lines 8 to 11"; and

(b) by replacing the words "(2) An appointment is made on the basis of individual" with the following:

"(b) by replacing lines 26 to 29, with the following:

"may be identified by the deputy head,

(iii) any current or future needs of the organization that may be identified by the deputy head, and

(iv) achieving equality in the workplace to correct the conditions of disadvantage in employment experienced by persons belonging to a designated group within the meaning of section 3 of the *Employment Equity Act*, so that the employer's workforce reflects their representation in the Canadian workforce."

• (1440)

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

Hon. Joseph A. Day: Honourable senators, although I do not have a copy of the proposed subamendment in my hand, I did follow the wording and I thank the honourable senator for reading it.

The Hon. the Speaker: Honourable senators, copies of the subamendment will be distributed as soon as possible.

Senator Day: I believe that I have caught all of the nuances of this subamendment and that I may be of assistance to honourable senators in assessing the need, or otherwise, for it.

First, honourable senators, it is an awfully tempting procedure to put our concerns — linguistic, employment equity or others — in another piece of legislation that is so all encompassing from the point of view of human resources as the one we have before us. However, that procedure is neither desirable nor necessary because the law exists and the law, in this case the Employment Equity Act, applies. I will shortly point out to honourable senators a number of things that have to be done under the Employment Equity Act.

We do not need to repeat another law in Bill C-25. To do so would put in jeopardy other laws where the Employment Equity Act is not repeated. If it is repeated in some laws and not in others, then judges may say that there is intent by the legislators to have it apply in certain areas and not in other areas. That is why it is not desirable to repeat a law that already exists, unless it is necessary for a specific reason.

Honourable senators, I will quote from Bill C-25, page 113, clause 12, line 15, in respect of the Public Service Employment Act:

Canada will also continue to gain from a public service that strives for excellence, that is representative of Canada's diversity and that is able to serve the public...

The public service is representative of Canada's diversity.

I will now quote from page 126 in respect of merit:

30. (2) An appointment is made on the basis of merit when —

— and the clause continues —

(b) the Commission has regard to...

(ii) any current or future operational requirements of the organization that may be identified by the deputy head, and

(iii) any current or future needs of the organization that may be identified by the deputy head.

Needs would be determined by operational needs or by the requirement to meet other laws.

“Other laws” includes the Employment Equity Act, which states:

5. Every employer shall implement equity by

(a) identifying and eliminating employment barriers against persons in designated groups that result from the employer's employment systems, policies and practices...

(b) instituting such positive policies and practices and making such reasonable accommodations as will ensure that persons in designated groups achieve a degree of representation in each occupational group in the employer's workforce that reflects their representation...

That representation includes Aboriginal people, persons with disabilities, visible minorities and women.

Honourable senators, there is plenty of provision within existing laws, and the Public Service Commission, under this proposed legislation, would be given a greater focus on ensuring that the roles of deputy heads and delegated authorities are properly administered, that there is no abuse of process and that they are doing what they are supposed to be doing under the Employment Equity Act and under other statutes.

With amendments that purport to micromanage, we are taking away the basic theory of the proposed legislation in that we want managers to manage and to be accountable for their management practices and to follow the other laws.

Senator Kinsella points out that objectives have not been achieved, and he is correct. However, when I ask honourable senators to vote in favour of Bill C-25, I am suggesting that this will allow the Public Service Commission and the deputy heads to achieve those goals. If the goals are not being achieved, we will call them to task. They cannot say, “Well, we are following court procedures and cannot do certain things because of those procedures.”

The subamendment that the Honourable Senator Kinsella has proposed is not desirable, and I respectfully request that honourable senators vote against it.

Senator Kinsella: Would Senator Day take a question for clarification?

Senator Day: Yes.

Senator Kinsella: In an ideal world, I suppose that I would agree with the thesis advanced by the honourable senator that, yes, we have an Employment Equity Act that should take care of matters, and we have the Human Rights Act to take care of non-discrimination issues.

• (1450)

Within the environment in which we are living these days, when a deputy head is so much in the news, and an Auditor General writes such a scathing report of what happened in the Office of the Privacy Commissioner — and, given that the deputy head acted in the way in which the Auditor General has said in her report that he acted — should honourable senators not be concerned that we have a responsibility to make the appointment process of the public service a lot tighter?

In making it much tighter, if you accept that proposition, we must ensure that the appointment process is totally transparent and that the delegation that has been made to deputy heads in the past for hiring for the public service will be followed. I understand the argument: The theory is to allow managers to manage, but here we have examples where managers have been doing anything but managing properly. Given the reality of the experience and the knowledge that we have of recent events, why would we not want to have, in this particular area of advancing employment equity in the public service, a specific statutory requirement of what the deputy head should do?

Senator Day: The entire theory of the act that we are discussing, Bill C-25, is to avoid and to get away from what has happened in the past. What is happening now under the current law, and what we are reviewing in the newspapers every day, is a result of the existing law, not the result of this proposed change.

What we are trying to achieve here is not to be prescriptive — not to be telling the deputy heads that they must do this, and this and this, not to set up a series of rules — and to get away from what the Auditor General has described as a public service that is broken, that is not working; the staffing system is not working.

To answer my honourable friend's question, I believe such a provision would go contrary to the entire theory and theme of this legislation. We discussed this point at committee. It goes entirely contrary to the attempt to have the managers understand — of course, they must understand all of the laws — to have them be made responsible for the implementation of those laws and to manage. The more prescriptions you put in there, and the more things you tell them to do, the more they become mere mechanics at trying to fit this, this and this, like round pegs into round holes, instead of being general managers as we would like them to be.

Senator Kinsella: The honourable senator made reference to our discussion in committee on this matter. Would he like to review for honourable senators the position of the Canadian Union of Public Employees on this very point? My understanding of what they were saying is that this is precisely why the entire bill is unsatisfactory to them — and not only the Canadian Union of Public Employees, but PIPS and other witnesses as well. Does the honourable senator not at least agree that there was a division of views on this point from the witnesses?

Senator Day: Honourable senators will appreciate that we heard from about 25 different witnesses, and not every witness agreed on every point. Honourable senators were charged with the responsibility of considering all of the evidence and balancing it. The members of the committee, after having done so, decided to proceed without amending Bill C-25.

[*Translation*]

Hon. Jean-Robert Gauthier: Section 3 of the Employment Equity Act lists the designated groups. The Honourable Senator Day was asked yesterday if he had this list, and the honourable senator then offered to get it for us. Is Senator Day able to provide us with this list of designated groups today?

Senator Day: Yes, honourable senators. The document is, however, in English. For this reason, I will read it in English:

[*English*]

“Designated group” means women, Aboriginal peoples, persons with disabilities and members of visible minorities.

Hon. John Lynch-Staunton (Leader of the Opposition): Senator Day, are you satisfied that this bill requires that, in any appointment process, the designated groups must be considered?

Senator Day: Yes. I am satisfied that the deputy heads must be cognizant of all the laws that exist; that the designated groups under the Employment Equity Act, and the Employment Equity Act, in general, must be considered.

Senator Lynch-Staunton: Then why is that not specified in Part 3, proposed section 34(1), to which you attracted my attention yesterday? If my interpretation is correct, it is discretionary, and I will read it to you:

For purposes of eligibility in any appointment process, other than an incumbent-based process, the Commission may determine an area of selection by establishing... as a criterion, belonging to any of the designated groups within the meaning of section 3 of the *Employment Equity Act*.

That is discretionary, not compulsory. If my interpretation is correct, designated groups are at the mercy of any appointment process.

Senator Day: Thank you, honourable senator. My understanding is that the law must be considered, and proposed sections 34(1) and (2) is enabling legislation. For the purposes of eligibility in the appointment process, they may consider and do certain other things. Likewise with respect to (2), the commission may establish different geographic areas for the designated groups, which would be different from the geographic area for other employees. That is the flexibility that is given to the manager in order to achieve the manager's obligations under the Employment Equity Act.

Senator Lynch-Staunton: In reply to my first question —

The Hon. the Speaker: Before going on, I must advise honourable senators that Senator Day's 15 minutes have expired.

Senator Day: I think, Your Honour, that it is important for honourable senators to understand this complex piece of legislation. I am prepared to attempt to continue to answer the questions on this point.

The Hon. the Speaker: Are you asking for leave to continue?

Senator Day: Yes.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Lynch-Staunton: In answer to my first question, the honourable senator suggested — if not affirmed — that it was an obligation for any appointment process to have within it the designated group consideration. He is now saying that the deputy heads, or whoever, need the latitude. It is either one or the other. I think needing the latitude is what proposed section 34(1) says, which therefore does not put designated groups in the position that they should be in when it comes to the appointment process.

In other words, why is it not compulsory for designated groups to be considered in any appointment process? Why should it be left to the discretion of the person responsible for that process?

Senator LeBreton: Maybe we will have another Radwanski.

Senator Day: As I understand the Employment Equity Act, the designated head — the deputy minister or the employer — must consider those obligations that it has under the Employment Equity Act. The manner in which those obligations are considered, and whether they need some tool to achieve their obligations, is what section 34 is giving them; it provides the tools to meet their obligations under the Employment Equity Act.

Senator Lynch-Staunton: It is giving them the tools, which they may or may not use.

Senator Day: That is correct. They may not have to use them.

Senator Lynch-Staunton: That is it, exactly. Therefore, your original affirmation that designated groups will always be considered was slightly exaggerated, to say the least.

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

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE
TO STUDY INCLUDING IN LEGISLATION
NON-DEROGATION CLAUSES RELATING TO
ABORIGINAL TREATY RIGHTS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing aboriginal and treaty rights of the aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*; and

That the Committee present its report no later than December 31, 2003.

• (1500)

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

An Hon. Senator: Question!

The Hon. the Speaker: Does Senator Stratton wish to speak?

Hon. Terry Stratton: I would like to adjourn the debate, if I may.

The Hon. the Speaker: I believe we can stand it. If not, then there is a way to proceed. Senator Stratton wants to move the adjournment of the debate. I will put that motion and then we can deal with it.

It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: I will put the question in a formal way for purposes of certainty.

All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “yeas” have it. No senators rising, the motion is passed.

On motion of Senator Stratton, debate adjourned.

PERSONAL WATERCRAFT BILL

THIRD READING—DEBATE ADJOURNED

Hon. Tommy Banks moved the third reading of Bill S-10, concerning personal watercraft in navigable waters.—*(Honourable Senator Banks)*.

He said: Honourable senators, I defer to Senator Spivak.

Hon. Mira Spivak: Honourable senators, for some two and a half years, the personal watercraft bill has been widely distributed and debated across the country.

This bill has been the topic of call-in radio shows, newspaper columns, magazine articles and petitions. Here in the Senate, two committees have examined the bill. Witnesses from all regions have appeared before our Standing Senate Committee on Energy, the Environment and Natural Resources in support of this bill.

After hearing from them and from the bill's smaller, yet well-organized, cadre of opponents, committee members gave their endorsement. The vote was unanimous.

In all that time, no one has suggested any way to improve this bill. No one has proposed amendments, either informally or in formal presentations to your committees.

Given the long passage of time since its introduction in May 2001, and given the support for it in the country, I sincerely hope that honourable senators will see fit to send it without further delay to the other place.

If this were a government bill, it could only be described as a housekeeping measure because Bill S-10 puts in place a process that the Canadian Coast Guard itself advanced in 1994 to deal with the various problems of personal watercraft, also known as Jet Skis or Sea-Doos. The government, for a time, also considered taking this step, and it appeared as a regulation in the *Canada Gazette*, but then, at the urging of manufacturers, it was put in abeyance.

This bill recognizes that now is the time to fill the gap, to do what other countries have done, to acknowledge that Jet Skis are not the same as other small boats that people use to go fishing or visit neighbours at the cottage. They are not the same either in their design or in how people use them, and they require specific regulation.

No one, for example, would think of putting a 215-horsepower engine on the back of a 12-foot runabout and going out on a lake to make it airborne by jumping the wakes of other boats. Makers of personal watercraft are putting that kind of horsepower into what they describe as their "musclecraft," and promoting them for the adrenalin rush that they give drivers who perform those kinds of stunts.

Other countries have set special rules for Jet Skis. Switzerland has banned them entirely. Australia has banned them from parts of Sydney Harbour and, elsewhere, prohibits drivers from doing stunts within 200 metres of shore.

In the United States, where states set boating laws, all have some restrictions specific to personal watercraft, and 38 of the states prohibit them in certain areas.

Canada has only set a minimum age of 16 for PWC drivers and requires owners, but not renters, to pass a written test on the rules of the water. Even those modest restrictions are really not well-enforced.

Bill S-10 is consistent with the Canadian approach to regulating what happens on our lakes and rivers. It recognizes that, constitutionally, the federal government has sole jurisdiction over matters of navigation, and only the Minister of Fisheries and Oceans can set limits. It allows local communities to have input into setting those limits, just as they now have input into restricting water-skiing where it is too dangerous, or boating regattas on quiet lakes. It allows local knowledge of waterways and the local choice of cottage owners to be factors in setting limits. It allows municipal officials and local law enforcement officers to be part of the process. It allows those people to have a say in deciding where personal watercraft can be safely used, and where they are a safety risk or a threat to the environment.

About 10 years ago, manufacturers made the argument to government that PWCs are just like other boats and should not be subject to special regulation, but we now know that that is just not true. Committee members heard testimony from witnesses who spoke to the design of PWCs and their unique noise characteristics. One witness explained how Jet Skis, without a rudder or propeller or anything else to create drag to help steer the boat, are out of control unless water is flowing through the jet pump. Off-throttle or off-power, drivers have no ability to steer them. It is not surprising that the U.S. Coast Guard statistics show that PWCs are involved in 42 per cent of collisions, although they account for less than 10 per cent of registered recreational boats.

Committee members saw the statistics from Health Canada's Canadian Hospitals Injury Reporting and Prevention Program, and these statistics show that emergency rooms in Canada are seeing a disproportionate number of injuries caused by PWC accidents.

Committee members repeatedly asked for more Canadian data, and just two weeks ago, it arrived. The Lifesaving Society in its 2003 National Boating Fatalities Report documented a 53 per cent increase in PWC deaths — 53 per cent between 1996 and 2000. In the same period, deaths among people using other small boats declined 29 per cent.

The number of deaths is small, fortunately, but the ratio of deaths caused by PWCs is dramatic: 11 deaths per 100,000 vessels, compared to 6 deaths for other powerboats. They are just not as safe. Even the Coast Guard acknowledged as much last summer when it issued a warning to PWC drivers not to take children under the age of six on board as passengers. The reason was that a child in British Columbia was tragically killed while riding with her father.

• (1510)

Even without these latest statistics, our committee members recognized the unique dangers of PWCs. To quote the chairman, Senator Banks: “The evidence we heard, statistically, anecdotally and otherwise, is that they are flat out dangerous by comparison with a putt-putt.”

With respect to the environment, there are issues of engine emissions polluting the water and threats to loons and other nesting birds on shore that PWCs can and do approach more easily than other boats. There are issues of PWC use in salmon spawning grounds and near marine mammals.

An eco-tour operator on the edge of Algonquin Park, Mr. Todd Lucier, made an eloquent appeal for the passage of this bill. His business attracts Canadians and a great many foreign visitors to experience the peace, the wildlife and the natural environment that Canada promotes throughout the world. Just one or two Jet Skis on the lake can shatter that experience.

Mr. Lucier referred to the mission of the Canadian Tourism Commission — “to offer people an opportunity to connect with nature and to experience diverse cultures and communities,” and its vision “to provide world-class natural and leisure experiences...while preserving Canada’s clean, safe, natural environments.”

This is what visitors to Canada expect of a wilderness experience. They are not surprised to see people fishing from small boats. They are very surprised to see that our lakes are treated like theme parks for thrill-seekers on Jet Skis.

Through this bill, Mr. Lucier asked us to help ensure that the tourism commission can deliver on its promise. He asked us to help protect his million-dollar investment and the investments of other eco-tour operators. Other tourism operators have written, reporting the comments of visitors who say they will not be returning to Canada because of the disturbance of Jet Skis. They will go to areas in the United States where thrill crafts are banned. This is a housekeeping bill, with important economic implications for Canada’s tourism industry.

Certainly, PWC manufacturers fear an adverse impact on their industry. They have organized opposition to this bill through dealerships where Jet Skis are sold and through boating groups that they dominate.

Interestingly enough, though, in some two and one-half years, we have heard from only a handful of Jet Ski owners who oppose this bill. Cottage associations, whose members also own PWCs, are strongly behind the bill. Why is that? Perhaps it is because this bill would not automatically ban Jet Skis everywhere, or anywhere for that matter. It would allow communities to choose from a whole range of options. It would allow a ban where it is absolutely needed for safety. It would allow dedicated hours of use, as the Coast Guard proposed in 1994. It would give Jet Ski drivers their hours of fun and ensure that they share the waters to give swimmers, canoeists, windsurfers and others their time — time free of the fear of being run over or swamped by an out-of-control Jet Ski. It would allow prohibitions of such stunts as wake-jumping and driving in circles to let cottage owners who use PWCs like any other boat — for transportation — to keep using them. It is a rational approach based on local knowledge, local choice and local control.

The unfettered free-for-all on our waters that manufacturers have succeeded in gaining for some 15 years may in fact have hurt their business. By opposing any reasonable restriction on PWCs, they have made them the pariahs of cottage country. New sales have declined dramatically, we are told. Who wants to buy one when they have become symbols of aggressive, inconsiderate behaviour, of wanting to muscle out the more peaceful activities of neighbours? Some do, obviously. I respectfully submit, however, that manufacturers would have been better advised to support regulations that sort out where PWCs can be used safely and with consideration for others, and where they pose too many problems.

There are thousands of places where thrill-seekers could have fun, such as 200 metres offshore in large bodies of water, or in the wide-open spaces of the St. Lawrence River, for example. Quiet bays and small lakes across this country, however, should not be treated as theme parks.

There are two other points I would like to raise. First, since 1994, when the government formed its policy to disallow local PWC restrictions, cottagers, homeowners on the water, municipalities and some provinces have had enough. Without a federal law they can use to impose restrictions, they have gone ahead and imposed them anyway, likely in violation of the constitutional division of powers.

In British Columbia, the District of Saanich has banned PWCs from Prospect Lake. In Whistler, the municipality is moving toward the same solution. In Ontario, cottage communities have quietly imposed their own bans. In Quebec, the government gave municipalities the right to set shoreline restrictions and contemplated bans of all powerboats on small lakes. In New Brunswick, a few years ago the government banned all small boats with engines larger than 10 horsepower from some 30 watersheds.

Senator Kinsella: Good decision.

Senator Spivak: Where is the freedom to navigate that boating groups who oppose the bill jealously protect? Where is the respect for the federal government's exclusive authority to protect that right? An official of that province said the federal government has not challenged New Brunswick's law. As for the freedom to navigate, if you want to navigate by paddle power or sail power, go right ahead. That is what he said.

Honourable senators, the gap this bill seeks to fill has created a situation — a situation in which other jurisdictions are usurping federal authority out of sheer frustration, and the government is not defending it. This bill would defend that authority — the federal government authority — by creating a process that local authorities could use to protect the safety and environment of their waterways and respect the Constitution. It would restore clarity, reason and federal authority to the process of limiting unsafe use of our water.

Honourable senators, the final point is something that may have been brought to your attention by opponents of this bill. They claim that it eliminates ministerial discretion — that is, the right of the minister to say yes or no when he receives a request from a local authority to restrict PWCs for safety or environmental reasons.

In fact, the bill does not eliminate that discretion. It gives the minister the authority to do a host of things in any way the minister chooses. He or she can determine the type of restrictions that are allowable, the degree of consultation required, and such practical matters as the posting of signs. Most important, it allows the minister to say “no” if navigation “would be obstructed, impeded or rendered more difficult or dangerous.”

There is a proviso on that “no,” however. The minister must keep a record of local requests and the reasons for rejecting any of them, and he must file annual reports to Parliament. Various clauses that indicate the minister “shall” are there as a safeguard. They ensure that local requests are put through the process to a conclusion, not simply put in abeyance as they were in 1994.

Honourable senators, this is a housekeeping bill with some important implications for safety on our waterways, for environmental protection and for restoring, in practice, the federal authority over navigation enshrined in our Constitution. It is supported by 78 associations, representing property owners, canoeists, wildlife advocates and others. As well, there are thousands of signatures on petitions and many individual letters and e-mails saying why this bill is needed.

Therefore, I hope all honourable senators will consider it favourably.

Hon. Bill Rompkey: Honourable senators, I have a question, but I want to first congratulate Senator Spivak on bringing this bill forward because it addresses a very important issue.

I listened carefully to what was said. Having had some experience on the receiving end of PWCs — if I can put it that way — I share her views and her concerns. They have a very short turning circle in small lakes. A swimmer in a lake is aware of the watercraft, but the watercraft is not always aware of the swimmer. Apart from deteriorating shorelines, et cetera, there is a great danger. These PWCs are being driven at faster and faster speeds all the time.

Therefore, I support the legislation. I can see some advantage to having a federal presence, a federal licence and so on. What concerns me, out of experience, too, is enforcement. Could Senator Spivak comment on that? I know that cottager associations are supportive of this proposed legislation. If the honourable senator would like, I could perhaps get some more support from cottage owners' associations in this area.

• (1520)

I believe the problem is enforcement. The federal government will not, I do not think, enforce these matters on lakes. The provincial government does not have the capacity or the people. The cottage owners do not have the resources to employ enforcement officers.

While I support the legislation, and it is an important piece of legislation, and I can see the value of having it put under the federal aegis, I wonder if the honourable senator would like to comment on the difficulties of enforcement.

Senator Spivak: First, I must correct an impression. It is not I who am putting this bill under the federal aegis. All navigation on our lakes and rivers falls under federal jurisdiction.

As far as enforcement is concerned, this bill does not deal with that question. There are six schedules under which 2,000 lakes have implemented restrictions. Those restrictions are already there. These restrictions cover subjects such as horsepower, how far one may go from the banks, speed, et cetera. I do not know how one would solve the problem.

I will say that in places where they have put up signs, such as in Saanich where they say, “No Sea-Doos,” people just observe them. The lake next door allows Sea-Doos, but that is a larger lake. That is fine, too. This is a matter of conventional uses. When people are used to the rules, they may follow them. I am not able to definitively answer about the subject of enforcement. I am aware of the problem but this bill does not address it, and I do not know how it could.

On motion of Senator Moore, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Gauthier, for the second reading of Bill S-18, to amend the Criminal Code (lottery schemes).—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise to speak today to Bill S-18, which proposes an amendment to the Criminal Code that would limit the locations at which video lottery terminals and slot machines could be installed to race tracks and other premises dedicated to gaming that are managed by the provincial governments.

The provinces currently have an exemption under the Criminal Code that allows these machines to be managed in other non-gaming locations such as bars and restaurants. Senator Lapointe, in introducing this bill, said that because these machines are both easily visible and accessible, they constitute a serious problem in this country. That may be the case. However, I suggest that we need to look very carefully at whether or not this particular legislation is needed in order to reduce the number of people in this country who are affected by a gambling compulsion, and to help those already addicted.

Gambling has, regrettably, ruined many lives. Problem gamblers hurt not only themselves through their addiction but also their friends and families. We must remember, however, that slot machines themselves do not determine whether or not a person chooses to gamble in the first place. The notion of individual responsibility must play an important part in any consideration of this issue. One could argue that alcohol and tobacco are quite visible in our society, yet not everyone who has access to these substances becomes addicted to them, or even uses them at all.

The same argument could just as well be made for slot machines or video lottery terminals. If they are available for a person's use in a restaurant or a racetrack, does that mean the person will use them? Does that mean a person will become addicted to them?

There are other questions we should ask ourselves when looking at this bill, especially with regard to jurisdiction. Should the federal government enact more laws to further restrict where provincial governments can manage these machines? In his remarks on April 30 of this year, Senator Lapointe said that this proposed Criminal Code amendment is not within provincial jurisdiction and that he does not care if the provinces agree or not. It is true that this amendment is within federal jurisdiction, but the provinces would be greatly affected by a unilateral decision taken on this matter.

In 2002, lotteries, video lottery terminals and casinos, all run by provincial governments, did \$11.3 billion-worth of business, \$6 billion of which was profit. It is fair to say that they will want to have a say in any changes that Parliament proposes.

Instead of enacting federal laws to further restrict where these machines can be located, we may be able to make progress in this area by enforcing the regulations that are already in place. The provinces already limit where these machines are located within the existing parameters. For example, video lottery terminals in Alberta are only allowed in age-restricted liquor-licensed venues. The provinces also restrict who can use these machines and the use of credit, cheques and ATM cards in their operation. The Manitoba Gaming Commission, for example, has the power to fine video lottery terminal sites a minimum of two weeks' revenue for regulatory breaches. They may confiscate machines for further infractions.

Are the provinces not fully monitoring gambling sites? Do the fines need to be raised? It may be worthwhile to look at these questions with respect to how to deal with problem gambling.

The motive behind the introduction of this bill is an honourable one, but simply passing more legislation may not accomplish what it intends to do. Honourable senators, an addict will seek out his or her drug of choice regardless of how difficult it is to access, be it drugs or alcohol. If video lottery terminals were removed from bars and restaurants and placed in racetracks and casinos, problem gamblers would still find a way to engage in this activity.

It is not uncommon for addicts to substitute one habit for another. Internet gambling, for example, allows people to place bets without leaving their homes. In 2002, it is estimated that Internet gambling was a \$10 to \$20 billion industry worldwide, and is still growing. With all of the avenues that gamblers have before them, we need to look much more seriously at treating the compulsion and educating the public in a substantive way against the possible outcomes of an addiction to gambling.

I share Senator Nolin's concern that with this amendment the state would be relieving itself of its responsibility and falsely believing that the problem has been dealt with when it really has not.

In a sermon given in 1522, Martin Luther spoke words that I think have a particular application to our consideration of this bill. He said:

Do not suppose that abuses are eliminated by destroying the object which is abused. Men can go wrong with wine and women. Shall we prohibit and abolish women? The sun, moon, and stars have been worshipped. Shall we pluck them out of the sky?"

On motion of Senator Milne, debate adjourned.

• (1530)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Mahovlich, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I am pleased to speak to the second reading of Bill C-250, to amend the Criminal Code, which proposes to extend the application of hate propaganda provisions to groups distinguished by sexual orientation.

This stage, as honourable senators know, is the stage that deals with the principle of the bill. I ask senators to consider whether this bill is indeed necessary or whether our current laws extend protection to those who may be subjected to the promotion of hatred based on their sexual orientation.

I will put it on the record: I reject hatred and hate propaganda being directed to any group. Hatred and violence against homosexuals is entirely unacceptable in Canadian society.

However, we should look at the Criminal Code as it is currently worded. Section 318(4), which this bill amends, states:

In this section, “identifiable group” means any section of the public distinguished by colour, race, religion or ethnic origin.

This section of the Criminal Code deals with genocide and the promoting of genocide against any identifiable group.

There are certain sections of the Criminal Code that deal with murder. There are sections of the Criminal Code that deal with assault. There are sections of the Criminal Code that direct the courts to take into consideration if a sentence should be increased or reduced to account for crimes based on someone’s sexual orientation. Section 718.2 of the Criminal Code reads:

A court that imposes a sentence shall also take into consideration the following principles:

- (a) a sentence should be increased or reduced to account for any relevant aggregating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
 - (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor...

In effect, there is provision for consideration in sentencing for any crime that has been motivated because of someone’s sexual orientation.

There is a concern that this bill will impact on the freedom of religion and freedom of expression in Canada. The bill was amended in the other place to provide, in section 319(3)(b) of the Criminal Code, that the promotion of wilful hatred against an identifiable group would not be an offence if the opinion was based on a belief in a religious text. Is that enough?

In an interview with CBC, Brian Kurz of B’nai Brith Canada said that religious rights need to be protected and that his association was looking for three amendments. I quote from his interview:

Number one is the notion that the quoting of scripture in itself will never be considered to be hateful. That should be obvious. And I should point out that, especially the controversy over Mel Gibson’s movie and Garth Drabinsky’s movie, which are supposed to be literal interpretations of the Christian Bible that nobody’s ever been prosecuted for, for reading from those scriptures, even though certainly it’s considered anti-Semitic.

I go on to quote:

...I think it needs to be clear that that’s is not what’s happening. I think, as well, that the need for the Attorney General to consent to a prosecution under Section 318 and 319, one that is the advocacy of genocide and the section that deals with the promotion of hatred in a public place should also be subject to the consent of the Attorney General and the religious defence that deals with the wilful promotion of hatred should deal with the other hatred sections as well.

Those are my fundamental questions when this bill goes to committee. First, do we need this bill? Are we already covered? Do we have laws that cover this off? I think they are legitimate questions that need to be asked. Second, is the freedom of religion appropriately protected?

Hon. Tommy Banks: Will the honourable senator accept a question?

Senator Stratton: Yes, certainly.

Senator Banks: I hearken back to what I heard the honourable senator say about the protection of religion. I will now read from the copy of Bill C-250 that I have before me.

Senator Stratton: Which clause?

Senator Banks: It is clause 2. It is different from what my friend quoted. I think it goes a little further, and I wonder if it gives him any comfort. It states:

Paragraph 319(3)(b) of the Act is replaced by the following:

(b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;

That seems to be broader than what the honourable senator quoted, and I wonder if we are talking about the same thing.

Senator Stratton: I would suggest, from my reading of the debates in the other place, that that question still remains. Further amendments were proposed with respect to this issue and were rejected. I am raising the question. We are at second reading, and I think it is a legitimate time to raise the question. I do not see anyone else doing so, and I think it is legitimate that we do. It is important that we appropriately study bills any of description.

Senator Banks: I absolutely agree. I just wonder whether the second part of the bill, clause 2 of Bill C-250, as I just read it, which says “as passed by the House of Commons,” is the same one to which the honourable senator referred. I wonder whether the wording that I am looking at is sufficiently broad to address or refer to the question raised about the protection of persons expressing religious opinions. What I am looking at is slightly different and considerably broader than what I thought I heard my friend say in his remarks.

Senator Stratton: Again, I will reiterate simply that the House of Commons, in examining the bill, brought forward additional amendments with respect to this question. I think those amendments should be examined. I am not saying that the clause the Honourable Senator Banks has quoted does or does not answer the question. I am saying that we must look at the question with respect to the amendments that were rejected in the Commons. That is our responsibility.

Hon. Anne C. Cools: Honourable senators, would the Honourable Senator Stratton take another question?

Senator Stratton: Yes.

Senator Cools: I think that the honourable senator has articulated some concerns that are on many senators' minds and much of the uneasiness that many senators feel with this bill.

The honourable senator, in his remarks, referred to other sections of the Criminal Code that do what this bill purports to do. In doing so, he adverted, of course, to a principle of criminal law that essentially says that two laws should not attempt to do the same thing. In other words, the law should be quite clear. The Cohen report that the sponsor of the bill has alluded to also made that same point, namely, that there are already many laws on the books that speak to this problem.

In the sections of the Criminal Code that he cited, he did not include sections 22 and 810. I do not have section 810 in front of me, but I know that section 22 deals with counselling offences.

• (1540)

Section 22 states:

(1) Where a person counsels another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled.

[Senator Banks]

(2) Every one who counsels another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling that the person who counselled knew or ought to have known was likely to be committed in consequence of the counselling.

(3) For the purposes of this Act, “counsel” includes procure, solicit or incite...

I know about section 810 and I shall speak to it, but I do not have it in front of me. I believe Senator Banks is in possession of the Criminal Code. If he could pass it down to me, I would be happy to cite it to you.

I am wondering, in view of the honourable senator's concerns and in his perusal of the Criminal Code, whether he looked at those other sections? I am very suspicious as to why this particular amendment was necessary when, in point of fact, the Criminal Code already addresses the purposes that this bill purports to advance.

Senator Stratton: The point of my participation in the debate was to raise what I think are legitimate questions.

Senator Cools: They are very legitimate.

Senator Stratton: Honourable senators, I did not want to be comprehensive and extensive. I wanted to name examples. That was the purpose of my speech. It was not to raise every aspect of the Criminal Code with respect to the bill. That was not the point. The point was to raise questions with respect to this amendment so that when we move to second reading and then refer the bill to committee, we will more comprehensively look at the sections of the Criminal Code that may apply, and will determine on that examination whether this amendment is needed. That is my question.

I am not saying that this bill is bad. That is not my purpose here. My purpose as a member of the opposition is to point out potential problems with the bill. That is my job. That is exactly what I am trying to do here: point out potential pitfalls.

Senator Cools: Many senators will appreciate and share the concerns that the honourable senator has pointed out.

I have another question that I consider to be a parliamentary question and not so much on the substance of the bill itself.

I have been deeply concerned that this bill purports and claims to be a private member's bill but that it was compelled or driven through the House of Commons on the strength of the support of the government and the Minister of Justice. This is an extremely unusual phenomenon.

Does the honourable senator, as a member of the opposition, have any concerns about a private member's bill which really is a government bill?

[Translation]

POINT OF ORDER

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, this bill is a private member's bill from the House of Commons. It is not a government bill. It is not up to the opposition to play any particular role when there are government bills. Let us be clear.

[English]

Hon. Terry Stratton: I would like to answer the question.

Senator Prud'homme: No, we are on Senator Robichaud's point of order.

The Hon. the Speaker: We are on a point of order. I am not sure that there is a point of order —

Senator Prud'homme: Sit down.

Senator Stratton: I do not have a concern.

The Hon. the Speaker: On the point of order, I will hear interventions. I heard Senator Robichaud on his point of order.

Did you want to speak to the matter, Senator Prud'homme?

Hon. Marcel Prud'homme: The point does not change our role. A government bill or a bill that is not a government bill that passes in the house — I am speaking personally here — requires from me the same kind of scrutiny. We should not have a different set of standards. If this is a government bill, maybe the government will defend it with more passion. If it is a member's bill, they may listen. Personally, I make no difference.

If a bill comes from the House of Commons through a minister or through a member of the House of Commons, that does not change my role. I am speaking just for myself. I pay as much attention to this bill as to a government bill. I do not see why we should ask Senator Robichaud to defend a bill or to say that the government does not want to touch a bill. The bill has come from the House of Commons and I intend, like everyone else, to give it as much scrutiny as possible.

[Translation]

Senator Robichaud: Honourable senators, Senator Prud'homme claims that we do not want to deal with this bill. That is not so. They have tried to say, during debate on the bill, that it is a government bill, and it is not. I agree with the honourable senator that any legislation coming to us from the other place should be considered by all the honourable senators. We always do our best in this regard.

[English]

The Hon. the Speaker: On the point of order, Senator Cools?

Hon. Anne C. Cools: Honourable senators, I would like to carefully clarify my point. Bill C-250 is numbered as a private member's bill and it purports to be a private member's bill. However, this bill was propelled through the House of Commons on the strength of the support of the government. That has a lot to do with it. I can prove what I am saying, honourable senators. I have a copy of the House of Commons debates in my hand from September 17, 2003.

At page 7456, a question was directed to the Minister of Justice, Mr. Cauchon:

Mr. Andrew Telegdi (Kitchener-Waterloo, Lib.): Mr. Speaker, my question is for the Minister of Justice...

Will the minister confirm his support for Bill C-250 and confirm as well that particularly with the Liberal amendment...

It is described as a "Liberal amendment."

...passed in the House earlier this year, the bill fully protects religious freedoms and religious texts such as the Bible, the Koran or the Torah?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the member for the question. It is a very important topic in Bill C-250.

I would like to tell the House that indeed we...

That is, "we," the government.

...support the bill as amended. Of course when it is looked at, it is consistent with the government's position and policy. That bill will include sexual orientation in the hate propaganda provisions of the Criminal Code while protecting at the same time religious beliefs, that is to say, opinions and texts as well.

I would submit, honourable senators, that that is a significant fact, and it is an unusual fact. As part of our principles, Your Honour and honourable senators, when the government acts, the government is supposed to always act responsibly, and under the notion of ministerial responsibility. The principle is that if the government supports an initiative and if the government adopts a position on that initiative, then the government is supposed to take that and do it in a very public way and make it its own, in other words a government bill. There is no such thing as a minister offering private support to any initiative or to any matter. Once a minister acts, he acts for the entire government. We must understand that; cabinet speaks with one voice.

The rule of Parliament has been, for hundreds of years, that if a minister sees a bill and believes that it is good public policy, he is supposed to then take that bill and move it along as his own, in other words, make it a government initiative. This has happened on many different questions.

Honourable senators, this is a question that concerns me. It concerns us and it concerns the relationship between the minister and Parliament, the minister and his caucus, and the relationship between the minister, the House of Commons and the Senate of Canada.

• (1550)

I submit to honourable senators that what we have here is a novel phenomenon. It is a bill which has the form and the number of a private bill, but it has worked its way through the House of Commons on the strength of the support of the government and its supporters. I have just put on the record a citation which clearly proves the position of the minister.

What we have here, honourable senators, is at minimum a minister-supported and government-supported initiative which, if it does not change the form of the bill, certainly alters the character of the bill. I submit to honourable senators as well that it alters the character of the treatment of the bill in this chamber because it means that in this chamber the supporters of the minister or the government will be attempting to mime, if not to imitate or to match, the activity of the government in the House of Commons.

I have no problem with any government doing anything. I do have problems with ministers and governments acting without responsibility and furtively.

That is the real question I was asking of Senator Stratton. When the Deputy Leader of the Government in this place says that the opposition has no role or no obligation in this matter, nothing could be further from the truth. It is the role of not only the opposition but the role of every member of Parliament to underscore and uphold the principle that ministers and governments in this country act under ministerial responsibility. If the deputy leader in this place does not believe they should, then we should unmask the lie and admit that there is no ministerial responsibility in this country.

This matter has not been raised and it has not been addressed, but it is a critical matter. If Minister Cauchon had so believed in the substance of Bill C-250, he should have moved it as a government bill. Because what has happened and the way it has proceeded —

Senator Robichaud: Order!

Senator Cools: — is that he has eluded ministerial responsibility. I have a lot of problems with that.

The Hon. the Speaker: Senator Robichaud, thank you for your point of order. I thank honourable senators for their interventions.

This is a non-issue. It is not for us, through me or otherwise, to question the proceedings in the other place. That is done there. We accept what we receive from them just as we expect them to accept what we send to them.

This bill has come to us as a private member's bill and is characterized as such. It must be dealt with under our rules and proceedings in terms of first reading and the proceedings that we, as a parliamentary body, take to deal with a private member's bill.

[Senator Cools]

I remind honourable senators of a provision in our rules that we sometimes forget. No honourable senator has raised it. This is an opportunity for me to remind honourable senators of rule 46, which states:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown which is related to government policy. A Senator may always quote from a speech made in a previous session.

Senator Cools: That is what I did. I quoted the minister.

The Hon. the Speaker: There is no point of order. The bill is clearly here as a private member's bill.

I remind honourable senators that there is approximately one minute left of Senator Stratton's time. Senator Cools was speaking.

Senator Cools: No, I was not speaking. I was asking Senator Stratton a question.

My question had to do with my concern that a matter of public policy was proceeding with government support but without the notion of ministerial responsibility.

I have no doubt that the bill is constructed as a bill, as all bills are constructed. The question I was raising involved the different treatment that a bill will have in this chamber. My concern was with what was going on in this chamber, not so much what had gone on in the House of Commons. It was Senator Robichaud who raised all of that.

My question to Senator Stratton was in respect of whether he had any opinion on the unusual way this particular bill is proceeding. We must agree that it is at least unusual. He had tried to answer the question, by the way.

Senator Stratton: None.

On motion of Senator Cools, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET ON STUDY OF PUBLIC HEALTH GOVERNANCE AND INFRASTRUCTURE— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on public health) presented in the Senate on September 30, 2003.—(*Honourable Senator LeBreton*).

Hon. Marjory LeBreton moved the adoption of the report.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

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

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on National Security and Defence (budget—release of additional funds (study on the need for a National Security Policy)) presented in the Senate on September 30, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny moved the adoption of the report.

He said: Honourable senators, I wish to say that our committee has virtually exhausted its funding and the adoption of this report would permit us to continue our work for another month or so.

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 report adopted.

[*Translation*]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Official Languages entitled “Official Languages: 2002-2003 Perspective”, tabled in the Senate on October 1, 2003.—(*Honourable Senator Losier-Cool*).

Hon. Rose-Marie Losier-Cool: Honourable senators, it was with great pleasure yesterday that I tabled the Fourth Report of the Standing Senate Committee on Official Languages. The report, entitled “Official Languages: 2002-2003 Perspective”, marks the beginning of an annual tradition for our committee.

On December 5, 2002, you asked our committee to study the operation of the Official Languages Act within the federal institutions subject to the act. The mandate you have entrusted to us is an ongoing one. Our committee decided that one of its annual activities would be to review the three lengthy annual reports that the Official Languages Act requires of the three main federal agencies with responsibility for official languages, namely, the Office of the Commissioner of Official Languages, Canadian Heritage, and the Treasury Board.

Each year, our committee hears from representatives of these three agencies, in addition to other witnesses as it sees fit. Each year, our committee submits a report to the Senate on the status of the official languages in Canada, as seen by the Office of the Commissioner of Official Languages, Canadian Heritage, and the Treasury Board, but also as experienced by other witnesses from whom we hear.

• (1600)

The fourth report that your committee tabled yesterday deals with the status of the official languages in Canada for 2002-2003. It will be noted that this report also reflects our committee’s opinion of the federal Action Plan for Official Languages made public by Minister Stéphane Dion on March 12.

[*English*]

Our committee supports the goals and the five-year funding proposed in Minister Dion’s plan. In particular, I want to draw your attention to the federal government’s commitment to education from preschool to university, including distance education. Committee members believe that receiving one’s education in one’s official language of choice is an excellent way to defend that language and to prevent the assimilation of official language minority communities.

You may already know that our committee will be travelling to Western Canada in three weeks’ time to hear from these communities on this very specific topic of education. However, since education is under provincial jurisdiction, our committee recommends in our fourth report that the federal government develop a framework for cooperation with the provinces and territories to ensure their full participation in achieving the objectives set out in Mr. Dion’s plan.

[*Translation*]

The committee also recommends similar cooperation in health and immigration. It also addressed arts and culture. As well, we took an in-depth look at the entire issue of accountability in connection with the various federal institutions subject to the Official Languages Act, particularly those departments with responsibility for administering the additional funding proposed in the Dion plan.

The committee made no fewer than seven recommendations so that Canadian Heritage and other federal institutions can evaluate their official languages programs more effectively and improve program accountability.

[*English*]

Honourable senators, our fourth report is a very interesting read indeed, and I urge you all to go through it and acquaint yourselves with the successes and challenges of Canada’s official language minority community.

I would like to take this opportunity to thank all of my colleagues on the committee for their unflagging dedication to the cause. Our committee is barely a year old, yet, despite serious scheduling conflicts that force us to meet only once every two weeks, we have managed to meet 15 times so far this session to hear from 40 key witnesses, to hold a total of 32 hours of meetings, and to tackle a host of crucial and other pressing issues.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, I would like to ask Senator Losier-Cool a question. Why has she entitled this an “interim” report? Does that imply that there is more to come, or that it may be subject to change? Is this a report on the committee’s definitive views on the issue or is it subject to revision?

Senator Losier-Cool: Honourable senators, I do not see the word “interim” on the report of the Standing Senate Committee on Official Languages.

Senator Corbin: I will be more specific. In item 16, on page 8 of the Order Paper, we read:

Consideration of the Fourth Report (Interim) of the Standing Senate Committee on Official Languages

The honourable senator was perhaps not the person who wrote this word, but the word “interim” means that the report is subject to review.

Senator Losier-Cool: The report is not subject to review; it is truly the fourth report of the committee, the report for this year. I am sorry, but I do not know where the word “interim” came from.

Hon. Jean-Robert Gauthier: Honourable senators, this is a rather important report that the committee has worked on for some months. The report deals with sometimes controversial subjects, but it also addresses these issues.

I would like to take the necessary time to explain the recommendations in detail and why the committee arrived at these specific recommendations. Therefore, I move that debate be adjourned.

[*English*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chair of the Official Languages Committee. What priority has your committee given to legislation that has been sent to your committee by this house? It is my understanding that legislation was referred to your committee last spring before the summer recess. Could you advise the house whether legislation takes priority over these studies in your committee? What is the status of the legislation that has been referred to your committee by the Senate?

Senator Losier-Cool: I thank Senator Kinsella for that question. The first priority for our committee was the mandate we received from the Senate to study the annual reports, as is reflected in this report. Two bills were referred to our committee by the Senate. We have begun to study Bill S-11 and we plan to start our study of Bill S-14 by the end of October or the first week of November.

Senator Kinsella: That leads to the question that should be of interest to all honourable senators; that is, what is the policy of the chamber? Indeed, do we have a policy on whether our standing committees ought to give priority to legislation over studies or other orders of reference?

Perhaps I ought not to ask that question of the distinguished Chair of the Official Languages Committee. Perhaps honourable senators might reflect on the question. Perhaps it is more appropriate that I ask that question of the Chair of the Rules Committee during Question Period.

• (1610)

Senator Losier-Cool: The question of priority has been a debate in committee that has never been determined. Honourable senators are aware that the Official Languages Committee is young and has not had many bills before it for consideration. I am not aware of any rule that states that bills must begin in committee.

Senator Corbin: Honourable senators, is it not a fact that government legislation takes priority over everything in committee studies? However, private members' bills do not necessarily occupy that position. It is for the committee to make its own determinations of priority matters and then take sequential matters into account. If a committee were engaged in a study, or nearing completion of a study, and a private bill were introduced, it would surely make more sense to complete the study and then address the private bill. This is the current situation in that committee.

On motion of Senator Gauthier, debate adjourned.

[*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, October 7, 2003, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 7, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, October 2, 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	03/04/29	0	03/05/27		

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	03/05/01	0	03/05/06	03/05/13	7/03
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	03/06/12	5	referred back to Committee 03/09/25		
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-9	An Act to amend the Canadian Environmental Assessment Act	03/05/06	03/05/13	Energy, the Environment and Natural Resources	03/06/04	0	03/06/05	03/06/11	9/03

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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 Message from Commons concurring with division 03/05/07			
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	03/05/13	8/03
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs	03/05/15	5	03/05/29 Message from Commons-agree with two amendments, disagree with two, and amend one 03/06/09 Referred to committee 03/06/11 Reported 03/06/12 Report adopted (insist on one, replace one, amend one) 03/06/19 Message from Commons-disagree with Senate's amendments 03/09/30		
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

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Lobbyists Registration Act	03/03/19	03/04/03	Rules, Procedures and the Rights of Parliament	03/05/14	1	03/05/28 Message from Commons-agree with amendment 03/06/09	03/06/11	10/03
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-24	An Act to amend the Canada Elections Act and the Income Tax Act (political financing)	03/06/11	03/06/16	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	19/03
C-25	An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts	03/06/03	03/06/13	National Finance	03/09/18	0			
C-28	An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003	03/05/27	03/06/04	National Finance	03/06/12	0	03/06/19	03/06/19	15/03
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
C-31	An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act	03/06/03	03/06/11	National Security and Defence	03/06/16	0	03/06/17	03/06/19	12/03
C-34	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	03/10/02							
C-35	An Act to amend the National Defence Act (remuneration of military judges)	03/06/13	03/09/18	Legal and Constitutional Affairs					
C-39	An Act to amend the Members of Parliament Retiring Allowances Act and the Parliament of Canada Act	03/06/03	03/06/11	Legal and Constitutional Affairs	03/06/19	0	03/06/19	03/06/19	16/03
C-42	An Act respecting the protection of the Antarctic Environment	03/06/13	03/09/17	Energy, the Environment and Natural Resources	03/09/18	0			
C-44	An Act to compensate military members injured during service	03/06/13	03/06/13	National Security and Defence	03/06/16	0	03/06/18	03/06/19	14/03
C-47	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	03/06/13	03/06/17	–	–	–	03/06/18	03/06/19	13/03

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-205	An Act to amend the Statutory Instruments Act (disallowance procedure for regulations)	03/06/16	03/06/19	–	–	–	03/06/19	03/06/19	18/03
C-212	An Act respecting user fees	03/09/30							
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-249	An Act to amend the Competition Act	03/05/13	03/09/17	Banking, Trade and Commerce					
C-250	An Act to amend the Criminal Code (hate propaganda)	03/09/18							
C-300	An Act to change the names of certain electoral districts	02/11/19	03/06/03	Legal and Constitutional Affairs					
C-411	An Act to establish Merchant Navy Veterans Day	03/06/12	03/06/17	National Security and Defence	03/06/18	0	03/06/19	03/06/19	17/03

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	03/06/10	Social Affairs, Science and Technology					
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	03/06/03	2	03/06/05	03/06/19	11/03
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	03/06/19	0	03/09/24		
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	03/05/06	Legal and Constitutional Affairs					
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources	03/09/18	0			
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10	03/05/07	Official Languages					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	03/06/17	Official Languages					
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13	Dropped from Order Paper pursuant to Rule 27(3) 03/06/05						
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	03/06/19	National Finance					
S-18	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	03/04/02							
S-20	An Act to amend the Copyright Act (Sen. Day)	03/05/15							
S-22	An Act respecting America Day (Sen. Grafstein)	03/09/16							
S-23	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	03/09/17							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-19	An Act respecting Scouts Canada (Sen. Di Nino)	03/05/14	03/06/09	Legal and Constitutional Affairs					
S-21	An Act to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada (Sen. Kirby)	03/06/03	03/06/09	Banking, Trade and Commerce					

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